



Speakers Report

Summer Council Session

2015



Honorable LoRenzo C. Bates

23rd Navajo Nation Council



Summer Council Session
Monday, July 20, 2015
Navajo Nation Office of the Speaker

Yá'át'ééh my colleagues of the 23rd Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, chapter officials, federal, state, and county officials, legislative staff, and most importantly, to our Diné Citizens in the gallery and those viewing online. Thank you for joining us as we welcome you to the opening of the 2015 Summer Council Session.

Six months has passed since the 23rd Navajo Nation Council took office and I am proud to report that we have made progress together on a number of issues. This morning's signing of the "One Nation, One Voice" agreement between the Nation's three branches of government is a significant step in the right direction and I commend my colleagues for initiating the meetings that ultimately led to this agreement.

This unprecedented agreement marks the culmination of several discussions in which our Nation's leaders brought forth the needs and issues affecting their respective communities, constituents, programs, and others.

I thank our Nation's leaders for ensuring that the voices and needs of their people are reflected in the priority listing. I am also grateful to the many horse riders and biker riders who participated in this year's horse ride to honor our past leaders and for bringing awareness to issues that are crucial to their particular communities and regions.

The horse and bike riders travel long distances over the span of several days to promote their causes such as healthy living, physical fitness, and domestic violence awareness. One particular group that has made the long journey year after year is a group of youth who partake in a bike ride, known as Tour de Rez, across the Navajo Nation to promote physical fitness and healthy lifestyles.

This group's bike ride is a reminder to our Nation's leaders of the issues and initiatives of our youth. Their efforts should be honored and recognized by all of our Nation's leaders. To them as well as the many who took part in the horse ride, I extend my sincere appreciation for participating and bringing awareness to our leadership.

As leaders of our communities and our great Nation, our work is never done, however I want to take this opportunity to reflect on some of the progress and accomplishments of the 23rd Navajo Nation Council in recent months.

One Nation, One Voice Agreement

I am pleased to report that the 23rd Navajo Nation Council, President Russell Begaye, and Acting Chief Justice Eleanor Shirley have finalized a One Nation, One Voice agreement that outlines nine priorities for the Navajo Nation.

The development of this historic agreement began in February when the Navajo Nation Council's Standing Committees, Law and Order Committee, Health, Education, and Human Services Committee, Resources and Development Committee, and Budget and Finance Committee, began meeting with the departments, divisions, and programs for which they oversee in order to develop a priority listing for their particular standing committee.

From that point, the Council directed the Office of the Speaker to begin holding meetings with the three branches of government to begin a dialogue based on each branch's respective priorities. Each branch compiled data and information, which was shared during several meetings held in June and July. Based on these discussions, nine priorities were outlined with particular emphasis on water rights/projects, economic development, and infrastructure. Other priorities are housing, education, human services, governance, public safety, natural resources and judicial needs.

In addition to aligning the Nation's priorities and strengthening relations between the three branches, the listing will allow our Nation's leaders to advocate and lobby more effectively on behalf of the Navajo people at the county, state and federal levels.

I thank my colleagues on the 23rd Navajo Nation Council, President Begaye, Vice President Nez, and Acting Chief Justice Shirley for their leadership and efforts to finalize the One Nation, One Voice agreement.

New Mexico Gaming Compact

I am very pleased to report that the Navajo Nation's Gaming Compact with the State of New Mexico gained final approval from federal officials and took effect on June 22, 2015.

This remarkable achievement is due to the persistent efforts of the current and former members of the Navajo Nation Council, Navajo Nation Gaming Enterprise, Navajo Nation Department of Justice, our Nation's lobbyists, Office of the President, New Mexico State legislators, and other New Mexico gaming tribes.

