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For Immediate Release
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President Shelly Declares Eddie Basha a Noble Soul in Expressing Farewell

WINDOW ROCK, Ariz. —Navajo Nation President Ben Shelly this morning expressed fond remembrances of an Arizona grocer and philanthropist who invested in grocery stores on the Navajo Nation.

“It is with great sadness to learn a noble soul has left us this past Tuesday afternoon,” President Shelly expressed to widow Mrs. Nadine Mathis Basha in a letter. “Eddie Basha was indeed a great friend to the Navajo Nation, who reached beyond his business comfort to invest in the unknown and all the while established a permanent presence here with a lifetime to come.”

In December 2012, the president’s office received more than 2,500 turkeys from the Basha family for Navajo families to enjoy the holiday season. In expressing appreciation to Mr. Basha, the president wrote, “I extend a sincere thank you for the large contribution of turkeys you made which will go to families and organizations for the holiday season.”

“Eddie lived in the nature of giving,” said the president on Good Friday morning. In his message to the Basha family, President Shelly concluded, “We shall always bear his memory as we say farewell to a man of humility who leaves his imprint in the days to come.”

Funeral services for Mr. Basha are scheduled to begin Saturday, April 6, 2013, at 10:00 a.m. at the Arizona State University Gammage in Tempe, Ariz. The public is urged to contribute to a list of charities in lieu of flowers and donations.

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Naabik'íyátí Committee passes \$2.3 million legislation to fund Phase II of the possible acquisition of BNCC, proceeds to Council for final decision

WINDOW ROCK – Today, the Naabik'íyátí Committee passed Legislation No. 0078-13 with a vote of 18-2, which brings the Nation a step closer to approving \$2.3 million in supplemental funding for Phase II of the due diligence investigation to possibly acquire the BHP Navajo Coal Company.

Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse' Da Kaan, Upper Fruitland), in his opening remarks to the committee, explained the need to complete Phase II of the due diligence so that Council can make an informed decision on the possible acquisition of BNCC.

Delegate Bates described Phase II of the due diligence investigation as a process that will allow the Nation to conduct an independent legal, mining, and financial due diligence.

“This will be an ‘as is’ sale, so we will be particularly focused on identifying and quantifying any potential liabilities,” Delegate Bates added.

The Nation began exploring the possible acquisition of BNCC in October after it became apparent that Navajo Mine would no longer meet BHP Billiton’s investment criteria beyond 2016.

During the 2012 Fall Council Session, Council approved supplemental funding in the amount of \$750,000 from the Unreserved, Undesignated Fund Balance to begin Phase I of the due diligence.

“The purpose of Phase I was to become familiar with the mine operations, run initial financial and economic analyses, and identify potential liabilities based on information provided by BHP Billiton,” Delegate Bates said.

On Dec. 18, after the completion of Phase I, the Navajo Nation and BNCC entered into a Memorandum of Understanding, outlining the transfer of ownership of BNCC to the Nation.

The legislation will now proceed to the Council for final considered on Mar. 29 beginning at 10 a.m. during a special council session at the Navajo Nation Council Chambers.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



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Resources and Development Committee receives update on construction schedule and details for Navajo Route 20 pavement project

N20 identified as temporary detour route while repairs on collapsed US89 are on-going

WINDOW ROCK – The Resources and Development Committee on Tuesday received a report on the latest developments regarding the closure of U.S. Highway 89 and plans to construct a temporary detour route on Navajo Route 20, south of Page, Ariz.

Officials from the Navajo Department of Transportation, the Arizona Department of Transportation, and the Bureau of Indian Affairs went before the RDC to provided segments of the report.

A landslide occurred in the early morning hours of Feb. 20, causing the US 89 to buckle and making it impassable.

NDOT Director Paulson Chaco said the Federal Highway Administration recently authorized Quick Release Funds of \$2 million to begin repairing US 89.

The plan is to pave Navajo Route 20 as a temporary detour route by this summer, Chaco said. The project is estimated to cost between \$15-20 million.

The emergency relief funding is intended to “get a detour in place as soon as possible,” and is limited in its use, Chaco told the committee. It cannot be used to construct any ultimate improvements.

According to NDOT, there are no provisions for fencing along the N20 detour route, but ADOT deputy state engineer of development Dallas Hammit said his agency is “looking at other areas to get funding for fencing.”

It was unsettling for Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) to note that there were no plans or measures prepared by either of the transportation agencies accounting for the protection of livestock along N20, as well as the hazards they impose on traveling motorists.

“All that land is open range where the detour road is being proposed. What type of notification have those people received who depend on those animals as their livelihood? What information has been shared with them?” inquired Delegate Benally.

She further questioned how livestock, the people’s livelihood, would be protected.

Lacking protection measures, Delegate Benally stated, “That’s very dangerous. That’s not only dangerous for the people who depend on their livestock, but it’s also dangerous for the people will be traveling.”

It poses a “big liability question,” said Delegate Benally, who asked transportation officials which agency would take responsibility for that.

Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) informed the committee and representatives from NDOT, BIA, and ADOT that Diné citizens in his represented communities – particularly Shonto, Ts'ah Bii Kin, and Navajo Mountain – have expressed concerns about the high amounts of detour traffic funneling through the area on Arizona State Route 98 to Page, due to the closure of US 89.

With the summer tourist season approaching, that traffic is only expected to increase.

“Public safety has been a concern. Navajo County [deputies] recently got cross-commissioning, so they’re there on the Navajo County side reminding visitors, as well as our own Navajo citizens, to take it easy on these routes,” Delegate Nez said.

Delegate Nez mentioned he has not observed this level of protection or interaction from public safety officials in nearby Coconino County, “but that’s another discussion to have,” he said.

Both Delegate Benally and Delegate Nez expressed dissatisfaction with the proposed construction plans for N20, seeing them as sub-par, and less than what local Diné residents deserved.

“I’m a little furious with what is going on here. Emergency or not, there needs to be consideration for our people,” said Delegate Benally, who noted that she was aware that certain emergency funding President Barack Obama had set aside for Tribes. “Maybe this Council needs to go directly to Obama, and ask why the proposed roads are half-shoddy already.”

Delegate Benally asked profusely why sufficient drainages and turn-offs were not included in the construction design of N20.

“If this happened off the Navajo Nation, how much money would the Federal Highway Administration or FEMA pour into restoration, or even doing a detour road? Not the peanuts that we’re getting. I take offense to that,” expressed Delegate Benally.

It was not only in the best interest of local residents, “but for Arizona to get this route permanent,” said Delegate Nez, who added that he believed “it is the responsibility of ADOT to put more funding into the alternate route.”

Delegate Nez requested for ADOT to visit his chapters along SR 98 and provide a report.

NDOT stated that the anticipated detour duration is expected to span two years.

The Federal Highway Administration has not yet determined how much it will cost to repair US 89, nor has it been determined how long repairs are expected to last.

Geotechnical experts and engineers are currently conducting an investigation of the US 89 landslide.

The Resources and Development Committee voted to accept the report with a vote of 4-0.

“We want to have a meeting with all parties as soon as possible,” Delegate Benally said at the conclusion of the report.

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Permission to survey, ROW clearances needed for N20 paving



A technical meeting regarding the proposed paving of Navajo Route 20 as an interim detour to restore essential traffic from U.S. 89 was held at the Arizona Department of Transportation Holbrook office on March 25. The Navajo Division of Transportation and Bureau of Indian Affairs team discussed permission to survey and right-of-way clearances required before construction can begin. (Photo by Rick Abasta)

HOLBROOK-The Navajo Division of Transportation met with the Arizona Department of Transportation and the Bureau of Indian Affairs on March 25 to move forward with plans to pave Navajo Route 20 as a detour route to restore essential traffic from the road closure on U.S. 89.

ADOT has been allowed the use of Federal Highway Administration emergency relief funding to pave N20 and to open up the route as soon as possible for traffic.

However, before construction can begin, a number of items must be addressed, such as detour design standards, speed, traffic volume, commercial truck traffic, drainage, and livestock provisions.

Other items needed by ADOT include application for a

temporary easement for the N20 detour route, updating the 2006 environmental assessment and biological evaluation, a cultural resource survey, and acquisition of all necessary permits and clearances from the U.S. Environmental Protection Agency.

ADOT will assume the

In the interest of time, ADOT plans on utilizing the existing alignment of N20 to expedite the construction process.

We are staying with the current dirt road alignment, Hammit said.

Roland Becenti, acting division manager for the BIA

survey work with the legal descriptions is going to take some time," Becenti said.

ADOT right-of-way agent Myra Rothman said they must have a meets and bounds legal description in place before applying for the temporary easement.

Hammit asked if it was possible to get permitting to begin design and possibly even construction, while surveying activities were executed.

"(We) could have it as a deliverable to the (Navajo Nation) Land Department within 60 to 90 days after construction is complete. That would be the complete survey and monumentation," Hammit said.

NDOT civil engineer Darryl Bradley said they can request submission of a map with a general layout of the existing

“ The survey work with the legal descriptions is going to take some time. ”

responsibility of maintaining the detour route until regular traffic is allowed back on U.S. 89.

Dallas Hammit, senior deputy state engineer for ADOT, said he was concerned with the lengthy process and time involved with acquiring the right-of-way application and the need for a legal description survey.

Navajo Region Division of Transportation, said there is not very much more environmental work that needs to be done on N20, if ADOT sticks to the existing alignment.

"There is an existing environmental document, archaeology work and bounds survey has been done. But you're right, the

alignment, but he was dubious about approval of the 60 to 90 day timeframe.

ADOT said they could provide a temporary legal description and plat, while following the designer along the route and writing legal descriptions. However, ADOT survey crews wanted time to ensure there were no mathematical errors before submission to the Land Department.

Developing a set of plans is going to be the time-consuming part of the process, they said.

In order to speed along the process, Paulson Chaco, NDOT Director, said he would direct his project management department to meet with the reviewing parties from the Nation – Fish and Wildlife, Land Dept, Historic Preservation Dept – and iron out details before the packet is sent in for review.

This would streamline the approval process, he said, before the permission to survey and ROW applications were submitted for approval.

“If we could submit (the packet) just once, that would be good,” Chaco said. “That way you take care of your centerline, profile, cross-section, and the temporary easement at the same time to take care of your meets and bounds.”

He said NDOT would see if Navajo Nation President Ben Shelly could speed the process along by allowing ADOT’s consultant on N20 to conduct surveying activities, via the emergency declaration that was executed by the Navajo Nation on Feb. 24.

“I need to get together with the president’s office to see if he can issue a letter, short of going through federal regulations,” Chaco said.

There is an existing centerline for N20, but some “bits and pieces” where there is no centerline, thwarts efforts to establish meets and bounds necessary for the design.

Hammit said Aztec was selected as the consultant because they had four survey crews at

their disposal for immediate action. He added that ADOT has also advertised for statement of qualifications for a contractor to do the actual road construction, employing construction manager at-risk methodology.

Proposals are due to ADOT on April 2. Hammit said the review team will have a week to review the proposals and select a contractor.

“But before we could start work, we would need the right-of-way and environmental clearance,” Hammit underscored.

Simone Jones, acting realty officer for the BIA Navajo Region, explained the process for granting an easement for construction.

“Typically, you begin with the permission to survey as step one in the right-of-way process for the BIA, under 25 CFR, Part 169. It requires the consent of the landowner, in this case, it would be the Navajo Nation,” Jones said.

She said the Navajo Nation would grant permission to survey for meets and bound description, centerline, and any archaeological or environmental work.

“When we have the tract permission, it’s a quick turnaround and the BIA will acknowledge they have tribal consent and according to the Nation’s terms and conditions with permission to survey, ADOT can get on the road,” Jones said.

Consent for the right-of-way follows the same footprint, including SAS 164 review, archaeological and environmental assessment, and centerline data.

ADOT is pushing to have N20 paved by summer 2013 to restore essential traffic from U.S. 89.

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Paulson Chaco, Navajo Division of Transportation Director, makes a point about the need to coordinate to meet the short timeframe required to have N20 paved by summer 2013. Chaco said NDOT will work with Navajo Nation departments to expedite the approval process for the required permits and clearances. (Photo by Rick Abasta)



David Zimmerman, ADOT Historic Preservation team member, shares information regarding archaeological and environmental considerations along Navajo Route 20. (Photo by Rick Abasta)



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**Budget and Finance Committee receives update on
the construction of judicial and public safety facilities**

WINDOW ROCK – At a special meeting on Monday, the Budget and Finance Committee received an update from the Navajo Nation Department of Corrections concerning the financial shortfalls relating to the construction of judicial and public safety facilities in several areas of the reservation.

Stephanie Baldwin, Navajo Nation DOC administrative services officer, updated the BFC on the financial costs associated with the two-phased construction of the Chinle judicial/public safety facility, which is scheduled to begin in April.

According to figures provided by Baldwin, the estimated combined construction cost of Phase I and Phase II totals \$47.5 million, with a combined shortfall totaling \$27.9 million.

In addition to the Chinle facility, the DOC plans to construct judicial/public safety facilities in Shiprock, Fort Defiance, Dilkon, and Pinon. However, funding has not been secured to cover the cost of constructing these facilities, which is estimated to total \$157.3 million, said Baldwin.

Baldwin also explained that the judicial/public safety facility in Kayenta is approximately 40 percent complete and is scheduled for completion in March 2014.

