



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo President Joe Shirley, Jr., announces agreement with El Paso Pipeline Co. during State of Navajo Nation speech

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., told the Navajo Nation Council today that right-of-way negotiations with the El Paso Pipeline Co. are complete after four years and will result in more annual revenue than the Peabody Western Coal Co.'s Black Mesa Mine produced for the Nation.

During his third state of the Navajo Nation address this year, President Shirley said the conclusion of negotiations did not come without what he called a “smear campaign” by El Paso against the Nation but that agreements will likely be signed by the end of the month.

“The Navajo Nation’s fundamental rights as a sovereign and a landowner to condition the entry of non-members onto Navajo land came under direct attack by the natural gas industry when the El Paso Natural Gas Company sought to renew its expired pipeline rights-of-way,” he said.

He said El Paso, through the New Mexico Oil and Gas Association, tried to have Congress amend the 1948 Indian Right-of-Way Act with language that would abrogate the right of tribes to withhold consent to grant easements through tribal land, he said.

The President said U.S. Sen. Pete Domenici refused to introduce a bill, but that El Paso and the industry succeeded in getting Congress to require the Departments of Interior and Energy to study the issue of Native American energy rights-of-way. El Paso urged the Secretary of the Interior to grant it a right-of-way for all of its pipelines on the Navajo Nation for even less consideration than it had paid for those rights when the agreements were originally executed, he said.

“The industry’s campaign included what can only be described as a smear campaign against the Navajo Nation,” President Shirley said. “It falsely stated to members of Congress that the Navajo Nation threatened to cut off gas supplies to Southern California, and even to military bases in that region.”

“Over the past year, we learned through the media that both New Mexico Governor Bill Richardson and the State of New Mexico have tried to prevent the issuance of the project’s federal air quality permit that has been pending for almost five years.”

– Navajo Nation President Joe Shirley, Jr.

Navajo lawyers persuaded the interior and energy departments that changing the law was unjustified, and that El Paso’s positions were wholly without merit, the President said.

“I thank our Attorney General (Louis Denetsosie), the Navajo Nation Department of Justice, and the Division of Natural Resources for their diligent work to overcome these serious challenges, and for protecting our Nation’s sovereignty and property rights,” he said.

The President said that he testified before Congress to insist that the Nation be consulted regarding the selection of a new trustee of the Utah Navajo Trust Fund. He said the State of Utah resigned as trustee and failed to fulfill its fiduciary responsibility by making a full accounting of the Fund.

“In the State’s rush to free itself of its duty, there appears to be inadequate attention on finding a trustee capable of managing the Fund to ensure its long-term survival for the continuing benefit of the Utah Navajos,” he said. “The Navajo Nation insists on being actively involved in, and must consent to, the designation of a new trustee for the Utah Navajo Trust Fund.”

The President reported that despite 22 years of planning for the Desert Rock Energy Project, the State of New Mexico and New Mexico Gov. Bill Richardson are trying to derail it, and have issued comments to the press about it without consulting the Navajo Nation or the President.

“Over the past year, we learned through the media that both New Mexico Governor Bill Richardson and the State of New Mexico have tried to prevent the issuance of the project’s federal air quality permit that has been pending for almost five years,” President Shirley said. “Despite our government-to-government relationship with the State, this has occurred without any prior notice to the Nation.”

He said the project remains the most important economic, environmental, and energy challenge that the Navajo Nation has ever undertaken.

“As everyone acknowledges, Desert Rock will bring hundreds of Navajos home to work on the project, and keep hundreds more from leaving to seek employment elsewhere,” he said. “When completed, the jobs and business Desert Rock creates throughout its 50-year life will stimulate our Navajo economy like nothing else can, and will allow Navajos to remain in their homeland rather than seek economic opportunity beyond their own borders.”

He reported that although New Mexico has no jurisdiction over Navajo lands nor over the Navajo Nation’s decision to develop Desert Rock, the President’s staff held two meetings with New Mexico Environment Secretary Ron Curry to discuss technical issues.

He said the project’s super-critical boiler technology is superior to integrated gasification combined cycle technology at the Navajo Nation’s elevation and with the chemical composition of its coal, and that the plant is designed so that when carbon capture sequestration

technology is viable for a power plant of this size, it will be able to implement it to decrease carbon dioxide emissions even more.

“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 – as the air quality permit application shows. It will set a new baseline for future coal-fired power generation.”

– President Shirley

“With the plant’s current design, superior environmental compliance will be achieved over any other pulverized coal plant anywhere in the country,” he said. “Undoubtedly, 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 – as the air quality permit application shows. It will set a new baseline for future coal-fired power generation.”

He said that the Nation has worked closely with the Navajo Nation EPA, U.S. EPA Region 9, and the National Park Service to ensure this, to address air emission issues from the project, and to preserve the quality of the Navajo Nation’s natural environment.

“Each month this project is delayed, the Navajo Nation loses \$5 million in direct benefits that would improve the quality of life for our Navajo people,” President Shirley said. “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.”

The President reported that on July 3 the Navajo Nation Environmental Protection Agency’s Air Quality Control Program issued its first Clean Air Act Title V operating permit to the Navajo Generating Station in LeChee Chapter, becoming the first tribe to obtain federally-delegated authority to issue such a permit.

The enforcement authority includes ensuring compliance with emission limits and standards, issuing a compliance certification, and requiring compliance with permit terms and conditions.

“This is the first complete operating permit that has been issued by the Navajo Nation for a major power plan,” he said. “The permit is valid for five years and will be enforced by the Navajo Nation EPA.”

Among other items, the President reported:

- The Church Rock Chapter hosted the June 16 groundbreaking of the Nation’s first casino. He said the Navajo Nation Gaming Enterprise held job fairs in Church Rock and Window Rock the week after the groundbreaking to begin the process of filling the 300-plus jobs for the casino, and nearly 2,000 applications were received.

- The Executive Branch identified the Nation’s Fiscal Year 2010 Bureau of Indian Affairs Budget priorities in order to inform the U.S. Office of Management and Budget of its budget needs. The Nation’s number one priority is public safety and justice. Number two is economic and community development. Number three is education. Number four is natural resource management, and number five is human services, he said.

- The Executive Branch Strategic Goals and Guiding Principles outline 10 priority areas. These include government streamlining, enhancing and improving service delivery in the areas of education, economic development, community and infrastructure development, information technology, law enforcement, veterans affairs, elderly care, youth development and intergovernmental relations. For each goal statement affecting a particular division, guiding principles govern how we carry out our stated goals.

The principles include promoting the use of *ké* and promoting and preserving the *Diné* language, history, and culture; working to promote constituent participation in our governmental process; establishing partnerships to create new opportunities and to strengthen sovereignty; adhering to fiscal integrity; creating and maintaining a well-integrated, cost-efficient, and decentralized service delivery system; and, finally, supporting our Navajo work

force by expanding and exploring employee training programs and opportunities.

- Navajo Nation Community Health Representatives, and staff from the Northern Navajo Medical Center in Shiprock were instrumental in solving a mysterious outbreak of salmonella poisoning affecting food supplies.

CHRs tracked down people who fell ill and determined what and where they had eaten to help figure out that the source of the illness was salmonella.

Although the earliest cases were from New Mexico, Texas, and the Navajo Nation, the outbreak progressed from a regional health concern to a national health emergency, and has resulted in the activation of both the Food & Drug Administration and the Centers for Disease Control Emergency Operation Centers.

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