

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0093-19

**DATE:** April 18, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE; SUPPORTING THE NAVAJO NATION'S REQUEST TO CALL UPON THE UNITED STATES FEDERAL GOVERNMENT TO FACILITATE THE FURTHER DEVELOPMENT OF THE ECONOMIC SOVEREIGNTY OF THE NAVAJO NATION INCLUDING THE MAXIMIZATION OF THE AUTONOMY OF ITS ENERGY RESOURCES FOR THE BENEFIT OF THE NAVAJO NATION AND ITS PEOPLE

**PURPOSE:** Requesting Federal Government to facilitate further development of the Navajo Nation's energy resources.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 24  
Website Posting Time/Date: 8:20pm 04-18-19  
Posting End Date: 4-23-19  
Eligible for Action: 4-24-19

Resources & Development Committee  
Thence  
Naa'bik'iyáti' Committee

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION  
24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0093-19

**AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE  
AND THE NAABIK'ÍYÁTÍ COMMITTEE;  
SUPPORTING THE NAVAJO NATION'S REQUEST TO CALL UPON THE UNITED  
STATES FEDERAL GOVERNMENT TO FACILITATE THE FURTHER  
DEVELOPMENT OF THE ECONOMIC SOVEREIGNTY OF THE NAVAJO NATION  
INCLUDING THE MAXIMIZATION OF THE AUTONOMY OF ITS ENERGY  
RESOURCES FOR THE BENEFIT OF THE NAVAJO NATION AND ITS PEOPLE**

**WHEREAS:**

- A. The Resources and Development Committee of the Navajo Nation Council exercises oversight authority over water, land, grazing, environment, economic and community development. 2 N.N.C. §500 (C).
- B. The Naabik'iyáti Committee of the Navajo Nation Council is the standing committee empowered to coordinate and pronounce the official position of the Navajo Nation before non-Navajo government federal, state or other entities. 2 N.N.C. § 700 (A).
- C. The Navajo Nation has a government-to-government relationship with the United States of America as evidenced by the Treaty of 1868.

- 1 D. This legislation is a necessary response to current developments involving Navajo  
2 Transitional Energy Company's (NTEC) independent acquisition of Navajo  
3 Generating Station (NGS) and Kayenta Mine.
- 4 E. NTEC is a limited liability company organized pursuant to the Navajo Nation Limited  
5 Liability Company Act, 5 N.N.C. § 3600 *et seq.*, created and enabled by Navajo  
6 Nation Council Resolution No. CAP-20-13. See Exhibit A.
- 7 F. The negotiations between NGS Owners and NTEC stalled due to the demands by the  
8 NGS Owners.
- 9 G. Recent support legislation offering support to NTEC's acquisition of NGS and  
10 Kayenta Mine was narrowly defeated.
- 11 H. The Navajo Nation approved the 2013 Navajo Nation Energy Policy (CO-50-13)  
12 which states, in part, that the United States is the trustee of the resources of the  
13 Navajo Nation and has a duty to protect the Nation's energy resources and to assist  
14 the Nation to manage such resources for the benefit of the Diné.
- 15 I. Given the importance of this issue to the Navajo Nation, the Navajo Nation finds it to  
16 be in the best interest of the Diné to request the United States Government to discuss  
17 further development of the Navajo Nation's economic sovereignty including  
18 maximization of its energy resources.

19  
20 **THEREFORE, BE IT RESOLVED:**

- 21 A. The Navajo Nation fully supports the further discussion with the United States  
22 Government to discuss and provide options to enhance the economic sovereignty of the  
23 Navajo Nation.
- 24 B. The Navajo Nation calls upon the United States Department of the Interior and the  
25 Bureau of Reclamation to discharge the federal trust obligations owed to the Navajo  
26 Nation and the Hopi Tribe by taking action necessary to ensure that the acquisition of  
27 NGS and Kayenta Mine is completed and to support both tribes.
- 28 C. The Navajo Nation fully supports the tribe's rejection of the demand that the Navajo  
29 Nation directly guarantee and assume all liabilities associated with NGS.
- 30



1 D. The Navajo Nation hereby requests the United States Government to discuss further  
2 development of the Navajo Nation's economic sovereignty including maximization of its  
3 energy resources.

