



Naat'áji Nahat'á Hane'

Legislative Branch News

22ND NAVAJO NATION COUNCIL

JUNE 2014

Navajo Nation to receive \$554 million from historic agreement to end litigation against the United States over trust fund assets

By Jared Touchin

The Navajo Nation Council approved a historical agreement on May 30, which will award the Navajo Nation a total of \$554 million from the United States, and brings a successful conclusion to the Navajo Nation's lawsuit against the U.S. over the historical mismanagement of trust fund assets, with claims dating back as early as 1946.

Under the terms of the agreement, the Navajo Nation agrees to dismiss its pending lawsuit which was filed on Dec. 29, 2006 in the United States Court of Federal Claims.

The \$554 million agreement represents the largest recovery of

any Indian Nation in any breach of trust litigation with the United States government.

"The agreement marks the successful conclusion of years of hard fought litigation and secures a very substantial award for the Navajo Nation," said Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins), who chaired the Naabik'iyáti' Committee Trust Mismanagement Litigation Task Force, which was established in September 2013 to assist in the negotiations.

The Trust Mismanagement Litigation Task Force comprised of Council Delegates Russell Begaye, Lorenzo Curley (chair), Charles

Damon, Walter Phelps, Alton Joe Shepherd, Roscoe Smith (vice chair), Leonard Tsosie and Dwight Witherspoon, guided the Navajo Nation Department of Justice and outside counsel throughout the litigation.

The lawsuit claimed that the United States had breached its fiduciary obligations arising under treaties, executive orders, federal statutes and regulations, and contractual documents by failing to manage, invest and account for tribal trust funds and resources under the custody and control of the United States in a manner that would maximize the financial return from those assets.

Under the agreement, the United

States also commits to providing the Navajo Nation with all required reports of assets that continue to be held in trust for the benefit of Navajo.

"The Navajo Nation sued the United States for mismanaging the Nation's assets and resources and aggressively pursued its claims," said Council Delegate Russell Begaye (Shiprock). "This resolution resolves a matter that otherwise might have resulted in years and decades of litigation at tremendous costs to the Nation."

Task force members also emphasize that the terms of the agreement do not impact the Navajo Nation's existing or potential water and uranium claims,

See TRUST FUND, Page 3

Council approves Navajo Adult Guardianship Act of 2014

By Jolene Holgate

The Navajo Nation has faced many issues regarding outdated laws and codes, but none more monumental than amending the Navajo Adult Guardianship Act of 1945. At the time, guardianship laws were developed in a manner that did not reflect the cultural values of the Navajo way of life, nor did they address proper rights and needs of Navajo individuals with disabilities.

"The current code regarding adult guardianship has not been updated, and the law itself is meager and has little guidance on how to handle guardianship issues, and it is time to change that," said Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'í'ahí, Whiterock), who sponsored Legislation No. 0100-14.



Photo (above): Council Delegate Danny Simpson and agents from the Native American Disability Law Center at the Navajo Council Special Session on May 30.

See GUARDIANSHIP ACT, Page 2



Naat'áji Nahat'á Hane'

Legislative Branch News

22nd Navajo Nation Council

Office of the Speaker

P.O. Box 3390
Window Rock, AZ 86515
Phone (928) 871-7160
Fax (928) 871-7255
navajonationcouncil.org

Like us on Facebook:
www.facebook.com/
navajonationcouncil
Follow us on Twitter:
www.twitter.com/22ndNNC

If you would like to receive
press releases, news, and
other information via
email, please email
nnlb.communications@gmail.com



Navajo Nation Council appropriates \$19 million for the Nation's 110 chapters, Navajo Veterans, and student employment

By Jared Touchin

On June 6, members of the Navajo Nation Council approved a total of \$19 million from the Navajo Nation's Unreserved, Undesignated Fund Balance to address local level community needs in the Nation's 110 chapters.

Legislation sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels) explained that the legislation was introduced in response to numerous requests for assistance from various chapters and constituents.

"I worked with the President's Office after both sides received several requests to assist our Navajo people in need," stated Delegate

Hale.

During the June 6 discussion, Council unanimously approved an amendment proposed by Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), which appropriated \$1 million from the UUFB, to assist Navajo veterans with emergency/medical expenses, home repairs, financial hardships, and scholarship/educational expenses.

Delegate Yazzie said Navajo veterans in his legislative district are in great need of assistance, as are many others throughout the Navajo Nation.

"This was an opportunity to

show our veterans that we have not forgotten their needs and that their sacrifices have not been overlooked," Delegate Yazzie stated.

In addition, Council approved an amendment proposed by Council Delegate Leonard Tsoie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), which appropriated \$3 million from the UUFB for temporary summer employment for college and high school students.

Delegate Tsoie said he proposed the amendment after speaking with a Navajo mother, who explained that she wants her child — a student

living off the Navajo Nation — to come home for the summer to continue learning the Navajo way of life, but is unable to do so due to the lack of student employment on the Navajo Nation.

Included with the amendment is a directive for all chapters and Local Governance Support Centers, to expend the funds by the fourth quarter of the current fiscal year, intended to expedite the hiring process for students.

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) proposed increasing the original amount of \$5 million to \$15 million, emphasizing that chapters are in great need of

additional funding to meet the demanding needs of Navajo people. The amendment passed with a 10-5 vote.

On June 13, President Ben Shelly signed the \$19 million appropriation into law. Overall, \$15 million will be appropriated to address local level community needs, \$1 million for specific needs of Navajo veterans, and \$3 million for temporary summer employment for college and high school students.

