



## Navajo Nation pleased to work with U.S. EPA on proposed carbon rule



*President Ben Shelly has worked tirelessly with Navajo EPA and the U.S. EPA on the proposed carbon rule for Indian Country. Energy development was a cornerstone of his administration. (Photo by Rick Abasta)*

WINDOW ROCK, Ariz. - On Oct. 29, the U.S. EPA issued a proposed rule for tribes and U.S. territories under the Clean Power Plan, which is aimed at reducing carbon emissions from large carbon emitting sources on tribal lands and within U.S. territories.

The "Carbon Pollution Emission Guidelines for Existing Stationary Sources" is a proposed supplemental rule to U.S. EPA's June 18 proposed carbon rule (the Clean Power Plan), which requires states to regulate greenhouse gas emissions from existing fossil fuel-fired power plants. The Clean Power Plan targets meaningful progress toward carbon emission reductions by 2020 and reduced carbon emission levels by 2030. It sets state-specific goals for reducing carbon dioxide emissions and provides guidance for state plans

to meet those goals.

The proposed supplemental rule sets tribal-specific goals for reducing carbon dioxide emissions and provides guidance for tribes to achieve those goals. It also allows the Navajo Nation to develop its own tribal carbon reduction plan if it chooses to do so. Tribes also have the opportunity to participate in multi-jurisdictional plans with the states in order to meet their reduction goals. The proposed supplemental rule will not require the existing power plants on the Navajo Nation to make further carbon emissions reductions. The proposed rule recognizes the significant reduction in carbon emissions from the early retirement of three units at Four Corners Power Plant and the one unit closure at Navajo Generating Station, which stemmed from U.S. EPA's Best Available Retrofit Technology decisions for both plants to reduce nitrogen oxides emissions to improve visibility in Class I areas within the region.

President Ben Shelly led the Navajo Nation Carbon Team in its September 15 consultation with U.S. EPA. In that consultation, President Shelly expressed the Navajo Nation's concerns with the pending supplemental rule, including the importance of keeping the power plants operating and the retention of carbon credits or allowances. He asked U.S. EPA to "think outside the box" when developing the supplemental rule for the Navajo Nation. Although U.S. EPA did consider future carbon reductions resulting from the BART determinations,

they also incorporated the four building blocks used to develop the state emission rates set under the Clean Power Plan. President Shelly is concerned that such an approach is not appropriate for the Navajo Nation because of its unique situation compared to the states, including extremely high levels of poverty and unemployment.

President Shelly also said he believes U.S. EPA did incorporate some the Nation's concerns into the supplemental rule, but that there is still room for improvement.

"It is clear from reading the supplemental rule that U.S. EPA did listen to the Navajo Nation and reflect on what we had to say," President Shelly said. "But we know this is an ongoing discussion with them and that there is still room for improvement. I believe we can meet the goals of the Clean Power Plan and also develop a plan that creates a better future for the Navajo people. I look forward to those discussions."

President Shelly added that the Navajo Nation will continue working in partnership with federal agencies and other stakeholders in addressing climate change, particularly measures directed at reducing carbon emissions, ensuring the continued economic viability of the Navajo, and protecting health and environment on the Navajo Nation.

He said, "Under this proposed scenario, we have an opportunity to optimize our energy resources, including development and management of natural gas resources and other zero-

carbon emitting or low-carbon emitting resources. The Navajo Nation Energy Policy of 2013 highlights the importance of future development of cleaner renewable energy for the Nation."

Stephen Etsitty, executive director for Navajo EPA, was pleased U.S. EPA adopted an emissions reduction plan for the Navajo Nation as a whole, not a plan only focused on NGS and FCPP. Etsitty noted that such a plan would provide the framework the Navajo Nation needs to retain and manage carbon credits and potentially participate in a carbon-trading program with other jurisdictions. Participation in such a trading program could provide an economic boost to the Navajo Nation economy.

The Navajo Nation Carbon Team is the Navajo Nation, Navajo EPA, Division of Natural Resources, Navajo Tribal Utility Authority, Navajo Transitional Energy Corporation and Navajo Nation Oil and Gas Company. Etsitty and Harrison Tsosie, Navajo Nation Attorney General, are co-chairs of the Navajo Nation Carbon Team. The purpose of the Navajo Nation Carbon Team is to take the lead in determining the course of action that will be best from an environmental, economic and cultural perspective in response to U.S. EPA's Clean Power Plan.

The Navajo Nation looks forward to participating in the public meeting on Nov. 19, 2014 and submitting comments on the proposed supplemental rule by Dec. 19, 2014.





## Joint Press Release

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



**FOR IMMEDIATE RELEASE**  
**October 30, 2014**

**Jared Touchin (OOS) 928-221-9253**  
**Rick Abasta (OPVP) 928-871-7884**

### **Navajo Nation demands halt to livestock impoundment on Hopi Partitioned Lands**

President Ben Shelly and Speaker Pro Tem LoRenzo Bates are demanding that the Hopi Tribe and the Bureau of Indian Affairs cooperate with a request issued by the Navajo-Hopi Land Commission Office to cease and desist from ongoing impoundment activities of livestock owned by Navajo residents in the Hopi Partitioned Lands.

In addition, Pro Tem Bates and President Shelly have issued an official request to Hopi Tribal Chairman Herman G. Honani for a meeting on Nov. 3 to discuss the ongoing livestock round-ups.

Numerous reports have surfaced from various HPL residents of ongoing livestock impoundments that have raised significant concerns for Navajo livestock owners in the area, several of whom have reported that authorities have brandished firearms during the livestock round-ups.

“Among many families, livestock is the main source of food,” said President Shelly. “Resolve is what we all want.”

“We have heard the concerns of our people, particularly those of elderly Navajos who rely heavily on their livestock for their livelihood,” stated Pro Tem Bates. “Impounding livestock of Navajo people is a deliberate violation of their rights to practice our culture and traditions and it must stop immediately.”