With the recent completion of the Tuba City and Crownpoint judicial/public safety facilities, Law and Order Committee Chair Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who was in attendance at the meeting, explained that the LOC now plans to update and expand the DOC judicial/public safety facilities priority list.

The judicial/public safety facilities priority list is established by the LOC to prioritize the locations that are in need of new facilities.

Delegate Yazzie added that the LOC and BFC need to approve Legislation No. 0083-13, a bill which will allow amendments to the judicial/public safety facilities fund management plan.

The proposed additions to the priority list were met with opposition from some delegates.

BFC member Council Delegate Lorenzo Curley (Houck, Klagnetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) explained that when the previous 21st Council approved the judicial/public safety facilities fund management plan, the intention was to keep construction costs minimal.

“Are there any restraints in the spending spree that is developing here?” asked Delegate Curley.

Delegate Curley further stated that the fund management plan needs to limit the funding for judicial/public safety facilities, and shift the focus to capital improvement needs, such as improvements to administration buildings.

Council Delegates Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’ izhi) and Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) urged delegates to secure funds to complete facilities currently under construction before expanding the priority list.

Navajo Nation Controller Mark Grant offered options to address the construction shortfalls.

One option would be to service the Nation’s current \$60 million loan from KeyBank and continue utilizing it as a revolving line of credit, which would be more costly because interest rates are expected to increase over time, said Grant.

Another less costly alternative is to issue bonds, because interest rates are currently low which means the Nation would be locked in to a low rate for the entire period. However, the issuance of bonds requires the approval of the entire Council, Grant explained.

BFC Chair Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) encouraged the DOC, LOC, and BFC to establish an updated priority list and to address funding shortfalls.

At a special meeting on Tuesday, the LOC considered Legislation No. 0083-13, the bill concerning the priority list, along with discussion on funding shortfalls.

Delegate Nez supported the LOC’s efforts to construct new facilities, and urged LOC to focus on the current construction taking place in Kayenta and Ramah - each of which was funded by the American Recovery and Reinvestment Act of 2009.

“Kayenta needs to happen,” said Delegate Nez. “They’ve been moving from place to place and need an office as soon as possible.”

In light of the discussions between the B&F and LOC, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) recommended an amendment to the legislation that would extract the priority listing until the LOC members agree on which locations should be prioritized.

During their special meeting, the LOC approved an amendment to expand the priority list from five locations to ten locations.

The LOC also voted to approve the legislation 2-0 with two amendments.

Legislation No. 0083-13 now moves on to the BFC, which has final approval.

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Speaker Naize thanks veterans and military members for service and protection at Lori Piestewa sunrise memorial event

PHOENIX – Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) and Council Delegate Jonathan Hale (Oak Springs, St. Michaels) rose before dawn on Saturday morning along with about 75 other people to honor the late Lori Piestewa at a sunrise memorial service held at the base of namesake Piestewa Peak.

“It is an honor to participate in this event this morning,” said Speaker Naize, who extended special recognition to the Piestewa family and friends present at the memorial service who served alongside Piestewa in the military.

In their capacity as tribal leaders, Speaker Naize affirmed that he and the Navajo Nation Council would continue to give their full support to veterans, military service members, and those who were serving in the military overseas.

“We have so many of our Native people fighting and courageously defending this nation,” said Speaker Naize, expressing gratitude for the protection that Native military warriors were providing, while sacrificing time away from home and family.

Speaker Naize then focused the audience’s attention on the current struggles for water, land, resources, and treaty recognition that many Indigenous nations are engaged in domestically.

“We have to remind the federal government that we are also fighting for our water and our resources, too,” Speaker Naize said.

Wrapping up his short address, Speaker Naize turned to the Piestewa family who were seated in the front row before the presentation stage – among them were Piestewa’s father, mother, and her two children, who were now 13 and 14 years old.

“May the Holy People, and Father Sun shine light on your families and warm their hearts with comfort,” Speaker Naize said, addressing both the Piestewa family and military families in attendance that had lost loved ones in foreign combat.

Speaker Naize and Delegate Hale paid tribute, alongside President Ben Shelly and Miss Navajo Nation Leandra Thomas, to all veterans – living and fallen – for their military services.

The event marked ten years since Piestewa was killed in combat at the age of 23 during a roadside military ambush in Iraq on March 23, 2003.

Piestewa grew up in Tuba City, Ariz., and was a member of the Hopi Tribe.

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NNHRC to meet on April 5th for regular monthly meeting

SAINT MICHAELS, Navajo Nation—The Navajo Nation Human Rights Commission will meet at 10 a.m., on Friday, April 5, 2013, at its office located at 343 Arizona Highway 264 in the Saint Michaels Professional Bldg. 1, Suite 112, in St. Michaels, Navajo Nation (Arizona) for a regular meeting. The regular meeting is open to the public.

NNHRC advocates for the recognition of Navajo human rights and addresses discriminatory actions against the citizens of the Navajo Nation. For more information, call the NNHRC office at (928) 871-7436 or visit the NNHRC website at www.nnhrc.navajo-nsn.gov.

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Health, Education, and Human Services Committee discusses legislation allowing Navajo Technical College to be named a university

WINDOW ROCK – The Health, Education, and Human Services Committee on Wednesday discussed legislation aimed at approving amendments to Title 2 and Title 15 of the Navajo Nation Code, as well as the articles of incorporation for Navajo Technical College. The changes will allow for NTC, a wholly-owned nonprofit corporation of the Navajo Nation, to change its name to Navajo Technical University.

Legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock) immediately drew the committee's attention to a proposed amendment in the articles of incorporation that would allow NTC to establish its own institutional review board.

The proposed IRB would be responsible for reviewing and approving all human and animal research conducted by NTC students, faculty, and individuals associated through institutionally sponsored projects.

"I think this will be this committee and the Naabik'iyáti Committee's main concern with the legislation," Delegate Simpson said.

NTC president Elmer Guy, Ph. D. stressed the need for NTC to have its own IRB as all other universities do.

"Part of educating students is that you have to teach them how to do research because they research to promote the field they're in," said Dr. Guy. "They research to add new discoveries, to add new knowledge."

Although HEHSC members expressed strong support for NTC being named a university, concerns were raised about the proposed NTC IRB being exempt from Navajo Nation Human Research Code.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) and Navajo Epidemiology Center director Ramona Antone-Nez voiced opposition to specific language in the legislation which states that the proposed IRB and the board-approved research shall be exempt from requirements outlined in the Navajo Nation Human Research Code.

Delegate Simpson said he and Guy had met with Navajo Nation Department of Justice attorney Cherie Espinosa to address the language in the legislation, and asked HEHSC members to amend its wording so that the proposed NTC IRB would not be exempt from the HRC.

One of the main reasons NTC is pushing to establish its own IRB is to expedite the research approval process for students, Guy said.

Guy noted from his own experience that it took over a year for his doctoral research proposal to be approved by the Nation's HRRB under the current process.

He further stated that many Navajos, often doctoral candidates who want to do research on the reservation, are often discouraged from doing so due to the lengthy HRRB approval process.

"We lose that information that could've contributed to the Nation's needs," said Dr. Guy. "With our own IRB, [students] can do their studies here on Navajo."

Antone-Nez responded by saying that she does not oppose the legislation, but worries that it has the potential to create a "dual process" in which two entities would have the authority to approve research studies.

She went on to affirm that the HRRB should not be removed from the approval process because its purpose is to protect the well-being of the Navajo people from research, possible harm, and any adverse effects.

Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) thanked Antone-Nez for bringing her concerns before the committee, and urged the HRRB to exercise greater efficiency and timeliness when approving research requests, rather than posing as an obstacle for researchers.

"I support this legislation, but the concerns over approval authority need to be resolved in order to avoid adding another layer of bureaucracy for research entities," Delegate Butler said.

HEHSC Chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) urged all sides to come together and iron out the issues.

"Division of Health is here, NTC is here, DOJ is in the middle, but nobody is talking," said Delegate Hale. "Not until it comes before us does it become evident that there's no communication taking place."

HEHSC members voted 4-1 to table the legislation until NTC, NDOH, and DOJ resolve their differences.

The legislation needs approval from the Law and Order Committee, the Naabik'íyátí Committee, and the Navajo Nation Council, in addition to the HEHSC.

A meeting between legislation sponsor Delegate Simpson, Navajo Nation DOJ, and NDOH is scheduled to take place today before the legislation is brought back before HEHSC.

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Resources and Development Committee approves supplemental funding request for due diligence investigation to analyze possible BHP mine acquisition

Legislation for \$2.3 million request moves forward to Budget and Finance Committee

CHURCK ROCK, N.M. – Legislation requesting for the approval of \$2.3 million in supplemental funding to complete a due diligence investigation for the possible acquisition of Navajo Mine was considered and passed by the Resources and Development Committee yesterday with a vote of 3-0.

Legislation No. 0078-13, sponsored by Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tsé Daa' Kaan, Upper Fruitland), is assigned to four Navajo Nation Council standing committees and the Navajo Nation Council for consideration.

The legislation requests for the \$2.3 million to be drawn from the Undesignated Unreserved Fund Balance account, which will be used to further the Navajo Nation's due diligence measures in the possible acquisition of the BHP Navajo Coal Company to mine reserves located there, said Delegate Bates.

The proposed due diligence measures would be Phase II of the acquisition assessment the Nation has undertaken.

Phase I was a preliminary assessment to determine whether the acquisition was a transaction that the Nation should proceed with, and was made possible through a Council resolution approving the allocation of \$750,000 from the UUFB during last year's Fall Session.

The allocation for Phase I activities received concurrent signatory approval by President Ben Shelly.

"Through Phase I, it was determined that this acquisition was something that the Nation should seriously consider," said Delegate Bates, explaining to RDC members that the requested amount will be used to examine the Phase I assessment findings in greater detail.

Some of the questions to be examined under the proposed due diligence investigation will include how the Nation will pay for the acquisition, what areas of liability the Nation will be responsible for, where dispute resolutions will take place, and where water from post-processing activities will go.

"Until those details are determined by an independent firm, the Nation will not be able to make an accurate decision on whether we want to buy the mine," Delegate Bates said "We, as a Nation, at this time would not have all the needed facts and information to make a sound decision."

"In order for us as a Navajo Nation Council to make a sound decision, and to look under all these stones yet to be turned over," the requested \$2.3 million is needed to uncover and assess key information in greater detail, Delegate Bates said.

The due diligence investigation will need to yield information by June 30.

During the questions and comments segment of the legislation's presentation, RDC member Council Delegate Leonard Pete (Chinle) alluded to questions he had about the quantity and quality of coal at the mine, whether some layoffs would be imminent during the acquisition process, and environmental impacts the mine has posed over the years.

These concerns need to be addressed in piecemeal fashion, said Delegate Pete.

According to Delegate Bates, the amount of reserves at the mine is enough for 100 years, and the current available supply will be enough to get the Nation past 2016 and onward.

The RDC was the second committee to consider the bill.

On Monday, the Law and Order Committee moved the bill forward to the RDC with a "Do Pass" recommendation along with one amendment requesting that "all current information and data gathered related to the possible acquisition shall be made immediately available to the members of the 22nd Navajo Nation Council and members of the Energy Task Force Team."

Legislation No. 0078-13 now moves forward for consideration by the Budget and Finance Committee. Thereafter, the bill will move before the Naabik'íyáti' Committee, and then on to the Navajo Nation Council agenda.

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Budget and Finance Committee approves cross-commission agreement between the Navajo Nation and the San Juan County Sheriff's Office

WINDOW ROCK – On Tuesday, the Budget and Finance Committee voted 4-0 to approve a cross-commission agreement between the Navajo Division of Public Safety and the San Juan County Sheriff's Office in Utah that will allow for increased law enforcement presence and protection in emergency situations.

Legislation No. 0022-13, outlines specific provisions and regulations that will allow Navajo Nation Police and San Juan County Sheriff Officers to function as the “primary law enforcement” in its own jurisdiction and as a “secondary law enforcement” in the other's jurisdiction.

The legislation was first considered by the Law and Order Committee on Feb. 25, which referred it to the Budget and Finance Committee with a “do pass” recommendation with no amendments.

Legislation co-sponsor and Law and Order Committee Vice Chairperson, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) expressed support for the agreement, asserting that Navajo Nation Police are shorthanded, especially in remote areas on the reservation.

Delegate Shepherd, a former police officer for ten years, attributes the lack of Navajo Nation police officers to the challenging process and stringent qualifications that police candidates must meet.

The few who become police officers often choose to leave the Nation for higher paying jobs, Delegate Shepherd said.

BFC Vice Chairperson and legislation co-sponsor, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) thanked the Law and Order Committee, San Juan County Sheriff's Office, and Navajo Nation Department of Justice attorneys Regina Holyan and Paul Spruhan for working on this agreement, and two prior cross-commission agreements with the Arizona Department of Public Safety and Navajo County in Arizona.

“The agreement provides law enforcement services that will supplement the Navajo Nation police force,” Delegate Nez said.

Delegate Nez encouraged Law and Order Committee members and the San Juan County Sheriff's Office to work together to ensure that provisions and regulations under the newly re-authorized Violence Against Women Act are fully understood and adhered to by Navajo Nation police officers and San Juan County police officers.