Your efforts and persistence have preserved nearly 800 jobs for Navajo and non-Navajo families, with the potential of creating hundreds more in the years to come. The Compact will also allow the Navajo Nation to operate up to four Class III gaming facilities in New Mexico. Currently, the Nation operates three Class III gaming facilities — Fire Rock Navajo Casino, Northern Edge Navajo Casino, and Flowing Water Navajo Casino. Over the life of the

Compact, revenue-sharing with the State of New Mexico will increase until the Compact expires in the year 2037.

Overall, the Nation's gaming industry provides over 1,000 jobs, 90% of which are occupied by Navajo people. This Compact will benefit both the State of New Mexico and the estimated 115,000 Navajo people residing in New Mexico. To my fellow colleagues, I am honored to congratulate you and the many others that brought about this successful outcome.

Síhasin Fund Subcommittee

Since the establishment of the Síhasin Fund Subcommittee in early April, the members have met on a regular basis to discuss how the funds from the Trust Mismanagement Litigation Settlement may be utilized or invested to benefit our communities and people.

The Subcommittee has explored many avenues including investment options, project funding, and program funding. The Office of the Speaker has assisted in compiling a vast amount of information for the Subcommittee. The compiled information consists of proposals from Navajo Nation departments, divisions, chapters, various organizations and the general public.

In reviewing and discussing the vast amount of information it is quite apparent that addressing the basic needs of the Navajo people which include water, electricity, and roads far exceed the amount of settlement funds. Therefore, the Subcommittee continues to explore options that may allow the Nation to maximize the benefits through investing, leveraging, and other financial options.

In reference to funding projects, the approved 5-year Capital Improvement Plan (CIP) has been a significant topic of discussion. The Office of the Auditor General (OAG) continues to raise concerns regarding the CIP's compliance with the Nation's Appropriations Act. Therefore, the validity of the CIP remains in question.

In an attempt to resolve this issue, the Office of the Speaker arranged a meeting to discuss the concerns of the OAG and to develop an action plan to remedy these issues. Capital Improvement Office Manager – Casey Begay and Department of Community Development Director Chavez John, have agreed to establish a team to review and update the CIP. The Office of the Auditor General will assist in assuring that the CIP meets the guidelines outlined within the Appropriations Act.

I thank the members of the Síhasin Subcommittee for their efforts thus far and I remain confident that they will assist in resolving these issues in order to bring forth legislation to

address the usage and/or investment of the Síhasin Fund for the benefit of our communities and people.

Navajo Nation Transportation Stimulus

The Office of the Speaker completed the task of coordinating efforts to create a Navajo Nation Transportation Stimulus Plan document, per a directive issued by the 23rd Navajo Nation Council. Our staff worked with the Navajo Division of Transportation (NDOT) to gather information to complete the final draft of the Transportation Stimulus.

The final draft focuses on the 5 Transportation Activities along with an estimated amount as follows: Road Construction (TTIP)-\$363M, Maintenance/Safety Activities-\$150M, Airport Improvement-\$44.5M, Road Maintenance Yards-\$10M, and Heavy Equipment-\$10M which amounts to an overall total of \$577.4M.

The estimated cost was determined by NDOT's data and project listing. The Stimulus Plan was introduced in the form of legislation by Delegate Dwight Witherspoon. The legislation requests the Council to refer the Stimulus Plan to the Navajo public in the form of a referendum measure that seeks the approval of the Navajo people for the expenditure of a portion of the Permanent Trust Fund's principle balance to support the Transportation Stimulus Plan. Currently, the legislation is tabled, pending a work session.

Title II Reform Subcommittee

My colleagues and I have had several discussions – formally and informally – over the composition of authorities of the Council's standing committees and the need for changes in order to improve efficiency and effectiveness since taking office. Collectively, the Council also recognizes that the legislative process is in need of improvements in order to establish a greater sense of direction and accountability throughout.

Since February, the Naabik'iyátí' Committee's Title II Reform Subcommittee is tasked with reviewing, evaluating, and recommending changes to the Navajo Nation Council in regards to the following: the legislative process, issues concerning the Council's standing committees, and to identify internal administrative and legislative process issues and concerns.