In an Oct. 24 memo from NHLCO executive director Raymond Maxx to Hopi Tribal chairman Herman Honanie, Maxx requested a ten-day grace period to allow for the opportunity to confer with residents to request removal of excess livestock from the HPL.

“If overgrazing is the major concern for Hopi officials, it is certainly an issue that we can address by sitting down and talking with one another,” added Pro Tem Bates.

The Navajo-Hopi Land Commission recently passed Resolution NHLCO-21-14, requesting the Hopi Tribe to accommodate livestock capacity for Navajo families living in the HPL.

NHLC members Council Delegates Dwight Witherspoon and Walter Phelps have met with Hopi and BIA officials and affected residents.

According to Delegate Witherspoon, further discussions between all parties are scheduled for this week.

###



FOR IMMEDIATE RELEASE  
October 28, 2014

## President Shelly makes a stand for Navajo language, vetoes council resolution



Navajo Nation President Ben Shelly vetoed Resolution No. CO-47-14 and said the decision to amend the language requirements of the Navajo Nation Election Code must be done through a referendum vote brought before the Navajo people. Their voices must be heard, he said. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—In an independent action to preserve the laws, President Ben Shelly vetoed Navajo Nation Council Resolution No. CO-47-14 this afternoon.

“The decision to amend the language requirements in Title 11, the Navajo Nation Election Code, must be brought before the Navajo people through a referendum vote,” President Shelly said. “This decision is far too important and it is one the people need to decide on.

“We are a nation of laws. I took an oath to uphold the law,” he added.

The Office of the President and Vice President received the

legislation on Oct. 24, 2014 at 10:56 p.m. By a vote of 11-10, the 22nd Navajo Nation Council passed the resolution after midnight the same day to amend the language requirements of the

***“Diné bizaad is sacred. Navajo leaders should have both language and cultural fluency in order to qualified.”***

Navajo Nation Election Code.

The vote was knotted at 10-10 before Speaker Pro Tem LoRenzo Bates cast the deciding vote to approve the amendments. The amendments by council are

the first major overhaul to the election code since 1990.

The amended language to Navajo Nation Code, Title 11, Subsection 8 regarding qualifications to hold office as President and Vice President states, “Must fluently speak and understand Navajo and read and write English, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.”

Other similar language amendments were made to the qualification requirements for candidates running for council delegate, chapter official, land board, farm board, district grazing committee, school board and Navajo Nation Board of Education.

President Shelly said while the language amendments are a step in the right direction, other considerations must be taken into account, such as the possibility of a woman president and the language requirement for other offices, such as council delegate.

He said rather than a piecemeal approach to amending concerns with the Navajo Nation Election Code that instead, tribal leaders

mired in debate and controversy over issues regarding the fluency qualifications of candidates for elected office,” President Shelly said.

The Sept. 26, 2014 decision by the Navajo Nation Supreme Court provided an interpretation of the meaning of and standard for fluency. He said this should be the standard until the people have been consulted.

“Diné bizaad is sacred. Navajo leaders should have both language and cultural fluency in order to qualified. Every society has an obligation to hold onto their traditions,” President Shelly said.

Despite the divisive nature of the requirements, he said it is essential that this fundamental issue be addressed through a referendum vote brought before the Navajo people to decide on.

He said the Navajo Nation must commit resources to ensure that Navajo children know and understand their language and culture. This could be achieved by the next administration through employee programs, school programs, technology and interaction between Navajo elders and youth.

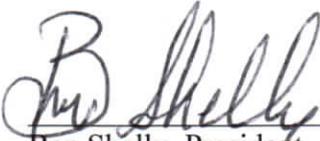
“The Navajo Nation Supreme Court ordered the 2014 ballots to be reprinted and the election unavoidably rescheduled to ensure a valid election. I therefore exercise my veto authority,” President Shelly said.





MEMORANDUM

TO: Honorable Lorenzo Bates, Speaker Pro Tem  
The 22<sup>nd</sup> Navajo Nation Council

FROM:   
Ben Shelly, President  
THE NAVAJO NATION

DATE: October 28, 2014

SUBJECT: **Legislation CO-47-14: Relating To An Emergency; To Address A Matter Which Directly Threatens the Sovereignty of the Navajo Nation; Amending Language Requirements of the Navajo Nation Election Code.**

Pursuant to 2 N.N.C. §1005(c)(10), the above titled Legislation CO-47-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) day requirement. 2 N.N.C. §1005(c)(10) establishes the Navajo Nation President's authority to veto legislation passed by the Navajo Nation Council. I will exercise my veto authority with this legislation.

We are a nation of laws, and I took an oath to uphold those laws. The Navajo Nation Supreme Court has said that "Navajo culture is forward looking and it is never preferable to unwind events that have already occurred". *Sandoval v. Navajo Election Administration*, No. SC-CV-62-12 at 4 (February 26, 2013). The Navajo Nation Supreme Court recently ordered that the ballots for the 2014 election be reprinted, and the election unavoidably rescheduled to ensure a valid election. The Court has ruled on this matter and its decision should not be so easily or hastily disregarded. This legislation is only intended to help one candidate who has been disqualified.

This election cycle has been mired in debate and controversy over issues regarding the fluency qualifications of candidates for elected office. The Navajo Nation Supreme Court has weighed in on the meaning and interpretation of fluency in *Tsosie v. Descheene*, No. SC-CV-57,58-14 (September 26, 2014), and has provided an interpretation of the meaning of and standard for fluency. This should be the standard until the People have been consulted.

The Diné language is sacred. Navajo leaders should have both language and cultural fluency in order to be qualified. Every society has an obligation to hold onto their traditions. If we lose our language and culture, who are we?