Distribution of the funds will be based on the population of registered voters in each of the Nation's 110 chapters.

Council takes significant steps to protect Navajo children with the passage of the Navajo Nation Sex Offender Registration and Notification Act

By Chrissy Largo

In a special session held on June 6, Navajo Nation Council members unanimously approved amending the Navajo Nation Sex Offender Registration and Notification Act (SORNA) of 2012 with a vote of 15-0.

"I want to thank the Navajo Task Force, Department of Justice, Regina Holyan from the Navajo Nation Supreme Court, the Law and Order Committee, and especially the Navajo Nation Council for passing this legislation that will safeguard our people, children, and elderly," stated legislation sponsor Council Delegate Alton Shepherd.

SORNA is part of the Adam Walsh Child Protection and Safety Act, enacted in 2006 to establish an

efficient system for state-level sex offender registration which made federal requirements much stricter following numerous cases in which sex offenders failed to register throughout the United States.

According to Orlando Bowman, Navajo Nation Division of Public Safety Information Manager Section program supervisor, over 300 reported sex offenders are living within the Navajo Nation and many unreported sex offenders, or absconders, reside within Indian Country.

"SORNA is very important because of children out there, young people, male or female. Young people that really don't have the strength or sometimes the courage, and they think that

someone is there to protect them and end up violating them. There have even been acts that have been committed against young boys and men," stated Bowman.

The legislation aims to improve timely apprehension of sex offenders who fail to register and update their residency. Failure to do so is considered a felony.

"We want sex offenders to be accountable and we want everybody to know where sex offenders are for the protection of the community and kids," said Navajo Nation Senior Police Officer, Pamela Hurley.

Sex offenders are categorized into Tier I, Tier II, Tier III, according to the severity of their crimes. For example, Tier I sex offenders, the least serious offenses, are required

to register for 15 years, renewing their registration once a year. Tier II sex offenders are required to register for 25 years, renewing their registration every six months. Tier III sex offenders are required to register for life and are required to renew their registration every three months.

General guidelines require sex offenders to provide their name, social security number, home, work, school addresses, license plate number and description of their vehicle.

"Our law is pretty in depth with fingerprinting, palm printing, and DNA. We take photographs and we do physical address verifications. Also, we have all seven districts that have a sex offender registry,"

stated Hurley.

Bowman stated that ensuring all sex offenders are properly identified by registering with all agencies in the area, is vital to the safety of children and adults.

"We need to have some type of discussion as to where sex offenders can work. For an example, a person works at a child day care center and there is a sex offender that picks up one of the kids. There is no law that says that a sex offender cannot pick up that child unless there are probation requirements or parole requirements," stated Bowman.

Delegate Shepherd has previously stated that one of the major challenges of SORNA is apprehending absconders.

See SORNA, Page 3

Navajo Adult Guardianship Act / signed into law June 12

From Page 1

The act provides a process for offering guardianship, while protecting the rights of adults with disabilities. The legislation was passed by Council with a vote of 13-0 on May 30, and signed into law by President Ben Shelly on June 12.

In many cases, adults with disabilities are denied services because providers assume that they are incompetent and unable to make sound decisions on their own. In many instances, guardianship for persons with disabilities have been court-ordered—without the individual's consent or awareness—posing problems regarding their

rights and raises questions over who should be delegated to make decisions on their behalf, according to a report provided by the Native American Disability Law Center.

"When guardianship is awarded over another person [with disabilities], that person begins to lose freedom of decision-making, such as where they will attend school, where they shall live, or what type of medical care they require. That freedom of choice should be afforded to these individuals through Navajo law," said Hoskie Benally, President of the Native American Disability Law Center.

A key provision ensures the inclusion of adults with disabilities in every step of the guardianship process and receiving court-appointed representatives, which allows the individuals to retain their independence through advisement and support, to promote self-reliance.

During Council's discussion on May 30, Council Delegate Leonard Tsoie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) proposed an amendment to hold an annual audit to assess the implementation of the act. The assessment will

be conducted by a Navajo-based organization concerned with the rights of people with disabilities, which will be designated by Council at a later time. Four years after the passage, the organization would report to the Navajo Nation Council to provide an update regarding the implementation and efficiency.

Delegate Simpson expressed appreciation to the Native American Disability Law Center, the Navajo Nation Advisory Council on Disability, the Kayenta Disability Community Group, DNA – People's Legal Services, members of the Navajo Disability

Community, ASSIST! for Independence-Independent Living Center in Tuba City, the Navajo Nation Department of Justice, and the Navajo Nation Judicial Department.

"I commend all the individuals that were involved with this effort to strengthen the rights of Navajo persons with disabilities, as well as providing protections for them to deter exploitation and recognizing their liberties, which is a fundamental human right, and maintaining the traditional philosophy of 'K'é' to further promote our commitment to Navajo traditional values."

Trust fund / Nation receives \$554 million settlement



Photo: During a special session held on June 6, Council honored former Delegate Ervin Keeswood, who initiated legislation in 2006 that established the Historical Trust Asset Mismanagement Litigation Trust Fund and authorized the lawsuit to be filed.

From Page 1

and is separate from and do not impact Navajo allottee claims.

“It is very important for the Navajo people to understand that this agreement only addresses historical trust claims and does not prohibit or hinder our Nation from pursuing claims with respect to future conduct,” added Delegate Curley.