4 E. The Navajo Nation hereby authorizes the Navajo Nation President, and the Navajo  
5 Nation Speaker of the 24<sup>th</sup> Navajo Nation Council, and their designees, to further initiate  
6 discussions with the United States Government on a government-to-government basis to  
7 carry out the intent of this resolution.  
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CAP-20-13

RESOLUTION OF THE  
22<sup>ND</sup> NAVAJO NATION COUNCIL

22<sup>ND</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE;  
APPROVING: (I) THE CREATION, FORMATION, ORGANIZATION,  
ESTABLISHMENT, AND OPERATION OF THE NAVAJO TRANSITIONAL ENERGY  
COMPANY, LLC (HEREINAFTER, THE "COMPANY"), PURSUANT TO THE  
NAVAJO NATION LIMITED LIABILITY COMPANY ACT, 5 N.N.C. § 3600 *et seq.*; (II) THE GRANT AND EXTENSION OF THE NAVAJO NATION'S  
SOVEREIGN IMMUNITY TO THE COMPANY PURSUANT TO THIS ENABLING  
LEGISLATION, AND NAVAJO LAW, INCLUDING WITHOUT LIMITATION, 1  
N.N.C. § 551 *et seq.*, 2 N.N.C. § 101 *et seq.*, AND 5 N.N.C. §  
3600 *et seq.*; (III) THE DISCRETION TO RELATE, AFFILIATE, AND  
ASSOCIATE WITH AN EXISTING NAVAJO NATION SECTION 17 CORPORATION,  
OR A SUBSIDIARY OF AN EXISTING NAVAJO NATION SECTION 17  
CORPORATION, OR ALTERNATIVELY, WITH THE APPROVAL OF THE NAVAJO  
NATION GOVERNMENT, TO INCORPORATE AS A SECTION 17 CORPORATION  
PURSUANT TO 25 U.S.C. § 477, AS AMENDED; (IV) THE EMPOWERMENT OF  
THE COMPANY TO EXECUTE, ENTER, AND PERFORM COMMERCIALY  
REASONABLE AND ECONOMICALLY VIABLE AGREEMENTS IN THE BEST  
INTERESTS OF THE COMPANY AND THE NAVAJO NATION, INCLUDING  
WITHOUT LIMITATION, A STOCK PURCHASE AGREEMENT TO ACQUIRE THE  
ENTIRETY-ONE-HUNDRED-PERCENT(100%)- OF THE STOCK OF A BUSINESS  
ORGANIZATION OR ORGANIZATIONS, WHICH IS NECESSARY FOR THE  
ACQUISITION AND OWNERSHIP OF THE NAVAJO MINE; AND (V) THE  
EMPOWERMENT OF THE COMPANY TO ACT TO EFFECTUATE THE MERGER OR  
MERGERS OF BUSINESS ORGANIZATIONS FOR THE ACQUISITION AND  
OWNERSHIP OF THE NAVAJO MINE, AND CONTINUING OPERATION OF THE  
COMPANY IN THE BEST INTERESTS OF THE NAVAJO NATION AND THE  
NAVAJO PEOPLE.

BE IT ENACTED:

Section A. Approval of the creation, formation, organization,  
establishment empowerment, authorization, and  
operation of the Company

1. Pursuant to 5 N.N.C §102, the Navajo Nation Council hereby  
approves the creation, formation, organization,

establishment, and operation of the Company, which will, subject to the limitations set forth herein, act as an arm and subordinate instrumentality of the Navajo Nation to exercise all of the powers granted herein and otherwise available, including without limitation, the benefits, protections, and defenses associated with sovereign immunity, and authorities of association and affiliation with a sovereign entity, with accountability to the Navajo People, through their elected and appointed representatives, and the Navajo Nation; and

2. The Navajo Nation's approval of the creation, formation, organization, establishment, and operation is for the protection and promotion of the Navajo People's and the Navajo Nation's economic and financial best-interests, which are tied and related to mining operations within the Navajo Nation, as a means to ameliorate the economic, financial, and social conditions of the Navajo People and the Navajo Nation; and
3. The Navajo Nation, through the approval and execution of this legislation by the Navajo Nation Council and the President of the Navajo Nation, establishes and declares the Company as an instrumentality of the Navajo Nation, which, subject to the conditions of existing Navajo law, and those set forth herein, is entitled to all of the privileges, immunities, protections, and authorities of the Navajo Nation; and
4. The Navajo Nation approves the creation, formation, organization, establishment, empowerment, and operation of the Company pursuant to Navajo law, including without limitation, the Navajo Nation Limited Liability Company Act, 5 N.N.C. §3600 et seq., 1 N.N.C. §551 et seq., 2 N.N.C. §101 et seq., and all other relevant statutes, resolutions, decisions, rules, orders, regulations, and policies; and the Company's Articles of Organization and Operating Agreement, which are attached hereto collectively as Exhibit "A" (hereinafter, referred to as the "Operating Agreement"); and
5. The Navajo Nation declares that the creation of the Company is necessary and desirable for the Navajo Nation to implement the transactions, functions, and actions contemplated by this legislation; to strictly limit the Navajo Nation's and the Company's liabilities and exposures; and to promote the development of the Navajo