Over the last several months, chair Alton Joe Shepherd and Subcommittee members Council Delegates Tuchoney Slim, Jr., Jonathan Nez, Amber Kanazbah Crotty, Norman M. Begay, Tom Chee, Seth Damon, Otto Tso, Jonathan Perry, and Davis Filfred have met numerous times to discuss possible amendments to Title II of the Navajo Nation Code.

After several diligent and lengthy discussions, the Subcommittee has recommended legislation to the Council to address changes in the legislative process. It is my

understanding that the Subcommittee plans to continue their discussions to address the other areas of concern including the Council's standing committees, and to identify internal administrative and legislative process issues and concerns.

Development of State Task Force

Since its establishment in June, the Naabik'iyáti' Committee's State Task Force held its inaugural meeting on July 8 and selected Honorable Kee Allen Begay, Jr. as its chair and Honorable Tom Chee as its vice chair. Other members include Council Delegates Jonathan Hale, Walter Phelps, Mel R. Begay, Seth Damon, Davis Filfred, and Nathaniel Brown.

The importance of this task force cannot be understated as we tackle many state issues pertinent to our Navajo people. Through the commitment of this task force we will be able to advance the position and priorities of the Navajo Nation within the States of Arizona, New Mexico and Utah.

Prior to the establishment of this task force, Council has met with the governors of Arizona, New Mexico, and Utah to begin a dialogue with respect to issues unique to our people residing in each of the states. On July 15, the members held their first meeting as a task force with Arizona Governor Doug Ducey. This purpose of the meeting was to provide the new governor with an overview of crucial issues impacting the Navajo Nation and to discuss how the Nation and the State can partner to resolve issues that will benefit all.

The task force is scheduled to meet with Utah Governor Gary Herbert on July 30, and we intend to seek a meeting with New Mexico Governor Susana Martinez in the near future as well. On August 14, Gov. Ducey, Senator John McCain, Senator Carlyle Begay, and other state officials are scheduled to meet in Window Rock to follow-up on items discussed at the July 15 meeting.

I thank each of the task force members for accepting this tremendous responsibility and for your advocacy on behalf of the Navajo people.

Energy

Since President Russell Begaye took office in May, we have been able to sit down on several occasions and contemplate the future of our Navajo people in a meaningful way. This vital line of communication between the Executive and Legislative Branches will allow us to more fully vet the energy impacts and needs of our Nation.

A poignant example of this working relationship is the recent discussions my office and the Office of the President and Vice President have had in developing a joint working group consisting of both the Executive and Legislative Branches to work on fulfilling the mandates of our Navajo Nation Energy Policy.

With the previous administration, we have had two separate energy working groups – the President’s Energy Task Force and the Legislative Energy Task Force. Prior to the new administration taking office in May, I had proposed legislation to continue our Legislative Energy Task Force to ensure that the energy goals of our Nation remained at the forefront; that legislation remains on hold pending the development of this Joint Energy Task Force.

Our Nation is presented with numerous energy proposals each year that promise to create the jobs and revenues that our people so desperately need and each one of these proposals require our time and resources for serious consideration.

It is my sincere hope that this Joint Energy Task Force will pull all the Nation’s resources together in an efficient manner to be able to consider these potential job creating proposals for the benefit of our people as well as to pave the way for the creation of a Navajo Nation Department of Energy, which could more effectively carry this tremendous responsibility.

Each Branch of our government carries with it its own resources, strengths and insights and without this joint line of communication, we tend to duplicate efforts and cause confusion in the process. I ask my colleagues to support the Joint Energy Task Force when it is brought forth for consideration.

Navajo Indian Irrigation Project

On July 10, 2015, Resources and Development Committee members and I met with U.S. Assistant Secretary for Indian Affairs Kevin Washburn, Navajo Area BIA Director Sharon Pinto, and officials from the Navajo Agricultural Products Industry (NAPI) to urge the federal government to fulfill their long overdue obligation of providing funds for completion of Navajo Indian Irrigation Project (NIIP).