As hard and divisive as this subject has become, it is essential that this fundamental issue be addressed. The People should be consulted on this matter, and a referendum held to ascertain what the People truly want.

A thoughtful, deliberative conversation should occur, not a hasty action a week before the scheduled election date. In *Sandoval*, the Navajo Nation Supreme Court found that a change to election qualifications enacted "well prior to election" was a reasonable and valid law. *Sandoval*, at 12. In that case, the change to election qualifications that disqualified a candidate who had been elected was enacted four months prior to the election.

We, as a Nation, have not committed enough attention to the potential loss of our Navajo language and culture. Nor have we committed enough resources to ensure that our children know their language and culture. As hard and divisive as this subject as become, it is essential for the Navajo People and its government to address this fundamental matter.

The Nation should expect that the next administration will take up the initiative on this critical issue and implement measures to increase language access and fluency, such as through employee programs, school programs, technology, and opportunities for elders and youth to interact and share knowledge.

I understand that some people will be upset by my decision today, but it is important that we avoid civil unrest such as occurred in 1989. We have a responsibility to ensure each other's safety and well-being.

I took an oath to uphold the law. The Navajo Nation Supreme Court ordered the 2014 ballots to be reprinted and the election unavoidably rescheduled to ensure a valid election. I therefore exercise my veto authority.

cc: Executive file

**RESOLUTION OF THE  
NAVAJO NATION COUNCIL**

**NAVAJO NATION COUNCIL – Fourth Year, 2014**

**AN ACTION**

**RELATING TO AN EMERGENCY; TO ADDRESS A MATTER WHICH DIRECTLY  
THREATENS THE SOVEREIGNTY OF THE NAVAJO NATION; AMENDING  
LANGUAGE REQUIREMENTS OF THE NAVAJO NATION ELECTION CODE**

**BE IT ENACTED:**

**Section One. Findings**

A. 2 N.N.C. § 164(16) provides, in part, that an emergency is limited to matters which directly threaten the sovereignty of the Navajo Nation and that such emergency matter must arise due to the pressing public need for such resolution and must be a matter requiring final action by the Council.

B. 1 N.N.C. § 203(A), Diyin Bits' 'áá'déé' Beehaz'áanii declares and teaches it is the right and freedom of the Diné to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to always act in the best interest of the people; and leaders who will also ensure the rights and freedoms of the generations yet to come.

C. 1 N.N.C. § 203(B), Diyin Bits' 'áá'déé' Beehaz'áanii declares and teaches that all leaders chosen by the Diné are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Diné bi beenahazáanii.

D. 1 N.N.C. § 203(C), Diyin Bits' 'áá'déé' Beehaz'áanii declares and teaches that the leaders of the Executive Branch (Alqají Hózhóójí Naat'áah) shall represent the Navajo Nation to other peoples and nations and implement the policies and laws enacted by the legislative branch.

E. 1 N.N.C. § 204(A), Diyin Dine'é Bits' 'áá'déé' Beehaz'áanii declares and teaches that it is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living.

F. 1 N.N.C. § 204(C), Diyin Dine'é Bits' ǎǎdǎǎ' Beehaz'áanii declares and teaches that it is the right and freedom of the people that the sacred Diné language (nihiinéí) be taught and preserved.

G. 1 N.N.C. § 204(F), Diyin Dine'é Bits' ǎǎdǎǎ' Beehaz'áanii declares and teaches that it is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation.

H. 1 N.N.C. § 206(A), Diyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the Diné Bi Beenahaz'áanii; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with Diné Common Law.

I. 1 N.N.C. § 206(B), Diyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the values and principles of Diné Common Law must be recognized, respected, honored and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living.

J. 1 N.N.C. § 206(C), Diyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the values and principles of Diné Common Law must be used to harness and utilize the unlimited interwoven Diné knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance and in enjoying the beauty of happiness and harmony.

K. 2 N.N.C. § 1004(A) states, no person shall serve as President or as Vice-President of the Navajo Nation unless he/she is an enrolled member of the Navajo Nation, 30 years old or older.

L. 2 N.N.C. § 1004(B) states, no person shall serve as President or Vice-President of the Navajo Nation unless he/she has continually, during the last three years before the time of election been physically present within the Navajo Nation. The "Navajo Nation" is defined at 7 N.N.C. § 254.

M. 11 N.N.C. § 8 provides qualifications for President and Vice-President to include an age requirement at 11 N.N.C. § 8(A)(3), similar to 2 N.N.C. § 1004(A), a membership requirement at 11 N.N.C. § 8(A)(2), similar to 2 N.N.C. § 1004(A) and a residency requirement at 11 N.N.C. § 8(A)(1), similar to 2 N.N.C. § 1004(B); along with other requirements such as being a registered voter, be on the agency census roll of the Bureau of Indian Affairs, fluently speak and understand Navajo and read and write English, not have been convicted of a felony with the last five years, must have unswerving loyalty to

the Navajo Nation and must be competent and capable of upholding the oath of office, among other qualifications.

N. The qualifications for President and Vice-President at 2 N.N.C. § 1004 and 11 N.N.C. § 8 are not in harmony.

O. The Navajo People have continually encouraged young Navajos to “climb the ladder” of education and to return to help the People after getting their education; however, the young Navajos are often turned away leaving them with no alternative but to leave their homeland to support themselves and their families.

P. Navajo history is filled with prominent leaders who have taken a major role in the development of the Navajo Nation and overcame a language barrier in the process, including Navajo Chairman Chee Dodge and Navajo Interpreter Jesus Arviso.

Q. In the past, during the time of Chairman Dodge and Interpreter Arviso, the Navajo language was the primary language; however as time progressed and the Navajo Nation has more interaction outside its boundaries the communication is now in the English language, including our laws, regulations and rules.

