THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0251-26__ **SPONSOR: Amber Kanazbah Crotty**

TITLE: **An Action Relating to an Emergency for the Navajo Nation Council; Approving the San Juan River Mitigation Expenditure Plan; Waiving 2 N.N.C. § 301(B)(14)**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0251-26

DATE: October 27, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING THE SAN JUAN RIVER MITIGATION EXPENDITURE PLAN; WAIVING 12 N.N.C. § 3005(A)

PURPOSE: This resolution, if approved, would approve the San Juan River Mitigation Expenditure Plan for the Navajo Nation Environmental Protection Agency.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL – FOURTH YEAR, 2026

Introduced by:

_____

(Prime Sponsor)

Tracking No. 0251-26

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING THE SAN JUAN RIVER MITIGATION EXPENDITURE PLAN; WAIVING 2 N.N.C. § 301(B)(14)

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council may consider proposed action regarding an emergency matter. 2 N.N.C. § 164(A)(16).

B. "[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. § 164(A)(16).

SECTION TWO. FINDINGS

A. On July 19, 2023, the Navajo Nation Council enacted Resolution No. CJY-60-23, entitled "*AN ACT RELATING TO RESOURCES AND DEVELOPMENT, HEALTH,*

EDUCATION AND HUMAN SERVICES, LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE SAN JUAN RIVER MITIGATION FUND; DIRECTING THAT MONIES RECEIVED FROM IN RE: GOLD KING MINE RELEASE IN SAN JUAN COUNTY, COLORADO, ON AUGUST 5, 2025, NO. 1:18-md-02824 (D.N.M.) AND UNDERLYING AND RELATED ACTION BE DEPOSITED IN THE SAN JUAN RIVER MITIGATION FUND AFTER REIMBURSEMENT OF LITIGATION COSTS," attached as **Exhibit A**, which established the Navajo Nation San Juan River Mitigation Fund.

B. On September 17, 2026, the Navajo Nation Commission on Emergency Management, with the concurrence of the President of the Navajo Nation, has declared a state of emergency due to severe storms, flooding, and resulting infrastructure damage, as reflected in Resolution No. CEM 26-004 attached as **Exhibit B**. The flooding affecting various Navajo communities requires immediate and coordinated action to protect public health, water resources, and the environment.

C. Floodwaters have damaged or overwhelmed wastewater treatment facilities within the San Juan River watershed. The New Mexico Governor's Office reported that untreated wastewater entered the San Juan River from the Bloomfield Water Reclamation Facility. The Navajo Tribal Utility Authority also reported that flooding breached its Montezuma Creek wastewater lagoon treatment facility and advised the public to avoid contact with potentially affected river water and floodwaters.

D. These wastewater releases create an immediate need to assess the presence, extent, and movement of contamination and to identify appropriate protective measures. Timely water quality monitoring and environmental technical assessments are necessary to guide emergency response decisions and address potential exposure of residents, emergency responders, livestock, and downstream communities.

E. The Executive Director of the Navajo Nation Environmental Protection Agency ("NNEPA") has recommended approval of the San Juan River Mitigation Fund Expenditure Plan, to finance environmental technical studies, water quality monitoring, and/or preventative and corrective measures necessary to address

potential contamination and related issues in the San Juan River, and to implement a NNEPA communication strategy.

F. Delaying approval of the Expenditure Plan pending completion of the ordinary appropriate oversight committee and Budget and Finance Committee approval process would delay access to funding needed for the immediate environmental response. Such delay would impair the Navajo Nation's ability to assess contamination, implement preventative and corrective measures, and communicate protective guidance while affected communities face ongoing risks.

G. The need for immediate funding arises from the current flooding emergency and resulting wastewater releases and directly supports disaster relief and emergency response services. Approval of the Expenditure Plan is therefore urgently needed to support the Navajo Nation's response to the declared emergency and protect affected communities and the San Juan River.

H. The NNEPA's Executive Director developed and recommends the San Juan River Mitigation Fund Expenditure Plan attached as **Exhibit C**.

I. The Navajo Nation Department of Justice completed an Executive Official Review for Doc No. 023455 and deemed the proposed Expenditure Plan legally sufficient on October 30, 2024, attached as **Exhibit D**.

SECTION THREE. APPROVAL

The Navajo Nation hereby approves the Navajo Nation Environmental Protection Agency's San Juan River Mitigation Fund Expenditure Plan, attached as **Exhibit C**.

SECTION FOUR. WAIVERS

The Navajo Nation hereby waives 2 N.N.C. § 301(B)(14) solely to the extent that the Fund Management Plan requires approval by the Budget and Finance Committee.

SECTION FIVE. EFFECTIVE DATE

This Action shall become effective in accordance with 2 N.N.C. § 221(C).