Council members also honored former Navajo Nation Council Delegate Ervin Keeswood during a special session held on June 6. Keeswood initiated legislation in 2006, to establish the Historical Trust Asset Mismanagement Litigation Trust Fund and authorized the Navajo Nation to pursue its claims against the United States.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado,

Torreon, Whitehorse Lake) also recognized the great efforts and accomplishments of the late Louise Cobell, the lead plaintiff in the Cobell vs. Salazar case that led to a \$3.4 billion settlement in 2010 for more than 500,000 individuals against the United States.

“Louise Cobell brought trust fund mismanagement to the attention of Congress,” Delegate Tsosie stated. “Bless her soul— we benefitted from [her efforts].”

Council members voted 13-3 to approve Legislation No. 0131-14, which was signed into law by President Ben Shelly on June 3.

“This provides the Nation with the ability to put these monies to use for the benefit of the Nation and for the people,” stated Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) who also added that funds should

be directed toward infrastructure development and initiatives that create revenue for the Nation in the future.

Navajo Nation DOJ worked aggressively to secure an appropriate resolution of this matter with the United States. Efforts were led by Attorney General Harrison Tsosie, Deputy Attorney General Dana Bobroff, and former Attorney General Louis Denetsosie.

Executive branch representatives, including Navajo Nation President Ben Shelly, Chief of Staff Arbin Mitchell, executive director of the Office of Navajo Tax Commission Martin Ashley, Minerals Department Audit Manager Rowena Cheromiah, Washington Office Executive Director Clara Pratte, and Division of Natural Resources Principal Attorney Robert Allan, were also instrumental in providing guidance to successfully conclude the negotiations.

The BuckleySandler law firm represented the Navajo Nation as lead attorneys since August 2012, and conducted the litigation on behalf of the Navajo Nation.

Sam Buffone, Andrew Sandler and Chris Regan were the firm partners that led the representation. The BuckleySandler lawyers

persistent and force the case to be addressed.

“Not a lot of people know that cases get declined on the federal level and it is ready for tribal prosecution, but nobody acts on

Other Tribal Settlements

Tribe	Settlement Date	Settlement Amount
Rosebud Sioux Tribe	August 8, 2012	\$20,000,000
Oglala Sioux	December 12, 2012	\$20,000,000
Tohono O'odham Nation	April 11, 2012	\$23,750,000
Makah Indian Tribe	April 12, 2012	\$25,000,000
Yurok Tribe	December 26, 2012	\$27,536,000
Mescalero Apache Tribe	April 11, 2012	\$32,831,000
Nez Perce Tribe	April 11, 2012	\$33,693,000
Cheyenne River Sioux	January 28, 2013	\$38,500,000
Ute Mountain Ute Tribe of Colorado	April 11, 2012	\$42,558,000
Standing Rock Sioux Tribe	October 23, 2012	\$48,900,000
Hoopa Tribe	October 23, 2012	\$49,200,000
Northern Cheyenne Tribe	April 11, 2012	\$50,000,000
Shoshone-Bannock Tribes of Fort Hall Reservation	April 11, 2012	\$60,000,000
Assiniboine & Sioux Fort Peck	April 11, 2012	\$75,000,000
Ute Indian Tribe of the Uintah and Ouray Reservation	April 11, 2012	\$125,000,000
Confederated Salish and Kootenai Tribes	April 11, 2012	\$150,126,000
Yakama	June 14, 2013	\$188,000,000
Confederated Tribes of the Colville Reservation	April 11, 2012	\$193,000,000
Eastern Shoshone & Northern Arapaho	Aggregate	\$215,950,000
Osage Nation	October 14, 2011	\$380,000,000

*includes only settlements of \$20 million or more
*more than 50 other tribes settled for \$19 million or less

worked with Nordhaus Law Firm, longtime counsel to the Navajo Nation who filed the original complaint in 2006. Alan Taradash and Don Grove have led the representation for the Nordhaus firm.

“We are very gratified to have helped the Navajo Nation achieve this fair and equitable agreement,”

it because we don't have enough prosecutors. The case just sits there and eventually the statute of limitations runs out,” stated Bowman.

On June 12, President Ben

said Buffone. President Shelly has signed the terms of the agreement which is now under final review by the U.S. Departments of Justice, Interior, and Treasury.

The Navajo Nation will receive the \$554 million award no later than 120 days following President Shelly's signing of the agreement.

Shelley signed SORNA into law, which will implement the Nation's sex offender registration and notification program initiatives.

“The largest ever recovery of any Indian Nation in any breach of trust litigation with the United States government.”

SORNA / continued from page 2

“We want to make this a holistic attempt going forward to make this law as solid as we can,” said Delegate Shepherd. “This law protects all Navajo individuals, especially young kids at the schools

and in their own homes.”

According to Bowman, another obstacle facing SORNA is the lack of prosecutors on the Navajo Nation. Often cases are not heard in court unless a family is very

Sanders community and local leaders fed up with liquor establishments

By Chrissy Largo

Upon entering the small community of Sanders off Interstate 40 between Holbrook and Gallup, tourists, community members, and travelers often face a harsh reality when stopping at the nearby gas station when confronted by panhandlers. Unbeknownst to many people passing through this quiet town, panhandlers are likely gathering money to purchase alcohol.

Yards away from the gas station is the Ole Red Barn Liquor store owned by Gary McDonald, who currently is sitting in jail pending charges of meth and firearms possession.

McDonald, a long-time resident of Sanders, owns four liquor licenses used to operate three liquor establishments within the community: Ole Red Barn Liquor, High Country Liquor, and Lee's Liquor.