R. As recent events have developed it is obvious there is much confusion and misinformation among the Navajo people about the value of their participation in the primary election; about whether their voice through their vote has been heard. At present there is no finality in the electoral process as a result of the dispute over the voice of the People.

S. The Navajo Nation has been at this precipice 25 years prior at which time the Navajo Nation was deeply divided, causing great disharmony to Navajo families and the government; currently there is the potential to completely destabilize the electoral process at various levels which will lead to instability in government, threatening the functions of the executive agencies, law enforcement, fire protection, emergency medical services and other vital services to public safety. There is a pressing public need for the Navajo Nation Council to address this matter.

T. The issue of the ability to speak the Navajo language is an issue that is present not just in the presidential election but also the other elections for public office. It is time to address this issue.

U. The Navajo Nation Election Code lists numerous qualifications for elective office. Included in these requirements are the ability to speak Navajo and English. The Election Code, however, is not consistent as to these requirements. For example, some positions merely require the ability to speak Navajo, while others require speaking Navajo “fluently.” Some positions do not require any Navajo language requirements at all, such as for Chapter Officers and school board members. And, all positions, except for school boards and the Board of Education, require the ability to speak English.

V. These inconsistencies in the Election Code may potentially violate due process rights of candidates, deny the right to the equal protection of the law and infringe upon the fundamental right of voters to select their own leaders. It is necessary that all provisions on any language requirements, Navajo or English, whether speaking or writing it, be amended to permit voters to determine on their own who may be the best qualified candidate.

W. The disharmony created by the current legal action for the Office of President may lead to other legal disputes based on the qualifications for elected office and it is incumbent on the leaders of the Navajo Nation to address the confusion created by the legal dispute.

X. It is permissible to amend qualifications provisions of the Election Code after filing periods are opened and prior to an election. This law may be applied retroactively in the interest of justice and fairness to all candidates meeting the 2014 candidacy filing deadline for the Navajo Nation general elections. *Sandoval v. NEA*, SC-CV-62-12 (Nav. Sup. Ct., decided Feb. 26, 2013).

Y. We are all Navajo people. In abiding by Diné Bi Beenahaz'áanii and our Navajo Bill of Rights we do not want to provide impediments that prevent the Navajo people, both young and old, from exercising their political leadership qualities and other beneficial qualities for the betterment of the Navajo Nation.

Z. The Navajo Nation Council passed legislation in 1990 with regard to language requirements, among other qualifications, for elected office. The Navajo Nation Council now, for the reasons discussed above, determine that it is in the best interest of the Navajo Nation that 11 N.N.C. §8 be amended in the manner described below.

**Section Two. Amendments to Title 11 of the Navajo Nation Code**

The Navajo Nation hereby amends the Navajo Nation Code, Title 11, §§ 8 et seq., as follows:

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**TITLE 11. ELECTIONS  
CHAPTER 1. NAVAJO ELECTION CODE OF 1990  
SUBCHAPTER 1. GENERAL PROVISIONS**

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**§8. Qualifications for office**

A. Qualifications for President and Vice-President are:

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4. Must fluently speak and understand Navajo and read and write English, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

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B. Qualifications for Delegate to the Navajo Nation Council:

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8. Must be able to speak and understand Navajo and/or English, which language proficiency shall be determined by the votes cast by the People in favor of the person upon the right and freedom of the Diné to choose their leaders;

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C. Qualifications for Chapter Officers

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12. Must be able to speak and understand Navajo and/or English, which language proficiency shall be determined by the votes cast by the People in favor of the person upon the right and freedom of the Diné to choose their leaders;

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D. Qualifications for Other Elected Officials:

1. Qualifications for the Land Board Candidates:

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f. Must be able to speak the Navajo Language fluently, and to read and write the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.

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2. Qualifications for Farm Board Candidates:

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c. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.

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3. Qualifications for District Grazing Committee Candidates:

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(d). Should be able to read, write, and speak the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

(e). Must be able to converse fluently in the Navajo language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

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4. Qualifications for Candidates for School Board:

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1. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

5. Navajo Nation Board of Education:

f. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders

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**TITLE 11. ELECTIONS  
CHAPTER 1. NAVAJO ELECTION CODE OF 1990  
SUBCHAPTER 17. ELECTION OFFICIALS**

§ 324. Qualifications

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E. Must be able to understand and speak Navajo and English and write the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.

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**Section Three. Approval of the Amendments to the Navajo Nation Election Code Act of 2014**

The Navajo Nation hereby approves the Amendments to the Navajo Nation Election Code, Title 11, Section 8, Act of 2014.

**Section Four. Effective Date**

The Act is effective upon its approval pursuant to 2 N.N.C. §221 and shall be in effect for the 2014 Navajo Nation Election and subsequent Navajo Nation elections. This law shall be applied retroactively in the interest of justice and fairness to all candidates meeting the 2014 candidacy filing deadline for the Navajo Nation general elections. *Sandoval v. NEA*, SC-CV-62-12 (Nav. Sup. Ct., decided Feb. 26, 2013).

**Section Five. Codification**

The Office of Legislative Counsel shall redesignate all subsequent sections of 11 N.N.C. §8 affected by these amendments. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**Section Six. Saving Clause**

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 11 in favor and 10 opposed, this 23rd day of October 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

10-24-14

\_\_\_\_\_  
Date

Motion: Honorable Charles Damon, II  
Second: Honorable Roscoe Smith

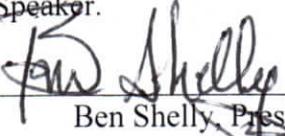
ACTION BY THE NAVAJO NATION PRESIDENT:

- 1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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Ben Shelly, President  
Navajo Nation

- 2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of OCT 28 2014 2014, for the reason(s) expressed in the attached letter to the Speaker.


