



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo President Joe Shirley, Jr., commends Navajo Council for Desert Rock vote, welcomes Arizona Gov. Jan Brewer to capital

Acknowledges water rights attorney Stanley Pollack for success of Omnibus bill, 23 years of service

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., welcomed Arizona Governor Jan Brewer to the Navajo capital here moments after praising the Navajo Nation Council for its support in February of a right-of-way permit for the Desert Rock Energy Project during his State of the Navajo Nation address here Monday.

“Simply stated, it is the most important economic, environmental, and energy project the Navajo Nation has ever undertaken,” President Shirley said. “Desert Rock will bring hundreds of Navajos home to work on the project, and keep hundreds more from leaving to seek employment elsewhere. When completed, the jobs and business Desert Rock creates throughout its 50-year life will stimulate our Navajo economy like nothing else can.”

He said it has been reported that India and China plan to build 800 coal-fired power plants that will likely not have the state-of-the-art environmental technology the Desert Rock Project will.

“Should Desert Rock’s opponents be successful, all that will be accomplished is that India and China will build 800-plus-one power plants, and that Navajo economic dependence and poverty will continue into the future because of it,” he said.

“Desert Rock will be the cleanest pulverized coal-fired power plant in the United States – up to 10 times cleaner than nearby plants for key pollutants,” he said. “It will set a new baseline for future coal-fired power generation. From the beginning, we have worked closely with the Navajo Nation EPA, U.S. EPA Region 9, and the U.S. Fish & Wildlife Service to ensure this, to address air emission issues from the project, and to preserve the quality of our natural environment.”

“It is my sincere hope that the Navajo Nation – through Desert Rock – will set a precedent for other coal plants that inevitably will be built in the U.S. and certainly around the world,” he said.



Navajo Nation President Joe Shirley, Jr., presented Navajo Nation Assistant Attorney General Stanley M. Pollack with a plaque and Pendleton chief blanket for his 23 years of dedicated work ensuring Navajo Nation water rights. The plaque reads:

“In Recognition & deepest Appreciation of your efforts & perseverance, for prevailing in the authorization of the San Juan River Water Settlement with the State of New Mexico, through the passage of the Omnibus Public Lands Management Act of 2009, which was signed into law by President Barack Obama on March 30, 2009, after 23 years of seeking justice & protecting the interests of the Navajo people as they pursue their true, deserved, legitimate, & inviolable rights to the waters embracing Navajoland, & for causing the courts, the U. S. Congress, & the U. S. Senate to see the justice & righteousness of these rights, which will at last ensure the development of a permanent homeland for the Navajo people for generations to come. The Navajo people & the Navajo Nation, who hold their water rights dear with the sanctity of their Sovereignty, sincerely Thank You for your selfless dedication, commitment, sacrifice, & belief in the Navajo People.”



President Shirley and First Lady Vikki Shirley greeted Arizona Gov. Jan Brewer upon her arrival at the Window Rock Airport on Monday. It was her first visit to the Navajo Nation as governor.

Last month, both houses of Congress included this historic settlement in the Omnibus Public Lands Management Act of which President Obama signed into law on March 30. The settlement secures important water rights for the Navajo people and for the Navajo Indian Irrigation Project.

“The work that will enable 80,000 of our people in the Eastern Navajo Agency to have water in their homes is not over,” President Shirley said. “To get there, we will need a federal appropriation of \$870 million.”

The President also thanked the Citizens Energy Corp. and its Chairman Joseph P. Kennedy II, for its \$479,000 energy assistance grant to the Navajo Nation.

This is the second year of funding for needy Navajo families who have suffered financially from the high cost of heating their homes. The Navajo Nation Division of Social Services administers the grant to provide payments directly to propane vendors, wood and coal vendors, Navajo Tribal Utility Authority and other utility companies on behalf of eligible individuals and institutions.

He said with economic development and job creation a top priority and the cornerstone of his administration, he is pleased with the success of the Navajo Fire Rock Casino in Churchrock, N.M.

After only four months of operation, the casino, which opened at Thanksgiving, has already expanded with more than 200 new slot machines, he said. That will equate to an increase in revenues of 20-to-25 percent, he added.

“It also means more jobs, including slot supervisors, auditors, and front line employees,” he said. “I understand that our slots have the highest usage rate per machine per hour, making our casino the most successful in the State of New Mexico.”

He said the Nation is moving forward with development plans and feasibility studies for casinos near the Pinta Road exit along Interstate 40 in *Nahata Dził* Chapter, the Twin Arrows site at the Leupp Chapter, and near Farmington at the Upper Fruitland Chapter.

He said preliminary work is also being done at a possible *Tohajilee* site and Class II feasibility studies are being conducted in Chinle and *Tse Daa K'aan* chapters.