The four licenses were recently up for renewal and despite an outpour of opposition from the Hope for Renewal Task Force, Navajo Nation Human Rights Commission, Navajo Nation Council, Navajo Nation President Ben Shelly, Apache County Supervisor Barry Weller, Arizona State Senator Carlyle Begay, and many others, the four liquor licenses were renewed by the Arizona Liquor Board at the end of May.

The chain of events involving

Photo (below): Numerous alcohol beverage bottles litter the Sanders area, generally left behind by transients that buy from the local liquor establishments.



McDonald began in September 2012 when a taskforce comprised of Apache County Sheriff's Office, Arizona Department of Public Safety, and Maricopa County Sheriff's Office executed a search warrant at McDonald's residence. The search uncovered a large volume of a crystalline substance believed to be methamphetamine and more than 20 firearms.

In January 2014, McDonald was charged with several felonies including possession of a dangerous drug (meth). Since then, McDonald has been incarcerated while the liquor establishments continue to operate and cause public nuisances and discourage economic growth in the region.

Victimization of Navajo People

For generations, Navajo people have been victimized economically due to the lack of development in the community which compounds the already depressed economic conditions of the area. Local leaders including Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) have said potential business owners are hesitant to create new businesses due to increased panhandling and crimes committed in the local area.

The build-up of trash and debris along roadsides and throughout the community are an eyesore for tourists and those who want to develop businesses in the area.



Photo (above): An unidentified Navajo male passed out in the hot sun in an open field in the community of Sanders. He was later picked up by an ambulance and treated.

“There’s always a family member that’s struggling with alcoholism. With my family, that’s the way it was. I always used to run from it. But now, I am doing whatever I can through education. I tell my students, ‘Don’t give up on yourself.’”

Local residents who formed a group known as the Hope for Renewal Task Force have attributed deaths, domestic violence, rapes, public nuisance, panhandling, vandalism, trash and drug sales to the Ole Red Barn liquor store.

Witnesses report seeing inebriates passed out in nearby

bushes or in areas behind the Red Barn Liquor establishment on a daily basis. In some cases, inebriates are exposed to temperatures as high as 90 degrees while lying in the sun.

“The reason why everybody goes to Sanders is because they can panhandle. Somebody can buy it and they have drinks all day long,” stated one local community member.

Leonard Gorman, executive director for the Navajo Nation Human Rights Commission, said liquor establishments attract people from areas with high levels of poverty and that Navajo people are tired of being taken advantage of.

“These licenses are cannibalizing the Navajo people. Why does a single person have the ability and finesse to cannibalize a whole community? How can that happen in our world today? It is incumbent for the whole Nation to have a say in this issue,” stated Gorman.

Cultural Harm

The harm that alcohol and drug use has brought to the community of Sanders disrupts the Navajo way of life, which includes the culture, history, ceremonies, tradition, and linguistic aspects of everyday life,

according to community members.

Lorene B. Legah, a Navajo language instructor for Diné College for over 20 years, grew up in the community of Sanders and is very familiar with the issues of alcoholism that continue to plague the community.

“There’s always a family member that’s struggling with alcoholism. With my family, that’s the way it was. I always used to run from it. But now, I am doing whatever I can through education. I tell my students, ‘Don’t give up on yourself. You want to live a long life,’” stated Legah.

Legah, originally from Wide Ruins, grew up with six siblings in Sanders, and was taught Navajo traditional values and the language by her father.

“As a Navajo, we are taught, that there is beauty before me, behind me, above me, around me. These are powerful words. That is what we are supposed to be all about. We are taught to be compassionate people, to take care of our bodies, and to live a long life. All the grandmas and grandpas out there, every morning they pray for this,” stated Legah.

Resources and Development Committee seeks public comments prior to public hearing for the proposed Navajo Rangeland Improvement Act of 2014

By Jared Touchin

The Resources and Development Committee has scheduled a public hearing for the proposed Navajo Rangeland Improvement Act of 2014 on June 30, 2014, beginning at 9:00 a.m. at the Diné College Gymnasium, in Tsaile, Ariz.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) stressed the importance of involvement of young Navajo people.

“It is very important, especially for our young people to listen, get educated, and comment on the proposed changes to our 50-year laws,” stated Delegate Benally, adding that the proposed changes would allow young Navajo families

the opportunity to obtain home site leases and build homes.

For years, numerous delegates have heard the concerns of young Navajos who often share personal accounts of the tremendous difficulties they encounter when attempting to obtain a home site lease, often due to complications caused by existing grazing permits.

RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) has previously stated that the lack of housing opportunities on the Navajo Nation often prevents young, educated Navajo people

from moving back home after obtaining a college degree and/or professional experience.

According to the proposed language, the authority of the director of the Navajo Nation Department of Agriculture would change to include the management of grazing permits, the appeals process, and supervision of the Range Technicians.

Other proposed changes would include the establishment of duties of the Range Technicians—replacing the District Grazing Committees and District Land Boards. If the proposed changes take effect, the Department of Agriculture would manage the

grazing permits, following a transition period that includes the review and reissuance of the permits.

Processes for permits in the Navajo Partitioned Lands and McCracken Mesa, seasonal permitting, and regulations to determine eligibility for grazing permits is also addressed.

Other areas include grazing fees, grazing district boundaries, fencing, range units and management, conservation management plans, improvements, recreational livestock, use of motor vehicle, burials, construction in livestock water development areas, wildlife assessment, and livestock

trespass. Rules on enforcement, impoundment, and civil sanctions and appeals processes are also covered.