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 Ben Shelly, President  
Navajo Nation



FOR IMMEDIATE RELEASE  
October 22, 2014

## Presidential Town Hall Meetings focus on projects, \$554 million settlement



*Vice President Shelly Rex Lee Jim delivered the State of the Navajo Nation address for the start of the 2014 fall session. During the address, he mentioned the town hall meetings hosted by OPVP and said there cannot be two many meetings when it comes to hearing the voice of the Navajo people. (Photo by Rick Abasta)*

WINDOW ROCK, Ariz.— The Navajo Nation Executive Branch began hosting town hall meetings to discuss the \$554 million settlement agreement and how to best utilize or invest the funds.

The first meeting was held on Oct. 21 at Shiprock Chapter House and brought in more than 100 people for the meeting.

President Shelly said the participation of the general public is important before a single penny of the \$554 million settlement is spent. Executive Branch staff was on hand to explain processes for building and road construction, two major areas of concern by most chapters.

Other areas of consideration included the Former Bennett Freeze Area, housing, agriculture, rangeland management and construction of nursing homes.

During the initial announcement

of the settlement in May 2014, President Ben Shelly instructed his staff from the Office of the President and Vice President to host the meetings to include the voice of the Navajo people.

The purpose of the meetings is to gather feedback on the how Navajo people across the Nation, especially since the Executive Branch is charged with administering the laws created by tribal legislators.

“Funding from the settlement agreement belongs to the Navajo people. We must reach out to them and ensure their voice is heard. Public comment meetings do not belong with one branch of the government,” he said.

Recent media reports stated the Navajo Nation Council raised concerns with the Executive Branch town hall meetings for fear of confusing the Navajo people.

“To say the Navajo people may be confused by additional discussions is an insult to the voting body of our Nation,” President Shelly said. “Our town hall meetings will cover profiles of the Navajo Nation, including our investment portfolio balances and the future projected revenue. “The Navajo people need the proper information to make an informed decision,” he added.

While the public hearings held by the council are open-ended discussions on what the general public would like to see, the town hall meetings hosted by OPVP is focused on shovel ready projects such as the five-year Capital Improvement Projects plan and the Tribal Transportation Improvement Projects plan.

These project listings have already been prioritized and assessed by the chapters across the Nation and have obtained

the necessary clearances such as archaeological and environmental surveys.

Arbin Mitchell, chief of staff, said in this way, the projects are ready to go once funding is established.

“A lot of the projects have been in development for years, based on the needs of the chapters. They’ve already been in the system and only require funding,” Mitchell said.

The next town hall meetings will take place at Chinle Chapter House on Oct. 22, Navajo Technical University on Oct. 23, Ft. Defiance Chapter House on Oct. 28 and Tuba City Chapter House on Oct. 29. All meetings will be from 3 to 7 p.m.

The finale will showcase the comments and information received from all five agencies and will be at the Window Rock Sports Center on Nov. 11.

# The Navajo Nation Executive Branch

## Trust Settlement: Presidential Town Hall Meetings



**THE NAVAJO NATION**  
BEN SHELLY PRESIDENT  
REX LEE JIM VICE PRESIDENT

### Dates & Locations

**All Meeting Times: 3PM-7PM**

Tuesday, October 21, 2014  
**Shiprock Chapter House**  
Shiprock, NM

Wednesday, October 22, 2014  
**Chinle Chapter House**  
Chinle, AZ

Thursday, October 23, 2014  
**Navajo Technical University**  
Crownpoint, NM

Tuesday, October 28, 2014  
**Fort Defiance Chapter House**  
Fort Defiance, AZ

Wednesday, October 29, 2014  
**Tuba City Chapter House**  
Tuba City, AZ

Tuesday, November 11, 2014  
**FINALE—Sports Center**  
Window Rock, AZ

Discussions will focus on the best use of the \$554 million from the settlement agreement. Potential projects for funding include the Capital Improvement Plan, Transportation Improvement Plan, economic development, direct investment/venture capital, Former Bennett Freeze (Western Agency), housing, agriculture, rangeland improvement, and nursing homes.

Office of the President and Vice President

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# THE STATE OF THE NAVAJO NATION

President Ben Shelly

and

Vice President Rex Lee Jim



*The Executive Branch Report*

Presented to the  
22nd Navajo Nation Council  
October 20, 2014



**2014 FALL SESSION  
STATE OF THE NAVAJO NATION  
NAVAJO NATION PRESIDENT BEN SHELLY  
NAVAJO NATION VICE PRESIDENT REX LEE JIM  
OCTOBER 20, 2014**

Speaker Pro Tempore, members of the 22nd Navajo Nation Council, visitors, officials, and my fellow Navajo people:

Yá'át'ééh and welcome to the fall session of the 22nd Navajo Nation Council. It is a privilege to join you here today and provide an update from the Executive Branch.

We would first like to begin by saying thank you to the Navajo people for their vote and support to have us serve as your leaders. We were blessed with this opportunity and we appreciate the hard work and dedication from our staff, division directors and many others that served us to achieve the many great accomplishments on behalf of the people.

**PROTECTION OF NAVAJO SOVEREIGNTY**

The Navajo Nation is the greatest tribal nation in all of Indian Country and more often than not, we set the tone for other tribes to follow. Right now, we stand at stand at the precipice of a very important decision that will not only affect our future generations, but possibly the rest of Indian Country as well.

On one side of the divide are our Navajo elders, who taught us that the Navajo language and culture is our foundation, which was handed down to us by the Holy People. On the other side are many of our children and grandchildren who do not speak our language. The decision we must make is much more than just speaking and understanding the language.

**\$554 MILLION SETTLEMENT AGREEMENT**

After years of litigation, the Navajo Nation reached a historic settlement with the federal government for breach of trust responsibilities. In May 2014, I announced the settlement agreement at the State Room and directed my staff to host town hall meetings to include the Navajo people on how the funds can be utilized or invested on their behalf.