The President said the Navajo Nation remains vulnerable to a funding shortfall this fiscal year because of the unpredictability in oil prices, and from which the Nation derives significant income. To help offset the shortfall, he said he has implemented spending restrictions within his office, is scrutinizing all off-Navajo travel requests by Executive Branch personnel, and has imposed an Executive Branch selective hiring freeze.

At the conclusion of his address, the President also acknowledged the work of the Nation’s longtime water rights attorney, Stanley M. Pollack, whom he said is acknowledged throughout the country as the leading authority on Native American water rights.

He said Mr. Pollack’s work for the Nation over 23 years resulted in the March 30 signing of the Omnibus Public Lands Management Act of 2009, which includes the Navajo Nation’s San Juan River Water Rights Settlement.

“It is through Mr. Pollack’s unparalleled thought, words, knowledge, long hours of work and legal arguments that we were finally able to enter into the Settlement Agreement,” the President said. “He has consistently demonstrated his commitment and outstanding advocacy on behalf of the Navajo Nation, and I am extremely proud and pleased with his service and tireless effort on behalf of the Navajo people.”

Among the others he thanked for the accomplishment are Dr. John Leeper, Jason John, Robert Kirk, and Michael Benson of the Navajo Nation Department of Water Resources, the Navajo Nation Department of Justice and Ms. Bidtah Becker, an attorney with the DOJ’s Water Rights Unit, the Council and the Resources Committee, and past and current members of Navajo Nation Water Rights Commission.

“For nearly 30 years, the Navajo Nation has worked to establish its rights to the water of the San Juan River,” the President said. “It has been a slow, laborious and painstaking process. But through negotiation and by avoiding a protracted legal battle, four years ago this month this Council approved the San Juan River Water Rights Settlement Agreement, which was quickly agreed to by the State of New Mexico.”



Navajo Nation President Joe Shirley, Jr., accompanied Arizona Governor Jan Brewer to the Window Rock Elementary School where dozens of children performed songs and dances for them. Joining them was Arizona Senator Albert Hale, Legislative District 2 Reps. Chris Clark-Deschene and Tom Chabin of, as well as Navajo Nation Council Delegates Leonard Chee and Kee Allen Begay.

He told the Council his office is looking at ways to use income from the Navajo Nation Permanent Trust Fund as a way to address budget shortfalls.

President Shirley said that as a result of an unfavorable April 6 decision by the U.S. Supreme Court, he has appealed to President Obama to evaluate the facts and circumstances of the case *Navajo Nation v. United States* in which the U.S. Department of Interior secretary secretly sided with those who opposed to Navajo interests, which reduced tribal royalties below the minimum that the federal government requires for federal coal. He said federal officials knowingly misled Navajo leaders in the process.

“The uncontested findings of fact remain that the Navajo Nation was misled by the fraudulent acts of the Secretary of the Interior,” the President said. “He indeed breached his fiduciary duty to the Navajo Nation when he secretly met with parties having interests adverse to the Nation. Through his actions, the Interior Secretary violated his common law fiduciary responsibilities. This heartbreaking decision denies critical resources in the amount of \$600 million to the Navajo Nation. As President, I cannot let this injustice stand.”

He said it is unbecoming of a superpower like the United States to treat the Nation’s First People, our *Diné*, in this way.

“The decision of the U.S. Supreme Court should be corrected administratively and the wrong done to our people should be undone,” he said.

But he thanked the 10th Circuit Court of Appeals for its recent decision that supported the U.S. Environmental Protection Agency’s determination that “Section 8” land near Churchrock, N.M., is Navajo Nation land, and, thus, would require Hydro Resources, Inc., a uranium processing company, to obtain an EPA permit.

President Shirley said the Navajo Nation has learned of New Mexico Environment Department Secretary Ron

Curry’s request to the U.S. Fish & Wildlife Service to discuss concerns regarding the Biological Assessment for Desert Rock. But he said neither Secretary Curry nor any New Mexico official has made any attempt to contact the Navajo Nation to discuss the issue.

“For years, the Navajo Nation, DPA and Desert Rock Energy Company has worked closely with the U.S. Fish & Wildlife Service concerning the project,” he said. “I am very concerned, as you should be, that New Mexico’s 11th hour meeting request is an attempt to delay the project and upset the ongoing federal consultation process.”

He said that the State of New Mexico has consistently failed to engage the Navajo Nation in meaningful consultation on these and other issues regarding Desert Rock. Consequently, he has asked the Fish & Wildlife Service, as a federal agency with trust obligations, to involve the Nation and its representatives in meetings such as the one proposed by New Mexico.

The President also reported that he appointed Arvin Trujillo, executive director of the Division of Natural Resources, to coordinate the Navajo Nation’s overall effort regarding the American Reinvestment and Recovery Act.