The complete proposed Navajo Rangeland Improvement Act of 2014 may be accessed by visiting www.navajonationcouncil.org under the “News” tab.

The public is encouraged to attend the public hearing and to submit comments prior to June 30. Written comments may be sent to comments@navajo-nsn.gov.

If you have questions regarding the public hearing, please contact the Office of Legislative Services at (928) 871-7254.

Fort Wingate Land Division Act of 2014 awaits Council’s consideration

By Jared Touchin

Legislation seeking the Navajo Nation’s support of a proposed land division between the Navajo Nation and Zuni Tribe is currently awaiting consideration by the Council.

The legislation, introduced by Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) in May, seeks the acceptance and support of the Fort Wingate Land Division Act of 2014, a Congressional bill, sponsored by U.S. Rep. Ben R. Luján (D-NM).

If approved, the bill would divide approximately 21,000 acres of parceled land known as the former Fort Wingate Army Depot, with the Navajo Nation receiving nearly 11,000 acres while the Zuni Tribe would receive approximately 8,500 acres. The remaining acreage would remain under the U.S.

Department of Defense due to high levels of contamination in the area resulting from years of ammunition storage and testing.

The former Army Depot was constructed in 1870 and was used to store and dispose of missiles and ammunition. The Army depot closed in 1993 and the land opposition between both tribes has since ensued.

The legislation was first considered by the Resources and Development Committee on June 2, where Delegate Simpson urged the approval of the legislation, emphasizing that the proposed land division stalled for years due to disagreements by both tribes.

“The Fort Wingate issue has been discussed since I’ve become a delegate and has probably been discussed prior to the 18th and 19th Council. Since the closure of Fort Wingate, as a whole, the

lands have become available and for many years this issue has been discussed by many delegates,” stated Delegate Simpson.

On July 8, 2013, a meeting in Washington, D.C. took place among Reps. Ben R. Luján (D-N.M.), Steve Pierce (R-N.M.), Don Young (R-Alaska), Pueblo of Zuni Governor Arlen Quetawki, and members of the Fort Wingate Army Depot Task Force to negotiate a resolution that would divide the parceled land.

Negotiations concluded, however, residents in nearby communities continue to voice their disagreement with the proposed land division, many of which have said the Navajo Nation should receive a larger portion or all of the land in question.

Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith

Lake, Thoreau) voiced the concerns and opposition of his constituents.

“When this issue was first brought up for this land exchange, the Zuni tribe was supposed to get the southern part not the northern part of the land. Also, in a 1942 letter by the Army, it stated that once the Army is done with the land, they would give it back to the Navajo,” stated Delegate Yazzie on June 2.

The Resources and Development Committee referred it to the Naabik’iyáti’ Committee with a “do pass” recommendation with no amendments.

On June 13, the Naabik’iyáti’ Committee also approved the legislation with a vote 10-2. Legislation No. 0122-14 is now awaiting Council’s consideration.

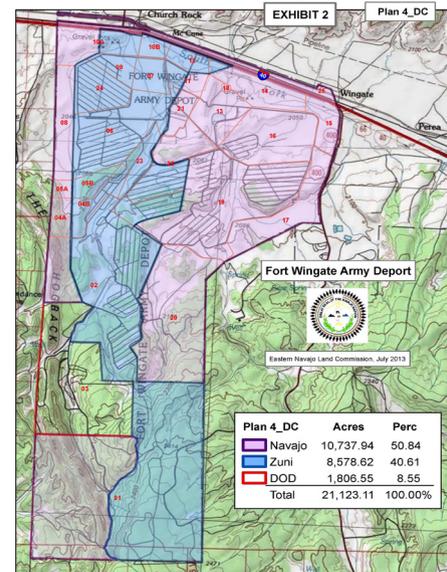


Photo (above): Exhibit 2 of Legislation No. 0122-14 displays the proposed land division between the Navajo Nation and the Zuni Tribe.

Sanders / task force seeks to close liquor establishments in the area

From Page 4

Health Concerns

On May 22, state, federal, county, tribal leaders, and community members met with the Hope of Renewal Task Force. Health concerns — mainly the rise in tuberculosis rates in the community — in relation to the liquor establishments were a major concern at the meeting.

A report was provided by Cullen Frazier Shipman, M.D., of Tséhootsooí Medical Center, described that in the winter of 2011-2012, the Sanders community

experienced a major epidemic of active tuberculosis due to alcohol-related behaviors.

“Each day it is a story of liver disease, alcohol withdrawal, or an alcohol-related infection. These patients are often young and very ill. It is the oddest thing that here in Sanders you can buy inexpensive liquor, but you cannot buy groceries within 50 miles,” stated Shipman.

Delegate Curley continues to work with tribal and state leaders to address the ongoing situation in the Sanders community and nearby

Navajo communities.

“As victims of these establishments, our Navajo citizens have a right to speak out against the renewal of these liquor licenses that have led to destructive and tragic circumstances for their families and loved ones,” stated Delegate Curley during a May 14 television interview at the Nahata Dziil Chapter House.

Pictured (right): Renewal of Hope Task Force member and consultant Char James, and Nahata Dziil Chapter President Darryl Ahasteen.



Council Delegate Nez promotes healthy outdoor initiatives for Navajo youth

By Chrissy Largo

Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) has teamed up with a non-profit organization called Navajo Y.E.S. (Youth Empowerment Services), to advocate for healthy living and fitness education among Navajo adolescents.