Nation's resources and new sources of energy, power, transmission and attendant resources to develop the economic, financial, social and cultural well-being of the Navajo People and the Navajo Nation; to promote the economic vitality of the Navajo Nation through the production of goods and services, to facilitate management of the Navajo Nation's interests in the development of its energy portfolio and market; and to steer the Navajo Nation into a more efficient, productive, vital, and sustainable energy portfolio and market in the best interests of the future generations of the Navajo Nation; and

6. The Navajo Nation declares that the creation of the Company is also for the purposes of facilitating, assisting, promoting, and protecting the Navajo Nation's authorities, duties, and functions to protect the Navajo People and the Navajo Nation, with regard to the Navajo Nation's land, air, water, natural, and economic resources; and
7. The Company is created and enabled to support, improve, and promote the economic, financial, tax, and revenue interests of the Navajo People, the Navajo Nation, and affiliates, through management and development of the Navajo Nation's conventional, alternative, and renewable energy resources, in cooperation with other Navajo Nation entities, in accordance with full exercise of the Navajo Nation's inherent sovereignty, in furtherance of the federal government's policy of Navajo Nation economic development, self-sufficiency, self-determination, and autonomous economic development and growth, and consistent with existing and future Navajo Nation environmental, labor, and resources utilization laws, regulations, orders, rules, and policies; and
8. The Company is created to, and shall, invest and re-invest no-less-than ten-percent (10%) of Net Income, as defined in the Operating Agreement, into the research and development of renewable and alternative sources of energy, storage, and transmission technologies and facilities, with priority given to solar technologies and facilities and attendant storage and transmission capacity, and in accordance with responsible financial and commercial management of the Company's obligations and best-interests; and
9. The Company shall have, and is granted and extended, the Navajo Nation's sovereign immunity from suit, with the



authority to waive the Company's immunity from suit on a limited, transaction-by-transaction basis, in conformity with this legislation and its constituent documents, as these may be amended and supplemented from-time-to-time, including the clear and express authority to limitedly waive any defense of the Company, its directors, employees, attorneys, or agents may otherwise assert that federal, state, or tribal law requires exhaustion of tribal court and administrative remedies prior to suit against the Company in a judicial, administrative, arbitral, or other body or tribunal having proper jurisdiction over the subject matter and the parties; and

10. The Company shall have, and is granted and extended, the Navajo Nation's tax and financial status pursuant to applicable law, subject to such modifications, supplements, or restatements that may be made by the Navajo Nation; and

**Section B. Approval of the Company's acquisition of business organizations to acquire the entirety of the stock of a business organization or business organizations for the acquisition and ownership of the Navajo Mine, and related actions**

11. The Company is empowered and authorized to conduct and complete all necessary due diligence investigations; enter, execute, and perform all agreements necessary to implement and facilitate the acquisition and ownership of the Navajo Mine; and
12. The Company is empowered and authorized to enter, execute, and perform all commercially reasonable and economically viable agreements attendant to the acquisition and ownership of the Navajo Mine to promote the Navajo People's, the Navajo Nation's, and the Company's best-interests; and
13. The Company is empowered and authorized to effectuate acquisitions and mergers of business organizations, and if determined appropriate by the Navajo Nation and the Company, to affiliate with a Navajo Nation entity or entities, as the case may be pursuant to future circumstances, and effectuate a merger into a Section 17 Corporation chartered pursuant to 25 U.S.C. §§477, as amended, by the same name; and
14. The Company is further empowered and authorized to take appropriate actions to ensure the continuing operation of the Navajo Mine and the Company into the future, in the

most efficient, productive, and profitable manners possible, which shall be in the best-interests of the Navajo People, the Navajo Nation, and the Company; and

**Section C. Approving and stating conditions associated with the Company's existence and operation**

15. The Navajo Nation retains all rights, powers, authorities, and immunities possessed and enjoyed as a sovereign entity and governmental institution. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall be asserted, interpreted, or otherwise understood to constitute any waiver whatsoever of any of the Navajo Nation's rights, powers, or authorities, and immunities as a sovereign entity and governmental institution; and
16. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall be asserted, interpreted, or otherwise understood to constitute any waiver of the Navajo Nation's sovereign immunity from suit whatsoever, whether express or implied, beyond that already clearly and unequivocally provided as a matter of Navajo Nation statutory law pursuant to the Navajo Sovereign Immunity Act, 1 N.N.C. §551 et seq., and the Navajo Nation Arbitration Act, 7 N.N.C. §1101 et seq; and
17. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall create any obligation, indebtedness, or recourse to the property or assets, whether held in trust or otherwise, of the Navajo Nation whatsoever; and no action by the Company shall permit or authorize the sale, encumbrance, or transfer of any of the Navajo Nation's, or any of its entities' and affiliates' property and assets, whether held in trust or otherwise, or any interest therein whatsoever, other than those of the Company; and
18. Subject to the conditions set forth herein, in the Operating Agreement, and in any future organizational or governing documents or instruments associated with the Company, the Company, its Management Committee and Management Committee Members, as these terms are defined in the Operating Agreement, and its other officers, employees,



and agents shall be immune from suit for actions performed in an official capacity; and

