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For Immediate Release
April 30, 2013

President Shelly Welcomes Energy Officials from Mandan, Hidatsa and Arikara Tribes



WINDOW ROCK, Ariz.- Navajo Nation President Ben Shelly welcomed energy leaders from the Three Affiliated Tribes from North Dakota during a meeting Tuesday morning at the Navajo Nation Museum.

The group from North Dakota included Vice Chairman of the Three Affiliated Tribes Rich Fox, who represents White Shield community. The three tribes that comprise the Three Affiliated Tribes are the Mandan, Hidatsa and Arikara tribes.

Vice Chairman Fox said his tribe was visiting the Navajo Nation to gain information about tribal energy regulations.

"We are thankful to the Navajo Nation for presenting to us," Vice Chairman Fox said during the introduction portion of Tuesday's program that opened a day of

presentations from the Navajo land Department, Navajo Environmental Protection Agency, Navajo Occupation Health and Safety Organization, Navajo Oil and Gas Company, and other programs.

President Shelly welcomed attendees, adding that the Navajo Nation is rich in natural resources, but have regulations that prevent the Navajo Nation from realizing its full potential in energy development.

“On the Navajo Nation, we are rich with coal, natural gas and other precious and rare metals, some which can only be found on the Navajo Nation. As rich as we are though, we have spent decades overcoming regulations set forth by the federal government,” said President Shelly.

“Gaining certain approvals for us to explore and extract natural resource has been a long standing issue that slows the ability for the Navajo Nation to truly establish self determination,” President Shelly added.

According to media reports, the Mandan, Hidatsa, Arikara Tribe plans to invest in a \$400 million oil refinery, which if built, would be the first refinery built in the United States in more than 30 years.

The meeting is scheduled to conclude on Wednesday.

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FOR IMMEDIATE RELEASE
April 30, 2013

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Navajo Nation Council approves formation of Navajo Transitional Energy Company, LLC to act on its behalf for BHP Navajo Mine acquisition

WINDOW ROCK – During a special session on Apr. 29, the Navajo Nation Council approved Legislation No. 0116-13 with a vote of 17-4, to create the Navajo Transitional Energy Company, LLC – an action that will orient the Navajo Nation toward greater economic independence and self-reliance.

The approval authorizes the company to act as an arm of the Navajo Nation, and to carry out necessary business actions on behalf of the Nation in its endeavors for the possible acquisition of the BHP Navajo Mine.

Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood), sponsor of the legislation, said the new company would be responsible for overseeing operations of the mine once it is purchased by the Nation.

“When [NTEC] is established, it will have a manager and staff. The manager will be responsible for signing all documents needed to finalize the purchase,” explained Speaker Naize, adding that the manager’s additional responsibilities would include authorizing a Coal Supply Agreement and a Mine Management Agreement to ensure the continuation of operations at the mine.

During an Apr. 25 Naabik’iyáti’ Committee meeting, a member of an outside due diligence investigations team the Nation hired to complete legal work on the proposed mine acquisition told the committee that based on their assessment, the transaction would be a favorable move for the nation.

At that meeting, attorney Craig Moyer with Manatt, Phelps, & Phillips said although the mine’s financial gains under Navajo ownership for the first 3 years would be tight, by the fourth year the Nation should be able to pay off its purchase of the mine.

Because of the anticipated shutdown of 3 units at the Four Corners Power Plant, coal volumes will decrease by 25-percent, said Moyer, but after 2016, the Nation can expect higher revenue returns because it will be fetching a higher price for its coal.

At least 10-percent of net income generated by the mine under Navajo ownership will be reinvested to fund the research and development of renewable and alternative sources of energy, which is in line with what Speaker Naize has stated before on the mine acquisition being a stepping stone to more sustainable means of energy.

“Although the action this Council is taking is a risk, it is a very courageous risk. It is a risk that has foresight. It is going to open the doors of opportunity,” said Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi Tó ii). “If we want to learn to live what it means to be self-sufficient, we have to take risks, and I think this is one step in that direction.”

Council Delegate Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') hailed the legislation as a “venture into a new era,” in that it would create opportunities for young Navajos with higher education and training to play a greater role in developing a more self-sustaining nation.

“It is a vision for the future,” said Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tsé Daa' Kaan, Upper Fruitland) when urging fellow colleagues to vote for the legislation’s approval.

Delegate Bates further iterated that BHP and the APS Four Corners Power Plant has a history of success, and once the remaining two units at the power plant are retrofitted with selective catalytic reduction technology, nitrogen oxides emissions will be reduced by 80-percent.

Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) said the legislation represented Navajo jobs, economy and revenues that support Navajo programs.

“I don’t support the continued extraction of natural resources, but I also have to consider the revenues that are generated and that come back to the Navajo Nation,” said Delegate Butler, adding that with sequestration cuts expected to have a “huge impact” on federally-funded programs, it was critical for the Nation to maintain its revenue generation stream to ensure continuation of vital services.

Earlier this evening, Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who served as Speaker Pro Tem during the Council proceedings at the time of Legislation No. 0116-13’s consideration, signed the approved Council resolution.

Immediately thereafter, President Ben Shelly authorized the action at a signing ceremony in his office.

A mine management agreement is expected to be submitted to the APS this Friday. A Surface Mining Control and Reclamation Act application is also expected to be submitted by Friday to approve the merger.

The newly formed Navajo Transitional Energy Company will be on track to sign a mine management agreement with BHP and a coal supply agreement with APS by July 1.

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Emergency declared for Manuelito Canyon bridge closure

MANUELITO CANYON, N.M.-The Navajo Nation Commission on Emergency Management declared an emergency for the closure of the South Manuelito Bridge No. 8080.

The commission convened at the Navajo Transportation Complex on April 24 to discuss the bridge closure, which severed major arterial traffic to and from the Manuelito Chapter area.

Commissioner Ben Bennett said the bridge closure was the result of safety considerations for travelers in the area.

“People traveling that stretch of bridge aren’t safe, especially when there’s rainy weather,” Bennett said.

The pier supporting the bridge could fail, causing further sagging, reducing load capacity, or even possible collapse.

Erosion was a primary concern for the bridge, which was erected in the 1970s, according to McKinley County employees constructing an alternate access route.

The Bailey bridge in Manuelito Canyon is a portable, prefabricated truss bridge that was utilized extensively by the military during World War II.

The bridge is located 3.5 miles southeast of Navajo Route 7140.

There are two bridges in the area and bridge number two is the structure facing erosion and structural issues. The McKinley County Roads Department has constructed an emergency bypass route through the wash.

The earthen structure is susceptible to damage from rain, however, and efforts are underway to repair the damaged bridge.

Paulson Chaco, director for Navajo Division of Transportation, said he will be traveling to Santa Fe to meet with Tom Church, cabinet secretary for New Mexico Department of Transportation and John Don Martinez, division administrator for the Federal Highway Administration New Mexico Division.

“This is a major roadway for Navajo families in the Manuelito Canyon area,” Chaco said. “I will be meeting with officials in Santa Fe to discuss funding options for the repair of the bridge.”

On April 17, the Federal Emergency Management Agency and McKinley County Roads Dept conducted a safety assessment of the bridge and determined it to be structurally unsafe.

The assessment was conducted along with the Navajo Nation Department of Emergency Management, Manuelito Chapter and McKinley County Office of Emergency Management.

Approximately 45 families utilize the bridge, with an average of 4.5 people per home. The high traffic volume includes daily use by school buses, service providers and emergency responders.

The Manuelito Chapter declared on emergency on the bridge closure April 18 and the bridge was officially closed on April 19.

NMDOT is assessing the report from the state bridge engineer to calculate load rating and corrective action for the bridge.

For now, the 45 households that utilize the bridge are will continue traveling on the emergency bypass for access.

NNCEM unanimously passed the declaration by a vote of 5-0 and it was signed by Navajo Nation President Ben Shelly.



Top, a fish eye view of Manuelito Bridge No. 8080. Middle, McKinley County Roads Dept workers install a culvert for the temporary bypass route. Bottom, erosion near support beams are a concern. (Photos by Rick Abasta.)



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IMMEDIATE RELEASE

April 25, 2013

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4th Annual Navajo Agriculture Conference Thrives with Rich Information



“Review of New Grazing Mediation Process” on April 24, 2013 at the 4th Annual Navajo Agricultural Conference in Window Rock, Az. (Photo by Geri Hongeva)

WINDOW ROCK, AZ. - Navajo Agriculture Department and Navajo Fish & Wildlife Department team up for the two-day, 4th Annual Navajo Agriculture Conference “Drought Management /Climate Control,” April 24 – 25, 2013.

As the conference grows every year, so does the list of presenters. This year over 30 presenters shared their expertise and knowledge on drought concerns and providing tools to continue managing agricultural activities especially through climate changes.

Presenters came from; U.S. Geological Society, New Mexico State University, University of Arizona, University of Colorado, Navajo Veterinary & Livestock Program, Office of the Attorney General, Navajo Department of Agriculture, Navajo Heritage Program, Navajo Department of Water Resources, Navajo Animal Control Program and Navajo Fish & Wildlife.

Attendees of the conference were able to hear the information in English and Navajo, translators were available to ensure clear communication to elders.

Division of Natural Resources Executive Director, Frederick H. White began the conference with a welcome statement and commended his staff in their hard work in organizing such a desirable conference in this time of drought conditions. “This a very important time and we are all destined to

be here, to make adjustments to our agricultural initiatives on Navajo country. I encourage everyone to work as a team so we have better success,” stated White.

Leo Watchman, Department Manager for Navajo Agriculture said, “This year’s conference was very unique in partnering with Navajo Fish & Wildlife and changing the conference to the spring instead of the fall. Our elders have taught us to plan in the spring, and to be ready for winter. Our team wanted to introduce some priority drought concerns now so we can introduce our legislative concerns to council by summer time. We are fortunate to have many elected officials attend our conference, as we need their assistance with our plans.”

Dr. John Idowu from New Mexico State University, talked about the importance of building soil health and avoid soil salinity to maximize crop success. Adding organic matter and properly rotating crops, definitely help during drought conditions. Dr. Idowu also shared a shocking fact; when one inch of top soil is lost, we are not able to recover that lost in our lifetime.

School children arrived in buses and proceeded into Nakai Hall. The youth conference schedule included; Canine Care & Responsibility, Youth Hunt information, Seed Ball Express, Sheep Shearing, Water Activities and Drug & Gang Unit.

Roxie June from Navajo Agriculture reported over six hundred attendees for the two-day conference, over two hundred students participated for the Youth Conference, in previous years the youth attendance has been higher.



Left to Right: Patrina Begay - Vet Tech for NVLP, Harold Blacksheep – Sr. Vet Tech for NVLP, Carmaletha Bitsoi-Lee – Vet Tech for NVLP, Dr. Kelly Upshaw-Bia – Veterinarian for NVLP, and Dr. Scott Bender - Veterinarian for NVLP. “Bovine Disease Investigation” on April 24, 2013. (Photo by Geri Hongeva)

Veterinarians from Navajo Veterinary and Livestock Program, Dr. Scott Bender and Dr. Kelly Upshaw-Bia stole the show while demonstrating “Bovine Disease Investigation.” This LIVE presentation consists of butchering a calf and investigating its health problems by analyzing the organs and digestive system.

Spectators learned that a cow will carry 65 gallons of water and they have a longer endurance in dry conditions. Because cows live on yeast and small particles of bacteria, it is very important to help

them maintain a clear flow of digestive system. Some simple tips are; buy a salt block, maintain vaccinations and deworming.

One of the most popular Break-Out Sessions was the “Review of New Grazing Mediation Process,” presented by Office of Attorney General. Attendees of this session included, Navajo Nation Farm Board, Eastern Navajo Land Board, and District Grazing Committee Members.

Watchman stated, “Our next priority project is to organize a youth conference, because we believe they are the key to long term success on Navajo Nation.”

Navajo Department of Agriculture website: www.agriculture.navajo-nsn.gov

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April 25, 2013

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**Navajo Nation Council votes down legislation
allowing Navajo Technical College to be named a university**

Legislation sponsor plans to introduce new legislation addressing Council's concerns

WINDOW ROCK – The Navajo Nation Council voted down Legislation No. 0077-13 during the Spring Session on Apr. 16, at the request of legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock).

Legislation No. 0077-13 was aiming to approve amendments to Title 2 and Title 15 of the Navajo Nation Code, as well as the articles of incorporation for Navajo Technical College, which would allow for the institution to change its name to Navajo Technical University.

The legislation was first considered by the Health, Education, and Human Services Committee on Mar. 20, where HEHSC members voted 4-1 to table the legislation, and referred it on to the Law and Order Committee.

At the Mar. 20 meeting, HEHSC members expressed concerns over a proposed amendment in the articles of incorporation that would allow NTC to establish its own institutional review board.