"In a way, there's no more excuses when it comes to domestic violence between a Navajo and non-Navajo," said Delegate Nez. "Jurisdictional issues are no longer an excuse with this agreement in place."

BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock) praised the legislation agreement and encouraged both committees to work toward establishing more cross-commission agreements.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



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For Immediate Release
March 18, 2013

Navajo President Shelly Invites All to Navajo Prayer Day

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly invites Navajo people to Navajo Prayer Day, “Ilhodiyyiin Bji,” scheduled to begin tomorrow at the powwow grounds at the Navajo Nation Fairgrounds.

The two day event begins with a flag raising and blessing ceremony at 7 a.m. Then a welcoming ceremony is scheduled to start at 6 p.m. before the Native American Church ceremony begins near the powwow grounds.

“Navajo people have long been strong in our prayers. We depend upon the Holy People for guidance and goodwill, so it important that we recognize our deities during the spring equinox regardless of our faith. We all need to join together in prayer,” President Shelly said.

Also a Christian prayer service is scheduled to take place Wednesday evening on the fairgrounds.

“These days we should think and offer prayers in appreciation. The stronger our prayers, the stronger we become as Navajo people,” President Shelly said.

For more information call Cyndy Taylor at (928) 871-7914.

###



FOR IMMEDIATE RELEASE
March 18, 2013

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**Health, Education, and Human Services Committee and Law
and Order Committee discuss emergency response issues**

BLACK FALLS, Ariz. – Members of the Health, Education, and Human Services Committee and the Law and Order Committee met with representatives from law enforcement, public safety, Coconino County, Navajo Nation Office of the President and Vice President, Rural Addressing Initiative, health care providers, and Black Falls residents to discuss first response challenges and issues.

HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) — representative of the Black Falls community which is a part of the former Bennett Freeze area — arranged for the joint-committee meeting in this remote community to provide emergency service representatives a first-hand perspective of the living conditions and rough terrain that residents contend with on an every day basis.

Black Falls is approximately 27 miles northwest of the community of Leupp.

Delegate Phelps said he wanted everyone at the meeting to experience the long commute on rough roads to Black Falls to give them a realistic idea of what residents deal with daily.

He noted that many were late to the meeting because the water level had risen too high in one area of a road which made travelers detour using another route.

Recently, it was reported that a Black Falls resident died in a car accident on a long stretch of dirt road between Leupp and Black Falls.

Emergency personnel were not able to reach the victim immediately because of confusion over which emergency personnel was obligated to respond to the accident due to service areas not being clearly defined in this remote area of the reservation, Delegate Phelps explained.

“This is not an isolated incident,” said Delegate Phelps. “Delayed responses are common and lives are lost because of it.”

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) said his communities face similar problems, citing inaccessible roads for emergency vehicles, a lack of signage to direct emergency personnel, and a lack of communication technology and accessibility.

Community residents and representatives of the “Forgotten People” non-profit organization shared firsthand accounts of delayed emergency responses, and urged HEHSC and LOC members to work toward solutions that truly help their community.

Much of the discussion centered on the need for the Nation to create a Public Safety Answering Point — also known as a PSAP system — which is a specially equipped center that receives 911 calls which are then directed to the correct emergency services said Brian Tagaban, director of the Navajo Nation Telecommunications Regulatory Commission.

Tagaban further explained that in order to implement a PSAP system, clearly defined addressing and service area boundaries must first be developed.

Delegate Witherspoon offered several suggestions including acquiring a helicopter for emergency personnel to reach remote areas quickly, developing telecommunications infrastructure for emergency personnel and community members, and establishing a cross commission agreement with Coconino County so they would also be able to respond to emergencies on the reservation also.

HEHSC and LOC members expressed their condolences to community members, and said they will support legislation that helps them and their community to establish communications and emergency service needs.

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For Immediate Release
March 18, 2013

Navajo President Shelly Signs FEMA Agreement

MENTMORE, N.M. – Navajo Nation President Ben Shelly signed a tribal agreement with the Federal Emergency Management Administration on Thursday opening the door for FEMA to help reimburse the Navajo Nation with costs related to Operation Winter Freeze.

“Today, the Navajo Nation is taking a new step into establishing our sovereignty as we are going to sign an agreement with the Federal Emergency Management Administration,” President Shelly said before he signed the agreement.

The Navajo Nation is the second Native American nation to sign an agreement since amendments in the Stafford Act allowed tribes to directly ask the President of the United States to declare a disaster.

FEMA Region 9 Administrator Nancy Ward signed the agreement for FEMA.

The agreement specifies FEMA and the Navajo Nation will share costs from the emergency that left as many as 18,000 people without running water due to frozen pipes. FEMA will share 75 percent of the costs, according to the agreement.



Navajo Nation President Ben Shelly (rights) stands with FEMA Region 9 Administrator Nancy Ward before the signing of the tribal agreement.

The Navajo Nation is eligible for reimbursement funding for costs related to restoring water to homes and costs for structural repairs to prevent future waterline freezing.

The total costs have yet to be determined but Navajo Department of Emergency Management initially estimates that the total cost of repairs stemming from Operation Winter Freeze is more than \$7 million.

On March 5, President Barack Obama declared that a major disaster existed on Navajo Nation lands, the agreement states.

“The Navajo Nation is taking a new step on the path of recognized sovereignty,” President Shelly said, “We hope today’s signing will lead to more direct recognition and communication with other agencies and departments within the federal government.”

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Joint Press Release

Navajo Nation Office
of the President and the Vice President
and Navajo Nation Office of the Speaker



FOR IMMEDIATE RELEASE
March 16, 2013

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New Mexico State Senate does not place the Navajo Nation Gaming Compact on the Senate Floor for a vote

The Senate for the State of New Mexico Legislature did not move the Navajo Nation Compact to the Senate floor for a vote despite the Navajo Nation working five years to present this Compact before the State Legislature.

“The Navajo Nation has in good faith and respectfully followed the State process under the New Mexico Compact Negotiation Act,” Navajo Nation President Ben Shelly said. “The Navajo Nation is very disappointed that the Senate for the New Mexico Legislature did not move the Compact to the Senate floor for a vote as required by law.”

Sen. George Munoz (D-Gallup), whose district includes a majority of Navajo voters, did not introduce the joint resolution, and the Gaming Compact was not put on the Senate floor for a vote, although the New Mexico Compact Negotiation Act requires the legislature to act without delay.

“The Navajo legal team worked closely with the State’s Legislative Council Service to ensure compliance with all the proper and legal procedures throughout this process,” said Council Delegate LoRenzo Bates, Chairman of the Navajo Nation Gaming Subcommittee Taskforce.

As a result of the State Senate delaying and not moving the Compact, the Navajo Nation’s investment into the gaming industry is jeopardized and it also places 950 jobs at risk for New Mexicans.

If the Compact was approved, the State would have received approximately \$10 million dollars a year and resolved a long standing dispute on Free Play.

“The Navajo Nation worked diligently to ensure that jobs and revenue were secure for the Navajo Nation and the State of New Mexico,” Speaker Johnny Naize said. “Unfortunately, our five year effort to present the compact before the legislature was viewed as rushed.”

In compliance with the New Mexico Compact Negotiation Act, the Navajo Nation first requested the State of New Mexico to commence negotiations with Governor Richardson’s administration in 2008.

Over a period of two years and after the submittal of several letters requesting to commence negotiations, Governor Richardson commenced negotiations in the spring of 2010 and he continued to negotiate to the end of his term.

In February 2011, after the election of Governor Susanna Martinez, the Navajo Nation continued requesting the State to commence negotiations.

With the appointment of Governor Martinez's Lead Negotiator in April 2012, the Navajo Nation began to have an open line of communication as to the Navajo Nation's key principle positions of the Compact.

The Navajo Nation began negotiations with Governor Martinez's Lead Negotiator in May 2012.

After months of tough negotiations, the Governor's Office and Navajo Nation came to a final agreement on the terms of the Compact.

On Mar. 8, Governor Martinez submitted the Navajo Nation Compact to the Committee on Compacts.

On Tuesday, Mar. 12, the Committee on Compacts, by a vote of 11-4-1, recommended approval of the Compact and submission of a joint resolution to the New Mexico Legislature for an up or down vote by the Senate.

"This is an important matter to the Navajo Nation and its people. The Navajo Nation will continue to respect and follow the State process under the New Mexico Compact Negotiation Act in moving the Compact forward," Delegate Bates said.

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FOR IMMEDIATE RELEASE

DATE: Friday, March 15, 2013

NAVAJO NATION JUDICIAL DISTRICT COURTS' JUSTICE DAYS

April 1, 2013 marks the 54th anniversary of the Navajo court system. The Navajo Nation Judicial Branch celebrates the creation of the Navajo court system with Justice Days held at the judicial district courts.

Justice Day gives the public an opportunity to visit the courts and to learn about how our justice system works. Judicial districts will be observing Justice Day with various activities that are open to the public.

The courts of the judicial districts will be holding Justice Day on the following dates and locations:

DATE	LOCATION	INFORMATION
April 1, 2013	Chinle Judicial District Chinle, Arizona	(928) 674-2070
	Crownpoint Judicial District Crownpoint, New Mexico	(505) 786-2072
	Aneth Judicial District Aneth, Utah	(435) 651-3545
April 2, 2013	Window Rock Judicial District Window Rock, Arizona	(928) 871-6962
April 12, 2013	Tuba City Judicial District Tuba City, Arizona	(928) 283-3140

	Dilkon Judicial District Dilkon, Arizona	(928) 657-8141
	Shiprock Judicial District Shiprock, New Mexico	(505) 368-1270
May 3, 2013	Dził Yijiin Judicial District Pinon, Arizona	(928) 675-2325
	Ramah Judicial District Ramah, New Mexico	(505) 775-3218
To be determined	Kayenta Judicial District Kayenta, Arizona	(928) 697-5549
	To'hajiilee Court To'hajiilee, New Mexico	(505) 908-2817
	Alamo Court Alamo, New Mexico	(505) 908-2817

Any further updates will be posted on the www.navajocourts.org website.

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FOR IMMEDIATE RELEASE
March 15, 2013

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Law and Order Committee Chair expresses appreciation and public safety concerns at the grand opening of judicial facilities in Crownpoint

CROWNPOINT, NM – The grand opening celebration of the Crownpoint Judicial Complex on Mar. 8, Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), chair of the Law and Order Committee, spoke before a crowd of approximately 200 people, recognizing and thanking the many people who worked together to fund and construct the Navajo Nation’s new multi-purpose judicial facilities.

The new buildings are designed to house law enforcement, judicial courts, peacemaking activities, and approximately 50 beds for adult and juvenile detention facilities.

Delegate Yazzie attributed the successful development to the “collaboration” of many departments, law enforcement representatives, past and current council delegates, and construction workers.

“It was a real team effort,” said Delegate Yazzie. “Everybody took part in the process, and this will make our communities safer.”

Delegate Yazzie expressed gratitude to members of the previous 21st Navajo Nation Council’s Judicial Committee and Public Safety Committee, which legislated the establishment of a one percent sales tax increase on the Nation. This action is what created a funding source to pay for the construction of new Navajo judicial and public safety facilities.

Although this is a major accomplishment, Delegate Yazzie acknowledged the presence of other public safety concerns that still impact the Nation.

Among the concerns cited were the need for more police and the need to create a 911 call center that could expediently respond to calls from Crownpoint and surrounding areas.

When Crownpoint residents call 911 for emergency assistance, their calls are directed to personnel in Gallup who then relay the information back to emergency personnel in Crownpoint, resulting in significant delays in emergency response time.

This inefficiency leaves those who are in need of emergency services waiting for longer periods of time, and that time is very critical, said Delegate Yazzie.

“These are a few of the major problems that I urge all of us to work to resolve for our Navajo people,” said Delegate Yazzie.

Law and Order Committee members Council Delegate Russell Begaye (Shiprock) and Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’Bii’To, LeChee, Tonalea/Red Lake) were also in attendance at the grand opening ceremony.

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FOR IMMEDIATE RELEASE
March 15, 2013

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Resources and Development Committee approves three legislations, furthering progress on proposed community development projects

WINDOW ROCK – With no receiving reports on their regular meeting agenda this past Tuesday, the Resources and Development Committee proceeded straight to legislating, approving three pieces of legislation within their purview.

With a vote of 3-0, the committee approved Legislation No. 0051-13, sponsored by Council Delegate Kenneth Maryboy (Mexican Water, Aneth, Teec Nos Pos, Tólikan, Red Mesa), which will enable the land withdrawal of 17.76 acres of Navajo Nation trust land for the development of a proposed recreational complex within the Red Mesa Chapter vicinity.

The proposed recreational complex is intended to be a mixed-use facility for youth, elders, family gatherings, and wellness.

It is slated for construction in the Ratherford Community, which is located in Montezuma Creek, Utah, and will be owned and monitored by the Red Mesa Chapter.

RDC also approved Legislation No. 0062-13 with a vote of 5-0, allowing the granting of a right-of-way to Jemez Mountain Electric Cooperative, Inc. to construct, operate, and maintain an electrical distribution line for a power line project that will benefit Diné residents on Navajo Nation trust lands within Torreon Chapter.

The legislation's prime sponsor was Council Delegate Charles Damon II (Bááháálí, Chichiltah, Manuelito, Tsé Łichíí'), but it was co-sponsor and RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) who presented the bill to the committee that morning.