19. Except as otherwise clearly and expressly provided for herein or to the extent the Company, exercising express authority in a manner provided for in this legislation or other applicable Navajo law, or the Operating Agreement, and in accordance with properly approved and executed agreements, the Company's property and assets are exempt from any levy or execution; and
20. The Company is authorized to waive the Company's immunity from suit or other compulsory dispute resolution procedure in accordance with the Operating Agreement. Any waiver of the Company's immunity from suit shall be clearly and expressly stated and consistent with the procedural and substantive requirements provided for in Sections C(20) through C(23) hereof and the Operating Agreement, and shall expressly state that such waiver does not apply to the Navajo Nation; and
21. Any limited, clearly, and expressly defined waiver of the Company's immunities from suit shall require at least ten (10) calendar days' notice of the transaction, agreement, and specific provision providing for any limited waiver being provided to the Company's Management Committee, the Office of the Speaker of the Navajo Nation Council, the Office of the President of the Navajo Nation, and the Navajo Nation Department of Justice. Any limited, clearly, and expressly defined waiver of the Company's immunities from suit shall satisfy all procedural and substantive requirements provided for herein and within the Operating Agreement; and the failure to satisfy such requirements shall render any purported waiver of the Company's sovereign immunity void *ab initio*; and
22. Approval of the same specific limited waiver of each the Company's immunities from suit shall require an affirmative vote of at least five (5) of the Company's seven (7) total Management Committee Members; and
23. Only the properties, assets, revenues, and income held by, or in the name of, the Company shall be subject (to the extent otherwise permitted herein and by law) to the debts, obligations, or other liabilities created, incurred, or guaranteed by the Company. The Navajo Nation's properties and assets, whether held in trust or otherwise, or any interest therein whatsoever, shall not be subject to, or impacted by



this legislation, the Operating Agreement, the Company's additional governing documents, its associated and approved instruments, or any transaction or agreement executed for or by the Company, including without limitation, any and all agreements or other documents entered into, issued, or made in connection with the Company's acquisition and ownership of the Navajo Mine, and the Company's continued operations and functions thereafter; and

**Section D. General and Miscellaneous Provisions; Directives**

24. The duration of the Company shall be perpetual; and
25. The Company is designed, created, formed, organized, established, empowered, and authorized to act as a subordinate instrumentality of the Navajo Nation, and to promote and enhance the self-determination and self-reliance of the Navajo Nation and the Navajo People with all rights, privileges, immunities, powers, protections, authorities, and purposes granted herein. The Company shall endeavor to contribute to the improvement and enhancement of the economic and financial conditions, and the standards of living for the Navajo People and the Navajo Nation; and
26. The Company is empowered to acquire, create, control, administer, operate, facilitate operation of, oversee, and develop all facilities, infrastructure, improvements, property, assets, and interests necessary, convenient, efficient, and prudent for accomplishment of the purposes herein and the Operating Agreement. The Company is empowered to control, own, operate, conduct oversight of operation, and develop energy resources, tangible and intangible property, assets, and interests within and outside the boundaries of the Navajo Nation, and on possessory interests in lands selected by the Navajo Nation pursuant to the Navajo-Hopi Land Settlement Act, meaning leasehold interests, subject to such actions being provided for, authorized by, or not otherwise prohibited by applicable Navajo Nation law; and
27. The principal place and headquarters of business and the offices of the Company shall be within the Navajo Reservation, with preference to be and operate at or near Window Rock, Navajo Nation. The Company may also establish and maintain offices at such other places as the Company, through its duly authorized officers, may from time-to-time direct, or as the activities of the Company may require; and