The proposed IRB would have the responsibility of reviewing and approving all human and animal research conducted by NTC students, faculty, and individuals associated through institutionally sponsored projects.

Language in the original legislation also proposed for NTC's IRB to be exempt from the Navajo Nation Human Research Board.

On Apr. 1, LOC members amended NTC's articles of incorporation to allow its proposed IRB the authority to approve all social science and animal research conducted by students of NTC.

However, under the amended language, NTC would have to obtain approval from the Navajo Nation HRB for all other research, including medical and clinical research.

At the start of Council's discussion, Delegate Simpson acknowledged that the concerns surrounding the proposed IRB would need to be resolved, and thus recommended removing certain portions in the legislation including NTC's articles of incorporation.

The removal of the articles of incorporation would amend Legislation No. 0077-13, allowing HEHSC to serve as oversight of universities, and also allow NTC to change its name to Navajo Technical University, explained Delegate Simpson.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dził, Tsé Si áni, Wide Ruins) asked for a cost-analysis detailing how the transition to a university might affect the Navajo Nation's budget.

“With uncertainties surrounding Navajo Generating Station, the BHP Mine, and federal sequestration, we should be asking how this will impact the Navajo Nation budget,” Delegate Curley said.

Delegate Simpson responded saying, “We cannot allow ourselves to be blocking stones. We want all of our schools to progress and succeed.”

NTC President Dr. Elmer Guy also urged Council to allow NTC to be renamed.

“It’s a part of building the Navajo Nation economy,” said Dr. Guy. “With your support, we can continue to build our nation, and this is the way to do it.”

After consultation with the legislation sponsor, Council Delegate Russell Begaye (Shiprock) motioned for the proposed amendments recommended by Delegate Simpson.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said the proposed amendments defeat the purpose of the legislation, which is to address NTC’s articles of incorporation.

Delegate Tsosie also questioned the rationale for seeking a name change asking, “Why do we need to use the word ‘university’ when there are premiere universities that do not use the word ‘university’?”

Delegate Curley suggested that the two amendments be handled separately.

“We are giving HEHSC a new power [to oversee universities], and we are also ratifying an action [renaming NTC] by HEHSC on a matter that they don’t have power over,” Delegate Curley said.

Council Delegate Alton Joe Shepherd (Jedito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) motioned to table the legislation and refer it back to HEHSC to allow HEHSC members to resolve the issues concerning the proposed amendments.

Supporting the tabling motion was Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) who drew attention to a signed petition from NTC students in support of the legislation.

“The proposed amendments are not in line with the scope of the petition signed by NTC students,” Delegate Nez said.

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) disagreed with the tabling motion saying the proposed amendments make it an enabling legislation.

“I support the university idea,” said Benally. “We should give our children the choice to get their education, give them that option.”

After an hour of discussion, legislation sponsor Delegate Simpson asked Council colleagues to withdraw the tabling motion, and to vote down the legislation to allow time to reintroduce new legislation that addresses the concerns.

“We owe it to our students, and our people to take time to work these issues out and do this the right way,” said Delegate Simpson.

Council members voted down Legislation No. 0077-13, with 5 supporting and 14 opposing the bill.

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April 24, 2013

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Navajo Nation Council votes to table NGS lease extension legislation

WINDOW ROCK – After lengthy discussion and the approval of several amendments, the Council on Apr. 17 voted 15-7 to table Legislation No. 0042-13, which seeks to extend the Navajo Generating Station’s lease for 25 years beginning in 2019.

Early into the discussion, legislation sponsor Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) reiterated to fellow Council colleagues the economic impact the Nation would face if the NGS lease extension was not approved.

“We are at the crossroads. We have to make a decision for the people,” said Speaker Naize. “We have to keep our Nation’s economy healthy and keep our dedication to the people by sustaining their jobs.”

Office of the President and Vice President energy policy advisor Sam Woods and Navajo Nation assistant attorney general Marcelino Gomez also presented alongside Speaker Naize.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) expressed concerns over the proposed lease amendments.

“I stand to support the Nation to continue to have a business relationship with NGS in the form of a lease, but maybe not this particular lease,” said Delegate Curley. “We need to address the concerns of grassroots people.”

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) motioned to amend the legislation to add language that could be used to make future claims to the Upper Colorado River Basin.

Delegate Witherspoon’s proposed amendment stated that nothing in the lease extension agreement may hinder the Navajo Nation from legally obtaining water rights after the original lease expires — specifically to the 50,000 acre feet or to assert claim to more than 50,000 acre feet from the Arizona Allocation of the Upper Colorado River Basin.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) opposed specific language in the proposed amendment.

Citing a 1922 Colorado River Compact, Delegate Tsosie said he does not agree with the interpretation that the Nation receives water from Arizona as stated in the proposed amendment.

Delegate Tsosie also did not agree with the Department of Justice’s decision to keep the proposed “amendment of the indenture of lease” confidential stating that “Anything in its final form of legislation should be made public.”

Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland), however, supported the proposed amendment.

"Nothing in the lease hinders the Navajo Nation from legally obtaining water rights after 2019," Delegate Bates said. "In this case, the minimum amount is 50,000, and we can go beyond that."

After an hour of discussion, Council voted 17-5 to approve Delegate Witherspoon's amendment.

Delegate Witherspoon proposed a second amendment concerning section 16 and section 18 in the indenture of lease regarding the employment of Navajos.

However, after several Council members expressed confusion over the amendment, Delegate Witherspoon withdrew his motion, and made another motion to add the original 1969 lease agreement to the legislation as "Exhibit E" in order to amend language in the original agreement.

The amendment to add the 1969 lease agreement as "Exhibit E" was approved with a 19-4 vote.

Delegate Witherspoon's third amendment to add new language to "Exhibit E" stating that lessees are responsible for covering coal ash from the power plant, with 12-inches of earth, instead of 6-inches, as stated in the original lease, was approved with a vote of 23-0.

Several delegates questioned if the proposed amendment would be necessary considering new U.S. Environmental Protection Agency regulations that may address the remediation of coal ash.

Navajo Nation EPA director Stephen Etsitty said the original lease predates federal regulations regarding the disposal of solid wastes, and there are currently no federal regulations for fly ash.

Though Delegate Tsose expressed appreciation for the discussion, he urged for Council colleagues to table the legislation to allow more time to address raised concerns.

"We need to analyze all of these concerns to make sure we are not putting the Navajo Nation at risk," said Delegate Tsose, who then motioned to table Legislation No. 0042-13.

The motion to table Legislation No. 0042-13 failed with a vote of 10-13.

Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) proposed a fourth amendment to add the U.S. Bureau of Reclamation to several parts of the legislation language to ensure its inclusion as a party to the proposed lease amendments.

The BOR amendment was passed with a vote of 19-2.

Council Delegate Russell Begaye (Shiprock) proposed a fifth amendment requiring that the Navajo Business Opportunity Act be applied to all procurements made by the participants for the construction, operation, and maintenance of NGS and associated facilities.

NBOA, which predates the 1969 lease agreement, requires businesses within the Navajo Nation to give preference to certified Navajo-owned businesses when bidding out projects.

Delegate Witherspoon cited specific language in the original lease agreement promising Navajo job preference to all resident Navajos for positions at the power plant, or the mine from which coal is being bought for use at the coal power plant, and in any and all facilities related to the production of the power of the proposed coal fired power plant.

The promise is pre-paid , said Delegate Witherspoon, by the allowed annual usage of 34,000 acre feet of water by NGS.

“Our Navajo workers and Navajo businesses should be given preference,” agreed Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta), who stated the necessity to cite specific Navajo Nation laws in the proposed amendment language was crucial.

The fifth amendment concerning the Navajo Business Opportunity Act was passed with a vote of 20-3.

Delegate Begaye also proposed a sixth amendment to include language requiring NGS to adhere to the Navajo Preference in Employment Act.

Assistant Attorney General Marcelino Gomez reminded Council that the 9th Circuit Court of Appeals ruled in favor of NGS in a court case involving the Navajo Preference in Employment Act.

Gomez explained that the court ruled that language under section 16 of the original lease agreement overruled the Navajo Preference in Employment Act.

Delegate Tsosie spoke in support of the proposed amendment and expressed dissatisfaction for the court’s ruling in favor of NGS regarding the Navajo Preference in Employment Act.

“We are claiming to be sovereign. We pre-exist the U.S. federal government and all state governments,” said Delegate Tsosie. “It’s time we air our grievances to the world.”

Delegate Phelps argued that the ruling by the 9th Circuit Court of Appeals only applies to the original lease, and should not apply beyond 2019.

Delegate Witherspoon drew attention to section 18 of the original lease which states there are certain positions at NGS for which “superior abilities” are required for job selection.

“This absolutely discriminates,” said Delegate Witherspoon. “The word ‘superior’ allows subjective possible discrimination.”

After lengthy discussion, Council voted 22-0 in support of the sixth and final amendment.

“I realize the need for employment, but there are so many issues,” said Delegate Tsosie. “By allowing this to go forward [as is], we will be short-changing the Navajo people.”

Delegate Tsosie then motioned to table Legislation No. 0042-13 for a second time.

“Tabling the legislation is not saying ‘no’ to NGS,” Delegate Tsosie added. “It will allow more time for us to air our grievances, and hopefully allow us to come back with a better agreement.”

Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) said he supported the tabling motion as long as a negotiating task force is created and meets with NGS owners and the legislation is brought back to Council for consideration.

“We’ll do our best to get all the parties together as soon as possible, and bring it back on Apr. 29,” Speaker Naize said.

The Council voted 15-7 to table Legislation No. 0042-13 to allow time to address the concerns with NGS ownership, and will reconsider the legislation on Apr. 29.

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Navajo Nation benefits from TIGER grant to rehabilitate Torreon Road



Gesturing about the humble beginnings of the Torreon Road is David Rico, Torreon Chapter President. Rico said Navajo families used to gather and travel in covered wagons to attend Zia Feasts, carving out a road in the process. (Sandoval County photo by Sidney Hill)

The community members of the rural northwestern New Mexico town of Torreon have finally earned their stripes.

The Transportation Investment Generating Economic Recovery program, or TIGER, has funded \$5 million to Sandoval County N.M. for the Torreon Road Rehabilitation project for FY 2012.

The total cost of the project is \$5,740,000 and is a collaborative effort between the N.M. Department of Transportation, Navajo Division of Transportation, and the Mid Region Council of Governments.

After years of driving a bone-jarring dirt road, the community will finally see 11.9

miles of rural road transformed into a paved connector with shoulders, allowing for 55 to 65 mph speeds.

Torreon Road was the only project selected for TIGER grant in New Mexico.

Four chapters of the Navajo Nation and Sandoval County are served by the road, which links Counselor, Ojo Encino and Torreon with U.S. 550.

The groundbreaking ceremony for the road construction took place on April 5 in Torreon, at the intersection of San Luis and Torreon Roads.

Franklin's Earthmoving has been selected to do the construction.

Navajo Nation President Ben Shelly said the new road is

the product of partnership.

"Sandoval County, NDOT, and Navajo Nation have done (partnership) and succeeded. It works, government-to-government," Shelly said. "As we know, roads are bad around here."

He said the importance of paving the road hinged on the need to get school kids safely to school and provide access for emergency services.

Shelly added, "We have to keep those roads where they're good enough to be safe."

J. Don Martinez, division administrator for the Federal Highways Administration's N.M. Division, agreed with the president.

"Transportation is important

to your children. They have a right to be picked up by a bus to take them to school," Martinez said.

He revealed that he was raised in a rural part of the state and was familiar with the importance of transportation services.

In the rural parts of New Mexico and the Navajo Nation, the roads are not in the best condition, Martinez explained.

"You're not asking for much. You're just asking for the roads to be in better condition, so you can have access to those things everyone else has," he said.

Torreon Chapter President David Rico shared a history of the road.

“We used to see a lot of covered wagons on this road for the Zia Feast. The day before the feast, the people would camp on the other side of San Luis. That is how this road was born in the beginning,” he said.

Today, you see headlights in the early morning and in the evening hours as people returned home, he added.

Navajo Nation Council delegate Leonard Tsosie (Baca-Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said he used to receive letters from Torreon School.

“The kids were writing letters on this road because they ride on the bus and it’s too bumpy and takes a long time to get home,” Tsosie said.

Donning hardhats and grabbing shovels, the dignitaries broke ground with their shovels and officially began the construction process for the new road.

The road reduces travel distance by 45 miles and will save time and money for motorists. In addition to residents, the road is also used by mining companies in the area.

Families are excited for accessibility to school buses and first responders.

According to the U.S. Department of Transportation, “The TIGER program enables DOT to use a rigorous process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs, and make investments in our Nation’s infrastructure that will make communities more livable and sustainable.”