Pursuant to 2 N.N.C. §501(B)(2), the RDC has authority to give final approval of all land withdrawals, non-mineral leases, rights-of-way, surface easements, and bonding requirements on Navajo Nation land and fee land.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels) presented the third bill to garner RDC approval, which was Legislation 0064-13, a bill approving the Fiscal Year 2012 carryover amount of \$1.2 million for the Navajo Water Resources Department for Fiscal Year 2013.

Najam H. Tariq, Water Resources Department director, said the funds would only be used for general operating supplies, fuel, and equipment repair.

Delegate Tsosie was the first RDC member to offer comments on the proposed carryover.

“What bothers me about this is that when I go home and I give a report, I tell people, ‘We approved this much for the windmills, for the earth dams, and others...that you will pretty soon see tractors and trucks coming to work on your windmill,’” Delegate Tsosie said.

“You make a liar out of me by not spending these monies and tending to needed infrastructure maintenance,” Delegate Tsosie continued, stating that community members get upset and frustrated when maintenance and repair activities are not carried out as reported.

“When you see an emergency out there, you should be out there until the job gets done,” Delegate Tsosie said, directing his comment to Tariq.

“We are not sitting on our hands,” Tariq said, explaining that it took time for the Navajo Nation Office of Management and Budget to put the department’s money into the tribe’s financial system.

Tariq assured the committee that his department has to spend funds wisely and in accordance with the Nation’s need.

“If you could tell us about the issues you are running into, give us some proposed solutions,” said Delegate Tsosie. “Let us know so that we can try to tackle them.”

Delegate Tsosie ended his commentary with encouragement for the water resources department to “do good for the Navajo people.”

At the end of the discussion, Delegate Leonard Pete (Chinle) requested to see a status report from the department on the Nation’s earthen dams.

According to Tariq, the department repaired 29 dams in 2012. The average number of dams repaired on an annual basis is 16.

The RDC voted to approve the department’s carryover request with a vote of 5-0.

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FOR IMMEDIATE RELEASE
March 13, 2013

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Law and Order Committee considers move to amend Nation's construction fund priority list of judicial and public safety facilities

Ramah Navajo Chapter seeks to be added to list citing special circumstances

WINDOW ROCK – The Law and Order Committee continued dialogue on Monday with officials from the Navajo Judicial Branch and the Navajo Division of Public Safety to discuss a possible amendment to the Judicial/Public Safety Facilities Fund Priority List, which could add additional projects to the list.

This discussion stems from a recent request by the Ramah Navajo Chapter asking the Navajo Nation to place their funding request of \$600,000 on the Fund Priority List to help cover a funding shortfall and move its estimated \$5.6 million detention center project forward to construction phase.

The Funding Priority List identifies and prioritizes five Judicial Branch, Public Safety, or combined Judicial/Public Safety facilities at specified locations on the Navajo Nation that may receive funding from the Judicial/Public Safety Facilities Fund.

The Fund was established in 2007 by the Navajo Nation Council as a special tax revenue source to fund the construction of judicial and public safety facilities on the Nation.

In 2009, Ramah Chapter secured \$3.8 million in grant funding from the U.S. Department of Justice through the American Recovery and Reinvestment Act for construction of the community's detention center facility on 15 acres of property near the chapter house.

A funding shortfall occurred when unexpected expenses surfaced, which required the chapter to figure out how it would pay for an environmental assessment, mitigation work at a historical site, and most presently, how the chapter will transport water to the detention facility, said Ramah Navajo Police Chief Emil Radosevich.

The Ramah Chapter risks having to return the \$3.8 million ARRA grant they received if they do not secure the \$600,000 they are requesting by June 1, Chief Radosevich told the committee.

The requested amount will primarily be used to pay for the costs of drilling a water well, hiring a construction manager, an electrical line extension, and utilities.

"We have secured outside funding from other grant sources, but we didn't anticipate this situation with the water and the drilling of our own well," said Chief Radosevich.

Offering a suggestion, Council Delegate Russell Begaye (Shiprock) encouraged Ramah Chapter to examine the Indian Health Service as a potential funding source to help with water well drilling expenses.

“Ramah has done their work. They’re not asking for mega-dollars,” said Delegate Yazzie, advocating for the chapter’s project to be added to the Fund Priority List. “They have secured the land, and completed the necessary surveys. They just need a little help from the Nation to proceed to construction.”

Last week, Council Delegates Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) and Alton Joe Shepherd (Cornfields, Ganado, Jeddito, Kin Dah Łichíí’, Steamboat) requested from the Judicial Branch a current listing of priority projects under the Fund Priority List.

According to the FY2011 and FY2012 Fund Priority List initially recommended by the Judicial Branch and the Division of Public Safety to the Law and Order Committee, and approved by Budget and Finance Committee in December 2011, the five prioritized projects are located in Chinle, Shiprock, Ft. Defiance, Pinon, and Dilkon.

“We need to take a look at all these projects, and where they are at with everything as far as land status and punch list,” said LOC Vice Chair Council Delegate Alton Joe Shepherd before proceeding with an amendment to the priority list.

Delegate Shepherd, however, supported an amendment to the Fund Priority List to add Ramah’s project, which would expand the list to six priority projects instead of the current five.

Chief Justice Herb Yazzie and Navajo DPS Director John Billison both told LOC members that it was the call of the committee if they wished to expand the Fund Priority List to add additional projects.

Every two years, a Fund Priority List which covers a two-year fiscal year period is approved by the Law and Order Committee.

The committee is currently considering drafting legislation that is intended to amend the Fund Priority List.

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FOR IMMEDIATE RELEASE:

March 13, 2013

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NNHRC concern about Navajos falling prey to spot delivery abuse

Spot delivery abuse is a predatory auto sales scam

SAINT MICHAELS, Navajo Nation—To date about predatory auto sales, the Navajo Nation Human Rights Commission has held three public hearings, and provided public education by sharing a flyer and advertisement about what to know before going to an auto dealer and how to apply what you now know to better negotiate the purchase of a vehicle. Now, the Commission has begun to share what they've learned in the course of a few weeks since obtaining information from Navajo citizens about predatory auto sales, one of which is—spot delivery abuse.

Spot delivery is a term used by those protecting consumers like the Attorney Generals' offices or consumer protection bureaus. It means when a vehicle is sold on the spot before the financing is complete. When a vehicle is sold on the spot before the financing is complete, this can be an example of abuse, a type of predatory auto sales tactic, and is part of the yo-yo sales ploy.

“We do not want Navajo people to fall prey to spot delivery abuse. Recognize that it exists and learn how to avoid it by knowing your personal financial information,” said NNHRC Executive Director Leonard Gorman. “Once you know your personal financial information, protect it and you'll be able to use it effectively.”



Typically, sales on the spot abuse occur when a dealer allows a consumer with less than ideal credit to take a vehicle before the actual financing is complete. When financing falters dealers will ask you to return to a dealership where you'll be faced with a higher interest rate or fees, or even be asked to put down a larger down payment. Often times, not only do these consumers have less than ideal credit, but are also, older, speaks preferably in Navajo with limited use of English, and are unaware of dealers reviewing their credit without their authorization.

-More-

Unfortunately, Navajos are frequently informed to take the vehicle home while the dealer knows that financing is not fully approved explained Gorman.

Your Right to Know

To make sure you've been financed before leaving the dealership, NNHRC recommends Navajo people always ask for the written information provided from the dealer to the financier and the written response from the financier to the dealer. The documentation that you want should state that you've fully approved for financing.

Always ask for the sales contract.

If a person does not receive a sales contract then they may receive a buyer's order, which means it's a spot delivery and means you do not own the vehicle and likely will be called to return to the dealer.

Gorman said, "Don't leave the dealer until the financing has been fully approved. When you are told to take the vehicle home prior to the final approval of financing the vehicle, you are more likely to be swindled."

People have the right to know the information supplied from the dealer to the financier and the response from the financier to the dealer to determine whether you've been financed.

Educate Yourself to Avoid Scams

The commission wants Navajo consumers to continue to understand the benefits of learning about what to know before you go to a dealer and how to better negotiate in order to avoid scams.

Before purchasing a vehicle, people should know their credit score, their purchasing limit, what they want and its value, and secure their own lender. With the knowledge gained people should apply it while at the dealer by negotiating below the invoice price. Leave the dealership if negotiations for the purchase of a vehicle do not go like as hoped. If a person decides they want a different vehicle, leave and research again before negotiating and buying.

Navajo people are encouraged to ask their chapter officials for a flyer by the Navajo Nation Human Rights Commission, "You Make Your Deal: Knowing and Negotiating, For the Best of your life, For the Rest of your Life."

“Don’t leave the dealer until the financing has been fully approved. When you are told to take the vehicle home prior to the final approval of financing the vehicle, you are more likely to be swindled.”

Visit or Contact NNHRC About Tate's Auto

Also, to bring awareness to the Navajo Nation Human Rights Commission about Navajo consumers' buying experience, the commission wants Navajo citizens who have specific complaints about Tate's Auto to visit or contact their office

To contact NNHRC, call (928) 871-7436 or visit the office at 343 Arizona Hwy. 264, in the Saint Michaels Professional Bldg. #1, Suite 112 in St. Michaels, Navajo Nation (AZ).

Said Rachelle Todea for NNHRC, "In the meantime, the Navajo Nation Human Rights Commission will continue to reveal the predatory sales tactics as a follow-up to the public hearings, prior to the release of the Commission's report, which will be released soon."

###

ADOT plans underway for paving Navajo Route 20

NDOT hosted a meeting with ADOT, BIA, Coconino County and FHWA on March 7, regarding the road closure on U.S. 89. Discussions focused on the paving of Navajo Route 20, to provide an interim detour until road construction on U.S. 89 is finalized, which may take up to two years. (Photo by Rick Abasta)



TSE BONITO, N.M.-The next phase of the efforts to restore essential traffic from the road closure on U.S. 89 is underway.

Officials from the Navajo Division of Transportation, Arizona Department of Transportation, Bureau of Indian Affairs, Coconino County, and Federal Highway Administration met on March 7, to discuss paving Navajo Route 20 as a detour.

A portion of U.S. 89 failed and the pavement settled on Feb. 20, after an apparent rock slide.

Steve Boschen, ADOT Deputy State Engineer, gave a slideshow presentation on the current status of U.S. 89 repairs.

Scrubbing through photos, he said the slip is 500-feet on top of the road and a quarter mile deep at the base of the hill.

“Our objectives are to restore mobility to the area, both short-term and long-term,” Boschen said.

Geotechnical data collection continues at the site and the truck-mounted drill rigs completed eight of 10 borings for sampling. Nine additional high-speed bores were mobilized for their higher capabilities for recovery.

ADOT selected an emergency repair contractor to grade an access road for first responders to utilize during the day. The contractor will also grade the site once all of the preliminary data collections are complete.

Boschen said a survey flight was also conducted to complete a digital terrain map of the area.

Thanks to the Federal Highway Administration, we did get funds in the amount of \$2 million authorized, he said.

ADOT continues geotechnical data collection and estimated completion in two weeks.

The results of the data will provide more insight into providing what he dubbed the “ultimate repair” of U.S. 89.

“Our objective is to restore essential traffic as soon as possible,” Boschen said. “The anticipated detour duration is two years.

“We do think that we can get another fix on U.S. 89 in two years, so that’s our goal,” he added.

The immediate plan is to pave 27-miles of dirt road on the existing alignment of N20. The combination of clay and sand in the area has resulted in some commercial vehicles getting stuck in the past few weeks.

Accidents on N20 have also been reported.

Other considerations of the design criteria for paving N20 include the drainage and low points of the road where water could collect. The need to flatten vertical curves was also a concern.

“I noticed one that was a compound vertical and horizontal curve and we want to fix that because those are dangerous curves,” Boschen said.

ADOT also plans to review opportunities for left turn lanes at N21, N6210, N201, and N6211.

Taking into consideration the needs from self-employed Navajo vendors in the area, the design team is looking into access control and consolidating roadside stands.

“We know that there’s going to be a need for some vendors to use N20 as opposed to U.S. 89,” he said.

NDOT and BIA shared a feasibility report of N20 with ADOT, in addition to right-of-way alignments, geotechnical data reports, and a N20 Keyhole Markup Language Zipped file providing GIS data.

ADOT needs to conduct additional soil samples along N20 to de-

sign a pavement that will last two to three years. The relatively short lifespan of the road reflects usage by commercial trucks.

“Once we get it done we want to put an overlay on it so that it’s good for the traffic that will happen after we solve the ultimate,” Boschen said.

He emphasized the main purpose of the meeting was to gain a consensus on the design criteria to restore essential traffic.

ADOT will develop a Joint Powers Agreement with NDOT and BIA to cover construction and maintenance of N20 until U.S. 89 construction is completed.

They have also requested supporting resolutions from the affected chapters.

Because of the quick turnaround time needed for the detour, ADOT is pursuing Construction Manager at-Risk or Design-Build methodologies to get N20 paved.

Robert Samour, senior deputy state engineer for ADOT, said they are taking a three-prong approach: restoring essential emergency response through the site, discussion of N20 as an alternate route, and getting U.S. 89 reopened.

