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## **Resources and Development Committee approves legislation on Navajo Generating Station lease amendments**

WINDOW ROCK – Being the first committee assigned to consider legislation extending the Navajo Generating Station’s lease for another 25 years beginning in 2019, the Resources and Development Committee on Tuesday voted 2-1 to approve the amendments outlined in Legislation No. 0042-13.

Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) is the legislation’s primary sponsor.

Prior to the legislation’s introduction by co-sponsor Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill), the committee unanimously voted to accept a report from a small group of Kayenta Mine workers who were in support of the lease extension.

RDC Chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) allowed statements from three of the individuals who mentioned they were also active members of the United Mine Workers of America, Local 1924, based out of Kayenta.

The group specifically requested to be heard before consideration of the legislation.

“We have been involved in the BART (best available retrofit technology) hearings on NGS, we’ve been making comments on it, and we are supporting the fact that they are going to put the SCRs in,” said UMWA union organizer, Marie Justice.

Justice was referencing the installation of selective catalytic reduction technology on three NGS units to reduce emissions of nitrogen oxide should the power plant’s lease be extended.

Justice, who is also a LeChee Chapter business committee member, asked RDC members to approve the lease extension legislation, while keeping the employment future of current mine workers secure – especially for the young Navajo men and women who are seeking a career in mining.

“We’d like to give them a future there. We would like for them to be there for a long time,” said Justice, also pointing out that the younger workforce would soon be filling the shoes of long-time miners that are looking at retirement in the near future.

Justice argued that the lease extension would continue to supply local jobs for Navajos, highlighting the point that local jobs would enable Navajos to stay closer to home, instead of moving to larger cities for employment.

Alex Osif, a UMWA executive board member for health and safety, and Jessie Chief, UMWA member, also voiced support for the lease extension.

RDC member, Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) was the first to respond to the report.

“As leaders, we want to look at the overall thing. If I end up voting against you and what you’re asking for today, it’s not because I ignored it or because I don’t like you...it’s because I was considering the overall lease issue,” said Delegate Tsosie.

Not only do leaders have to consider the jobs and revenue portion of the NGS lease issue, Delegate Tsosie explained, but they also have to consider the environmental and water concerns that also come along with it.

“I do appreciate the miners coming out and sharing their side of the story,” Delegate Tsosie said.

Later that afternoon when Delegate Smith finally introduced Legislation No. 0042-13, he acknowledged that the lease extension topic generated a plethora of discussion and concerns last Friday when members of the Naabik’íyáti’ Committee met non-legislatively to receive an update on the lease agreement.

“It’s a major issue that faces us as a nation. It has political impact. It has economic impact. Also, whatever decision we make is going to be historical. As we discuss these things, we measure out the pros and cons on this issue before us,” Delegate Smith said.

“We commit ourselves to what will be in the best interest of the Navajo Nation in moving forward,” added Delegate Smith, who also articulated appreciation for the concern of the Diné on the topic.

Delegate Smith then handed the floor to Navajo Nation Attorney General Harrison Tsosie to explain more on the legislation’s details.

Labeling it an important matter for the Navajo Nation, Attorney General Tsosie stated, “There are certain discussions regarding this particular approval of this particular legislation that, at a certain point in time, we would need to at least request to go into executive session due to the law that’s on the books in the Navajo Nation Privacy Act.”

The Act provides that the negotiating position of the Nation, as well as its contracts with certain entities, are confidential, said Attorney General Tsosie, who added that his interpretation of the law is that “it is mandatory, and not discretionary.”

While he respected the attorney general’s request, Delegate Tsosie expressed concern over the confidentiality of information on a topic that is very much like the discussion that occurred with the Diné public over the controversial water rights legislation involving the Little Colorado River and Navajo water rights claims.

“This is just like the water rights legislation, and it eventually has to become public. These are the resources of the Navajo people, and the way we set up our laws, they should be allowed input into this so we can talk about it,” said Delegate Tsosie.

Delegate Tsosie then asked the attorney general at what point would the Diné public be provided information, after Attorney General Tsosie explained that the lease document is a finalized document.

Under Navajo law, once a final document is negotiated, it goes before the Navajo Nation Council for

approval, stated Attorney General Tsosie, further noting discussion on the matter is private and “cannot be disclosed,” according to the nation’s Privacy Act.

Before going into an executive session to discuss the legislation’s confidential exhibit documents, the RDC heard statements from Tulley Haswood, Milton Bluehouse, Sr., and Hank Whitethorne.

Haswood and Bluehouse are both members of the Diné grassroots organization who call themselves the Hada’asidi.

Whitethorne is president of the UMWA Local 1924.

Haswood, a former Navajo Nation council delegate, said because federal allocations to Indian Tribes continue to be reduced, the group believes that the Navajo Nation needs to obtain higher payments from corporations that are using Navajo-rich resources.

Haswood asked that the legislation be tabled until a thorough study with adequate information could be conducted.

He also suggested that the Nation negotiate for better conditions and for more than the \$42 million amount that NGS owners are proposing to the Nation on an annual basis.

Shortly after the statements, the RDC moved into a nearly two-hour long executive session with Attorney General Tsosie, and members of President Shelly’s appointed NGS lease negotiation task force.

At its conclusion, the committee swiftly proceeded to vote.

Legislation No. 0042-13 now moves forward to the next assigned committee, and has been placed on the Feb. 28 Naabik’íyáti’ Committee meeting agenda for consideration.

The Naabik’íyáti’ Committee meeting commences at 10:00 a.m. in the Navajo Nation Council Chamber.

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