TIGER GRANT STATISTICS

- The U.S. Department of Transportation is authorized to award \$474 million in TIGER Discretionary Grants pursuant to the Full-Year Continuing Appropriations Act, 2013 (Public Law 113-6, March 26, 2013).
- TIGER program funds are awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.
- TIGER invests funding in road, rail, transit and port projects.
- Congress dedicated \$1.5 billion for TIGER I. As a result, 51 capital projects were completed.
- \$600 million for TIGER II, producing 42 capital projects.
- \$526,944 million for FY 2011, for construction of 46 capital projects.
- \$500 million for FY 2012, netting 47 capital projects built.
- Each project is a multi-modal, multi-jurisdictional or otherwise challenging to fund through existing programs.



TIGER



Navajo Nation President Ben Shelly said the new paving project was the result of partnership and government-to-government relations. He said NDOT and Sandoval County will partner again for Red Dog graveling. (Sandoval County photo by Sidney Hill)



The majestic view of Cabezon Peak served as the backdrop for the groundbreaking ceremony at the intersection of San Luis and Torreon Roads on April 5, 2013. (Sandoval County photo by Sidney Hill)



The dignitaries from the Navajo Nation, Sandoval County, State of New Mexico and Federal Highway Administration broke ground to change lives in Torreon. (Sandoval County photo by Sidney Hill)



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For Immediate Release
April 23, 2013

President Shelly Signs Executive Order to Shorten SAS Process

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly signed an Executive Order that will streamline one government process that sometimes takes years to complete.

President Shelly signed an executive order last Thursday to shorten the Signature Authority Sheet process for the Executive Branch SAS Review Sheet under Section 164b of Title 2, which doesn't include SAS sheets needing Legislative approval.

"We are making progress for our SAS process. With the new changes, we will be able to shorten the SAS process to a month. We are going back to the original intent of the law. This is a review process not an authorization process," President Shelly said.

Chief Of Staff Arbin Mitchell said the SAS review process has changed from a review process to an approval process, which creates delays.

"The process is to review and make recommendations to the documents. But now we have people who use their signature as approval and sometimes SAS documents are delayed for months. The SAS process, you're supposed to review and provide recommendations," Chief of Staff Mitchell said.

The executive order is scheduled to begin the updated SAS process on July 1 this year.

Reviewers will have seven working days to sign the document and offer recommendations. After the seventh day, the document goes to the next reviewer whether it has been signed or not.

“Some of these documents are time sensitive. We are making our government better with this executive order,” President Shelly added.

Chief of Staff Mitchell added that the Office of the President and Vice President are working to build an online SAS tracking system.

“Some of these documents, we need to know where they’re at, which department has them. It’s all a part of making the government more efficient,” Chief of Staff Mitchell added.

###



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For Immediate Release
April 22, 2013

President Shelly Releases Statement for Navajo Sovereignty Day

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly released the following statement about Navajo Nation Sovereignty Day, which is recognized today, April 22.

“Today, our tribal government recognizes Navajo Nation Sovereignty Day. A day when we remember and recognize the decision of the United States Supreme Court in 1985 to uphold our ability to tax without the approval of the Secretary of Interior. With that unanimous decision, the highest court in the country recognized our sovereignty as the Navajo Nation.

We created Navajo Nation Sovereignty Day on May 3, 1985.

Today, my relatives, I want us to remember our sovereignty before the U.S. Supreme Court made their decision. We established our sovereignty by practicing our Diné teachings. We practiced our sovereignty by speaking our language to our grandchildren, ensuring that our culture was passed on to the future generation. We practiced our sovereignty by keeping our ceremonies in tact and never losing our faith in the Holy People. We practiced our sovereignty by instilling in our children the fundamental teachings of who we are as Diné.

The Holy People have always known who we are; therefore we have always been sovereign. As we move forward, we need to continue to practice cultural independence. Sovereignty is not defined completely by a court of law; it's defined in our free ability to guide our children into the lives we want for them.

We are a diverse Navajo Nation with many different methods of expressing our ideas and culture. As we live as independent people by the teachings bestowed upon us by the Holy People, we must remember that in the complex society we live in

today, our Diné teachings are the basis of who we are and within the practice of those teachings, we establish our sovereignty.

Regardless, we are thankful for the U.S. Supreme Court's decision to uphold our ability to tax. The court confirmed our true ability to govern our land. We are a sovereign Navajo Nation."

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From the Office of the Speaker:
2013 Spring Session Legislation Results
 for the 22nd Navajo Nation Council

Legislation	Committee Assignment					
	Budget and Finance	Health, Education, and Human Services	Law & Order	Resources and Development	Naa'Bik'iyati'	Navajo Nation Council
<p>Legislation No. 0001-13 sponsored by Honorable Katherine Benally, amending 2 N.N.C. §§1352, 1355, 1356, the plan of operation for the Navajo Division of Public Safety, GSCAU-61-95, to reassign and transfer the Navajo Department of Highway Safety to the Navajo Division of Transportation.</p> <p>Action: The Council passed the legislation with nineteen (19) supporting and zero (0) opposing.</p>			✓	✓	✓	✓
<p>Legislation No. 0015-13, sponsored by Honorable Jonathan Nez, amending 2 N.N.C. §1371 and the Plan of Operation for the Navajo Department of Transportation, GSCAU-26-09, to reassign and transfer the Navajo Department of Highway Safety to NDOT, and approving all NDOT Department Plans of Operation.</p> <p>Action: The Council passed the legislation with twenty-two (22) supporting and zero (0) opposing.</p>			✓	✓	✓	✓
<p>Legislation No. 0077-13, sponsored by Honorable Danny Simpson, amending Title II and Title 15 of the Navajo Nation Code and the Articles of Incorporation of Navajo Technical College relating to changing the name from Navajo Technical College to Navajo Technical University.</p> <p>Action: The Council voted down the legislation with five (5) supporting and fourteen (14) opposing.</p>		✓	✓		✓	✓

From the Office of the Speaker: 2013 Spring Session
Legislation Results for the 22nd Navajo Nation Council

Legislation	Committee Assignment					
	Budget and Finance	Health, Education, and Human Services	Law & Order	Resources and Development	Naa'Biik'iyati'	Navajo Nation Council
<p>Legislation No. 0352-12, Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$8,629,580 to business unit #115009 for professional services for Sweetwater to Tsaile-Wheatfields regional water plan, Many Farms to Nazlini regional water plan, Shonto to Black Mesa regional water plan, Tuba City regional water plan, preliminary engineering reports, Kayenta water project, Coyote Canyon to Lake Valley regional water plan, Puerco Valley Chapters Water Use Plan and Conservation Plan, Navajo Mountain to Teec Nos Pos preliminary engineering reports, planning, design, and construction of east Dennehotso waterline, Leupp-Dilkon regional water supply development project, and design and construction of Rough Rock water well.</p> <p>Action: The Council passed the legislation with nineteen (19) supporting and zero (0) opposing.</p>	✓			✓	✓	✓
<p>Legislation No. 0496-12, sponsored by Honorable Dwight Witherspoon, directing the Attorney General of the Navajo Nation to proceed with litigation representing Navajo Nation claims on the Upper Colorado River.</p> <p>Action: The Council passed the legislation with fifteen (15) supporting and zero (0) opposing.</p>			✓	✓	✓	✓
<p>Legislation No. 0009-13, sponsored by Honorable Walter Phelps, opposing the creation of a wilderness area in the Wupatki National Monument, and supporting congressional effort to assist the Peshlakai family to retain a right to residence and grazing within the Wupatki National Monument.</p> <p>Action: The Council passed the legislation with fifteen (15) supporting and zero (0) opposing.</p>					✓	✓

From the Office of the Speaker: 2013 Spring Session
Legislation Results for the 22nd Navajo Nation Council

<h1>Legislation</h1>	Committee Assignment					
	Budget and Finance	Health, Education, and Human Services	Law & Order	Resources and Development	Naa'Bik'iyati'	Navajo Nation Council
<p>Legislation No. 0060-13, sponsored by Honorable Duane Tsinigine, an emergency legislation, approving the declaration of a state of emergency for the Navajo Nation Western Agency due to the collapse of a portion of U.S. Highway 89 serving major arterial traffic within and encouraging the Navajo Nation departments to seek federal and state assistance in addressing the emergency.</p> <p>Action: The Council passed the legislation with twenty-two (22) supporting and zero (0) opposing.</p>					✓	✓
<p>Legislation No. 0042-13, sponsored by Speaker Johnny Naize, recommending and approving amendment of the indenture of lease dated December 23, 1969 between the Navajo Nation and Salt River Project Agricultural Improvement and Power District, Los Angeles Water and Power, Arizona Public Service, Nevada Power and Tucson Electric Power Company.</p> <p>Action: The Council tabled the legislation with fifteen (15) supporting and seven (7) opposing.</p>				✓	✓	✓
<p>Legislation No. 0117-13, sponsored by Honorable Lorenzo Bates, an act relating to an emergency, expressing concern of the Navajo Nation and requesting the United States government consult with the Navajo Nation to avoid and minimize the impact of the sequester.</p> <p>Action: The Council passed the legislation with twenty (20) supporting and zero (0) opposing.</p>						✓
<p>Legislation No. 0120-13, sponsored by Honorable Jonathan Hale, an act relating to an emergency, approving a supplemental appropriation request from the FY 2013 non-recurring revenue in the amount of \$6,980,000 for the remediation and renovation work of the Administration Building #1 and Administration Building #2 in Window Rock, Arizona and costs incurred by the displaced divisions/programs/departments as a result of the facility closures.</p> <p>Action: The Council passed the legislation with seventeen (17) supporting and two (2) opposing.</p>						✓
KEY	✓ - Considered and Recommended ✓ - Final Approval Authority					

From the Office of the Speaker: 2013 Spring Session
Legislation Results for the 22nd Navajo Nation Council

22nd Navajo Nation Council	Legislation No. 0001-13	Legislation No. 0015-13	Legislation No. 0077-13	Legislation No. 0352-12	Legislation No. 0496-12	Legislation No. 0009-13	Legislation No. 0060-13	Legislation No. 0042-13	Legislation No. 0117-13	Legislation No. 0120-13
	Apachito, George	✓	✓	X	✓	✓	✓	✓	X	✓
Bates, LoRenzo	---	✓	X	---	✓	✓	✓	✓	✓+	---
Begay, Elmer	---	✓	X	✓	---	---	✓	✓	✓	✓
Begay, Mel	✓	✓	---	---	---	---	✓	X	---	---
Begaye, Nelson	---	✓	X	✓	---	---	✓	✓	✓	✓
Begaye, Russell	✓	✓	X	✓	✓	✓	✓	X	✓	✓
Benally, Katherine	✓+	✓	✓	✓	✓	✓	✓	✓	✓	X
Butler, Joshua	✓	✓	✓	✓	---	---	✓	---	---	---
Curley, Lorenzo	✓	✓	X	✓	✓	✓	✓	✓	✓	✓
Damon, Charles	---	---	---	✓	✓	✓	✓	X	✓	✓
Hale, Jonathan	✓	✓	---	✓	---	---	✓	S✓	✓	✓+
Maryboy, Kenneth	✓	✓	✓	✓	---	---	✓	X	---	---
Naize, Johnny	S	S	S	S	S	S	S	✓+	✓	✓
Nez, Jonathan	✓	✓+	X	✓	✓	✓	✓	✓	S✓	S✓
Pete, Leonard	✓	✓	X	✓	✓	✓	✓	---	---	---
Phelps, Walter	✓	✓	X	✓	✓	✓+	✓	✓	✓	✓
Shepherd, Alton	✓	✓	X	✓	✓	✓	✓	✓	✓	✓
Simpson, Danny	✓	✓	---+	✓	✓	✓	---	✓	✓	✓
Smith, Roscoe	✓	✓	X	✓	✓	✓	✓	✓	✓	✓
Tom, David	✓	✓	✓	---	✓	✓	✓	✓	✓	✓
Tsinigine, Duane	✓	✓	✓	✓+	✓	✓	✓+	X	✓	✓

From the Office of the Speaker: 2013 Spring Session
Legislation Results for the 22nd Navajo Nation Council

22nd Navajo Nation Council	Legislation No. 0001-13	Legislation No. 0015-13	Legislation No. 0077-13	Legislation No. 0352-12	Legislation No. 0496-12	Legislation No. 0009-13	Legislation No. 0060-13	Legislation No. 0042-13	Legislation No. 0117-13	Legislation No. 0120-13
	Tsosie, Leonard	✓	✓	X	----	----	----	✓	✓	✓
Witherspoon, Dwight	✓	✓	X	✓	✓+	✓	✓	✓	✓	✓
Yazzie, Edmund	✓	✓	X	✓	----	----	✓	X	✓	✓
Yea	19	22	5	19	15	15	22	15	20	17
Nay	0	0	14	0	0	0	0	7	0	2
Did Not Vote	4	1	4	4	8	8	1	2	4	5
	Passed	Passed	Failed	Passed	Passed	Passed	Passed	Tabled	Passed	Passed
KEY	✓ Support = +1 X Oppose = -1 ---- Did Not Vote = 0 + Primary Sponsor S = Speaker or Speaker Pro-Tem, No Voting Privileges (Unless to break a tie)									

If you have questions about legislations or you would like to make recommendations to improve this document's usability, please feel free to contact us at nnlb.communications@gmail.com or (928) 871-7160.