Navajo Y.E.S., founded in 1994 by Tom Rigggenbach, sponsors various events such as Tour de Rez, which is a summer-long expedition that features fun and safe activities including mountain biking, hiking, restoration of trails, and backpacking in Navajo Mountain, Rainbow Bridge, and the Grand Canyon.

Rigggenbach has over 25 years of hiking experience and currently teaches social studies at Red Cove Valley High School located in Red Valley, N.M.

"We started doing the Tour de Rez in 1991, as an activity where it would be fun for kids to get out and get active. Life on the reservation was so much different 24 years ago.

I think some of the health challenges we faced then are just amplified today," stated Rigggenbach.

On June 2, Tour de Rez kicked off their summer tour, a four-stage journey through Diné Bikeyah (Navajo Land). The tour entails service projects in Red Valley, a Rainbow Bridge Trail project, Grand Canyon hiking adventure, and a bike ride from Navajo Mountain to Window Rock, which represents one of the final stages of Tour de Rez.

Funding for Navajo Y.E.S. is provided by Navajo United Way, a non-profit organization that provides funding to non-profit organizations through donations. Funding from various corporate entities and small grants also funds Navajo Y.E.S. and Tour de Rez throughout the year.

On average, approximately 15-20 kids participate in the Tour de Rez initiative on a daily basis. Many of the adolescents have family members that previously participated, which has created a tradition for many Navajo families.

Delegate Nez said that many of the kids complete the entire tour, over 1,000 miles in some cases.

"It is amazing. It leaves a lasting impression. You see a lot of previous participants and they always remember Tour de Rez," stated Delegate Nez.

Tour de Rez is also responsible for organizing the Shiprock Marathon on an annual basis. This past May, the marathon accommodated approximately 1,900 runners, including Delegate Nez.

"I preach to the kids about staying healthy and active. Many of the kids that have joined us noticed my weight gain. I came in as a delegate, pretty slim. It had to be a young person to help me self-reflect on my health," stated Delegate Nez, who explained that he has lost a tremendous amount of weight in recent years after taking on the challenge of living a healthier and more active lifestyle.

Volunteers are a vital part of the Shiprock Marathon,



Photo (above): Tour de Rez participants hiking up Rainbow Bridge Trail.

according to Delegate Nez, because Navajo Y.E.S. is unable to pay any of the workers. All proceeds go directly to the youth programs to provide equipment such as new bikes, backpacks, and other necessary gear. This year's marathon had approximately over 215 volunteers.

"In Shiprock it has become really popular. We have had a lot of growth there. All the proceeds go straight to the programs for the kids. Recently the Shiprock Marathon was rated as one of the top 10 spring marathons in the U.S.," stated Rigggenbach.

A plan is underway to begin an annual marathon in the community of Monument Valley by 2016, as long as proper protocols within the Navajo Nation Parks and Recreation Department are met.

"I've lived in Shonto for about nine years, and I can say that for any reservation communities, there are beautiful places to explore, mountain bike, hike, and climb," stated Rigggenbach.

The organization also collaborates with Diné College and Fort Lewis College to promote events related to the organizations.

"One of the ideas for the program is life-long fitness. You can be active, fit, and in shape for a lifetime and have fun. You do not have to worry about all these things like diabetes and obesity," stated Delegate Nez.

The Navajo Y.E.S. initiative is open to all youth residing in the Navajo Nation. To learn more about Tour de Rez, visit their website at www.navajoyes.org.



Photo (left): Delegate Jonathan Nez and participants at the Window Rock fairgrounds at the completion of last summer's Tour de Rez.

Council Delegate Edmund Yazzie advocates for road improvements in Pinedale and economic development in Churchrock

By Jolene Holgate

It is a well-known fact that rural roads throughout the Navajo Nation are in much need of improvement, especially in areas that are subjected to "clay mud," such as the small community of Pinedale, where people are all too familiar with unpaved roads and unpredictable weather that often damage roads that serve as an important route for schools and community members.

"The people of Pinedale that use Navajo Route 7054 expressed their concerns to me regarding this unpaved and poorly maintained road, and through their voices and my help through the capacity of my position, we were successful in retrieving aid from the Navajo Nation Division of Transportation and the Bureau of Indian Affairs," said Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith

Lake, Thoreau), who also represents the Pinedale community.

Navajo Route 7054 is heavily used by local residents and school buses, and creates a risk of getting stuck in clay mud caused by rainy and snowy weather or potentially increasing the chance for road hazards for community members and students.

Delegate Yazzie said the NNDOT and the BIA were able to clean up and improve a six-mile stretch of

Navajo Route 7054 by applying heavy gravel to the surface of the road, and expects another 5 miles to be graveled this coming September.

The NNDOT and BIA confirmed that they have included Navajo Route 7054 in their four-year plan, with the ultimate goal of paving the entire road once funding is secured.

In conjunction with the advocacy of road improvements in his legislative district, Delegate Yazzie announced the upcoming

construction of a new convenience store and gas station in Churchrock, which will be located at the northwest intersection of State Road 566 and State Road 118. Construction is set to begin in September.

"I believe this project is another stepping stone to promote economic development in Churchrock, which is a prime location for business because it is near the Red Rock

See DELEGATE YAZZIE, Page 7

Tsaile/Wheatfields Chapter and Council Delegate Nelson BeGaye promote the development of Wheatfields Lake

By Jared Touchin

Since the construction of Wheatfields Lake in 1962, the reservoir has provided thousands of Navajo families and tourists a place to enjoy recreational activities including fishing, boating, camping, picnicking, retreats, family gatherings, and sightseeing.