This week, we will begin our town hall meetings regarding the use of our \$554 million settlement. There cannot be "too many meetings," as publicized in recent media accounts. To say the Navajo people may be confused by additional discussions is an insult to the voting body of our Nation.

Perhaps if we had more public discussions on funding decisions in the past, we would not have had the discretionary funding debacle that is currently winding its way through the judicial process. The Executive Branch of government administers the laws created by the Legislative Branch, while the Judicial Branch interprets the law. Sometimes we forget these specific responsibilities.

Our town hall meetings will cover profiles of the Navajo Nation including our investment portfolio balances and the future projected revenue. In addition, we will have information on the five-year Capital Improvement Plan and the Tribal Transportation Improvement Plan, as the areas of infrastructure development and roads are always at the forefront for many Navajo chapters.



The town hall meetings will have presentations on shovel ready projects that have completed the necessary clearances and chapter approvals for funding. In this way, they will be focused discussions as opposed to wide-open discussions and wish lists that must begin from the ground level.

### **ALBUQUERQUE NATIVE AMERICAN HOMELESSNESS TASKFORCE**

In late July, three Albuquerque teens beat two homeless Navajo men to death while they slept. Not only were these murders senseless, but they also illustrated the violence our people are exposed to in the neighboring border towns and cities.

I immediately called for a meeting with the Albuquerque mayor to address this issue and called for the FBI to investigate whether or not these were hate crimes perpetrated against our people. We met with Mayor Berry twice, once in Albuquerque and another time in Window Rock.

Since those meetings, we have established a taskforce leader and members, including staff from the Division of Health, Division of Public Safety, Division of Social Services and the Office of the President and Vice President. We also invited the participation of the Navajo Human Rights Commission.

Since those initial meetings, the taskforce has established five goals. These goals include identifying resources from stakeholders and connecting them with the Albuquerque native population, assessments, cultural sensitivity training, improving the quality of life for homeless natives and prioritizing funding for services.

### **NAVAJO CODE TALKER UNIFORM RETURNS HOME**

On August 12, I flew to Reno, Nevada to retrieve the U.S. Marine Corps uniform of the late George H. Kirk, a beloved member of our Navajo Code Talkers. For more than 15 years, this uniform has been lost on the open market, after his storage unit went into default sometime after his passing.

In late Jan. 2014, Etta Arviso, a volunteer of the Navajo Code Talkers Association, informed us that the uniform was for sale through an online auction house. We immediately made contact and requested that it be taken off the auction block.

Craig Gottlieb Military Antiques of Solana Beach, California was the auction house in possession of the uniform. We spoke with Mr. Gottlieb and we negotiated for the return of the uniform. He was willing to donate the uniform as long as it could be on exhibit in a museum for all to see.

We worked with the Navajo Nation Museum and they too, were agreeable to housing the uniform for the generations to come. On August 14, the uniform was unveiled and put on display at the museum in commemoration of Navajo Code Talkers Day. Sadly, in September, we lost four Code Talkers in the span of one week.

We must continue to honor and assist these heroes and role models for our people. The Navajo Code Talkers Museum must become a reality and whether it is funded through private or tribal funds, it is only proper we respect their service on behalf of the American people.

### **NAVAJO DIVISION OF PUBLIC SAFETY**

Last week, we had another Navajo Police officer shot in the line of duty while responding to a call of domestic disturbance. The incident not only underscored the high level of danger our officers face on a daily basis, but also the prevalence of domestic violence on our Nation.

October is Domestic Violence Awareness Month and we must continue to battle this horrible abuse afflicting many of our families. Education and awareness must continue, while we work for tougher penalties to be imposed upon perpetrators. Calls of domestic violence continue to keep our officers busy.



The Navajo Police are severely underfunded and undermanned when it comes to the direct services they provide to the Navajo people. Funding them with a portion of the settlement agreement certainly would be a wise investment for the Nation.

In the past quarter, the Department of Corrections secured \$29.9 million to complete the funding requirement of the Chinle Judicial Public Safety facility. This included \$1.4 million for the design of a training academy, which is currently going through the 164-process.

In August, the Arizona Peace Officer and Standards Training Board (AZPOST) submitted their audit report on NDPS. Their audit of 100 commissioned personnel resulted in no findings. All of the personnel were in compliance with the AZPOST standards and requirements, which speaks volumes for our officers on duty.

The Drug and Gang Unit of the NDPS completed operations across the Navajo Nation in response to drug and alcohol activities. They confiscated 17 marijuana plants valued at \$25,500; 255.14 grams of processed marijuana worth \$2,010; 5.87 ounces of methamphetamine with a street value of \$690; and 45 bottles of 40 ounce beer worth \$679.

### **DIVISION OF GENERAL SERVICES**

The big accomplishment for the quarter is the completion of remediation activities for Administration Building Number One. This accomplishment was a major feat for this administration, after decades of neglect and erosion resulted in black mold inside the building.

Not only was the mold an immediate health threat to employees, but it was also a big indication that the building was in need of renovations. The building closure in 2011 displaced hundreds of employees that have been in limbo since.

We are happy to report that the building will be reopened to our employees and the general public this month. The renovations not only cleared away the black mold but also provided state of the art improvements to the building that will take us well into the next few decades with a safe working environment.

During this effort, a mostly all-Navajo workforce was employed throughout the process. This included carpenters, electricians, IT professionals, telecommunications and many others. Administration Building Number Two is currently going through remediation and we anticipate completion in early 2015.

### **LOOKING BACK**

Over the past four years, the Shelly-Jim administration has worked with this Council for the Navajo people. Together, we executed the Commercial Tobacco Free Executive Order, passed the Navajo Sales Tax Distribution Reform Act for scholarships, worked with ADOT to pave Navajo Route 20, updated the Navajo Nation Energy Policy, and purchased a coal mine operated by Navajo Technical Energy Company.