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For Immediate Release
April 18, 2013

President Shelly Lowers Navajo Flag in Honor of Fallen Code Talker

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly said the Navajo Nation collectively mourns the loss of Navajo Code Talker Albert Smith, 88, who passed away Wednesday morning.

President Shelly has ordered the Navajo Nation Flag be lowered from sunrise April 19 through sundown April 22 in honor of Code Talker Smith.

“Vice President Rex Lee Jim, First Lady Martha Shelly and myself offer our prayers and condolences to the family of Code Talker Smith. His legacy of being a Code Talker will be remembered for generations to come. The Navajo Nation mourns the loss of one of our modern day heroes and warriors,” President Shelly said.

Code Talker Smith was born Dec. 13, 1924. He was Salt People Clan and born for Black Streak Wood People.

Code Talker Smith served in the 4th Marine Division Battalion, 23rd regiment during World War II and served in Saipan, Tinian, Iwo Jima and the Marshall Islands. He began his service as a Code Talker in 1942.



Code Talker Albert Smith, 88, served in World War II as a Navajo Code Talker.

“I think about our Code Talkers and their deeds, it makes me proud to know that these young Navajo men helped defeat the Japanese. Code Talker Smith was among those young men who used our language to defeat the enemy. They came home without being able to tell us of their deeds. We recognize them today and their heroic deeds,” President Shelly said.

Code Talker Smith also served as an advisor to the movie “Windtalkers,” a movie that depicted the inception and service of the Navajo Code Talkers.

In 2001, he was honored with the Congressional Medal of Honor for his service during World War II.

Code Talker Smith also was an honored guest in New York’s Fifth Avenue Veteran’s Day Parade last November.

Code Talker Smith is survived by his daughter, Alberta Holman; brothers, George Smith of Mariano Lake, N.M., Donald Smith of Bluewater, N.M., Leonard Smith of Sundance, and Phillip Lee Smith of Monument Valley, Utah; sisters, Yvonne Denetclaw of Fruitland, N.M., Florence Dick of Iyanbito, N.M., Phyllis King of Iyanbito, and Diane Smith of Sundance; and two grandchildren.

Code Talker Smith was preceded in death by his wife, Helen Smith, of Laguna, N.M.; parents, Red and Betsy Dawoola Smith; stepmother Johanna Smith; brothers Sherman Pinto, Ray Smith, George Smith; sisters Mary Christine Begay and Dorothy Jaramillo.

A rosary is scheduled to be held 7 p.m. tonight, Thursday night, at St. Joseph Church in Laguna, N.M. Funeral services are scheduled to begin at 11 a.m. Friday, April 19, at the same church.

“Code Talker Smith will be remembered as a educator, warrior and a hero among our Navajo people,” President Shelly said.

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For Immediate Release
April 17, 2013

President Shelly Sends Letter to Navajo Council Urging Approval of NGS Lease

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly sent a letter to the Navajo Nation Council asking them to approve the Navajo Generating Station Lease Extension Amendments.

Amid rumors of Navajo Council possibly tabling legislation that would approve the NGS lease extension, President Shelly wrote the following letter:

“Honorable Council Delegates,

I strongly appeal the Navajo Nation Council to pass the Navajo Generating Station lease extension amendment. It is a well-negotiated lease agreement. The Navajo Nation laws and procedures were adhered to during the negotiations.

As President, I am delegated the authority to negotiate pursuant to my Powers and authority stated in Title Two of the Navajo Nation Code. Through that authority I appointed the NGS Negotiation Team. The Team negotiated a good solid agreement for the Navajo Nation. The current lease, including taxes is approximately \$3 Million a year. If the Council approves the lease renewal the Nation will receive \$43 Million a year, starting 2019.

We have been told by SRP there is little, if no room to renegotiate. They consider the major points of the agreement to be exhausted, such as jurisdiction and money. Because of mitigating circumstances the water concerns are unlikely to be resolved before the timeframe needed to finalize the lease extension.

The Navajo Nation Council’s authority pertains to approving or not approving the NGS lease extension amendment. Contemplation of furthering any negotiations would be detrimental to the Navajo Nation and the People who rely on Navajo Generation Station for their livelihood.

I appeal to you for your vote to pass this legislation.”

Navajo Council is expected to discuss the NGS lease extension today



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For Immediate Release
April 16, 2013

President Shelly Outlines Objectives for Uranium Clean Up

GALLUP, N.M. – Navajo Nation President Ben Shelly delivered an opening statement that featured future steps needed to continue uranium clean up in Church Rock and other affected areas.

“One of the critical lessons we learned early on was to listen to the people who live in the impacted areas,” President Shelly said during his speech.



President Shelly’s speech helped start the two day Fifth Annual Uranium Contamination Stakeholder Conference, in which citizens had a chance to express their concerns to leaders of various government agencies that are tasked with uranium clean up and reclamation.

President Shelly talked about the Five Year Plan that outlined timelines to clean up uranium abandoned mines and contamination sites.

“Since 2007, over seven different federal agencies have joined this inter-agency collaboration and they have completed many of activities in the Five Year Plan,” President Shelly said.

President Shelly said the future of mine clean up needs to have more Navajo employed and trained to perform remediation tasks.

He added that the agencies need to continue identifying and cleaning structures, water wells, abandoned mines, and continue clean up of North East Church Rock mine site and Tuba City Dump.

President Shelly did applaud the completed objective of cleaning up uranium tailings along U.S. Highway 160 near Tuba City.

“We are grateful that Department of Energy allowed Navajo EPA to take the lead on the cleanup process which came in on time and under budget. This is a good model for all to recognize – as long as sufficient resources are provided,” President Shelly said.

He added that financial resources needed to be dedicated to the remaining objectives.

U.S. EPA Region 9 Administrator Jared Blumenfeld was in attendance and agreed with President Shelly that financial resources need to be allotted for the objectives to be completed.

“All of these objectives are important to me as Navajo Nation president,” President Shelly said.

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FOR IMMEDIATE RELEASE
April 16, 2013

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Speaker Naize delivers report focusing on energy issues during the first day of Navajo Nation Council Spring Session

WINDOW ROCK – Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) delivered a report citing progress on core initiatives under his administration before the Navajo Nation Council on Monday afternoon during the first day of the Spring Council Session.

“We are in a real critical stage in the Nation’s period,” said Speaker Naize. “Our Navajo Nation revenue is at stake, our employment is at stake, our economy is at stake, and our unemployment rate is yet to be decided.”

Speaker Naize emphasized the importance of proceeding forward with the Nation’s due diligence investigation to possibly acquire the BHP Navajo Mine – a move that would help protect Navajo jobs, bolster the Nation’s economy, minimize devastating budget cuts to Navajo programs and services, and help the Nation make a significant step toward economic self-reliance.

“We have a sequestration that we have to worry about,” said Speaker Naize, alluding to impending federal budgets cuts and the impacts it will have on federally-funded Navajo programs. “I hope and look forward to a very favorable solution when we get over this hump that we’re trying to climb over.”

Speaker Naize also touched upon the topic of Navajo Generating Station lease amendments and the negotiation process in his report.

“Although we believe it is imperative that the Legislative Branch remain informed and engaged during the entire negotiating process, Title 18 may not be the proper provision for this engagement,” Speaker Naize reported.

Title 18 of the Navajo Nation Code guides the formulation of the negotiating team tasked with negotiating mineral leases or other energy agreements on behalf of the Navajo Nation. Concerns over non-compliance with Title 18 provisions during the NGS lease negotiation discussions resulted in an “out of order” ruling on the NGS lease amendment legislation during a Feb. 28 Naabik’íyáti’ Committee meeting.

Citing information provided by the Navajo Nation Department of Justice, “Title 18 remains questionable as to its application and relevance to the matters at hand,” Speaker Naize wrote in his report.

In other energy related matters, Speaker Naize said his office has been working with the Navajo Nation Minerals Department and Navajo Oil and Gas to address Utah Navajo community concerns on

the flaring of excess natural gas due to maintenance issues that required the shutdown of a natural gas pipeline.

The gas, which would have normally been directed to the market to generate taxes and revenue for the Nation, has since been re-injected back into the ground. Staff has been working on securing additional right-of-ways to allow for the natural gas to be transferred north to a Utah gas plant, Naize said.

Other topics Speaker Naize mentioned in his report included advancements on discussions regarding the Fort Wingate Military Depot land negotiation talks with the Zuni Tribe, the outcome of the New Mexico gaming compact negotiations, Navajo education, an update on proceedings with Navajo Housing Authority lawsuit, and water rights.

To view a copy of Speaker Naize's Spring Council Session report, Diné citizens may visit:

http://www.navajonationcouncil.org/pressReleases/2013/APR/2013_2nd_Qtr_Speakers_Report.pdf.

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FOR IMMEDIATE RELEASE:
April 15, 2013

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NNHRC Urges Navajo Citizens to Vote in New Mexico School Board Elections on Tuesday

ST. MICHAELS, Navajo Nation—The Navajo Nation Human Rights Commission urges Navajo citizens in McKinley county of New Mexico to vote in tomorrow’s school board election.

The Navajo Nation’s proposed redistricting maps provided Native Americans in McKinley County of the Gallup McKinley County School District an opportunity to elect a candidate of their choice in accordance to the Voting Rights Act. GMCS D’s regular school election will take place on Tuesday, April 16, 2013.

“We, at the Commission, worked diligently to ensure Navajo voting strength is protected,” said NNHRC Executive Director Leonard Gorman in a previous press release. “NNHRC drew redistricting maps to ensure that Navajo voters elect a candidate of their choice.”

The indicator that Navajos elect their candidate of choice is a larger Navajo voting age population turning out to vote. With that, NNHRC encourages Navajos who are of voting age to find their election polling station and vote.

“The Navajo Nation’s involvement with the United States redistricting of election districts from the congressional level to the school board level was to keep Navajos voting rights intact,” said Gorman. “Get out and vote.”

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FOR IMMEDIATE RELEASE
April 14, 2013

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Legislation allowing the formation of Navajo Transitional Energy Company, LLC excluded from Naabik'íyátí Committee's agenda

WINDOW ROCK – Legislation No. 0102-13, sponsored by Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood), which seeks approval for the formation of the Navajo Transitional Energy Company, LLC, was excluded from the Naabik'íyátí Committee's agenda last Thursday due to non-compliance with Title II of the Navajo Nation Code concerning the implementation of special committee meetings.

At a special session on Mar. 29, the Navajo Nation Council passed Legislation No. 0078-13, approving \$2.3 million in supplemental funding for Phase II of the due diligence investigation to possibly acquire BHP Navajo Coal Company.

The establishment of NTEC would allow for the limited liability company to negotiate and execute agreements for the possible purchase of the BHP Navajo Coal Company.

The Resources and Development Committee was the first assigned standing committee to consider Legislation No. 0102-13 during a special meeting held early Thursday morning, where members voted 3-2 in support of the legislation.

Immediately following the RDC special meeting, the Budget and Finance Committee convened at a special meeting to consider the legislation where members immediately tabled it, moving it forward to the Naabik'íyátí Committee for consideration.

When the Naabik'íyátí Committee convened on Thursday afternoon and began discussion on the approval of the committee's proposed agenda, Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) asserted that Naabik'íyátí members would need to first approve the addition of Legislation No. 0102-13 onto the agenda because an earlier draft agenda had not listed the legislation.

Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) motioned to add Legislation No. 0102-13 to the agenda, seconded by Council Delegate David Tom (Beclabito, Cove, Gadi'i'áhi/To'Koi, Red Valley, Sheepsprings, Toadlena/Two Grey Hills, Tsé ałnáoz't'í'í).

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) immediately objected to the motion, arguing that the RDC did not comply with the one-day public notice requirement, as mandated in Title II of the Navajo Nation Code, for the RDC special meeting held that morning.

According to 2 N.N.C §184, special committee meetings may be held if funds are available within the approved annual budget for additional meetings, the Speaker of the Navajo Nation Council approves such meetings, and notice of the meeting is posted on the Navajo Nation Council website at least one calendar day before the proposed meeting.

Delegate Benally said on Tuesday afternoon RDC Vice-Chair Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill) had requested for the RDC special meeting, and that the public notice was posted to the Council's website after 2:00 p.m. on Wednesday.