28. The Company is further authorized and empowered to do everything necessary, proper, advisable, or convenient for the accomplishment of the purposes herein, including, without limitation, implementation of the Operating Agreement; and to do all things incidental thereto, or connected therewith, which are not forbidden by applicable law or this legislation; and
29. The Company's seven (7) Management Committee members shall be selected in accordance with the Operating Agreement. Thereafter, the seven (7) members' appointments and confirmations shall be effectuated in accordance with the Operating Agreement; and
30. Each of the Company's Management Committee Members after the initial Members' terms have concluded, shall be selected in accordance with the Operating Agreement, and in consultation with the Company's membership representatives, which shall serve in a capacity of shareholder representatives in a corporation, and such rules as the Company may adopt, amend, or supplement in the future; and
31. The Company's Management Committee Members shall hire or ratify the Company's Management Committee Executive, as that term is defined in the Operating Agreement; and
32. Each of the Company's Management Members, officers, employees, and agents shall be subject to Navajo Nation laws and regulations; and
33. Each of the Company's Management Committee Members shall have substantial knowledge, understanding, and competency in the energy industry; and the Management Committee as a whole shall possess substantial knowledge, understanding, and competency in the energy industry, with particular knowledge, understanding, and competency in coal, alternative and renewable resources for power and energy; commercial management and operation experience in the energy industry; substantial knowledge, understanding, and competency in economics, corporate finance, accounting, law, business management, engineering, geophysics, geology, or similar disciplines; substantial knowledge, understanding, and competency in mining, production of coal, and mechanics of coal mining operations; substantial knowledge, understanding, and competency of commercial and mining operations within Navajo Indian Country; and
34. Each of the Management Committee Members shall not be a public official of the Navajo Nation as defined in 2 N.N.C.



§3743, as amended, including without limitation Navajo Nation Council delegates, Chapter officials, grazing committee members, commissioners, land board members, farm board members, or school board members; be an employee of the federal, any state, county, municipal, or any other government; be a director (or commissioner) of any other Navajo Nation owned enterprise, industry, authority, corporation, or instrumentality; provided that the requirements shall not apply to any consecutive renominations or confirmations; be any person who has been convicted or entered a plea of *nolo contendere* to any felony or gross misdemeanor in any court, including without limitation those involving dishonesty or moral turpitude, extortion, embezzlement, theft, violation of fiduciary duty, bribery, perjury, or fraud; provided, that any misdemeanor shall be limited to the last ten (10) years of such person's history; be any person who violates or has violated the requirements of the Navajo Nation Ethics in Government Law, 2 N.N.C. §3741 *et seq.*, as amended, provided that any such violation shall be limited to the last ten (10) years of such person's history; or be any person who has declared bankruptcy or been adjudicated bankrupt or insolvent; and

35. The Company may conduct activities in the Navajo Nation and any other jurisdictions; and
36. The Company may participate with other persons in joint ventures, or other associations, transactions, or arrangements; and
37. The Company may appoint officers, agents, engineers, auditors, accountants, appraisers, counsel, and other professional consultants as may be needed from time-to-time; and also define their duties and compensation; and
38. The Company shall require the bonding of all officers, agents, or employees responsible for the handling or safeguarding of funds, property, and other assets of the Company; and
39. The Company is authorized to acquire (by purchase, exchange, lease, hire, or otherwise) use, improve, manage, operate, and sell, lease, or mortgage, either alone or in conjunction with others having an interest therein, real estate of every kind, character, and description, and any interest therein, necessary or incidental to the purposes of the Company; and



40. The Company is authorized to deal in personal property, including intangibles; and to acquire (by purchase, application, transfer, exchange, lease, hire, or otherwise), hold, own, manage, operate, mortgage, pledge, hypothecate, exchange, sell, deal in, and dispose of, either alone or in conjunction with others, personal property, including without limitation, equity securities and inventions, copyrights, trademarks, trade secrets, patents, and other intangibles, and interests therein, of every kind, character, and description; and
41. The Company is authorized and empowered to enter into, make, perform, carry out, cancel, and rescind contracts for any lawful purpose pertaining to its purposes and activities; and
42. The Company is authorized and empowered to generate revenues, raise capital, borrow money, make, guarantee and issue debt, and to secure payment thereof by pledge of, or lien on, all or any fixtures, personalty, revenues, incomes, contracts, or other property and income; and to accept grants or loans; and to expend the proceeds thereof; and
43. The Company is empowered and authorized to create subdivisions, sub-entities, and subsidiaries for purposes of separating and furthering the Company's purposes; and
44. The Company shall have, as applicable, one member, shareholder, and owner, which shall be the Navajo Nation; and any grant, sale, encumbrance, or hypothecation of shares shall be void *ab initio*; and
45. The Company shall have a Management Committee comprised of seven (7) persons, who shall be governed by 5 N.N.C. §§3640-42; and the Company's and the Navajo Nation's relationship shall be governed by 5 N.N.C. §§3650-60, the Operating Agreement, and this legislation; and
46. The Navajo Nation may capitalize the Company with an initial capital contribution to be determined by agreement between the Navajo Nation and the Company, corresponding financing agreements, and a schedule of contributions and distributions; and
47. The Navajo Nation shall be entitled to reimbursement from the Company of any capital contribution; and