“ **When the road gets turned back to the Navajo Nation, we don’t see that traffic going away.** ”

“I do think one thing to expedite our ability to get out there and pave (N20) would be to avoid any deviation from the current existing alignment,” Samour said. “If we stayed within the existing alignment, we could be paving a lot faster.”

Representatives from the Coppermine Chapter were to the point in lending support to ADOT’s efforts on N20.

“Gap-Bodaway is working on their resolution and Coppermine, we already have ours in. LeChee is also working on theirs,” said Lola Smith, vice president of Coppermine Chapter.

Chapter president Floyd Stevens said, “We just came for an answer and that answer is yes. Our response is, ‘Let’s do it.’”

NDOT Civil Engineer Darryl Bradley said although plans are in flux and information is still being gathered, the need to move forward with an approach must continue.

“When the road gets turned back to the Navajo Nation, we don’t see that traffic going away. Increased volume of traffic, that’s our concern,” Bradley said.

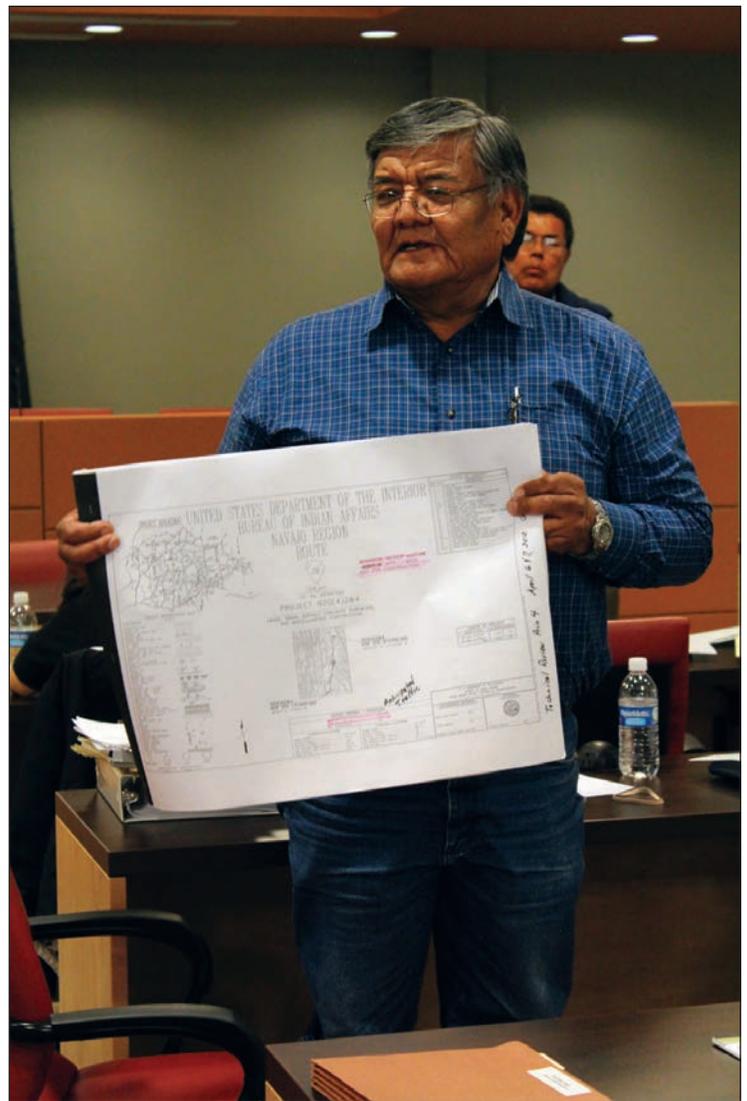
For now, the focus will remain on maintenance of N20 until the paving activities take place.

ADOT plans on having N20 paving completed by the summer to begin receiving traffic from U.S. 89.

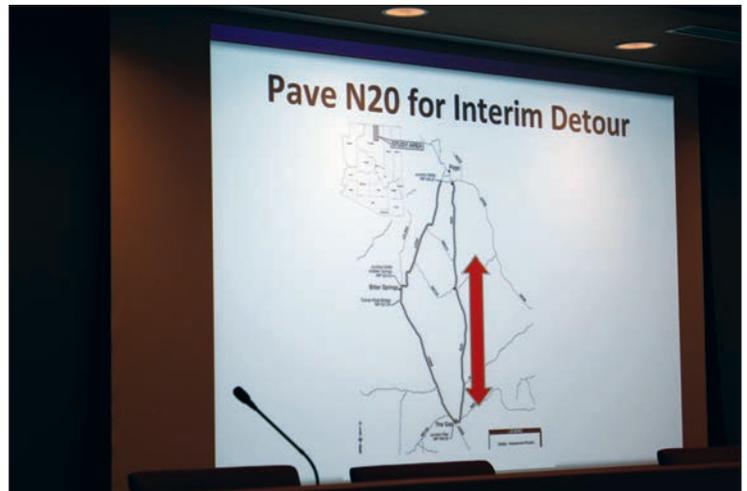
Reduced speed limits will be utilized in the interest of safety, especially because of the conditions of the current road alignment.

Information: www.navajodot.org

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Floyd Stevens, Coppermine Chapter President, said his community fully supports the paving of N20 by the Arizona Department of Transportation, emergency detour route or otherwise. Stevens holds a feasibility study conducted by Western Pacific, which was consulted by the chapter to look into paving the 27 mile stretch of dirt road connecting Bodaway-Gap with LeChee. (Photo by Rick Abasta)



The Arizona Department of Transportation presented materials on paving N20 as an interim detour until the construction on U.S. 89 is completed. Estimated timeframe for the construction is about two years, according to Steve Boschen, deputy state engineer for ADOT. (Photo by Rick Abasta)



FOR IMMEDIATE RELEASE
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Health, Education, and Human Services Committee receives report from the ‘First Things First’ Early Childhood Development and Health Program

WINDOW ROCK –The Health, Education, and Human Services Committee heard a report on Mar. 6 from Melissa Begay, regional director of the Navajo Nation’s ‘First Things First’ early childhood development and health program, in which the program’s strategies, challenges, and goals for the next three years were outlined.

First Things First began in 2006 when Arizona voters approved Proposition 203, which established an 80 cent tax on tobacco products sold in the state with tax revenue going directly to the statewide program.

Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) expressed satisfaction in seeing state tax dollars having a direct positive impact on Navajo children.

“We need to see more state dollars coming back to Navajo,” said Delegate Phelps. “I’m very glad that it’s happening.”

The program is credited with opening five preschools in Kayenta, one in Pinon, and plans to open more preschools in Chinle, Indian Wells, and Red Mesa.

HEHSC members recognized the efforts and accomplishments of the First Things First program, and recommended working closer with Navajo chapters to address such early childhood development needs like establishing more preschools to help working parents with child care needs.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) invited the program to assist chapter officials and his constituency from Black Mesa and Hardrock in establishing preschools, explaining that the Hardrock community recently lost one preschool due to a fire.

Aside from working with children in the preschool level, First Things First also plans to work with existing Navajo Nation programs to provide prenatal outreach to pregnant teens, which is something they say they have yet to fully implement.

Council Delegate Joshua Lavar Butler (To Nanees Dizi) acknowledged that some pregnant teens often feel ashamed and/or embarrassed by their pregnancy and neglect the needs of the unborn child. Sometimes, this might lead to alcohol and drug use.

Delegate Butler emphasized the need to educate young mothers and convey the importance of prenatal care—especially in the first trimester—to ensure a healthy pregnancy and birth.

Another component of the program called “Family, Friends, and Neighbors” provides at-home-babysitters with books, floor mats, and other learning tools to provide a safer and more learning conducive environment. This component is carried out in partnership with the Navajo Nation Childcare Development Funds Program, mentioned Begay.

This strategy is an effort to offset the growing demand of day care services for working parents.

Working parents often rely on friends, relatives, and neighbors for daytime child care because day care centers across the reservation have long waiting lists, making immediate enrollment nearly impossible.

This is an issue that affects communities that are trying to increase economic development opportunities and provide jobs for their people, said Delegate Phelps.

Delegate Phelps said he expects an influx in the workforce population in his communities of Leupp and Tsidii Toon due to the opening of the Twin Arrows Casino in Leupp and the opening of a manufacturing plant in nearby Winslow, but worries about a lack of childcare services available for those working parents.

EHSC Chairperson Council Delegate Jonathan Hale (Oak Springs, St. Michaels) praised First Things First for future plans to collaborate with the Diné Culture and Language Program to develop curriculum to begin teaching children and parents the Diné language and culture.

EHSC members expressed strong support for such collaborations to maximize the Nation’s resources and ensured their continued advocacy for First Things First in the future.

EHSC members voted to accept the report with four supporting and zero opposing.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



FOR IMMEDIATE RELEASE
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Naabik'íyáti' Committee and Budget and Finance Committee approve \$3 million EPA grant to rebuild homes affected by abandoned uranium mines

WINDOW ROCK – The Naabik'íyáti' Committee passed legislation on Wednesday approving and accepting a \$3 million grant awarded to the Navajo Nation by the U.S. Environmental Protection Agency in July 2012, to rebuild housing structures that were demolished due to contamination by abandoned uranium mines.

Legislation No. 0030-13, sponsored by Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone), will provide the Community Housing and Infrastructure Department with funding to repair and rebuild nine housing units across the reservation, according to Freida White, Navajo Nation EPA Superfund Program Supervisor.

Contaminated homes are usually found within a quarter-mile of an abandoned uranium mine, White said. Contamination also occurs when people use materials found at abandoned uranium mine sites to construct new homes.

The legislation was first considered by the Resources and Development Committee on Feb. 12, which referred it to the Budget and Finance Committee with a “do pass” recommendation with no amendments.

At the BFC meeting on Wednesday, Delegate Begay said the federal funds would be used to cover expenses such as labor force, schedules, materials, construction, design specifications, and community and technical assistance.

The BFC voted to approve the legislation with four supporting and zero opposing, but not before some committee members expressed concerns over the legislative process and how efficiently the funds would be dispersed and utilized.

BFC member, Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch' izhi) questioned why it took so long for this legislation to come before the BFC.

“This goes all the way back to 2012 and we’re finally approving it,” Delegate BeGaye remarked.

Council Delegate LoRenzo Bates, BFC Chair (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland), asked if the funds would be expended efficiently referring to

legislation language which states that the federal grant funding is for work conducted from Mar. 12, 2012 through Oct. 31, 2013.

“You’re going to be expending \$3 million. Are we going to get all this money expended between now and then — efficiently?” Delegate Bates questioned.

White assured that the funds will be spent adequately. She highlighted that the construction schedule begins this summer, and that the projects will be completed on time.

On Thursday when the legislation came before the Naabik’íyátí Committee, it was met with strong support from delegates who welcomed the funding in order to help Navajo people long affected by the consequences of uranium mining.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) commended the efforts of the Navajo Nation EPA saying, “It’s good to see an effort being made to address these homes and buildings that are abandoned because of hazardous material.”

Delegate Curley went on to recommend that the Navajo Nation EPA assess old buildings in communities throughout the reservation, and continue to work with the Council to address more hazardous waste issues.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), however, opposed the legislation citing concern over the risk of liability that the tribe assumes by having the Community Housing and Infrastructure Department — a Navajo Nation entity — construct the homes.

If anything should go wrong during or after construction of the homes, the Navajo Nation is assuming liability, said Delegate Witherspoon.

Delegate Witherspoon further suggested having the Navajo Nation Department of Justice review such risks in the future to ensure the Nation’s protection from liability claims.

At the conclusion of the discussion, the Naabik’íyátí’ Committee voted to approve the legislation with 13 supporting and 1 opposing.

The Navajo Nation EPA, along with the U.S. Army Corps of Engineers, is expected to begin meeting with affected families next week to begin the rebuilding process.

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**Naabik'iyáti' Committee approves term sheet for
an amendment to the NM tribal-state gaming compact**

Proposed gaming compact on track for consideration by NM State Legislature

WINDOW ROCK – After more than four hours of debate during a special meeting on Thursday, the Naabik'iyáti' Committee voted 13-5 in favor of legislation approving a term sheet for an amendment to the proposed gaming compact between the Navajo Nation and the State of New Mexico.

The current 2001 Gaming Compact the Nation signed onto in 2003 is scheduled to expire in 2015. Along with the Navajo Nation, four other Tribes in New Mexico are also a party to the 2001 compact.

Though Council Delegate Jonathan Hale (Oak Springs, St. Michaels) was the prime sponsor of Legislation No. 0058-13, it was Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tsé Daa' Kaan, Upper Fruitland) who signed on as co-sponsor of the bill and presented it before the Naabik'iyáti' Committee on Thursday afternoon, and before the Resources and Development Committee on Wednesday morning.

With the Nation's gaming compact set to expire in two years, Delegate Bates said it became a matter of priority for the Nation to negotiate amendments to the 2001 Compact, which includes an extension of the Compact's term, with New Mexico Governor Susana Martinez's administration.

Moreover, it was critical to have the negotiated amendments placed before the New Mexico state legislature for consideration during the 2013 legislative session, which ends Mar. 16.

"Once the state approves the proposed compact, it still needs to go to the U.S. Department of Interior for consideration. That process could take as long as two years. So when you couple all of that together, considering the deadline, there is a lot being put at risk," Delegate Bates said.