In accordance with that timeline, the RDC special meeting took place less than twenty-four hours after, said Delegate Benally, and thus, did not meet the 24-hour public notice requirement.

Navajo Nation Deputy Attorney General Dana Bobroff said she was informed that the Office of Legislative Counsel had previously interpreted one calendar day to mean twenty-four hours.

"This morning's [RDC] meeting did not meet the notice requirement," said Bobroff, who then referred to Acting Chief Legislative Council Mariana Kahn for her input.

Kahn referred back to RDC's Apr. 9 regular meeting, when Legislation No. 0102-13 was placed on the approved agenda for committee consideration. At that meeting, the legislation was not considered for action as it had failed to garner a motioning and secondary vote.

During previous Title II amendment discussions, Kahn said the Navajo Nation Council decided that a committee that does not have final approval authority on a resolution does not have the authority to stop the resolution.

According to Kahn, legislative counsel attorneys agreed that the RDC took action when RDC members had the opportunity to consider the legislation and decided against it.

Kahn concluded that since the RDC was not the final authority on the legislation, it should have moved forward to the Budget and Finance Committee for consideration.

"You advised otherwise when I had a legislation taking the same steps and you said I was out of order," said Delegate Benally. "Members of the committee, this not only affects the RDC, but any other legislation that you choose not to address at some point."

Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K'ai'Bii'To, LeChee, Tonalea/Red Lake) also expressed disappointment with legislative counsel's statements, and urged Delegate Bates to withdraw his motion.

Delegate Bates stood by his motion, arguing that the issue concerning one-day public notice should have been brought forth and dealt with at the RDC special meeting.

"It is contingent on you, Mr. Speaker, as to whether you want to go by what legislative counsel has indicated, or based on the actions of the [RDC and BFC] committees, you allow it," Delegate Bates said.

In response to the request of Delegate Bates, legislation sponsor Speaker Naize excused himself to allow for Council Delegate Jonathan Hale (Oak Springs, St. Michaels) to serve as Pro Tem Chair.

“This particular legislation in question is my legislation,” said Speaker Naize. “If I rule on it, it’s going to put me in conflict.”

Delegate Tsosie urged his committee colleagues to abide by the Navajo Nation Code to avoid potential lawsuits by proceeding with the legislation.

“I think it’s quite simple, you go with what’s written in the law,” said Delegate Tsosie. “The fact is the RDC convened before the twenty-four hours had passed.”

“Legislative counsel is saying, when there is no motion to hear legislation that it’s considered ‘taking action’, and it shouldn’t be,” added Delegate Tsosie. “It sets a dangerous precedence.”

Council Delegate Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl’a’a’) encouraged his colleagues to allow the legislation to be considered since it had already gone through the RDC and BFC.

“At the BFC [special] meeting, we had a document come before us containing RDC’s report,” said Delegate Begay. “The meeting was called to order, we had all the formalities, and I believe that legitimizes the action.”

After nearly an hour of debate, Pro Tem Chair Jonathan Hale (Oak Springs, St. Michaels) called for the legislation to be withheld from the Naabik’íyátí Committee’s agenda.

“For this situation – abiding by the laws that are written other than the interpretation given verbally – I’m going by what’s written,” Pro Tem Chair Hale declared.

Legislation No. 0102-13 remains on the Resources and Development Committee’s agenda for consideration.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



FOR IMMEDIATE RELEASE
April 14, 2013

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Naabik'iyáti Committee votes down NGS lease extension
Legislation moves on to the Navajo Nation Council for final consideration

WINDOW ROCK – Legislation No. 0042-13, which seeks to extend the Navajo Generating Station's lease for 25 years beginning in 2019, was opposed with a 10-11 vote at the Naabik'iyáti Committee meeting last Thursday.

Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) is the prime sponsor of Legislation No. 0042-13.

The legislation was first brought before the Naabik'iyáti Committee on Feb. 28, where it was ruled "out of order" by Pro Tem Chair Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) on grounds that the negotiating task force appointed by Navajo Nation President Ben Shelly, was not formulated in accordance with Title 18 of the Navajo Nation Code.

On Thursday, Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) immediately issued a challenge to the "out of order" ruling from the initial Feb. 28 meeting.

"I believe in our rules. Once there is a ruling from the chair or the Speaker, and an individual feels that it is not the correct ruling, it allows for a challenge," said Delegate Bates. "At the time Honorable Elmer Begay ruled it out of order, there was a challenge issued by Honorable [Duane] Tsinigine, but it was never recognized, and immediately after, the meeting was adjourned."

Council Delegate Jonathan Hale (Oak Springs, St. Michaels), who served as Pro Tem Chair during Thursday's Naabik'iyáti Committee discussion, then asked Navajo Nation Deputy Attorney General Dana Bobroff to offer her perspective on how the challenge to the "out of order" ruling should be handled.

Bobroff stated that she was not present at the Feb. 28 meeting, and therefore, could not offer firsthand knowledge about what occurred.

"There are no provisions for challenging it in the [standing] committee rules," Bobroff said.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said based on the Deputy Attorney General's statement, the "out of order" ruling should stand, but it would not necessarily stop the legislation.

If the ruling was to stand, Delegate Tsosie suggested two ways to proceed forward – either the legislation could be reintroduced, or the Naabik'iyáti Committee could create a negotiating team in compliance with Title 18 provisions.

Delegate Bates continued to question the validity of the “out of order” ruling.

Referencing two legal opinions provided by the Navajo Nation Department of Justice, Delegate Bates stated, “As indicated, there’s nothing in Title II that addresses how to handle this particular situation so the Naabik’íyátí Committee does have the authority to make a decision based on what’s before us.”

According to Bobroff’s legal opinion, standing committees did not have the authority to rule a Council’s resolution “out of order”.

A resolution would have to be ruled “out of order” at a council session, Bobroff stated, and as such, the legislation moves on to the Council for final consideration.

Delegate Tsosie expressed disappointment with the legal interpretation.

“If legislations are just going to move on, then what’s the point of having [standing] committees?” questioned Delegate Tsosie, who thought the best way of appropriately handling the legislation would be to form a negotiation team pursuant to Title 18, which would then recommend a certain action.

Council Delegate Russell Begaye (Shiprock) also expressed skepticism about moving the legislation forward to Council, stating that in the last couple of years, if legislation was ruled “out of order” it did not move forward.

“If we’re now saying it does move forward, then maybe we need to revisit all the legislations that have previously been ruled “out of order,” and didn’t move forward,” Delegate Begaye reasoned.

In response to Council Delegate Walter Phelps’s (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) request for a definitive explanation as to what “out of order” meant, Bobroff said it is the Council’s responsibility to answer that question.

“Council is asking the DOJ to make a decision based on an absence in your rules,” Bobroff said.

A committee cannot kill legislation at the committee level by ruling it “out of order” if the Council holds final approval authority, Bobroff clarified.

Bobroff cited §164 of Title II which states that a legislation that does not receive sufficient vote for passage by a committee which does not have final approval authority over the matter shall move forward to the subsequent assigned committee(s) or Navajo Nation Council for action.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) opposed the recommendation to move the legislation forward.

“Our laws on the Navajo Nation Code are now being considered not valid,” said Delegate Witherspoon. “We will now have to research all Navajo Nation codes as to their full vetting of the Council to be considered valid law.”

If the legislation was allowed to proceed, Delegate Witherspoon said the Naabik’íyátí Committee would then be supporting the president and DOJ in leaving Council and agency representation out of any future negotiating team which would leave the door open to any individual and any delegate to sue for not having representation in the negotiations.

Delegate Witherspoon argued that because the legislation was ruled “out of order”, it was never considered by the Naabik’íyátí Committee and should not go to a vote during Thursday’s meeting.

Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) said he supports the legislation but does not support the way the Naabik’íyátí Committee is proceeding and deviating from procedure.

“What is the purpose of having standing committees if legislation is going to continue to move forward?” asked Delegate Butler. “We should just do away with committees and save the Nation time and money.”

Legislation sponsor Speaker Naize, explained that ruling the legislation “out of order” was not in the floor rules at the Feb. 28 Naabik’íyátí Committee meeting.

“This particular legislation went through the process. It went through the committees and never diverted from the process,” said Speaker Naize. “Since there’s no ruling of ‘out of order’ in our floor rules, it had to come back to this committee and that’s why it was placed on the agenda.”

Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) expressed the importance of handling the legislation carefully.

“We as representatives for various areas did not have input on this agreement, but yet we are voted in by the people and held accountable by the people,” Delegate Nez stated.

Delegate Nez said his constituents are questioning if this is the best deal the Nation can negotiate, adding that the Inscription House Chapter has passed a resolution advocating for him to be a part of the negotiating team.

“We’re not saying ‘no’, we just want to do what is best for our constituents and for the people of the Navajo Nation so that 20 or 50 years down the road, our children, our grandchildren, don’t say to us, ‘the 22nd Navajo Nation Council just sold us out,’” Delegate Nez said.

Delegate Witherspoon summed up the differing arguments by explaining that one body of delegates would like to act on the legislation with supporting legal opinions from DOJ, and another body of delegates believes the “out of order” ruling should be upheld, meaning that new legislation should be introduced after Title 18 is resolved.

Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’Bii’To, LeChee, Tonalea/Red Lake) urged the committee members to adhere to the challenge of the “out of order” ruling put forth by Delegate Bates, and asked Pro Tem Chair Hale to make the decision.

After two hours of debate, Pro Tem Chair Hale made the decision to call for a vote, explaining that when the NGS lease extension legislation goes before Council, it can be tabled at that time until all concerns are resolved.

Naabik’íyátí members opposed the legislation with a vote of 10-11. Pro Tem Chair Hale cast the tie-breaking dissenting vote. Legislation 0042-13 moves forward, and is now on the agenda for the Navajo Nation Council’s consideration during the Spring Session which begins Apr. 15.

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FOR IMMEDIATE RELEASE
April 14, 2013

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Navajo Nation Council Spring Session to be streamed live on the web

WINDOW ROCK – The Navajo Nation Council Spring Session will once again be streamed live on USTREAM beginning Monday, Apr. 15.

“I am pleased to welcome all Diné citizens – those living within our four sacred mountains and those residing in various places the world over – to tune into our designated USTREAM channel on the web throughout the duration of the Council’s Spring Session,” said Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood).

This is a prime opportunity to engage in the Navajo Nation’s legislative proceedings as an active viewer, and to become informed on pressing issues that affect the Diné people, now and into the future, stated Speaker Naize.

This will be the third time a regular Council session has been streamed for online viewing since live streaming of Council proceedings first began during the 2012 Fall Session.

The purpose of this endeavor is to expand and diversify the ways in which Diné citizens participate in their government – an objective for which many Council Delegates have advocated.

The Office of the Speaker continues its partnership with the Navajo Nation Office of Broadcast Services to provide this regular service to the Diné people.

Visit <http://www.ustream.tv/channel/navajo-nation-council> to view the live-streamed proceedings of the Spring Council Session. Alternatively, viewers may log onto the USTREAM home page and search for ‘Navajo Nation Council’ in the search box.

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FOR IMMEDIATE RELEASE
April 12, 2013

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Law and Order Committee receives status reports on Shiprock police and judicial districts

SHIPROCK, N.M. – The Law and Order Committee traveled on Monday, holding their regular meeting at the Navajo Engineering & Construction Authority office building, where they received status reports on the present activities and concerns held by the Shiprock Police District and the Shiprock Judicial District.

“We have a number of challenges that we are currently working on,” said acting Navajo chief of police, Capt. Ivan Tsosie, who mentioned that officers have been working diligently to cut down on the number of pending police and vehicle accident reports within the department.

Capt. Tsosie also said the police district has also been addressing complaints from the public for lack of or no response to calls for assistance, but said it still poses a challenge as police officers divide their time to provide services to Navajo communities over great land expanses.

Currently, the Shiprock Police District is coordinating with the Ute Mountain Ute Tribe on installing a signal repeater atop one of the nearby mountains in the area to broaden communication between on-scene police officers and police dispatch.

The police district has also been coordinating with area school districts and BIA schools on the development of response plans in the event that a shooting were to occur within the school or the community.

Additionally, Capt. Tsosie said the police district is partnering with a local company to erect billboards for a community safety campaign aimed at cautioning people against texting or drinking while driving.

Discussion about the Judicial/Public Safety Facilities Fund Priority List surfaced at the conclusion of Capt. Tsosie’s report, when he asked the committee to retain Shiprock as one of the 5 prioritized facility construction projects at the top of the list.

The Shiprock project is currently number two on the list, after Chinle. It is then followed by Fort Defiance, Pinon, and Dilkon.

“Right now, we are shovel-ready and ready to go,” said Captain Tsosie. “We just need the funds.”