However, in recent years the lake and surrounding areas have increasingly become an area for ATV users, party-goers that consume alcohol and campers who often venture into the surrounding mountainous areas, which have created nuisances and environmental concerns for nearby residents and those seeking a relaxing and pleasant experience for their family and friends.

Such concerns expressed by community members, prompted Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round

Rock, Tsaile/Wheatfields, Tsé Ch' izhi) and Tsaile/Wheatfields Chapter officials to begin the process of designing and constructing recreational areas that provide amenities such as, designated campgrounds, landscaping, gravel or paved roads, restroom facilities, picnic areas, trails, and added security.

“We have many people, including busloads of tourists, who want to enjoy the scenery and outdoors activities, but we want to provide better services and accommodations while also ensuring that the public is safe at all times,” said Delegate BeGaye.

In 1985, the chapter passed a resolution recommending the withdrawal of approximately 135 acres of land to develop the project. In October 2008, the Navajo Nation Fish and Wildlife Department contracted an engineering firm to create a conceptual plan for the

project. Funding for the proposed three-phased project has been a major issue for Delegate BeGaye and Tsaile/Wheatfields Chapter president Zane James, as well as the growing number of vehicles that travel through the area on Navajo Route 12, which connects several communities including Window Rock, Lukachukai, and Chinle.

James said the Navajo Nation Division of Transportation is currently working with other entities to reconstruct Route 12, which will include widening the roadway to provide additional safety measures.

The Wheatfields Lake project is one of several hundred on the Nation’s recently approved Capital Improvement Projects five-year plan, with an estimated cost of \$6 million which will cover the majority of projected costs, according to Delegate BeGaye.

Delegate BeGaye also said there is a need for the lake and surrounding areas to be placed under the control and authority of the Tsaile/Wheatfields Chapter. Currently, the Fish and Wildlife Department oversees the area and collects certain fees, however, he pointed out that the department does not have the funding or the man power to accommodate the upgrades.

Service fees would be necessary, according to Delegate BeGaye, to maintain the areas and to provide security—a major concern for community members who have reported numerous alcohol-related incidences in recent years.

The deaths of two community members in a boating accident a few years ago increased safety concerns and the need for 24-hour security, not only to deter criminal activity, but also to provide a safe atmosphere for everyone, said

Delegate BeGaye. Trash and pollution continue to be a growing concern due to the lack of adequate waste disposals in the area. Community members are often left to clean-up trash and other waste left behind by campers and large groups.

“When families gather for a birthday party or family reunion on a weekend, we want them to feel safe and to know that their loved ones will have a fun, clean, and safe environment to enjoy each other’s company,” added Delegate BeGaye.

Delegate BeGaye continues to work with his fellow Council colleagues to secure funding for each of the projects listed on the CIP five-year plan, which was approved by the Council on April 22, and signed into law by President Ben Shelly on May 5.



Photo (left): The conceptual plan provided by the Navajo Nation Fish and Wildlife Department in 2008, which shows a proposed design of the amenities around Wheatfields Lake.

Photo (below): A southeast view of Wheatfields Lake, located approximately 40 miles north of Window Rock, Ariz.



“...we want to provide better services and accommodations, while also ensuring that the public is safe at all times.”

Delegate Yazzie / continued from page 6

State Park and Fire Rock Navajo Casino, and receives a high-volume of visitors year-round,” said Delegate Yazzie.

Delegate Yazzie added that Churchrock Chapter officials are working with the Navajo Nation Division of Economic Development’s Eastern Regional Business Development Office to carry out the plans, aid in securing funding for construction, and provide other forms of support to

ensure the success of the new store.

“Along with these projects in Pinedale and Churchrock, I am also working on the Thoreau Railroad Project to build an inland port for trains transporting goods in the Southwest region, road improvements in Iyanbito, land withdrawal for a new senior center in Mariano Lake, and the construction of a water well in Smith Lake,” said Delegate Yazzie.

Delegate Yazzie added that

paperwork has been finalized to begin the planning and design phases of a new senior center in Churchrock. He added that the senior center in Thoreau would soon open after remodeling of the building has completed, which is projected to be completed by July.

Pictured (left to right): Senator George K. Munoz (D-NM), Delegate Edmund Yazzie, and former LDA Steve Arviso, met in Santa Fe last Feb. to discuss funding for Delegate Yazzie’s chapters.



Standing Committee Highlights

BUDGET AND FINANCE COMMITTEE

Proposed Gaming Revenue Distribution Policy

The Budget and Finance Committee, Office of the Controller, Office of Management and Budget, and the Navajo Nation Department of Justice are in the final stages of finalizing the gaming distribution policy—legislation will soon be introduced. Gaming revenues will be distributed to all 110 Navajo Chapters to aid in administrative, operational, and community assistance programs.

FY2015 Navajo Nation Comprehensive Budget Schedule

The BFC is currently preparing for the upcoming FY2015 budget for the Legislative, Executive, and Judicial Branches. Divisions and departments are in the beginning stages of creating proposed budgets, and the branch chiefs will meet soon to discuss the Nation's budget and financial priorities for FY2015.

Restructuring of Office of the Controller and Office of Management and Budget

The committee is currently working on the financial restructuring of OOC and OMB, to streamline and simplify services for the Nation that were either outdated or duplicated. Some services include department budget allocations, transfers, and chapter related financial needs.