**Section E. Directive to the Navajo Nation Office of the Attorney General for the Creation of the Company**

48. The Navajo Nation Office of the Attorney General shall immediately make application and take all actions necessary for the Navajo Nation Division of Economic Development's Business Regulatory Department to furnish a Certificate of Existence for the Navajo Transitional Energy Company, LLC, in accordance with this legislation, the Articles of Organization, and the Operating Agreement; and
49. The Navajo Nation Office of the Attorney General and the Navajo Nation Washington Office shall also immediately make application and take all actions necessary for approval by the United States of any actions necessary and convenient for the Company's acquisition and ownership of the Navajo Mine, and continued operation of the Company; and

**Section F. Savings, Severability, and Survivability Clause**

50. Should any provision herein be determined invalid by the Navajo Nation Supreme Court, all other provisions not determined to be invalid shall remain in force and effect; and
51. Any employee or official of the Navajo Nation with a conflict of interest shall be removed as the organizer or signor of the Articles of Incorporation, Operating Agreement or other documents before final approval and filing; and
52. NTEC shall ensure at the time of cessation of the mining activities at both Navajo and San Juan mines and closure of Four Corners Power Plant and San Juan Generating Station that water Permit #2838 shall revert to the Navajo Nation.

## C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 4 opposed, this 29th day of April 2013.

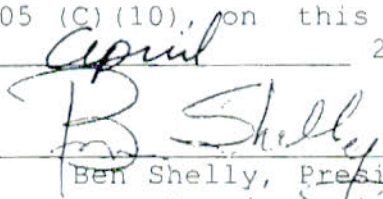


Edmund Yazzie, Speaker Pro Tem  
Navajo Nation Council

Motion: Honorable Jonathan Nez  
Second: Honorable LoRenzo Bates

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 30 day of April 2013.

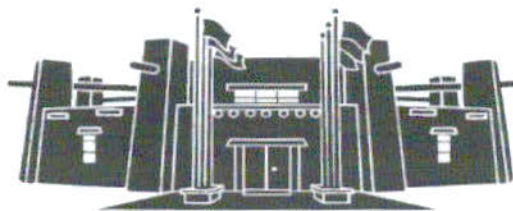


Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2013 for the reason(s) expressed in the attached letter to the Speaker.

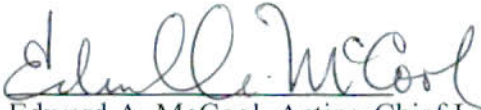
Ben Shelly, President  
Navajo Nation





## MEMORANDUM

**TO:** Honorable Nathaniel Brown  
Honorable Herman M. Daniels  
24<sup>th</sup> Navajo Nation Council

**FROM:**   
Edward A. McCool, Acting-Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** April 18, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE; SUPPORTING THE NAVAJO NATION'S REQUEST TO CALL UPON THE UNITED STATES FEDERAL GOVERNMENT TO FACILITATE THE FURTHER DEVELOPMENT OF THE ECONOMIC SOVEREIGNTY OF THE NAVAJO NATION INCLUDING THE MAXIMIZATION OF THE AUTONOMY OF ITS ENERGY RESOURCES FOR THE BENEFIT OF THE NAVAJO NATION AND ITS PEOPLE

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0093-19

SPONSOR: Nathaniel Brown

TITLE: An Action Relating To The Resources And Development Committee And The NAABIK'IYATI' Committee; Supporting The Navajo Nation's Request To Call Upon The United States Federal Government To Facilitate The Further Development Of The Economic Sovereignty Of The Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People

*Date posted:* April 18, 2019 at 8:20 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0093-19

SPONSOR: Honorable Nathaniel Brown


TITLE: An Action Relating to The Resources And Development Committee And The Naabik'iyáti' Committee; Supporting The Navajo Nation's Request To Call Upon the United States Federal Government To Facilitate The Further Development Of the Economic Sovereignty Of the Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People

Posted: April 18, 2019 at 8:20pm

5 DAY Comment Period Ended: April 23, 2019

Digital Comments received:

Comments Supporting	1) Leon Spencer, Tiis Tsoh Sikaad Chapter and Community member 2) Cindi865100, support for jobs and revenue.
Comments Opposing	1) Vincent Yazzie, No on 0093-19 2) Percy Deal, Big Mountain 3) Lori Goodman, Dilkon Chaper 4) Lester Begay 5) Shirley Peaches, Navajo Mountain Chapter, Please Vote No 6) Ed Becenti, Dine'/Navajo Grassroots Liaison 7) Wahleah Johns, Tonizhoni AZ. 8) Duane Chili Yazzie, Shiprock, NM
Inconclusive Comments	<i>None</i>



Legislative Secretary  
Office of Legislative Services

0093-19

Leon Spencer &lt;l.spencer@navajo-nsn.gov&gt;

Fri 4/19/2019 11:41 AM

To: comments &lt;comments@navajo-nsn.gov&gt;;

To Whom it may concern,

I support this Legislation, number 0093-19. The 24th Navajo Nation Council did not have a full quorum when they voted on the NTEC acquisition of the Navajo Generating Station and the Kayenta Mine. Those that voted against the NTEC acquisition of the NGS/Kayenta mine based it on the NTEC's financial report, saying they did not have a copy of it. Even though they had access and copies were given to the Navajo Nation months before the meeting.

