



## Navajo Nation Council – Office of the Speaker

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### NEWS RELEASE:

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### **Council hears from DOJ lawyers and community grassroots activists on water rights settlement**

WINDOW ROCK, Ariz. – Although Senators Jon Kyl and John McCain introduced the Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012 (S.2109) on February 14, the 22<sup>nd</sup> Navajo Nation Council has not made a decision on the settlement but did hold a Special Session on March 23 to discuss the matter.

Contrary to the position of Navajo Nation President Ben Shelley, whose press release stated that he applauded the act, the Navajo Nation Council was not as quick to jump on the bandwagon to immediately favor the settlement without thoughtful discussion and careful consideration of the impact on the people.

The Council, during the Special Session, did give a directive to the water rights commission to engage the public in all five agencies on the Navajo Nation.

Council also directed Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) to form a subcommittee and appoints its members to work with the Navajo Nation Water Rights Commission (NNWRC).

There is no certainty on when Council will vote on the water rights settlement but for now it is certain that Council wants the public to be educated and informed on the settlement.

Instead of reaching immediate conclusions, the Council invited Stanley M. Pollack, Assistant Attorney General with the Navajo Nation Department of Justice (NNDOJ), and Kate Hoover, Attorney with NNDOJ, to provide a report on the settlement as it pertains to the Navajo Nation.

Pollack and Hoover, along with two NNWRC members who gave the same presentation in Navajo, provided a PowerPoint presentation that covered the Little Colorado River Basin surface water, ground water, N-aquifer, C-aquifer, and the municipal water development projects.

According to handouts, the Navajo Nation, when it comes to the Little Colorado River Basin surface water, will receive the “right to use all unappropriated surface water reaching the

Navajo Nation from the Mainstream of the Little Colorado,” which is approximately 160,000 afy and approximately 90,000 afy from washes.

Included in the settlement are the Leupp-Dilkon Regional Groundwater Project (\$125.6 million), the Ganado Regional Groundwater Project (\$73.4 million), and the OM&R Fund (\$23 million).

During the Special Session, grassroots organizers and community representatives were also given a chance to present to Council the perspective of the community on the water rights settlement.

Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’ Daa; Kaan, Upper Fruitland), made a motion to Council, seconded by Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), to add the community members’ presentation to the report.

"We have representatives from the agencies that have some concerns regarding water settlement and they would like to present to the Council their concerns as well as their ideas," Delegate Bates stated. "I respectfully request to allow them to give a presentation on this matter."

The Council voted to add the community members’ report with seventeen (17) supporting and zero (0) opposing the motion.

Thomas Walker from Birdsprings, Tulley Haswood from the Rock Springs Chapter, Marshall Johnson from Forest Lake with Tonizhoni Ani and the Black Mesa Water Coalition, and Anna M. Frazier from Dilkon with Diné Care were all presenters on the panel of community representatives.

After the attorneys and community representatives finished their report, Council Delegates had the opportunity to ask questions of both parties.

Questions from Council Delegates ranged from the NNWRC’s involvement and education of the Navajo public, concerns about the waivers contained in the settlement, the Navajo Generating Station’s interests in the settlement, and what the expectations of the community representatives were.

Council Delegate Alton Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat), asked the attorneys, “Did you involve the people? Did you allow people to come to you and make recommendations?”

Council Delegate Russell Begay (Shiprock) expressed concerns about the long list of waivers that were contained in the bill introduced by Senators Kyl and McCain.

While Council Delegate Leonard Pete (Chinle) commented that all the positive aspects of the settlement were covered in the PowerPoint and he asked for the “whole picture” on the settlement.

“I do agree with the concerns that are being brought up by my colleagues,” stated Council Delegate Pete. “But, what do we lose in this settlement? If we oppose this settlement, what do we gain?”

The water rights settlement was on the Council agenda only as a report; therefore, a vote did not take place on whether the Navajo Nation Council would approve or disapprove the settlement as introduced by Senators Kyl and McCain.

Pollack assured the Council that S.2109 would not pass if the Navajo Nation and the Hopi Nation did not approve it in council.

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