No one branch of our tribal government is stronger than the other. We must all work together to make things work for the benefit of our people. The real governing body of the Nation is the Navajo people and it is through their votes that we continue to lead.

Our administration has been dedicated to thinking outside the box and preparing for the inevitable future that awaits us: loss of support from the American taxpayer. Our energy policy is the key for our future and it will unlock opportunities that have yet to be fully implemented, such as renewable energies and clean coal technology.

For far too long, the yoke of the federal government has prevented us from moving forward in this arena. We are proud to say that after four years of testifying in Washington, D.C. and lobbying Congress, we are beginning to



make headway in our government-to-government relationship with our trustee.

The Shelly-Jim administration saved Navajo Head Start and kept its funding and operation intact on the Navajo Nation. We worked with private entities, tribal entities and the U.S. EPA to renew lease agreements worth billions for the decades to come. We executed direct funding agreements for social services and transportation that strengthened our Navajo sovereignty and self-determination.

However, throughout it all, we worked for the Navajo people and always kept their best interests in mind. We had to make tough decisions that other leaders chose to sidestep because they were too controversial. But that's what leadership is, making the tough call.

It has been an honor and pleasure to serve as your leaders for the past four years. The people have spoken and we respect their decision. Thank you for allowing us to serve the greatest tribal nation on earth and we wish our Navajo people the blessings of the Holy People for the generations to come. Ahe'hee.



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FOR IMMEDIATE RELEASE  
October 13, 2014

## President Shelly attends Miss Indian Ariz. Pageant, also meets with NFL



Navajo rugs, like this American Flag by Joanne Begaye, will soon be available for purchase at NFL stadiums across the country, thanks to the licensing agreement between the Navajo Nation and the league. (courtesy photo)

PHOENIX, Ariz.—Navajo Nation President Ben Shelly spent the weekend in Phoenix attending meetings for native scholarships and for the economic development for Navajo craftsmen.

On Oct. 11, he attended the Miss Indian Arizona Scholarship Pageant in Scottsdale, where he escorted Shaandiin Parrish for the pageantry.

Parrish, a Navajo contestant majoring in political science at Arizona State University, came in third place at the pageant.

President Shelly said, “I was very happy to participate in the pageant and I’m proud of Shaandiin. The scholarship is a great opportunity for our youth to expand their horizons with a college education.”

During an Oct. 12 matchup between the Arizona Cardinals and Washington Redskins, Navajo Nation President Ben Shelly met with Redskins owner

Dan Snyder to discuss the expansion on an NFL agreement.

In early 2014, the Navajo Nation entered into a licensing agreement with the National Football League. The NFL executed the franchising agreement with Navajo Arts and Crafts Enterprise for the sale of Navajo jewelry, rugs, sand paintings and other arts

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**“We have an enormous opportunity to bring more business to Navajo craftsmen and artisans.”**

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and crafts at FedEx Field in Landover, Md.

This unique partnership has potential for more opportunities for the Navajo Nation.

In many instances, an NFL licensing agreement costs millions of dollars and is worth millions more in potential revenue from sales at stadiums

across the country. The Redskins waived the licensing fee for the Navajo Nation and are working with the league to open the agreement for the rest of the NFL.

President Shelly met with Redskins owner Dan Snyder to discuss expansion of the licensing agreement to the other 31 NFL teams across the country.

“We have an enormous opportunity to bring more business to Navajo craftsmen and artisans,” President Shelly said. “This licensing agreement with the NFL has opened the door for new jobs and economic development for the Nation.”

President and First Lady Martha Shelly were guests of Snyder in the Redskins suite for the game on Sunday.

“We were there on a mission,” President Shelly said, adding that the meeting between the Navajo Nation and the Redskins was about more than football.

President Shelly and Snyder spoke about funding for other possible initiatives, including construction of an indoor sports

working on expansion of the National Museum of the Marine Corps in Triangle, Va. to include the Navajo Code Talkers.

In Nov. 2013, the Navajo Code Talkers were honored during a nationally televised Monday Night Football game between the Redskins and the San Francisco 49ers.

A number of Code Talkers attended the game, including Navajo Code Talkers Association President Peter McDonald, who advocated on behalf of funding the Navajo Code Talkers Museum.

Director of the Navajo Nation Division of Economic Development, Albert Damon, has worked on the licensing agreement between the Navajo Nation and the Redskins from the start of negotiations.

“This licensing agreement allows for growth of the Nation’s cottage industry for developing arts and crafts,” Damon said. “The Redskins offered first and the NFL issued the licensing agreement.

“Now we’re after the other teams,” he added.

NACE is currently working on filling hundreds of orders for items that will be sold at FedEx Field and possibly at other stadiums in the NFL.

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October 10, 2014

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Navajo Department of Emergency Management (928) 871-6892  
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## Navajo Nation Health Advisory – Ebola Virus Disease

**Window Rock, AZ – Although it is unlikely for an Ebola case to present on the Navajo Nation, this public health advisory is being distributed to provide information about the Ebola Virus Disease.**

**What is Ebola?** Ebola is a rare and deadly disease caused by infection with Ebola virus. Ebola can cause disease in humans and nonhuman primates (monkeys, gorillas, and chimpanzees). Ebola is caused by an infection with a virus of the family *Filoviridae*, genus *Ebolavirus*. Ebola viruses are found in several African countries. The natural reservoir host of Ebola virus remains unknown. However, on the basis of evidence and the nature of similar viruses, researchers believe that the virus is animal-borne and that bats are the most likely reservoir.