In response, LOC vice chair Council Delegate Alton Joe Shepherd (Cornfields, Ganado, Jeddito, Kin Dah Łichíí’, Steamboat) maintained his position that he wants to make sure the committee addresses the priority listing determinations in a fashion where projects that have all the necessary pre-construction requirements ready would be prioritized higher up on the construction priority list.

“Everybody is coming to this Law and Order Committee saying that they have a greater need, and this type of comparison evaluation would paint a better picture of how to objectively assess these projects,” Delegate Shepherd said.

Shiprock Chapter President Duane “Chili” Yazzie was also in attendance at the Monday meeting to convey his support to keep Shiprock at the top of the priority list, and also acknowledged the dilemmas the LOC gets placed in when addressing the extent of needs of numerous Navajo communities for public safety, judicial, and detention facilities.

“Other communities that are competing for the same pot of funds, I don’t discount the severity of their needs,” said Yazzie, who mentioned that Shiprock is the highest populated chapter on the Navajo Nation.

“This facility will certainly meet the needs of the greater number of people. As leaders we try to meet the needs of the greater number of people the best way we can,” Yazzie continued. “Keep our Shiprock complex up at the top of the list.”

When it came to the Shiprock Judicial District status report, court administrator Ethel Laughing provided statistics on the number of cases that were addressed this year from Jan. 1 through Mar. 29.

According to Laughing, the number of cases brought forward to the Shiprock Judicial District numbered 3,532, along with an additional 932 cases that have been filed.

These numbers amount to an overall caseload of 4,464 cases. Of that number, 747 cases have been closed, which leaves a total of 3,717 cases pending within the district.

Laughing praised the district’s implementation and use of JustWare, a case management software that allows the district court to enhance how information is shared and managed with prosecutors, courts, peacemaking, public defenders, and probation.

The district court is looking at using JustWare to introduce the conveniences of e-filing and e-payments for the general public. In the future, the public could electronically file requests or make electronic payments to the court over the internet.

LOC member Council Delegate Russell Begaye (Shiprock) asked Laughing she anticipated any impacts to the judicial district’s operations due to the sequestration cutbacks.

“We are looking at a 5 percent cut...minimal,” answered Laughing. “Based on our assessment, we feel we are safe, and should be able to employ employees in our district.”

The Law and Order Committee wrapped up discussion on the reports by iterating that they will soon be selecting a date to hold a work session with officials from the Navajo Nation Judicial Branch to discuss possible amendments to the Judicial/Public Safety Facilities Fund Priority List.

Both reports by the Shiprock Police District and the Shiprock Judicial District were each approved by committee members with a vote of 3-0.

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Press Release

For Immediate Release

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NNTV5 will be providing live webcast of the 22nd Navajo Nation Council Spring Session.

Window Rock, AZ – The Navajo Nation Office of Broadcast Services - NNTV5 will be webcasting the 22nd Navajo Nation Council Spring Session beginning April 15-19, 2013. This is a collective effort with assistance being provided by Navajo Nation Department of Information Technology and the Navajo Legislative Branch to bring web stream programming to the Dine people.

NNTV5 would like to inform the public that the live webcast will begin April 15, 2013 at 10am until the conclusion of the session. The public who are interested in viewing the Navajo Nation Council Spring Session can do so by visiting the following link:
<http://www.ustream.tv/channel/navajo-nation-council>



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FOR IMMEDIATE RELEASE:
April 11, 2013

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NNHRC announces the official visit of a U.N. Working Group on Business and Human Rights to the United States

SAINT MICHAELS, Navajo Nation—The Navajo Nation Human Rights Commission announces a visit of the **United Nations Working Group on Business and Human Rights** to the United States from **April 22, 2013 to May 1, 2013**, which will include a visit to **Flagstaff, Arizona** on Saturday, **April 27, 2013** among other official visits nationwide.

Currently, details for the official visit to Flagstaff, Ariz., are being facilitated by NNHRC.

“The visit will include engagement with the U.S. Government, state/local governments, business enterprises, civil society and other stakeholders to identify current initiatives, opportunities, challenges and good practices in the implementation of the Guiding Principles on Business and Human Rights in the United States,” stated Michael van Gelderen for the Office of the United Nations High Commissioner for Human Rights to NNHRC.

The Office of the United Nations High Commissioner has stated that the Guiding Principles on Business and Human Rights “set a global standard on preventing and addressing the risk of adverse impacts on human rights linked to business activity.”

Including indigenous peoples

“The Working Group has also decided to address the situation of indigenous peoples as part of its programme of work, in collaboration with other relevant UN bodies on the rights of indigenous peoples,” stated van Gelderen in his e-mail to NNHRC. “One of the perspectives that the Working Group is keen to capture as part of the US visit is that of the protection and respect for the human rights of indigenous peoples, including Native Americans, in the context of business activities.”

For more information about the Guiding Principles and the U.N. Working Group, visit www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx and www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx.

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FOR IMMEDIATE RELEASE
April 11, 2013

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**Budget and Finance Committee votes down
legislation to approve \$5.2 million for water projects**
Legislation moves on to the Naabik'iyátí Committee

WINDOW ROCK – At a special meeting on Wednesday, the Budget and Finance Committee voted to oppose Legislation No. 0352-12 which aims to approve supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$5.2 million for contractual services for regional water plans.

The legislation was first brought before the BFC on Mar. 6, where no action was taken because budget documents in the legislation were for fiscal year 2012, instead of the current year.

The Resources and Development Committee had previously considered the legislation on Jan. 8, and referred it to the BFC with a “do pass” recommendation with no amendments.

Reginald Shirley, senior hydrologist with the Navajo Nation Department of Water Resources, said the regional water plans would evaluate existing water systems, develop alternatives for future water supplies and development needs, and provide cost estimates.

According to the legislation, regional water plans are designated for numerous chapters, preliminary engineering reports, Kayenta water development, and the Rough Rock water well.

As many as 23 chapters will benefit from the funding, Shirley said.

The legislation immediately drew skepticism from some BFC members over the motive of the funding proposal and who the funding would benefit.

BFC member Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) questioned why the Department of Water Resources does not request funding for water projects more often.

If the department had routinely performed these types of studies and proposals, they could be helping the entire Navajo Nation, Delegate Curley said.

“This seems like a pork barrel type of legislation, which is designed to benefit only certain folks and all the other chapters will not benefit from these services,” Delegate Curley added.

BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock) questioned why none of the Eastern Agency chapters were included in the legislation.

“If plans like this are going to be funded, other chapters need to be incorporated,” said Delegate Simpson. “If we don’t do it now, those chapters will be left out for many more years.”

BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’ izhi) questioned if any services had already been contracted to any particular company and if so, Delegate Begaye asked if all Navajo Nation procurement were followed.

Shirley assured BFC members that the projects had not been contracted to any companies and that the Department of Water Resources would comply with all Navajo Nation procurement policies.

“I would support this if the legislation answered all of our questions, but it does not,” Delegate Begaye concluded.

BFC vice-chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) warned Shirley that the legislation would draw even more questions and concerns when it is brought before the Naabik’íyátí Committee.

Delegate Nez also questioned the feasibility of the proposed projects, specifically the proposed Shonto to Black Mesa Regional Water Plan.

After an hour of debate, BFC members opposed the legislation with a vote of 1-2. Legislation No. 0352-12 now moves on to the Naabik’íyátí Committee for consideration.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



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For Immediate Release
April 10, 2013

President Shelly Welcomes ASU Study of Economic Impact of Navajo Generating Station and Kayenta Mine

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly applauds an Arizona State University study that states Navajo Generating Station and Kayenta Mine will help contribute nearly \$13 billion to the Navajo economy and help support nearly 75,000 jobs from 2020 through 2044, the term of the extended lease.

“I have been saying that NGS plays an important role to the Navajo Nation. The power plant does more than create revenue for the Navajo Nation government, but the plant stimulates the local economy. The study from ASU is welcomed because it factually outlines the overall picture NGS and Kayenta Mine play in the Navajo Nation’s economy,” President Shelly said.

The study was release Wednesday afternoon by the L. William Seidman Research Institute in the W.P. Carney School of Business at ASU.

A negotiating team appointed by President Shelly recently concluded negotiations earlier this year of a NGS lease extension through 2044 with Salt River Project, the managing partner of Navajo Generating Station.

The Navajo Nation government would see a favorable increase in lease payments and taxes, however, the lease extension has to be approved by the Navajo Nation Council before President Shelly could sign the lease extension amendment.

The study states that Navajo Generating Station and Kayenta Coal Mine would contribute \$12.94 billion to the Navajo Nation economy through sustained jobs and wages.

The study also indicates that in 2020, the plant and mine would support nearly 3,000 jobs and contribute more than \$500 million to the Navajo Nation’s economy, or Gross Navajo Nation Product. The plant and the mine currently employ nearly 1,000 workers.

“I have been saying we need to protect existing jobs on the Navajo Nation. This study shows that the plant and the mine not only support existing jobs at the plant and mine, but support other jobs in the area,” President Shelly said.

The most recent study is separate from the 2012 study that stated that Navajo Generating Station and Kayenta Mine have \$20 billion impact to the northern Arizona economy.

“The 2012 report was concerned with the economic effects for Coconino County, Navajo County and the State of Arizona as a whole. The current study examines the economic effects exclusively for the Navajo Nation,” the study stated.

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THE NAVAJO NATION



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For Immediate Release
April 10, 2013

President Ben Shelly To Sign MOU with Local Unions

WINDOW ROCK, Ariz. – Navajo President Ben Shelly is scheduled to sign a Memorandum of Understanding with the Nal-Nishii Federation of Labor AFL-CIO group of unions on Thursday morning, April 11, at 11:30am.

The signing ceremony is scheduled to take place at the President's Office.

Through the MOU will create job opportunities for Navajo Nation residents. The Navajo Nation and unions affiliated with Nal-Nishii Federation of Labor AFL-CIO will assist residents to be hired for jobs according to required skills and proficiency in job classifications, and to help develop a highly skilled, qualified and resilient workforce for upcoming public works projects on the Navajo Nation, whether undertaken by federal, state or Navajo Nation government.

“We need to train our Navajo people so they can have the opportunities to have better jobs. This MOU will help our people gain access to training so our workforce can become stronger,” President Shelly said.

###

ADOT reaches out to Navajo communities on N20 paving efforts



The Bodaway-Gap Chapter was packed to capacity as community members, tribal officials, state representatives and chapter leadership met to discuss the possible paving of Navajo Route 20 as an interim detour route. ADOT was reaching out to communicate with communities affected by the road closure on U.S. 89 and provided updates on the repair of U.S. 89 and the opportunity to pave N20 using Federal Highway Administration Emergency Relief funding. (Photo by Rick Abasta)

BODAWAY GAP-The chapter house was packed to capacity and many stood along the walls and in the doorway, for a chance to listen in on the discussions for paving Navajo Route 20 as an interim detour route as U.S. 89 is repaired.

Officials from the Navajo Division of Transportation, Bureau of Indian Affairs, Arizona Department of Transportation, Coconino County and Federal Highway Administration were in attendance.

Chapter officials from Bodaway-Gap, Coppermine and LeChee facilitated the dialogue on April 1, regarding the ramifications of the road closure on U.S. 89.

U.S. 89 was closed to traffic on Feb. 20, 2013, after a dry slide occurred and damaged the roadway. ADOT rerouted traffic east on U.S. 160 and then north on State Road 98 for travelers headed to Page.

Since the road closure, several meetings have been held in an effort to get a grip on repairing the damaged roadway and paving N20 as a temporary detour to alleviate the extra 100 mile drive for the current alternative route.

Officials sat facing each other “for a round table discussion, meaningful dialogue and exchange of ideas,” said Floyd Stevens, president of Coppermine Chapter.

Paulson Chaco, director for NDOT, spoke first and said ADOT has the lead role in the project.

“NDOT and BIA are just helping,” Chaco said. “We’re working with the right-of-way for ADOT. They want to pave quickly but there’s no right-of-way in place.”

He said President Shelly made it a priority for NDOT to assist ADOT in the development of N20 paving efforts during his visit to the chapter on Feb. 24.

Robert Samour, senior deputy state engineer for ADOT, shared a presentation on the restoration of U.S. 89 and the paving efforts for N20.

“I wanted to share some of the challenges, show you where we are and where we think we’re going,” Samour said.

He explained the slope failure of Feb. 20 resulted in a five-foot drop on the pavement and 500-feet of roadway movement. Additionally, the pavement separated and created large gaps with cracking near the shoulder of the red rock formation, he said.

Switching gears to N20 as a potential interim detour route, Samour said the first step would be geotechnical collection and the second step is restoration of essential traffic.

Samour said, “We believe

that N20 provides an opportunity, if we can come to an agreement of the actual scope of that project. Paving N20, the approximately 27 miles of dirt road, we believe would help relieve the current 100 mile detour that's in place."

