

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0234-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to Resources and Development Committee; Requesting a Waiver of the Bonding and Surety Requirements of 25. C.F.R. §166.100 (A) (2) for Grazing Permits in the Eastern Navajo Agency

Date posted: October 30, 2024 at 5:02PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0234-24

DATE: October 30, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; REQUESTING A WAIVER OF THE BONDING AND SURETY REQUIREMENTS OF 25 C.F.R. § 166.100(A)(2) RELATED TO GRAZING PERMITS IN THE EASTERN NAVAJO AGENCY

PURPOSE: The purpose of this legislation is to request a waiver from the Bureau of Indian Affairs of the bonding and surety requirements found at 25 C.F.R. §166.100(a)(2) related to grazing permits in the Eastern Navajo Agency.

Final Authority: Resources and Development Committee

Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

OLC No. 24-464-1

Website Posting Time/Date

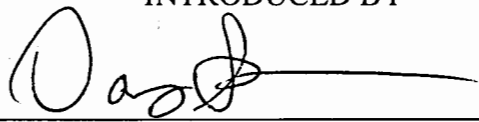
Posting End Date: 11-04-24

Eligible for Action: 11-05-24

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PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL—Second Year, 2024

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0234-24

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
REQUESTING A WAIVER OF THE BONDING AND SURETY
REQUIREMENTS OF 25 C.F.R. § 166.100(A)(2) FOR GRAZING PERMITS IN
THE EASTERN NAVAJO AGENCY

BE IT RESOLVED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council has oversight authority over grazing and land matters to establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources. 2 N.N.C. § 500(C)(1).
- B. The Resources and Development Committee of the Navajo Nation Council has oversight over the Division of Natural Resources, including District Grazing Officers and the Eastern Navajo Land Board. 2 N.N.C. § 501(C)(1).

SECTION TWO. FINDINGS

- A. The purpose of the federal regulations found at 25 C.F.R. § 166.1 *et seq.* “is to describe the authorities, policies, and procedures the [Bureau of Indian Affairs] uses to approve, grant, and administer a permit for grazing on tribal

1 land, individually-owned Indian land, or government land.” 25 C.F.R. §
2 166.1(a).

- 3 B. Pursuant to 25 C.F.R. § 166.600, “[a] permittee, assignee or subpermittee
4 must provide a bond for each permit interest acquired. Upon request by an
5 Indian landowner, we may waive the bond requirement.”
- 6 C. The Navajo Nation Code states that for Off-Reservation grazing, “[a]
7 satisfactory bond may be required in an amount that will reasonably assure
8 performance of the contractual obligation. A bond, when required, may be for
9 the purpose of guaranteeing the estimated construction cost of any
10 improvement to be placed on the land which will become the property of the
11 permitter or to insure compliance with special or additional contractual
12 obligations.” 3 N.N.C. § 945(A).
- 13 D. The Bureau of Indian Affairs (or “BIA”) is in the process of renewing grazing
14 permits for 2025 for various grazing permits in the Eastern Navajo Agency.
- 15 E. It has come to the attention of the Resources and Development Committee
16 that grazing permittees in the Eastern Navajo Agency are not obtaining
17 bonding or other form of surety relating to their grazing permits.
- 18 F. The Resources and Development Committee is concerned that imposing
19 bonding or other surety requirements on the grazing permittees in the Eastern
20 Navajo Agency will impose a burden on these individuals that will create
21 financial hardship.
- 22 G. The BIA may waive the bond requirement for grazing permittees specifically
23 under 25 C.F.R. § 166.100(a)(2), which states:
- 24 (a) When specifically authorized by an appropriate tribal resolution
25 establishing a general policy for permitting of Indian agricultural
26 lands, the BIA will:
27 ...
- 28 (2) Waive or modify the requirement that a permittee post a surety or
29 performance bond...”
- 30

1 H. Notwithstanding 3 N.N.C. § 945(A), the Resources and Development
2 Committee finds it is in the best interest of the Navajo Nation to request that
3 BIA waive the bonding and surety requirements of 25 C.F.R. § 166.100(a)(2)
4 for grazing permittees in the Eastern Navajo Agency.

5 I. Resolutions from the Eastern Navajo Joint Land Board (Resolution # ENJLB-
6 06-2024-002), the Eastern Navajo Agency Council (No. ENAC-12-2023-140),
7 the Huerfano Chapter (Resolution No. 91) and the Becenti Chapter (BCSEPT-
8 23-348) supporting the waiver of 25 C.F.R. § 166.100(a)(2) are herein
9 attached as **Exhibit A**.

10
11 **SECTION THREE. APPROVAL**

12 A. The Resources and Development Committee of the Navajo Nation Council
13 hereby approves the request for a waiver of 25 C.F.R. § 166.100(a)(2) related
14 to grazing permits in the Eastern Navajo Agency.

15 B. The Resources and Development Committee of the Navajo Nation Council
16 hereby authorizes the President of the Navajo Nation to execute any and all
17 documents to effectuate the intent and purpose of this resolution.