**Symptoms of Ebola:** Symptoms may appear anywhere from 2 to 21 days after exposure to Ebola.

- High fever (>101.5°F)
- Severe headache
- Muscle pain
- Vomiting
- Diarrhea
- Abdominal (stomach) pain
- Weakness
- Unexplained hemorrhage (bleeding or bruising)

**Transmission of Ebola:** Ebola virus is spread to others through direct contact with: (1) bodily fluids (blood, saliva, sweat, feces, vomit, breast milk, semen, urine) of a person who is sick with Ebola; (2) objects (needles and syringes) that have been contaminated with the virus; (3) infected animals.

- **What does “direct contact” mean?** It means that bodily fluids from an infected person (alive or dead) have touched someone’s eyes, nose, mouth, or an open cut, wound, or abrasion.
- **Can Ebola spread by coughing or sneezing?** Although coughing and sneezing are not common symptoms of Ebola, if a symptomatic patient with Ebola coughs or sneezes on someone, and saliva and mucous come into contact with that person’s eyes, nose or mouth, these fluids may transmit the disease.
- **How long does Ebola live outside the body?** Ebola is killed with hospital-grade disinfectants (household bleach). Ebola on dried surfaces (doorknobs, countertops) can survive for several hours.
- **If someone survives Ebola, can he or she still spread the virus?** Upon recovery, they can no longer spread the virus. However, Ebola virus has been found in semen for up to 3 months. Therefore, people who recover are advised to abstain from sex or use condoms for 3 months.

**Prevention of Ebola:** There is no vaccine available for Ebola. The recommendations are: (1) practice good hygiene (wash hands with soap and water or alcohol-based hand sanitizer); (2) do not handle items (clothes, bedding, needles, medical equipment) that may have come in contact with an infected person; (3) avoid funeral or burial rituals that require handling the body of someone who has died from Ebola; (4) healthcare workers who may be exposed to people with Ebola should wear protective clothing, including masks, gloves, gowns and eye protection; (5) isolate persons with Ebola from other people; (6) notify health officials if you have had direct contact with bodily fluids of a person who is sick with Ebola.



FOR IMMEDIATE RELEASE  
October 8, 2014

## President Shelly praises \$4.4 million Raytheon Dine' Facility expansion



President Shelly and officials from Raytheon Missile Systems and the state of New Mexico broke ground for a new 30,000 square foot warehouse facility at the Raytheon Dine' Facility on Oct. 7. The \$4.4 million project preserves 44 jobs at the facility. (Photo by Rick Abasta)

FARMINGTON, N.M.— Navajos make the best tomahawks. Tomahawk Missiles, that is.

On Oct. 7, the Navajo Nation and Raytheon Missile Systems celebrated the 30,000 square foot high bay warehouse expansion of the Raytheon Dine' Facility, located on the Navajo Agricultural Products Industry industrial park on the outskirts of Farmington.

Hundreds of employees, company leaders, tribal, state and local officials gathered for the celebration, which also

marked the 25<sup>th</sup> anniversary of the facility.

Raytheon plans on utilizing the facility for the storage and transition of products.

For more than 25 years, Raytheon has operated the Dine' Facility and worked with the Navajo Nation and state of New Mexico producing weapons. In addition to the Tomahawks, the facility also produces Stingers, TOW, Javelin, RAM, Excalibur and other missiles.

The workforce is more than 90 percent Navajo and is involved in such manufacturing techniques

as electro-mechanical integration, mechanical assembly, harness manufacturing, and launcher assembly.

President Ben Shelly addressed the audience on behalf of the Navajo Nation and said the relationship with Raytheon was about partnership and economic development.

"Not only do we make the best Tomahawks in the world, but we are also working together to advance lives of Navajo people through employment and economic development," President Shelly said.

He noted that of the 330 people that work at the Raytheon Dine' Facility, the bulk of the workforce is Navajo and that they are skilled workers proving the ingenuity and capability of Navajo workers.

The president said that if Raytheon Missile Systems needed further expansion, the Navajo Nation could also host facilities in the Arizona and Utah portions of the Nation.

"Navajos are good with their hands, we've proven that again and again," President Shelly said. "If you need to expand to other

states, maybe it's time we look into that."

His suggestion drew applause from the audience of workers.

Praising the cooperative efforts of Raytheon, NAPI, state of New Mexico, San Juan County and the Navajo Nation, President Shelly reiterated the strength and symbiotic nature of partnership.

"The Navajo Nation did not hesitate to assist when talks began for the expansion of their warehouse here. Our relationship with Raytheon is about partnership," he said.

Dr. Taylor Lawrence, President of Raytheon Missile Systems, echoed the president's sentiments and praised the high caliber workforce of the Raytheon Dine' Facility.

"I would like to thank the people, the employees of Dine', for 25 years of hard work," Lawrence said.

He likened the new warehouse expansion as the first stepping-stones toward jobs and opportunities for the future.

"Back in 1989, the main facility started as a Stinger program," Lawrence said. "Since then, the program has grown to become a large volume, multi program production facility with many awards earned for excellence in operations, quality and safety.

"You are certainly role models for the company," he added.

Lawrence said the Dine' Facility as earned a stellar reputation for high quality work and tremendous leadership for the 10 missile programs at the site.

Representatives for the state officials shared comments about the expansion before the commemorative groundbreaking ceremony took place at the location of the new warehouse. The celebration concluded with a lunch of mutton stew, fry bread and Navajo tacos.

The Navajo Nation invested \$3.3 million from the Business and Industrial Development Fund for the project.



*President Shelly encouraged Raytheon Missile Systems to consider expansion in other areas of the Navajo Nation, perhaps in Arizona and Utah. The Raytheon Dine' Facility in Farmington has been in operation for more than 25 years and employs 330 workers, 90 percent of which are Navajo. (Photo by Rick Abasta)*



*Raytheon Missile Systems President Dr. Taylor Lawrence had only praise for the Navajo workforce at the Raytheon Dine' Facility. He said they were a role model for the rest of the company and that they have earned a stellar reputation for their stellar work and commitment to safety. (Photo by Rick Abasta)*