Delegate Bates participated in the negotiation discussions with the state as the Chair of the Naabik'iyáti' Gaming Task Force Subcommittee.

The subcommittee, along with appointed members of the Nation's compact negotiations team, pressed for three key positions to be addressed in the proposed gaming compact, and "we got them," Delegate Bates stated.

First, the Nation advocated and is permitted to operate up to five (5) gaming facilities.

Second, the Nation sought a long term extension on the duration of the gaming compact, and as a result the proposed gaming compact will not expire until 2037.

Third, the Nation postured to retain the revenue sharing percentage at the tiered-structure amounts outlined in the 2007 gaming compact the state entered into with other New Mexico gaming Tribes.

The legislation generated considerable committee discussion on sovereign immunity, jurisdiction and revenue sharing.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) raised concerns on specific language that included waivers of sovereign immunity, the tribunal in which claims could be heard, and the number of arbitrators that would hear any dispute between the Navajo Nation and the State.

The Navajo Department of Justice assured the Naabik'íyáti' Committee that the proposed amendments to the compact did not expand beyond what was previously approved by the Navajo Nation Council in 2003, and that there was an expansion of tribal jurisdiction to allow tribal courts to apply the tribe's laws, which is not currently provided in the 2001 and 2007 compacts.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si ání) also raised concerns on the revenue sharing paid to the State.

The Indian Gaming Regulatory Act requires a State to authorize gaming within the State and negotiate in good faith a Tribal-State Gaming Compact, which includes revenue sharing between the State and the Tribe, before a tribe can conduct Class III gaming on its lands.

Other lauded compacts provisions included criminal jurisdiction over non-member Indians, comps for food and lodging through a player's club program and casinos will be allowed to be open 24 hours, 7 days a week.

Two letters will be sent today from Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) and President Ben Shelly to Governor Martinez and the Committee on Compacts of the New Mexico Legislature, informing them that the Navajo Nation has approved key principle terms of the proposed compact.

This action signals that the proposed compact is ready for review by the Committee on Compacts. The Committee on Compacts has the authority to review the Compact as required by the New Mexico Compact Negotiations Act.

The Committee on Compacts can offer amendments, up to three times, and each amendment will have to be sent back to the Office of the Governor and the Navajo Nation for approval, disapproval or re-negotiations.

"In the event that the Gaming Task Force Subcommittee hears of any possible amendments, and we voice our position, but the amendments go through and are not in the best interests of the Nation, then we will have to come back before you, to say 'this is what they did,'" said Delegate Bates to Naabik'íyáti' Committee colleagues when explaining the review and approval process at the state level. "At that time, we go back through the negotiations again."

Once the Committee on Compacts approves the proposed compact it is forwarded to the New Mexico state legislature, which can then either approve or disapprove the compact. The legislature, however, cannot offer any further amendments.

If approved, the compact will then be submitted to the Department of the Interior for final approval, as required by the Indian Gaming Regulatory Act.

DOI will then have 45 days to take action, or if no action is taken, the Compact will be deemed approved on the 46th day.

During Thursday's debate, several delegates on the Naabik'íyáti' Committee praised the efforts of the Gaming Task Force Subcommittee for its persistence and diligence throughout the negotiations process with Governor Martinez's office.

Formed in February 2011, the Naabik'íyáti' Committee is comprised of Council Delegates LoRenzo Bates, Edmund Yazzie, Joshua Lavar Butler, Jonathan Hale, and Speaker Johnny Naize.

"The Naabik'íyáti' Committee created the subcommittee to negotiate in the best interest of Navajo. We did that every step of the way," said Delegate Bates, when presenting before the RDC on Wednesday. "We protected Navajo in every possible way."

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Navajo President Shelly Signs Loan Agreement for Freeze Emergency

ALBUQUERQUE – Navajo Nation President Ben Shelly signed a loan agreement on Thursday for \$2.8 million to pay for Operation Winter Freeze, the operation that restored running water to 18,000 residents on the Navajo Nation.

The agreement was with Key Bank. Key Bank agreed to the loan adhering to Navajo Nation law and courts.

“I am thankful that we will have the funding for our emergency operation where many of people endured conditions without running water because of frozen water pipes. We had many people affected by the freeze, so it was important that we ensured the safe welfare of our people,” President Shelly said.



The loan is expected to be partially paid back with reimbursement funding from the Federal Emergency Management Agency.

President Barack Obama declared the frozen waterlines a disaster on Tuesday, making way for FEMA to financially assist with cost related to the emergency.

The Navajo Nation is expect to share 25 percent of the cost of the emergency while FEMA can reimburse 75 percent of cost related to the emergency.

Navajo Tribal Utility Authority officials said the emergency cost about \$1.8 million as they had more than 25 crews working to restore water. In addition, Navajo Nation

Department of Emergency Management officials said it cost \$1 million to operate the emergency command center.

The amount of money FEMA will assist the Navajo Nation is unknown at this point, but FEMA officials are scheduled to visit the Navajo Nation next week to further assess the costs of the emergency.

According to the FEMA, the Navajo Nation is eligible for two types of financial assistance. One category relates to costs directly resulting from the emergency, such as labor and supplies to restore water service to residents. While the other category allows for financial assistance with infrastructure upgrades, such as placing water lines deeper in the ground to make them less susceptible to freezing.

“I want to thank everyone for their hard work to restore services to our people. We are a strong people and have the ability to manage through crisis, but we also must keep in mind that we have Navajo people who depend on running water for their health. Their health is important to the Navajo Nation,” President Shelly said.

During the months of December and January, the Navajo Nation had as many as 18,000 residents living without running water because of frozen water pipes. President Shelly signed an emergency declaration in January because communities through the entire 27,000 square mile Navajo Nation were affected by the freeze.

###

Senator Pinto sponsors Senate Bill 600 to fund U.S. 491 road construction



Senator John Pinto (D-Dist. 3) reports to the New Mexico Senate Corporations and Transportation Committee on March 3. Pinto sponsored Senate Bill 600, requesting for a one-cent fuel surtax to fund completion of U.S. 491 construction. Joining him was Paulson Chaco, Navajo Division of Transportation Director. (Photo by Rick Abasta)

SANTA FE-Senator John Pinto (D-Dist. 3) reported before the New Mexico Senate Corporations and Transportation Committee on March 3. Joining Pinto was Paulson Chaco, Navajo Division of Transportation Director.

Senate Bill 600 proposes a one-cent special fuel surtax to fund the completion of the four-lane highway on U.S. 491, stretching from Gallup to Shiprock.

A total of 42.9 miles of road construction has been completed, from Shiprock to Sheep Springs. A total of 26.1 miles remain to be improved on the corridor from Sheep Springs to Twin Lakes.

"I am making an appropriation to create the Highway 491 Project Fund and authorize the issuance of state highway bonds," Pinto said.

Chaco reported that Sen. Pinto has been working for over 20 years for roadway improvements on Highway 491, which was named one of the most dangerous roads in New Mexico.

"The road has produced positives for the Navajo Nation, as well as the Four Corners region and the State of New Mexico," he said.

Chaco noted that in addition to increased corridor capacity, the major improvement from the road construction has been safety.

NDOT statistics from 1999 to 2012 show that motor vehicle crashes from milepost 47 to milepost 85 (N13 Junction to Sheep Springs) on U.S. 491 peaked at 70 crashes in 2001. In 2012, that figure dropped to 24 crashes, substantially less than previous years, due to the new four-lane highway.

Injury accidents on U.S. 491 indicate a peak in 2002, when 41 people were hurt in vehicle accidents. That figure dropped in 2012 to 13 injuries, resulting from the new highway conditions.

In 2001, fatalities on U.S. 491 reached a peak of 11 deaths from vehicle accidents. That number dropped to one fatality in 2012, again attributed to the

new four-lane highway constructed.

About 30 miles of roadway remain to be constructed at a cost of \$102.9 million.

To date, total investments on U.S. 491 total \$141,545,265. Multiple funding sources for the project include the Navajo Nation, State of New Mexico, and federal funding.

The Navajo Nation invested \$8 million from the Indian Reservation Roads funding for the project.

"Highway 491 provides for regional mobility, which will also provide for economic development for that region, which is probably one of the poorest parts of New Mexico," Chaco said.

Dan Silva, an audience member representing the Associated Contractors of New Mexico, spoke in support of the legislation.

"I support this bill. It would certainly help the statewide infrastructure, it would put people to work and it's something that would benefit the whole State of New Mexico," Silva said.

Sen. Sander Rue (R-Dist. 23) raised concerns about the proposed fuel tax.

"Why are we doing it this way? Why isn't this road in the queue for roadwork that needs to be done," Rue questioned.

Chaco explained that U.S. 491 is a federal aid system road within the state and that although it is on the state's priority list, it wasn't selected for funding.

He noted that \$365 million in state road projects for FY 2013 were funded for District 1, which was allocated \$32.6 million; District 2 was allocated \$81.8 million; and District 3, which was allocated \$154.2 million.

"Unfortunately, U.S. 491 is

not one of those projects that's in the queue and we don't see it in the state process as anything to be funded in the near future," Chaco said.

The U.S. 491 road project was submitted for stimulus consideration under the Transportation Investment Generating Economic Recovery grant, but was not selected for the state proposal, he said.

In addition to the TIGER grant, Sen. Pinto said he's been lobbying congressional delegations for assistance, but the federal government does not have enough funding to assist.

"This is everybody's road," Pinto said. "Public school buses use this road. Eighteen-wheelers use this road, bumper-to-bumper from Gallup to Shiprock to Colorado."

Sen. Rue compared the project to his efforts in Bernalillo County with construction on Paseo del Norte and I-25. He asked why multiple funding sources couldn't be employed, just as his district did with the aid of federal, state, county and city funds.

"Unfortunately for the Navajo Nation, we don't have the luxury of a tax base to rely on, as far as funding infrastructure development," Chaco said.

He explained that the Navajo Nation receives approximately \$55 million per year from the Federal Highway Administration to cover 11,000 miles of road on the 27,000 square miles of the reservation.

"I'm going to support this. I understand what you're saying," Rue said.

Vice Chairman Clemente Sanchez (D-Dist. 30) said he supported the legislation because the road needs to be completed due to dangerous conditions.

“I don’t really like taxes, but I think this is one time that we need it. It is a heavily traveled road,” Sanchez said.

Sen. Mark Moores (D-Dist. 21) asked if the surtax would only apply to gas stations on tribal and pueblo lands.

Chaco said that it would be a tax for the entire state and tribal taxation would have to be discussed with the Navajo Nation Council. He added that he did not speak for the Pueblos of New Mexico.

Using the completion of State Road 285 as an example, Chaco noted that 217 miles of road was funded by the state without matching contributions from counties and municipalities in the area.

“It’s not a Navajo Nation road or a Pueblo road. It’s a state road that we’re trying to get improved,” he said.

Sen. John Sapien (D-Dist. 9) asked if the legislation had a sunset provision.

Given the questions regarding the tribal fuel tax match and sunset provisions, Chairman Phil Griego (D-Dist. 39) said he was concerned that participation from the Indian nation wasn’t included.

“Even though 491 is a state road, it also affects the Navajo Nation,” Griego said. “I don’t want to hold your bill up senator, so I’m

“ **It’s not a Navajo Nation road or a Pueblo road. It’s a state road that we’re trying to get improved.** ”

going to ask (the committee) to sent it on to the Finance Committee with a no rec.”

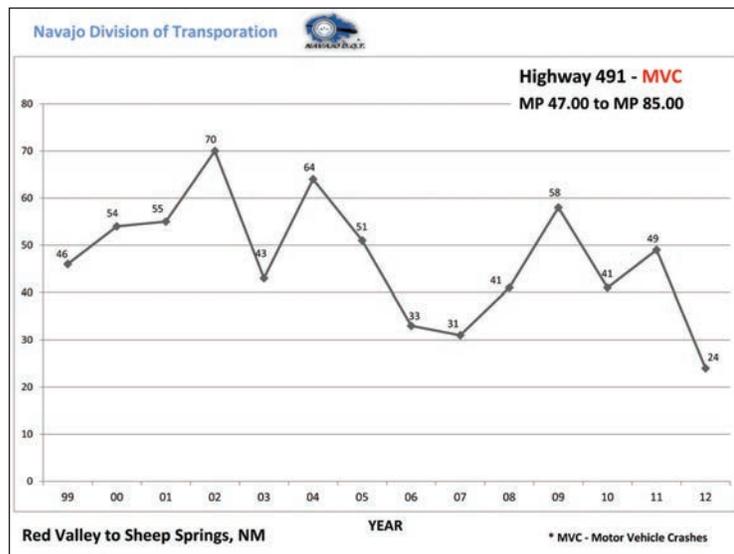
Sen. Pinto responded, “This U.S. 491, the Navajo Nation gave us the right of way. Nobody opposed it for the land to be used. That’s wonderful, thanks to God for them.”

The committee forwarded the legislation to the Finance Committee with a vote of 5-2.

-30-



Senator John Pinto sits in his office and prepares for his report to the Corporations and Transportation Committee of the New Mexico Senate on March 3. Pinto has been a member of the New Mexico Legislature since 1977. Before retiring, he is determined to complete construction on U.S. 491, dubbed one of the most dangerous roads in New Mexico. (Photo by Rick Abasta)



Corporations and Transportation Committee Chairman Phil Griego said SB 600 would be moved forward to the Finance Committee. (Photo by Rick Abasta)



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President Ben Shelly (left) shovels dirt with Shiprock Chapter President Duane "Chili" Yazzie during a groundbreaking ceremony for a youth facility.