In 1962, Congress passed Public Law 87-483, which obligated the federal government to provide funding for the planning, designing, and construction of 110,630 acres of irrigable land to development commercial farming as a way of promoting economic development.

The NIIP resources resulted from an exchange of 110,630 acre feet of water from the San Juan basin for the Chama Diversion Project which has been completed. Not only has the federal government failed to fulfill their obligation, they have also reduced annual funding for NAPI year after year. NAPI officials stated that annual funding has decreased from over \$25 million to its current low of \$3.5 million.

While we urge the federal government to fund the estimated \$700 million to complete the project, a more feasible and timely option is to fund a portion of the NIIP known as Block 9, which is estimated to cost \$290 million to complete.

The Navajo Nation views the completion of the NIIP as a priority as it ties in with our economy and provides jobs for Navajo people. Without the completion of this project, the Nation continues to lose millions in annual revenue and jobs. Our lobbying efforts at the federal level will continue.

Federal Land Buy-Back Program

During the Spring Session in April, I reported that through the efforts of the Eastern Navajo Land Commission, members of Council, and the Office of the President, the Navajo Nation had finalized a Cooperative Agreement with the U.S. Department of the Interior to initiate the federal Land Buy Back Program on the Navajo Nation.

The program is the result of the Cobell Settlement, which resulted from a class action lawsuit led by the late Elouise Cobell, over claims that the government mishandled and incorrectly accounted for the income from Indian Trust assets, specifically Individual Indian Money accounts.

I extend my appreciation to the Eastern Navajo Land Commission (ENLC) members and particularly Executive Director Larry Rodgers and his staff for their significant efforts to fully implement the four phases of the program: Outreach, Land Research, Land Valuation, and Land Acquisition.

Rodgers and his staff have worked diligently to ensure that the program is fully staffed at each of the four offices located in the communities of Crownpoint, Gallup, Farmington, and Winslow. Perhaps the most critical component of the program is the Outreach phase which is now underway. During the Outreach phase, it is important to stress to the public that the program is entirely voluntary. During the Land Acquisition phase, allottees will be provided the opportunity to voluntarily sell their land, which would then be placed in trust for the Navajo Nation.

The Navajo Nation has nearly 34,000 individual landowners who reside in 49 states and two foreign countries with a large majority of the landowners' whereabouts unknown, according to federal data. Those who choose to sell their allotment(s) will receive fair market value for the land. Once an offer is made, landowners will have 45-days to consider the offer. The total estimated cost to purchase all fractional land interests for the Navajo Nation exceeds \$102 million.

The ENLC has conveyed to federal officials the need to extend the program period beyond the April 30, 2016 deadline. This is in part due to the complexities of the hiring processes which resulted in delays in staffing the four offices. In addition, the ENLC has also explained to federal officials that the Navajo Nation faces unique circumstances that other tribes may not encounter.

It is also important to note that along with the land consolidation component, the Cobell Settlement provided \$60 million for scholarships. I urge the ENLC and the program staff to encourage our youth during the Outreach phase to take full advantage of the scholarships.

The Scholarship Fund provides financial assistance through scholarships to American Indian and Alaska Native students to pursue post-secondary and graduate education and training. The Scholarship Fund is administered by the American Indian Graduate Center (AIGC) located in Albuquerque, New Mexico.

Once again, I commend the members and staff of the Eastern Navajo Land Commission for their diligent efforts and I look forward to the full implementation of the program in the coming weeks and months.

Fort Wingate Land Division

On July 15, 2015, I provided testimony before Congress in opposition to H.R. 1028, a bill introduced by Rep. Steve Pearce (R-N.M.) that would divide approximately 21,000 acres of land and infrastructure in the former Fort Wingate Depot Activity located in New Mexico, between the Navajo Nation and the Zuni Pueblo.