I believe the majority of the Delegates were misinformed on the matter as well. The Speaker also based his comments on his townhall meetings as to why he was against the NTEC acquisition, few attended the townhall and there was not enough of the townhalls for the entire Navajo Nation to provide comments. As speaker, he must speak for all the people and not just for special interest groups.

The NTEC NGS/Kayenta Mine resolutions were not noted at the Council meeting, over half of the Navajo Nation Chapter voted in favor of NTEC acquiring the NGS/Kayenta Mine, less than a quarter of the Navajo Nation Chapters voted against the NTEC acquisition. The remaining Navajo Nation Chapters were not allowed to even vote on it, Chapter Officials used their powers to leave it off the regular meetings agendas and/or squashed the resolution during the planning meetings. I even saw a Delegate take the resolution away from a Chapter President and saying, not this resolution, even though the planning Committee approved it to be on the agenda. This abuse of power did not allow Navajo Nation community members the opportunity to comment on the NGS/Kayenta Mine Resolution, for or against. But based on the above mentioned comments and facts, the NTEC acquisition of the NGS/Kayenta Mine Resolution was fully supported by the Navajo Nation people.

The people that were against the acquisition did not provide a plan for the negative economic impacts. NTEC did have a plan, the plant was going to be shutdown slowly and it would have addressed the revenue shortfalls for the next ten years. It was a viable plan and now the Navajo Nation is looking at the Permanent Trust Funds as a back fall. It would have address the renewable energy effort, by getting funds to build more solar power plants, as it is there is no funds for such development.

Renewable energy is good, but getting it and maintaining it, so it becomes stainable takes a long time and huge amounts of money. Until the Navajo Nation can get it off the ground and prove that it is a reliable source of energy, it'll remain to be seen. The NGS and Kayenta Mine should continue under the NTEC and it shuts down after ten years as planned by NTEC and order by the Navajo Nation 23rd Council.

Therefore, I fully support this legislation and recommend the Navajo Nation Leadership approve it as soon as possible.

Leon Spencer, Community member  
Tiis Tsoh Sikaad Chapter  
P.O. Box 1613  
Shiprock, NM 87420  
trex2019spencer@hotmail.com



No on 0093-19. Court order says one cannot force CAWCD to buy NGS power.

Vincent Yazzie <vinceyazzie@yahoo.com>

Fri 4/19/2019 12:55 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

49-dct-order.pdf;

April 19, 2019

Vincent Yazzie  
10080 Palomino Road  
Flagstaff, AZ 86004

vinceyazzie@yahoo.com  
(928) 380-3198

Subject: No on 0093-19. Court order says one cannot force Central Arizona Water Conservation District (CAWCD) to buy NGS power.

Dear Honorable Delegates,

No on 0093-19. Court order says one cannot force CAWCD to buy NGS power. See attached court order. Pretty petty to use the courts to force another person to buy their product.

CAWCD will not buy expensive NGS power.

Vincent H. Yazzie

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Hopi Tribe, et al.,

Plaintiffs,

vs.

Central Arizona Water Conservation  
District, et al.,

Defendants.

No. CV-18-01337-PHX-SPL

**ORDER**

Before the Court are Defendant Central Arizona Water Conservation District's ("CAWCD") Motion to Dismiss (Doc. 22), CAWCD's Motion for Judicial Notice (Doc. 23), Intervenor-Defendant Gila River Indian Community's (the "Community") Motion to Dismiss (Doc. 36), Plaintiffs' Joint Response (Doc. 41), CAWCD's Reply (Doc. 46), and the Community's Reply (Doc. 47). Oral argument is requested but denied.<sup>1</sup>

**I. Background<sup>2</sup>**

**A. Factual Background**

This case arises out of the announced closing of the Navajo Generating Station ("NGS"), a power plant located near Page, Arizona. (Doc. 1 ¶ 1.) NGS is located on Native American lands, and the Kayenta Mine, also on tribal land, provides its fuel requirements.

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<sup>1</sup> Because it would not assist in resolution of the instant issues, the Court finds the pending motion is suitable for decision without oral argument. *See* LRCiv. 7.2(f); Fed. R. Civ. P. 78(b); *Partridge v. Reich*, 141 F.3d 920, 926 (9th Cir. 1998).