He stressed site security at U.S. 89 and said safety is paramount, meaning no pedestrians and no public access. He said there have been six breaches of security and that somebody cut down the fences at both ends of the project, sometime between Mar. 30 and 31.

Emergency access is available through the site for first responders like ambulances, fire department and police. Members of the community have tried to access the roadway stating they have an emergency, which is unacceptable.

Geverne Begay, vice president for Bodaway-Gap, shared concerns about the hiring of workers to pave N20.

She asked, "Would our Navajo people here have first preference?"

Begay also mentioned concerns about the public outreach efforts and asked if an office could be established at one of the community chapters, including a liaison familiar with the communities.

Samour said ADOT would have Tribal Employment Rights Office specifications as a part of their contract "to hire a certain percentage of tribal members."

"We need to do a better job of getting out," Samour said. "I apologize if anyone feels that outreach hasn't been adequate up-to-date."

Responding to concerns about fencing, he said as the scope of work increased, it moves the project away from an interim repair to an ultimate project and ineligibility for relief funding from the FHWA.

Ammon Heier, area engineer for the FHWA, said as an emergency relief project, the

paving of N20 would utilize a specific pot of money at the national level, which has stipulations.

"We're fortunate we can pave a road that needs paving. It has to be done as expeditiously as possible," Heier said. "It's a balancing act."

Others spoke of the effects of traveling on N20.

"Our major concern is the condition of N20 right now," said Jim Walker, superintendent of Page Unified School District.

Walker explained that at least 10 buses travel on the 28-mile dirt road to transport 178 kids from the reservation communities.

He was worried about making it to the end of the school year on May 18.

"If we don't do a better job maintaining that road, I'm going to have more buses in the repair shop than on the road," Walker said.

The closure of U.S. 89 hit the pocketbooks of many residents.

Coleen Mountain, president of the Antelope Trails Vendor Association, said her members are directly impacted.

"They make a living from their art. It pays for their electricity, it feeds their children," Mountain said.

Artists used to sell their goods 200-yards from where the landslide occurred.

"It's a way of life for us. It makes us self-sufficient and independent. We are in desperation: financially, emotionally, mentally and physically," Mountain said.

NDOT continues work on expediting the approval of the temporary easement, along with the BIA and the target date for ADOT construction to begin on N20 is May 1.

Information:
www.navajodot.org



Geverne Begay, vice president of Bodaway-Gap, asked Robert Samour, senior deputy state engineer for ADOT, if Navajo Preference would apply during the hiring of construction crewmembers to pave N20. She also said ADOT needed to hire a liaison that was familiar with the local communities because traveling to Page, where ADOT's public relations efforts are headquartered, inhibits many community members from sharing concerns. (Photo by Rick Abasta)



"We're fortunate we can pave a road that needs paving," said Ammon Heier, area engineer for Federal Highway Administration. He said because the road was going to be funded by the emergency relief funding, the paving project had to be done as expeditiously as possible and would be done with minimal improvements in accordance with federal guidelines. (Photo by Rick Abasta)



FOR IMMEDIATE RELEASE
April 8, 2013

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Health, Education, and Human Services Committee
dialogues on proposed Navajo Nation Junk Food Tax Act of 2013
Committee tables legislation until work session is held on the topic

WINDOW ROCK – On Apr. 3, the Health, Education, and Human Services Committee considered Legislation No. 0085-13, a bill proposing to amend Title 24 of the Navajo Nation Code to allow for a 2 percent sales tax on junk food and to eliminate the sales tax on fresh fruits and vegetables.

Legislation co-sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) began the discussion by relating the purpose of the legislation to his own personal life.

“A year ago, I probably wouldn’t have signed off on a bill like this,” said Delegate Nez. “But at one point in my life, I realized that a lot of foods out there are not healthy, and in order to change my life I had to get away from those unhealthy foods.”

Nez shared that he has lost 100 pounds since changing his eating habits, attributing much of his weight loss to exercising and taking part in the Navajo Nation’s “Just Move It” program.

The generated tax revenue could raise substantial sums of money to benefit programs that are facing sequestration budget cuts, Delegate Nez said, and the tax also encourages local communities to be more self-determined and self-sufficient.

Although HEHSC members expressed strong support for the general promotion of healthier lifestyles, several questions and concerns were raised on the possibility of imposing additional taxes on Diné people.

“We have all been negatively affected by diabetes, whether it’s a family member or our chapter members, but this should be in the form of a referendum. Let the people decide if they want to impose this tax upon themselves,” said Council Delegate Joshua Lavar Butler (Tó Nanees Dizi).

“This law imposes a tax on the working poor, and it is a form of totalitarianism,” Delegate Butler added. “We are exercising control over the personal freedom of our citizens and infringing upon the personal choices and decisions of our Navajo people.”

Offering his perspective on the issue, HEHSC member Council Delegate Kenneth Maryboy (Mexican Water, Aneth, Teec Nos Pos, Tófikan, Red Mesa) recalled the day when he was diagnosed with diabetes.

“I took it very hard. It hit me broadside when I was told that I’m a diabetic,” said Delegate Maryboy. “Your world shatters when you’re told, but you have to take care of yourself.”

Other forms of economic development should be explored, said Delegate Maryboy, other than the promotion of fast-food chains that often offer unhealthy foods.

Delegate Nez referenced a recent unsuccessful attempt by New York City Mayor Michael Bloomberg to ban “sugary beverages” larger than 16 ounces in New York City.

“There’s litigation on the East Coast about similar issues,” said Delegate Nez. “We are a sovereign nation. We could really take charge and provide an example for other tribal communities by promoting this type of initiative.”

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) reminded the committee that 100 percent of the proposed tax revenue collected would go directly to chapters for community wellness projects.

Chapters will decide how to use the revenue, said Delegate Hale.

HEHSC member Delegate Witherspoon questioned whether a 2 percent sales tax would be enough to change the behavior of “junk food” consumers, and pointed out that the tax purpose might be defeated if consumers decide to purchase “junk food” from border towns to avoid paying the tax.

HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) said while he supports the overall goal of encouraging people to eat healthier foods, he cannot support the legislation as it is written, because it would establish a tax without a plan on how chapters will spend the tax revenue.

“I don’t think we should just tax and spend,” said Delegate Phelps. “We should have specific objectives with specific timelines, and this legislation does not do that.”

Delegate Phelps suggested the inclusion of a sunset clause in the legislation that would eliminate the tax once established goals are accomplished.

“How about we just pass a resolution to take the tax off fruits and vegetables,” asked Delegate Phelps. “I really like that part of this legislation.”

After nearly two hours of discussion, HEHSC members decided to hold a work session to explore and address the issues and concerns that were brought forth.

HEHSC members voted 4-0 to table the legislation until a work session takes place.

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FOR IMMEDIATE RELEASE
April 5, 2013

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Resources and Development Committee grants approval of natural gas pipeline right-of-way in Red Mesa Chapter area, approves budget carryover

WINDOW ROCK – The Resources and Development Committee passed two pieces of legislation on Tuesday – one relating to the granting of a natural gas pipeline right-of-way and the other relating to the approval of a Fiscal Year 2012 budget carryover to Fiscal Year 2013 for the Navajo Nation Design and Engineering Services.

With a vote of 3-0, the RDC elected to approve Legislation No. 0084-13, which grants a right-of-way to Nacogdoches Oil and Gas, Inc. to operate and maintain a four-inch and six-inch diameter natural gas pipeline on, over, and across Navajo Nation trust lands within the Red Mesa Chapter.

Council Delegate Roscoe D. Smith (Crystal, Fort Defiance, Red Lake, Sawmill), the legislation’s sponsor, requested for RDC approval of the right-of-way, alongside Navajo Nation Minerals Department official Ram Das and Nacogdoches Oil and Gas, Inc. representative Kitty Wood.

The pipeline is approximately 5.8 miles in length, and has been in the ground since the 1960’s.

The previous owner’s right-of-way had expired, Das explained, and Nacogdoches had applied to take over the right-of-way.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) was the first to respond to the presentation, asking if any issues, incidences of spills, or complaints by residents living near the pipeline had ever arisen during its history.

“There should be assurances from them that they will be good neighbors,” said Delegate Tsosie, bringing attention to cases in the past where Navajo Nation residents in other areas have protested against right-of-way assignments for various concerns.

Kitty Wood, representative for Nacogdoches, said that she had recently spoken with the company’s owner, Mike Finley, who had indicated that there have been no “protests” to his knowledge.

Wood also mentioned recent correspondence with the Minerals Department, where a representative there said there have been no active complaints against the Nacogdoches company since it has been doing business with the Navajo Nation.

Legislation No. 0090-13, a bill approving the FY 2012 indirect cost unspent recovery funds carryover budget into FY 2013 for the Design and Engineering Services in the approximate amount of \$64,000, was the second legislative item to be considered by the RDC.

Delegate Tsoie inquired as to what DES was planning to buy with the funds since nearly half of the requested amount was allocated for general supplies.

Legislation sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) said he was not sure, but iterated that the detailed line item budget and justification form states that general office supplies are identified as pens, paper, desktop equipment, and the like.

“Keep in mind that these are not recurring costs,” said Delegate Nez, so funds cannot be used to cover operation expenses such as personnel.

The Resources and Development Committee voted 3-0 in favor of approving the requested budget carryover.

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FOR IMMEDIATE RELEASE
April 3, 2013

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Budget and Finance Committee receives update regarding potential impacts of sequester cutbacks for the Navajo Nation

WINDOW ROCK – The Budget and Finance Committee received an update from the Navajo Nation Washington Office Director Clara Pratte on Tuesday, via video conference, regarding the potential impacts of sequester budget cuts for the Navajo Nation.

On Mar. 26, U.S. President Barack Obama signed into law H.R. 933, the Consolidated and Further Continuing Appropriations Act, a continuing resolution that funds the federal government through the end of the current fiscal year and maintains the \$85 billion spending reductions mandated by the Budget Control Act of 2011.

According to information from Tommy Thompson with the Tribal/Interior Budget Council, the Bureau of Indian Affairs calculates its budget reduction to be approximately 5.2 percent explained Pratte.

Pratte said the BIA had planned to absorb most of the budget cuts at the administrative and executive levels.

However, the BIA recently informed Pratte that each line item in the BIA's budget must be reduced to comply with the Budget Control Act.

BFC chair Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) inquired on how the spending cuts would impact specific Navajo Nation programs, urging Pratte to relay information to the BFC, three-branch chiefs, and programs as it becomes available in order to avoid a "crisis management" situation.

The Navajo Nation Washington D.C. Office has reached out to agencies like the U.S. Dept. of Health and Human Services and U.S. Dept. of Veterans Affairs, and expects to receive information on each agency's estimated budget cuts in a week or so. At which time, a clearer assessment can be provided for specific programs, Pratte said.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) expressed concern over the possibility of mandated furloughs at the federal level.

This could impact Navajo Tribal Parks at a time when the tourist season is beginning, Delegate Nez said.

Delegate Nez also pointed out that the Department of Interior now has travel restrictions, which not only limits interaction between the Nation's leaders and the DOI, but may also increase travel expenses for Tribes to send leaders to Washington D.C. more frequently, Delegate Nez added.

"It's going to affect the tribal consultation dialogue that President Obama has always advocated for," Delegate Nez said.

On a positive note, Pratte said the U.S. House and Senate have passed their versions of the 2014 budget resolutions, which includes a statement in the Senate's version that addresses the importance of upholding the treaty and trust responsibilities of the United States.

Pratte also noted that the Senate's version of the 2014 proposed budget allows for BIA funding at a rate consistent with their pre-sequester budget. It also provides an additional \$53 million for Indian Health Service to construct new facilities.

Pratte said the Navajo Nation Washington Office has argued that the sequestration violates a presidential executive order which provides that decisions regarding funding that impacts tribal nations must go through a full consultation process.

"Our point is that the sequestration was a forced decision made without full consultation, which is a violation of the executive order," added Pratte.

Pratte emphasized the importance of having Navajo Nation leadership present in Washington D.C. to testify at the House Committee on Appropriations budget hearings, scheduled to take place on April 24 and 25.

BFC members Council Delegates Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch' izhi) and Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') urged the BFC, Navajo Nation Washington Office, and the Nation's three-branch chiefs to meet and develop a plan for addressing budget cutbacks.

At the discussion's conclusion, the Budget and Finance Committee and Pratte agreed to develop a resolution that would state the Navajo Nation's position regarding the sequester budget cuts.

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For Immediate Release
April 3, 2013

President Shelly Signs \$2.3 Million Bill to Fund Continued Due Diligence Investigation into Coal Mine Acquisition

WINDOW ROCK, Ariz. – Navajo Nation President Ben Shelly signed legislation allowing \$2.3 million to be drawn down from the Undesignated Unreserved Fund Balance to pay for continuation of the due diligence investigation for the possible acquisition of Navajo Mine.