The testimony I provided was in accordance with a resolution passed by the Council's Naabik'iyátí' Committee in April, which opposed any such land division unless certain concerns are addressed.

During the testimony, I outlined four specific concerns including the lack of provision in H.R. 1028 identifying protection and easement accessibility to tribal religious and burial sites. Second, there is no assurance stipulated in the bill for the federal government to continue its responsibility in funding ongoing environmental cleanup operations. Third, the bill does not contain language restricting the development or operation of gaming facilities on the Fort Wingate lands. Fourth, Congress does not affirm the Navajo Nation's authority to negotiate the extension of existing rights of way on the lands or new rights of way on apportioned parts of the Fort Wingate lands.

The Navajo Nation wants assurances included in H.R. 1028 that cleanup will remain the financial and physical responsibility of the federal government. The Navajo Nation is concerned that the federal government will escape ongoing responsibility to clean up the contamination and hazardous materials on the land, soil, air and water.

Despite the testimony and willingness of the Zuni Pueblo to meet with the Navajo Nation as stated by Zuni Governor Val Panteah on July 15, Congressman Pearce said he will continue to push the bill through Congress with the support of Rep. Don Young (R-Alaska).

Issues Affecting Services on Navajo Nation within San Juan County, New Mexico

Fire & Rescue/EMS Services-San Juan County has continued to provide Fire Protection and EMS services to the Navajo Nation for a number of years. San Juan County currently operates fire stations that provide services on the Navajo Nation in the communities of Newcomb, Shiprock, Ojo, and Valley (Waterflow, NM).

As I stated in my report to Council during the Spring Session, the county has indicated that declining revenues have impacted its overall operating budget, which includes Fire/Rescue Services provided to county areas on the Navajo Nation. The county presented 3 options for the Navajo Nation to consider to determine a course of action.

The Office of the President and Vice President and the Division of Public Safety met with San Juan County Officials on May 18, 2015 to discuss the matter further. The Office of the Speaker, several delegates, and the Executive Branch programs have been in initial discussions with San Juan County officials in an attempt to bring some direction and resolution to the matter. The initial timeline for both governmental parties to reach an agreement on the matter was July 1, 2015.

At the conclusion of the last meeting between OPVP, Division of Public Safety, and San Juan County, the OPVP had made an initial decision on one of the options proposed by the county. The OPVP indicated the Navajo Nation would consider Option 2 from the county.

Option 2 proposes to “turn the fire stations and a portion of the equipment over to the Navajo Nation Fire Department for response and operational costs. San Juan County Fire Department will be available to respond mutual aid and charge on a per run basis. This will be billed and reimbursed to San Juan County by the Navajo Nation.”

The Division of Public Safety and DOJ indicated they would gather additional information to make a final assessment to determine what steps will be taken to make a transition for services and equipment. The Division of Public Safety and OPVP would also determine the impact and needs to fund services within the Navajo Nation General Fund Budget.

Speaker Hosting Arizona Superintendent of Public Instruction Diane Douglas’ “We Are Listening” Tour

On June 18, 2015 I had the honor of hosting a public hearing on behalf of the Council at the Navajo Nation Council Chambers. The public hearing was part of the Arizona Superintendent of Public Instruction Diane Douglas’ “We Are Listening” tour.

Superintendent Douglas, Senator Carlyle Begay, Representative Albert Hale, State of Arizona Dept. of Education officials, and I served on the panel. Discussion and public comments were on issues affecting students attending schools on the Navajo Nation, such

as culture and language. Other major issues discussed were funding for schools, jurisdictional/boundary issues, teacher retention/evaluations, and student achievement (testing, graduation requirements, & standards).

Conclusion

Once again, I commend my colleagues for our progress thus far and I look forward to upholding and carrying out the One Nation, One Voice agreement. The agreement ought to be upheld and not become a simple symbolic gesture that is swept under the rug, as we have previously experienced. Instead, the agreement should remain in our hearts and minds as we move forward together to bring about a strong and prosperous future for the Navajo people.