Navajo President Shelly Breaks Ground for New Youth Facility

SHIPROCK, N.M. – Navajo Nation President Ben Shelly delivered a message of encouragement for young people during a groundbreaking ceremony for a multi-purpose youth facility Wednesday afternoon.

“I have said many times that our children are the most precious resource the Navajo Nation has. Through them, we have new dreams, new visions and new ideas to better the Navajo way of life. The youth of the Navajo Nation hold our future in their hands,” President Shelly said. He encouraged them to stay active in their communities and help us build a nation.

President Shelly participated in the traditional blessing and ground breaking for a youth facility that, when completed, would be about 22,300 square feet. The Navajo Office of Youth Development and the Boys and

Girls Clubs of the Diné Nation have been allocated \$6.6 million to complete the building, which is scheduled to be completed in late spring of 2014.

The Navajo Nation, Navajo Housing Authority, Abandon Mine Lands, Economic Development Initiative- HUD, and the State of New Mexico provided funding for the center.

President Shelly said the center would allow children to have a safe environment for them to develop and learn to balance both the Navajo and modern worlds, so they can succeed in life and be proud to be Diné.

“So when I think about this youth center that we are breaking ground for, I think about the children having an opportunity to find that balance for themselves in a safe and positive environment. This is important because a safe and positive environment will give our children the best chance to learn how to balance the Navajo world and the modern world,” President Shelly said.

“This is important because a safe and positive environment will give our children the best chance to learn how to balance the Navajo world and the modern world. Their ability to balance their lives is important for the Navajo Nation’s long-term success,” President Shelly added.

The facility plans to have have a gymnasium, after-school/summer programming area with a technology center, media room, learning center, art room, teen area, game room and an administrative office area.

More than 70 people attended the groundbreaking ceremony.

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Law and Order Committee passes bill amending extradition and detention provisions, also passes bill amending NDOT plan of operation

WINDOW ROCK – The Law and Order Committee passed two legislations under its review on Monday.

Both are proposed Navajo Nation Council resolutions - one aims to amend extradition and detention provisions in the Navajo Nation Code, and the other seeks to amend and approve the Navajo Division of Transportation’s plan of operation with added division changes.

Legislation 0015-13, the bill pertaining to NDOT’s plan of operation amendments, also seeks to reassign and transfer the Navajo Department of Highway Safety to NDOT, and amend language at 2 N.N.C §1371, which will primarily name the Resources and Development Committee as the body of authority to make recommendations to NDOT’s plan of operation.

Council Delegate Alton Joe Shepherd (Cornfields, Ganado, Jeddito, Kin Dah Łichíí’, Steamboat) pointed to a specific amendment in the plan of operation which would place NDOT under the legislative oversight of RDC, commenting that he was not sure how members of the Naabik’íyáti’ Committee would feel about the distinction.

“Do we want to give that authority to RDC solely when [transportation matters] pertain to the whole Navajo Nation? To me, that would be giving more power to RDC,” Delegate Shepherd said.

Delegate Shepherd’s chief concerns centered on what would be RDC’s power to review and determine future changes to NDOT’s plan of operation, and RDC’s advantage in determining which Navajo road projects get listed as priority.

“From a law and order standpoint, this issue is also within our realm. I just wanted to point that out,” said Delegate Shepherd. “However, that’s more of a discussion at the Naabik’íyáti’ Committee level as we move forward with this. That’s the only thing I see that is going to be a challenge.”

As Council Delegate Russell Begaye (Shiprock) skimmed the pages of the proposed plan of operation changes, he asked NDOT deputy director Ben Bennett about whether NDOT would be taking care of its own human resources department and employee hiring, and turning the department into a “one-stop shop” of sorts.

“We are presently talking with the [Navajo] Division of Human Resources,” said Bennett. “We feel that there is a need to develop our own H.R. at NDOT because the overall Navajo H.R. management does not know what our actual needs are as far as engineers, heavy equipment operators, and the like.”

Bennett said the Department of Personnel Management currently requires senior heavy equipment operators to have commercial driver’s licenses to be considered for employment.

“Anywhere outside the reservation, you’re going to find that senior heavy equipment operators are not required to have CDLs...only if they’re going to be driving trucks on highways. Those kinds of things, we are looking at,” said Bennett.

In addition, the legislation requests approval of the plans of operation for the Department of Airport Management, Department of Airport Management, Department of Project Management, and the Department of Transportation Planning Department of Roads – all under NDOT’s umbrella.

As directives, Delegate Shepherd requested for NDOT officials and the legislation’s sponsor, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin), to attach to the legislation an analysis of major and minor impacts identified and a draft personnel policies and procedures document.

Previously on Feb. 26, RDC considered and approved the legislation, adding a directive for NDOT to develop a Highway Safety Plan and Road Maintenance Manual, which is to be presented before RDC by April.

The NDOT legislation was approved with a vote of 2-0, and will now move onto the Naabik’íyáti’ Committee, then onto the Navajo Nation Council for consideration.

The second bill the Law and Order Committee passed was Legislation No. 0049-13, a bill to amend extradition and detention provisions of Titles 7 and 17 of the Navajo Nation Code.

Language in the bill’s body states that the amendments are for the purposes of ensuring the safety of communities and law enforcement personnel, as well as protecting the rights of the accused.

“No Navajo will be taken off the reservation by outside authorities without going through proper process. This is the due process that people will follow. That will provide rights to our people that are being detained here,” said sponsor, Delegate Russell Begaye.

In addition, new proposed provisions stipulate that any arrested Indian adult or juvenile in custody must be informed of his or her right to legal counsel or a hearing.

A federal detainer statute is also among the new proposed provisions.

Such a statute would ensure that a person in tribal custody who has serious felony charges from another jurisdiction is not released into the community during or at the conclusion of tribal proceedings without first addressing charges from the other jurisdiction.

The legislation will require a two-thirds approval vote by the Navajo Nation Council in order for the Title 7 and 17 amendments to be finalized, which will most likely be considered at the Spring Council Session.

The Law and Order Committee approved the legislation with a vote of 2-0.

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Navajo DOT meets with federal, state officials regarding U.S. 89 road closure



Navajo Division of Transportation Director Paulson Chaco shares concerns on Navajo Route 20 with Robert Samour, deputy state engineer for the Arizona Department of Transportation. NDOT met with officials from ADOT, BIA, Coconino County and the FHWA on Feb. 27 regarding the U.S. 89 road closure in Flagstaff. (Photo by Rick Abasta)

Officials from the Navajo Division of Transportation, Bureau of Indian Affairs, Federal Highway Administration, Arizona Department of Transportation, and Coconino County convened on Feb. 27 at the ADOT Flagstaff District office to discuss ramifications of the road closure on U.S. 89.

A contingent of 40 people discussed ADOT's on-going assessment of the rock slide that caused pavement settlement, including proposed detours and partnerships to restore essential traffic.

Robert Samour, senior deputy state engineer for ADOT, facilitated the meeting and began with a slideshow that illustrated the extent of the damage.

He said the objective of the meeting was to provide an

update on the slide that occurred on U.S. 89, to hear the various agency challenges with regard to the detour, and to find alternate routes to carry traffic, specifically Navajo Route 20.

"ADOT is doing everything it can, first and foremost, to ensure the safety of the public, to make sure that we're being as responsive as we can, and to get that road reopened as quickly as possible," Samour said.

The rockslide happened on Feb. 20, around 5 a.m., resulting in two vehicle accidents on the damaged roadway of U.S. 89.

Two waves of pavement settlement occurred, according to ADOT field reports. The initial wave buckled the pavement and resulted in a five-foot pavement surface to pavement surface settlement.

Samour said the soil is shift-

ing down the mountain both west and east. Large cracks in the surface of the earth are visible, extending through the guard rail and chasing the slope down into the valley, he added.

"You can envision this failure as almost in the shape of a frown," he said. "It's about a semi-circle down to the base of the hill and it actually widens out to about 1,200 feet."

ADOT survey crews are gathering geotechnical data and mapping the area. They are also installing inclinometers to measure slope movement and stability.

A national landslide expert was also brought in to assist with the assessment.

"Our geotechnical team still feels the area is unstable," Samour said.

He noted that the site has

some surface cracks 30-feet deep and that ADOT has increased security measures for this reason, including a chain link fence, and pedestrian signage warning of the danger.

Upon completion of the surveys and installation of inclinometers, the plan is to use an auger to drill into the earth and gather soil samples. Geotechnical data gathering is estimated to take two weeks, after which ADOT will have a clearer picture and timeframe for repairs.

In the meantime, ADOT has incorporated the National Incident Management System approach and established a web emergency operations center.

The website can be accessed at: www.azdot.gov/us89/.

Audra Merrick, ADOT district engineer for Flagstaff, has been designated the incident

commander. Liaisons have also been established for operations, finance and public information.

Roland Becenti, acting division manager for BIA Navajo Region Division of Transportation, asked for worst case and best case scenarios.

Samour said, "The worst case scenario is that the area is deemed so unstable that we can't fix it. So, one option would be, do we look at another alignment?"

Other options included re-aligning the road to the backside of the rock outcropping, or bridging the area, both of which are dependent upon the support

concerned about the situation.

"The signs were up on Sunday, but yesterday at 9 a.m., there was already a semi truck that was stuck on N20 again. It's very sandy, that's the reason why we can't have trucks on there," Fowler said.

Other safety concerns include the open range status of the road, leaving travelers susceptible to hitting livestock, especially at night. Speed is another factor.

Three rollover accidents were reported last week, from motorists traveling at 75 miles-per-hour on the dirt road of N20. She stressed that U.S. 89A is



Robert Samour of the Arizona Department of Transportation holds the 2005 feasibility study that was conducted on Navajo Route 20. ADOT compiled the assessment to determine whether N20 was feasible for traffic. Since the road closure of U.S. 89 on Feb. 20, the study has been dusted off and reopened for review. (Photo by Rick Abasta)

“ The worst case scenario is that the area is deemed so unstable that we can't fix it.”

of geotechnical data, he said.

The group expressed interest in utilizing N20 as a detour route to Page. Currently, traffic has been detoured east on U.S. 160 to State Road 98 north to Page.

Becenti said N20 is still under the BIA's jurisdiction and that Navajo Region Director Sharon Pinto verbally approved restriction and limitation of truck traffic on N20 due to road conditions.

Paulson Chaco, director of NDOT, said enforcement of N20 is in the jurisdiction of the Navajo Police.

"As far as enforcement of those trucks, I would have to rely on my counterparts, which is the Division of Public Safety to take on that responsibility," Chaco said. "The Navajo Nation President wants to limit truck traffic on N20 for safety purposes for our traveling public."

Although NDOT and BIA road crews erected signage stating "No Trucks" and "Local Traffic Only," semi trucks continue to attempt to travel through N20.

Coconino County Supervisor Lena Fowler is more than

still open, including businesses in the Marble Canyon area.

For self-employed Navajos living in the area, U.S. 89 was the lifeline to the community and its closure has damaged an already economically depressed area, she noted.

"The whole region is dependent on tourism," Fowler said.

The Navajo Nation, Coconino County, and State of Arizona have all emergency declarations in place regarding U.S. 89 and assistance from the FHWA is forthcoming.

Estimates by ADOT to pave the existing N20 roadway as a detour hover around \$10 to \$11 million. To pave the roadway for commercial traffic, that figure expands to \$14 to \$15 million.

Chaco said, "N20 is an option that we need to put on the table. The president issued his statement that he is willing to approve N20 as a major arterial, utilizing whatever funds are necessary to address that."

Information:
www.navajodot.org



Coconino County Supervisor Lena Fowler said the road closure on U.S. 89 has impacted Navajo communities financially, as many self-employed Navajos depend on the tourism for their financial well-being. She said ADOT and others must make a concentrated effort to let the public know U.S. 89A remains open, as does Marble Canyon and other points of interest. (Photo by Rick Abasta)



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**Health, Education, and Human Services Committee receives
report from Pinon Unified School District Superintendent**

PINON, Ariz. – Last Wednesday, the Health, Education, and Human Services Committee received a report from Larry Wallen, the superintendent of the Pinon Unified School District, which centered on a variety of issues concerning federal funding, teacher retention, school safety, and college/career readiness for students.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) who represents the Pinon community asked what sort of problems the district faces in regard to recruiting and retaining quality teachers.

Superintendent Wallen explained that the problem with teacher retention is not teacher salary, but the isolated location of the schools.

Teachers often have a different mental image of a remote community. Once they arrive to Pinon, they are often overwhelmed, explained Wallen.

“We deal with a 20 percent turnover with teachers each year,” Wallen said.

The school district recruits many of its teachers from other states, including Colorado, Montana, North Dakota, South Dakota, Michigan, and Indiana through student-teacher programs.

Delegate Witherspoon asked Superintendent Wallen to highlight some of the safety concerns that the Pinon community and their students face on a daily basis.

Safety issues involve sexual assault, domestic violence, and drugs which often take place outside of school. Mr. Wallen explained that students deal with such issues far too often, which distracts them from learning and excelling in the classroom.

