



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

FOR IMMEDIATE RELEASE

June 21, 2016

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Council commends actions of U.S. Army Corps of Engineers to benefit federally recognized tribes

WINDOW ROCK – Members of the Navajo Nation Council commended Friday’s announcement by the U.S. Army Corps of Engineers of two major changes that will strengthen its partnership with the Navajo Nation to implement water resources projects such as flood risk management, ecosystem restoration, emergency response, and the protection and management of natural and cultural resources.

The first change involves the delegation of authority of the Assistant Secretary of the Army for civil works to the Corps of Engineers to enter into cooperative agreements with federally recognized tribes at the local level, to carry out activities such as protecting fish, wildlife, water quality, and cultural resources.

“The delegation of this authority will allow Corps divisions and districts to coordinate directly with their local federally recognized tribes to engage in cooperative agreements that are mutually beneficial to the Corps and tribes. More significantly, these agreements will allow tribes to build economic capacity while working on joint issues with the Corps pertaining to the protection of fish, wildlife, water quality, and cultural resources,” stated Assistant Sec. of the Army Jo-Ellen Darcy in a June 17 press release from the U.S. Army Corps of Engineers.

The second change eliminates the requirement for a waiver of sovereign immunity that often hindered and stopped progress on water projects and other initiatives. The requirement was required for the Army Corps and tribes to partner on projects, however, many tribes opted out of projects due to the requirement.

Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii), who has long advocated for partnerships between the Navajo Nation and the federal government to develop and implement water projects that benefit rural communities, commended Friday’s actions and said the changes will help the Nation move forward with projects.

“The decision by the Secretary of Army Corps is very much appreciated. We have several pending projects for which funds were committed by Army Corp, but needed a waiver before we could

draw the funds down. Now we will be able to expedite these projects quickly and smoothly. My deepest appreciation to all the Army Corps personnel,” stated Delegate Phelps.

Jason John, branch manager for the Water Management Branch under the Navajo Department of Water Resources, acknowledged that the Nation has had challenges with projects that required the waiver of sovereign immunity. He also pointed out that Water Management Branch began sharing its concerns with the Army Corps of Engineers in 2010, while attempting to process an agreement with the Army Corps of Engineers for a project in the community of Tohajiilee.

“The branch has been working with the Army for more than 10 years on various authorities and has managed to take advantage of some resources by finding ways to work around the waiver language for some projects,” said John.

Chair of the Resources and Development Committee Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat), also thanked Secretary Darcy for making the necessary changes to move projects forward for the Navajo Nation.

“Waiver of sovereign immunity is always a major concern for the Nation in any situation,” said Delegate Shepherd. “The elimination of this requirement will allow the Water Management Branch and other tribal entities to expedite projects, to better partner with the Army Corps, and to truly work together to develop viable solutions to solve problems.”

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