“I signed this legislation because we need to know whether acquire this mine is beneficial for the Navajo Nation. We are in times unlike any other with federal budget cuts, reduced revenue and taxes. We must consider investments that could help sustain critical programs that help our people. The due diligence investigation will help us learn all we need to know to make an informed decision about acquiring Navajo Mine,” President Shelly said.

President Shelly added that the Navajo Nation hasn’t decided to buy Navajo Mine yet.

“At this point, I need to know more information about the entire operation of the mine. I also want to know how are we going to pay for the mine, if we decide we want to buy it. And, I want us to think far into the future and consider other technologies for clean coal. We need to look ahead and see how we can make use of our resources,” President Shelly said.

The legislation was signed today. The investigation is the second phase into a due diligence investigation that started last fall.

The proposal for Navajo Nation to acquire Navajo Mine came after Four Corners Power Plant and Navajo Mine owners could not agree upon a coal price.

“We have to keep in mind that we have about 800 Navajo people working at the mine and the power plant. We have to protect their jobs too. If acquiring Navajo Mine can protect those existing jobs, it is my duty as president to ensure that we at least consider the proposal. We have to protect jobs,” President Shelly added.

If the Navajo Nation acquired the mine by June 2013, BHP Billiton would continue managing the mine until 2016. The mine employs nearly 400 people, most of whom are Navajo.

The Navajo Nation would buy all shares of BHP Navajo Coal Company, the merge the coal company with a Navajo company yet to be determined. The Navajo owned company would receive all equipment, improvements, workforce, tangible and intangible intellectual property rights, and permits.

Navajo Mine is the sole provider of coal to Four Corners Power Plant, which is owned by Arizona Public Service. APS officials estimate that Four Corners Power Plant would need about six to eight million tons of coal per year to continue the operations beyond 2016.

Last year, Navajo Mine supplied about 8.1 million tons of coal to Four Corners Power Plant, which generated more than \$40 million for the Navajo Nation.

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Senate Bill 1317 to allow tribes a seat at the table for aviation funding



The Window Rock Airport is one of seven airports owned by the Navajo Nation, four of which are in Arizona. Senate Bill 1317 is legislation that would allow tribally-owned airports to compete for grants from the Arizona Aviation Fund. (Photo by Rick Abasta)

PHOENIX—On March 27, 2013, the House Appropriations Committee convened at the State Capitol and listened to reports on proposed legislation, including Senate Bill 1317, which would allow publically-owned airports on Indian reservations to be eligible for grants from the Arizona Aviation Fund.

Senator Jack Jackson, Jr. (D-Dist. 7) sponsored the legislation that would allow the 14 tribally-owned airports to compete for aviation funding to repair and maintain tribal airports and runways.

“I used to be part owner of an air transport company located on the reservation and we did a lot of medical transports off the reservation,” Jackson said. “I know firsthand the need for improved runways and improved airports as well.”

SB 1317 would allow tribes to compete for funds to improve their airports, he said.

Representative Michelle

Ugenti (R-Dist. 23) asked how much money the tribes would be eligible for.

Corinne Nystrom, president of the Arizona Aviation Association, said the maximum amount for any individual airport on an annual basis is 10 percent of what is in the Aviation Fund.

She noted that over the past two years, the fund hovered around \$20 million, which

meant each individual airport could compete for \$2 million.

“The airports compete for these funds, based upon the types of projects that they are going after. Priority is always given to the projects that have to do with aviation safety,” Nystrom said.

Aviation fuel and aircraft registration fees imposed upon pilots who register their aircraft in Arizona are the sources of funding.

“It is totally funded by the users, there is no taxpayer funding that’s included in (the Aviation Fund),” she said.

Pilots on the reservation have been contributing to the fund every year, but the original leg-

islation did not include Native American-owned airports in the language.

islation did not include Native American-owned airports in the language.

Representative Jamescita Peshlakai (D-Dist. 7) said Arizona is the ancestral homeland of 22 tribes, 14 of which own airports.

“Most were funded in full

by tribal nations and have never been funded by the state, yet all manner of its operating and creation have contributed and continue to contribute to state revenues,” Peshlakai said.

As SB 1317 made its way through the State Legislature, she said the Transportation Committee questioned why the provision to include Indian airports wasn’t already in the statutes.

“Native Americans have a complex history with government and specifically, here in Arizona,” Peshlakai said.

Citing the heroics of the Navajo Code Talkers that made victory possible for the Allied Forces to end World War II, she said Native Americans were not recognized as citizens until 1948, illustrating the tenuous relationship between Indians and the government.

“I ask you now, to right this longstanding oversight, basically non-acknowledgement of Native

Americans owning airports,” she said.

Peshlakai is also a member of the Veterans Caucus in the House of Representatives and served in the Persian Gulf War. Native Americans contribute to the overall greatness of the country and the state, she added.

She said, “We really need to bring this type of infrastructure to our nations because we are a destination point: Grand Canyon, Monument Valley, etc.”

Arlando Teller, program manager for Navajo Division of Transportation’s Department of Airport Management, spoke of tribes taking advantage of multimodalism and its positive impact on Indian nations.

“The Navajo Nation is no

NDOT Director Paulson Chaco said he supports the bill simply to improve the safety of the traveling public.

“The bill will also provide regional mobility for the northern part of the State of Arizona and create some collaboration and partnership with the State,” Chaco said.

He said NDOT is currently collaborating with the Arizona Department of Transportation regarding the road closure on U.S. 89 and potential paving of Navajo Route 20 as an interim detour route.

That particular effort is a prime example of how serious the Navajo Nation takes mobility within the state, he noted.

“This is just another step in

“ All we’re asking for is that we have a fair share to compete with our aviation partners. ”

exception. We are taking advantage of improving our roads, improving rail and goods movement, and also trying to improve our airports infrastructure,” Teller said.

He said the Navajo Nation owns seven airports, four of which are located in Arizona. The Navajo airports in Arizona have been funded by the tribe and the Federal Aviation Administration.

“All we’re asking for is that we have a fair share to compete with our aviation neighbors, like Falcon Field Airport and Sky Harbor,” Teller said. “We’re willing to compete and we want a seat at the table.”

that direction,” Chaco said.

Eric Descheenie, representing the Navajo County Board of Supervisors, read a letter of support from the board into the record.

The NCBOS stated they supported the efforts of NDOT and Sen. Jackson in passing SB 1317 to allow Arizona tribes to participate in the Aviation Fund.

He cited concerns in the area of public safety, such as emergency preparedness response for events like forest fires.

The committee passed SB 1317 with a vote of 11-0.

Information:
www.navajodot.org

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Top, a windsock flutters in the light breeze at the Window Rock Airport recently. Like most Navajo Nation airports, the Window Rock Airport is in need of funding to repair the runway and maintain the aging facility. Center, the logo of the Navajo Nation is prominently displayed on aircraft owned by the tribe. This logo is displayed outside the offices of the Window Rock Airport. Bottom, the interior of the Window Rock Airport includes maps, aerial photo graphs and clocks keeping the various time zones. (Photo by Rick Abasta)

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VISION

To preserve and enhance transportation throughout Dine'bi Keyah.

MISSION

To serve the Navajo Nation by providing a safe transportation infrastructure through innovation and partnerships.



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U.S. 89 ROAD CLOSURE AND N20 INTERIM DETOUR ROUTE FACT SHEET

- On Feb. 20, 2013, the Arizona Department of Transportation closed U.S. 89 due to road damage between milepost 544.50 to milepost 524. ADOT instructed motorists to use the detour east to U.S. 160 to State Road 98 north into Page.
- On Feb. 22, 2013, the Navajo Nation Commission on Emergency Management convened at the Navajo Transportation Complex in Tse Bonito, N.M. and declared an emergency due to the damaged roadway and its affect on Navajo residents in the area. The commission cited concerns with school bus transportation, emergency medical services, and general transportation into Page for Navajo residents working there.
- On Feb. 24, 2013, Navajo Nation President Ben Shelly and Vice President Rex Lee Jim met with community members at Bodaway-Gap Chapter and toured the damaged roadway 25 miles south of Page. President Shelly signed the Navajo Nation emergency declaration.
- On Feb. 27, 2013, ADOT hosted a meeting at their Flagstaff district office to discuss the road closure and potential alternate detour route through Navajo Route 20. Officials from NDOT, BIA, Coconino County, and Federal Highway Administration were in attendance. ADOT reported two waves of pavement settlement and soil shifting down the mountain into the valley about 1,200 feet. They also said there were some cracks as deep as 30-feet and fenced off the site of the damaged roadway for safety purposes.
- On March 4, 2013, officials from NDOT, ADOT, BIA, Coconino County, and FHWA convened at the Navajo Transportation Complex to discuss paving N20 as an interim detour route. ADOT reported the slip was 500-feet on top of the roadway and ¼ mile deep at the base of the hill. The FHWA employed the quick release of funding in the amount of \$2 million for ADOT to begin work on repairing U.S. 89. ADOT also began work on a Joint Powers Agreement with NDOT and the BIA for paving N20 as a detour route, sticking to the existing alignment. Resolutions of support were submitted from Bodaway-Gap, Coppermine, and LeChee Chapters.
- On March 25, 2013, ADOT hosted a meeting at their Holbrook office to discuss required permitting for paving activities to begin on N20. NDOT and BIA officials shared requirements for the temporary easement application process, as well as the right-of-way process. NDOT shared concerns with the detour route improvements in the areas of detour design standards, speed, traffic volume, commercial truck traffic, drainage, livestock provisions, updating the 2006 environmental assessment (including biological evaluation), cultural resource survey, and responsibility and liability of the N20 detour route until U.S. 89 is reopened. A timeline was agreed upon for construction to potentially begin in May 2013.
- On April 1, 2013, ADOT met with officials at the Bodaway-Gap Chapter as part of their public outreach efforts to keep affected communities informed. Officials from NDOT, BIA, FHWA, and local chapters discussed the issues surrounding the construction of a temporary detour route on N20. Community members voiced concerns about the need for maintenance on N20 at present time, due to washboard conditions and potholes in the roadway. Local school transportation concerns were also shared because of damaged buses and the lengthy timeframe required to get kids to school. NDOT shared information about the two-weeks on, two-weeks off rotating schedule for road maintenance on N20 between BIA and NDOT road department crews.



FOR IMMEDIATE RELEASE
April 1, 2013

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22nd Navajo Nation Council honors Vietnam veterans including Council Delegate Leonard Pete who offers guiding words

WINDOW ROCK – The 22nd Navajo Nation Council took time on National Vietnam Veterans Day to recognize and thank Vietnam veterans following the Council’s special session on Mar. 29, a date that marks the withdrawal of United States combat troops from Vietnam in 1973.

On the Council’s behalf, Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) presented plaques to Harvey Noble of the United States Air Force Tactical Air Wing and Ernest Frank of the United States Army 11th Combat Aviation Brigade for their diligent service in the Vietnam War.

“This is the first time we’ve been appreciated and recognized. When we first came back we didn’t get any presentations like this, there was no welcome home,” Frank said.

Harvey expressed his appreciation to the Council saying, “You have no idea what it means to us to be recognized as human beings who did their job and came home.”

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) presented his Resources and Development Committee colleague, Council Delegate Leonard H. Pete (Chinle), with a token of appreciation for his service as a veteran of the Army during the Vietnam War.

“Today, we have one gentleman who sits with us on the [Council] floor that has made a tremendous sacrifice,” said Delegate Tsosie. “On behalf on the Navajo Nation Council, please accept [our recognition] as a token of our appreciation for your tremendous service to the ideal of freedom, and for protecting America and this great Navajo Nation.”

Having served twelve months as an infantry combat medic in Vietnam, Delegate Pete expressed appreciation for the sentiments of the Council, and provided insight into his wartime experience.

“The only thing that drove me [in Vietnam] was the crying of the wounded,” Delegate Pete disclosed. “When I raised my hand, I said, ‘I’m willing to die,’ and I never took it back.”

Delegate Pete continued, drawing a comparison between his experiences in Vietnam to his years of service as a member of the Council.

When he first stepped into his role as a Council Delegate, Delegate Pete said he took on a similar pledge to fight relentlessly on behalf of Diné citizens and the Nation as a whole.

“I haven’t changed my mind yet, and I’ll never change my mind,” Delegate Pete declared.

Delegate Pete cautioned that if leaders ever ceased to listen to the voice of the people, it would serve as the precursor to the decline of the Navajo Nation.

“If there’s anything that’s going to drive us, it’s the cry of the people,” Delegate Pete noted to fellow Council colleagues. “If we don’t hear that anymore, we’re down the tube.”

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