Decentralization/Regionalization

The initiative is aimed at decentralizing services at the government level and giving certain authorities to chapters to provide high-quality and essential services at the local level through the development of Regionalized Agencies. \$3 million has been allocated for the initiative and the budget is currently being finalized. Council Delegate Jonathan Nez has introduced Legislation No. 0139-14, which seeks to approve a plan of operation for new administrative service centers that will replace the Local Governance Support Centers as part of the initiative. The legislation has completed the 5-day comment period; the Resources and Development Committee serves as the final authority for the legislation.

HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE

Legislation 0110-14: Personal Policy Manual

HEHSC recently passed a resolution amending the Navajo Nation Personnel Policy and Procedures by eliminating the Equivalency Clause, which allows an applicant to establish qualifications for a position.

- Addresses concerns for obtaining employment on the Navajo Nation.
- Designed to assist supervisors with Human Resource issues.
- These policies may be amended from time-to-time at the recommendation of Department of Personnel Management & the divisions of the Executive and Legislative Branches.

Legislation 0041-13: Utah Education Act

This legislation, approved by HEHSC, is meant to improve data sharing between the Navajo Nation and the state of Utah to improve Native American education issues.

- The engagement of parents, tribal departments of education, community-based organizations such as Utah State Office of Education, State Institutions of Higher Education, Utah Division of Indian Affairs; tribal, state, and local policymakers will work together to create solutions to improve educational opportunities for Native American students.
- To provide a formal government-to-government relationship between State and Utah Tribal Nations that serve urban and rural Native communities.

Navajo Head Start

HEHSC successfully guided and contributed to Navajo Head Start's recent passage of their federal review process as announced last Friday by continually supporting their initiatives in and providing advice and guidance at various HEHSC meetings. Currently, Head Start has added 20 new service centers, 1,703 enrolled students, and a total of 439 total staff members. This multi-million dollar program has spent the last nine months restructuring their program and working diligently to address issues such as lack of certified staff, curriculum improvement, and many more.



Like us on Facebook:
www.facebook.com/navajonationcouncil
Follow us on Twitter:
www.twitter.com/22ndNNC

If you would like to receive press releases, news, and other information via email, send to: nnlb.communications@gmail.com

LAW AND ORDER COMMITTEE

Judicial Complexes

Currently, judicial complexes are being constructed throughout the Navajo Nation in each agency. They will include a courthouse, adult/juvenile detention facilities.

- Groundbreaking for the Ramah Judicial Facility took place on May 15; construction began on May 21.
- The Kayenta Judicial Complex is near completion and undergoing inspection for safety and utilities (water, electric, HVAC, etc.) and may open in the next few months.

Suicide Prevention

The Law and Order Committee recently became involved with aiding the Navajo Epidemiology Center and Navajo Nation Division of Public Safety in initiating the Navajo Nation Suicide Surveillance Project that would collect and analyze data to understand risk factors and preventative measures regarding suicide. The research shall focus on both youth and adults to improve behavioral health and suicide outreach programs on the Navajo Nation.

Title 17: Enhancing Sentencing Provisions

The Title 17 Taskforce has been delegated the responsibility of reviewing and proposing amendments to the Navajo Nation Criminal Code Title 17, with the goal of implementing stringent sentencing and recriminalizing laws that were decriminalized in the early 2000's. The taskforce proposes to add additional laws to the code to further strengthen protections and penalties for crimes committed against police and detention officers.

RESOURCES AND DEVELOPMENT COMMITTEE

Navajo Rangeland Improvement Act of 2014

- The proposed act would change the authority of the director of the Navajo Nation Department of Agriculture, to include the management of grazing permits, the appeals process, and supervision of the Range Technicians.
- Duties of the Range Technicians would replace the District Grazing Committees and District Land Boards.

The Navajo Nation Department of Agriculture would manage the grazing permits.

- A public hearing is scheduled to take place on June 30, 2014, beginning at 9:00 a.m. at Diné College, in Tsaile, AZ. The public is encouraged to send their comments via e-mail to comments@navajo-nsn.gov prior to June 30th.

Legislation No. 0104-14

- Would rescind URI's right-of-way in Churchrock, New Mexico.
- Aims to rescind RDCD-69-13, a resolution that grants Uranium Resources Inc. a right-of-way to properties in Churchrock, N.M. that would allow an in-situ uranium recovery project in this location.

- Based off of a 1929 deed pertaining to the Sante Fe Railroad and the United States Government that includes 42,000 acres of land in trust. URI has argued that the deed allows the company a right-of-way, to access uranium resources.

- Council Delegate George Apachito is the sponsor of the legislation which was recently tabled by the Resources and Development Committee (final authority).

Legislation No. 0122-14

Accepting the Fort Wingate Land Division Act of 2014: a Congressional bill, sponsored by U.S. Rep. Ben R. Luján (D-NM) that proposes to divide approximately 21,000 acres of parceled land known as the former Fort Wingate Army Depot between the Navajo Nation and Zuni Tribe.

- The proposed land division would give the Navajo Nation approximately 50% of parceled land and the Zuni Tribe approximately 40% of the parceled land.
- The remaining land would remain under the U.S. Department of Defense due to high levels of contamination in the area.
- Navajo people residing in nearby communities continue to voice their disagreement with the proposed land division.
- On Friday, June 13th, the Naabik'iyáti' Committee approved the legislation with a vote of 10-2 and now proceeds to the Council for final consideration.