“Students need to come to school ready to learn,” said Wallen. “We can’t be the social services agency for the community.”

Although school safety is always a concern, Wallen made it clear that he does not support proposed school safety legislation recently introduced by Arizona Attorney General Tom Horne.

Arizona House Bill 2656, introduced on Feb. 19, would allow one trained school official to carry a gun on campus to protect students and school officials in the event of an emergency.

Aside from school safety, funding issues also make it difficult for the school district to provide extra-curricular school activities and programs that present students with opportunities to focus on positive things rather than facing negative temptations outside of school.

“What else can we do to help you and your district?” asked Council Delegate Joshua Lavar Butler (Tõ Nanees Dizi). “Often we have a lot of dialogue about the problems, but we also need to take action.”

Wallen said he would like to see increased funding to pursue programs such as the nationwide “2+2 Program,” which allows high school juniors and seniors to take college-level courses with the intent of sending more high school students to college.

The problem is not a lack of intelligence on the students’ part, Wallen said, mentioning one high school senior who was recently awarded the United States Presidential Scholarship.

HEHSC Chairperson Council Delegate Jonathan Hale (Oak Springs, St. Michaels) expressed his support for Pinon School District’s endeavors while acknowledging that the issues Pinon School District faces are common throughout the reservation and affect learning for many Navajo students.

HEHSC members voted to accept the report from Superintendent Wallen with four supporting and zero opposing.

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Council Delegate Jonathan Hale sponsors legislation to amend gaming compact between the Nation and the State of New Mexico

WINDOW ROCK – After nine months of negotiation discussions with the State of New Mexico, the Navajo Nation Council’s Naabik’iyáti’ Gaming Task Force has agreed on key principle positions that prompted Council Delegate Jonathan Hale (Oak Springs, St. Michaels) to introduce Legislation No. 0058-13 on Feb. 25.

The legislation, which will complete the five-day comment period on Mar. 2, seeks approval from the Resources and Development Committee and the Naabik’iyáti’ Committee to amend the Gaming Compact between the Navajo Nation and the State of New Mexico.

Currently, the Nation is one of five Tribes signed onto the 2001 Gaming Compact. The Nation entered into the Gaming Compact with the State of New Mexico in 2003.

Although the Nation did not participate in the negotiation of the 2001 Gaming Compact, the New Mexico Compact Negotiation Act allows for a tribe to enter into an existing compact with the approval of the governor without submittal to the legislature for approval.

In addition to the 2001 Gaming Compact, the State of New Mexico also entered into another gaming compact, referred to as the 2007 Gaming Compact, with other tribes that does not include the Navajo Nation.

“The amendments will expand opportunities, not previously allowed, for Fire Rock Navajo Casino and Northern Edge Navajo Casino, and those opportunities will allow our current and future Navajo casinos in New Mexico to compete with other casinos and racetracks,” Delegate Hale said.

The Naabik’iyáti’ Gaming Task Force advocated for three key positions, to which the State agreed.

The first position was the number of Class III gaming facilities the Nation will be allowed to operate. The 2001 compact allows the Nation to operate an unlimited number of Class III gaming facilities.

The negotiated agreement will limit the Nation to five Class III facilities, which is a decrease from the current unlimited number, but is an increase when compared to the two gaming facility limit outlined in a 2007 compact negotiated between the State and other tribes.

The second position the State agreed to is the percentage of revenue sharing.

Currently, the Nation's revenue sharing is at 8%. In newly negotiated terms, the Nation would pay 9.75%, and it will escalate over the term of the Compact to 10.75% of the revenue.

The revenue sharing is an increase from the 2001 compact but is equal to the 2007 compact.

The third position the Nation advocated for was a longer duration for the Gaming Compact to remain in effect.

The current Gaming Compact between the Nation and the State is set to expire on Jun. 30, 2015.

If the amendments are approved by the Nation, the State, and the federal government, the negotiated compact will expire in 2037.

"Long term duration to the compact is very important to the Navajo Nation," Delegate Hale stated. "The gaming industry on the Navajo Nation is still in its infancy and these casinos are self-financed from the Navajo Nation. It is important to protect the Navajo Nation's investment."

In addition to the three key principle positions, the Gaming Task Force negotiated criminal jurisdiction over non-member Indians, Navajo casinos will be able to comp food and lodging through a player's club program, and Navajo casinos will also be able to extend their hours of operation to 24 hours per day, 7 days a week.

The 2001 compact prohibited the operation of any Class III Gaming for at least four consecutive hours daily, and the Nation previously did not have criminal jurisdiction over non-member Indians.

Prior to negotiation discussions, the State informed all the Tribes that it was not calculating the free play correctly. There has been much dispute over the calculation and the amount owed to the State.

Since then, the Nation settled with the State regarding the free play issue.

"Aside from the revenue generated, the most important benefit that gaming brought to the Navajo Nation has been the jobs produced for our Navajo people," said Delegate Hale.

The RDC is scheduled to consider the gaming compact amendment at their regular meeting on Mar. 5.

The Naabik'íyáti' Committee will consider the legislation on Mar. 7 during a special meeting that was approved by Speaker Johnny Naize this morning.

The Naabik'íyáti' Gaming Task Force was formed in February 2011, and is comprised of Council Delegates LoRenzo Bates, Edmund Yazzie, Joshua Lavar Butler, Jonathan Hale, and Speaker Johnny Naize.

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Naabik'íyáti' Committee approves proposed Navajo Nation Council resolution declaring state of emergency regarding U.S. Highway 89

WINDOW ROCK – A proposed Navajo Nation Council resolution sponsored by Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K'ai Bii'Tó, LeChee, Tonalea/Red Lake) approving a state of emergency declaration for the Navajo Nation Western Agency due to the collapse of a portion of U.S. Highway 89 was unanimously passed by the Naabik'íyáti' Committee on Thursday with a vote of 13-0.

The legislation, which also encourages Navajo Nation departments to seek federal and state assistance to address the emergency, now moves onto the Navajo Nation Council for its consideration.

The Arizona Department of Transportation is requesting for an emergency declaration resolution before it proceeds with its reimbursement request to federal agencies for emergency funding to repair the road, said Delegate Tsinigine.

"I feel for these people that live in Marble Canyon, Bitter Springs, and Cedar Ridge to travel all the way back south to Gap, and then go back north 28 miles to get to their jobs in the City of Page and the Navajo Generating Station," said Delegate Tsinigine, also highlighting the longer commutes that Navajo students have to make in order to go to school in Page, Ariz.

While a number of Naabik'íyáti' Committee members were ready to vote for the legislation's approval, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) motioned to make an amendment to the legislation, adding an additional line of language to the bill's body.

"Rather than having a 'feel good' legislation, let's put something teeth into this document," remarked Delegate Nez.

Delegate Nez's amendment directed the Navajo Division of Transportation and the Bureau of Indian Affairs to expedite all clearances necessary in preparing Navajo Route 20 for paving.

N20, a 28-mile stretch of dirt road from Bodaway/Gap to Coppermine, Ariz., is designated as an alternate route from the affected area into Page.

Additionally, the Navajo Nation urges the State of Arizona and federal agencies to release emergency funds to stabilize, repair, and reopen the damaged road portion as quickly as possible.

Furthermore, the Nation also asks officials to use emergency funding to pave the entire N20 route.

Delegate Nez's amendment recommendation was approved by a vote of 13-0.

“This legislation, with the exhibits, will declare federal emergency through the Stafford Act,” said Delegate Tsinigine. “We need to declare this as a federal emergency so we can get more funding through the federal government, through Congress.”

Currently, geotechnical work is being conducted to allow ADOT to decide if reconstruction of U.S. 89 is feasible, said NDOT director Paulson Chaco in his address to the committee.

If improvements to the damaged road are possible, it will take anywhere from six months to a year to complete the reconstruction, Chaco said.

Additionally, if the reconstruction time is expected to go beyond a year, ADOT may decide that it is necessary to reconstruct N20 for pavement.

If that is the case, it will take approximately four months for them to complete the pavement of 28-miles of N20, Chaco said.

Road surveys on N20 have already been conducted by BIA, said Delegate Tsinigine, and road construction on N20 is estimated to cost \$200 million. A substantial portion of costs involved will be reimbursed to ADOT from federal emergency funding sources.

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NGS lease extension legislation ruled out of order citing concerns over Title 18 provisions

Window Rock – Legislation No. 0042-13, sponsored by Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood), which sought to extend the Navajo Generating Station’s lease for 25 years beginning in 2019, was ruled “out of order” at the Naabik’iyáti Committee meeting yesterday.

After two hours of debate, Pro Tem Chair Elmer Begay ruled the legislation “out of order” on the grounds that the negotiating task force appointed by Navajo Nation President Ben Shelly was not formulated in accordance to Title 18 of the Navajo Nation Code.

Title 18 provisions guide the selection of the negotiating team members who are charged with negotiating minerals leases or other energy agreements on behalf of the Navajo Nation.

Council Delegate Alton Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) was the first to raise concerns over questionable adherence to Title 18 in the formation of the negotiating team, and requested for Attorney General Harrison Tsosie to furnish additional documentation detailing how the negotiating team was established.

Specific attention was placed on §105 of Title 18, which provides that two members of the ten-member negotiation team be selected from the Resources and Economic Development Committee. Additionally, the Government Services Committee (now the Naabik’iyáti Committee) of the Navajo Nation Council must approve the appointed team.

“The Attorney General is supposed to be abiding by the law, and I want to see the documentation as far as section 105, Title 18,” said Delegate Shepherd.

In response, Attorney General Tsosie began to frame his answer stating that in 1989, there were significant revisions to the Navajo Nation Code at a time when the government was transitioning to a three-branch government.

“At that time, there was a lot of transition that occurred, and this particular reference to Title 18, this particular negotiating team was developed in 1985 for a very specific purpose,” and at that time the Peabody mine royalties were being re-negotiated, explained Attorney General Tsosie.

Dissatisfied with the attorney general’s focus on mining, Delegate Shepherd interjected to emphasize that §101 of Title 18 mentions energy agreements in addition to mineral leases.

"I don't know where the AG is coming from. The laws are here, and for him to change my mind to say [this law] was written way back then, 'we're not going to abide by it', but we have laws," said Delegate Shepherd, who followed by making a second firm request for documentation on the team's selection.

According to Attorney General Tsosie, the NGS lease negotiating task force was not assembled according to Title 18 provisions, but was assembled by President Shelly "specifically for engaging in these particular activities."

"So what you're saying is that the president is not following the law in terms of the negotiation for mines or minerals according to Title 18," questioned Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill).

This non-adherence to Title 18 was a point Delegate Witherspoon said he had brought to the attention of President Shelly at least two times before, and explained that Delegate Shepherd merely cited the law to reflect that the Navajo Nation Council was not involved in the negotiations as the law states.

"There was no Council that participated in the negotiating team, that's a flaw in the negotiations," continued Delegate Witherspoon. "We didn't have an opportunity to provide input into the negotiations."

Some delegates also expressed concern that the Council was rushing to make a decision regarding the legislation.

"What is the driving force behind rushing this very important issue for the Navajo Nation?" asked Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill). "There are major issues being brought to the table."

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) supported Delegate Smith's concerns, saying, "We have to make sure we turn every stone. Make sure we're all satisfied. We may not get everything we're asking for, we recognize that, but let's get it done right."

Referring to the original lease agreement approved by past leadership in 1969, Delegate Benally further stated, "They had a good reason that they didn't have the upper hand, they weren't educated. Twenty-five years from now, fifty years from now, when our children and great-grandchildren are looking at this, what excuse are we going to have?"

"I wholeheartedly support this, but I want to make sure we have the best deal for the people," concluded Delegate Benally.

Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K'ai'Bii'To, LeChee, Tonalea/Red Lake) made it clear he supported the legislation as it directly impacted a large portion of his

constituency, many of whom were seated in the gallery having traveled many hours that morning to attend the meeting.

“I would like to proceed because it’s Navajo Nation economy... LeChee, Coppermine, K’ai’Bii’To, Bodaway/Gap’s economy. It’s their workforce, it’s their livelihood,” said Delegate Tsinigine.

As result of the concerns voiced by the council delegates, Speaker Naize asked legislative counsel for clarification as to whether or not the provisions guiding the selection of a negotiating team under Title 18 were pertinent to the discussions on the lease renewal.

Mariana Khan, Legislative Counsel, explained that there have been instances in the past where a president has formed a negotiating team outside of Title 18. However, there have been no legislations formally changing Title 18 to legitimize such a practice.

“Without any particular legislation coming to our office amending Title 18 that I know of, it appears Title 18 is still valid law,” Kahn stated.

Responding to Kahn’s explanation, Pro Tem Chair Elmer Begay stated that the delegates can insist on utilizing Title 18 to declare the legislation “out of order.”

Kahn further explained that “out of order” means you do not have a valid resolution.

In this case, Exhibit A, the amendments to the Indenture of Lease, could be ruled “out of order” because the negotiating team did not have authority, under Title 18, to negotiate on behalf of the Navajo Nation.

Pro Tem Chair Elmer Begay ruled the legislation out of order placing the NGS lease renewal discussion on hold.

It is now in the hands of the Naabik’íyátí Committee, President Shelly, and the Attorney General to resolve uncertainties concerning Title 18 and the negotiations completed by the president’s appointed team.

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