<sup>2</sup> The following facts are drawn in Plaintiffs' favor.



(Doc. 1 ¶ 1.) The Hopi Tribe made their lands available for the mine with the understanding that NGS would create revenues for the Hope Tribe until at least 2044. (Doc. 1 ¶ 1.) Peabody Western Coal Company (“Peabody”) owns and operates the Kayenta Mine, which supplies coal to NGS. (Doc. 1 ¶ 8.) The United Mine Workers of America (“UMWA”) represent approximately 340 employees of the Kayenta Mine. (Doc. 1 ¶ 7.) The Kayenta Mine and NGS are important to the welfare of the Hope Tribe and Page, Arizona. (Doc. 1 ¶ 37.) The Kayenta Mine employs 345 people, many Native Americans, and, between it and NGS, supports thousands of jobs and employs 845 people. (Doc. 1 ¶ 37.) The Hopi Tribe receives substantial royalties from the Kayenta Mine. (Doc. 1 ¶ 39.) Other Indian tribes in Arizona also benefit from NGS. (Doc. 1 ¶ 41.)

In February 2017, the non-federal NGS owners (the “NGS owners”) announced their intent to close NGS at the end of 2019. (Doc. 1 ¶ 27.) NGS stakeholders began actively looking for buyers willing to run NGS after 2019. (Doc. 1 ¶ 27.) CAWCD, the entity in charge of fulfilling the Central Arizona Project’s (“CAP”) water requirements, which is also NGS’s single, largest consumer, began pursuing alternative sources of power for that need. (Doc. 1 ¶¶ 24, 27, 36.) In November 2017, the Secretary of the Interior asked CAWCD to commit to purchasing its power from NGS after 2019, if NGS remained open, but CAWCD declined. (Doc. 1 ¶ 28.) On April 5, 2018, CAWCD announced at its board meeting that it was not legally obligated to buy power from NGS beyond 2019, even if NGS remained open. (Doc. 1 ¶ 32.) An interested buyer came forward, the Avenue Capital Group and Middle River Power (collectively, “Middle River”), and five other potential buyers expressed interest in buying NGS. (Doc. 1 ¶ 29; Doc. 41 at 10.)

CAWCD’s determination that it is not obligated to buy CAP’s power requirements from NGS so long as NGS remains open makes it more likely that both NGS and the Kayenta Mine will close. (Doc. 1 ¶ 36.) It will be less economical for an interested buyer to find sufficient power consumers to replace CAP’s power consumption if CAWCD does not continue buying its power from NGS. (Doc. 1 ¶ 36.) As a result, it will be less economical to run NGS, and a potential buyer’s interest will likely wane. (Doc. 1 ¶ 36.) If

1 a buyer walks away, NGS and the Kayenta Mine would close at the end of 2019 absent  
2 unforeseen developments. (Doc. 1 ¶ 36.)

### 3 **B. Procedural Background**

4 On May 1, 2018, Plaintiffs filed their Complaint. (Doc. 1.) Plaintiffs seek a  
5 declaratory judgment against CAWCD and an injunction. They ask the Court to declare:  
6 1) that Section 303 of the Basin Project Act obligates CAWCD to acquire CAP's power  
7 requirements from NGS so long as NGS remains open and 2) that CAWCD's decision that  
8 it is not obligated to purchase CAP's power requirements from NGS is preempted by  
9 federal law and is ultra vires. (Doc. 1 ¶¶ 46-48.) They also ask the Court to order that  
10 CAWCD acquire CAP's power requirements from NGS so long as NGS remains open.  
11 (Doc. 1 at 15 ¶ e.) On July 19, 2018, the Community moved to intervene as a defendant.  
12 (Doc. 18.)

13 On August 2, 2018, CAWCD filed its Motion to Dismiss and Request for Judicial  
14 Notice. (Docs. 22, 23.) On August 21, 2018, the Court granted the Community's Motion  
15 to Intervene (Doc. 35), and the Community filed its Motion to Dismiss (Doc. 36). On  
16 September 18, 2018, Plaintiffs filed a Joint Response to CAWCD's and the Community's  
17 Motions to Dismiss and its Response to CAWCD's Motion for Judicial Notice. (Doc. 41.)  
18 On October 24, 2018, CAWCD and the Community filed their Motions to Dismiss. (Docs.  
19 46, 47.) On January 18, 2019, the parties filed a Joint Notice of a Party Interested in  
20 Acquiring NGS. (Doc. 48.)

### 21 **II. Standard**

22 "For purposes of ruling on a motion to dismiss for want of standing, ... courts must  
23 accept as true all material allegations of the complaint and must construe the complaint in  
24 favor of the complaining party." *Maya v. Centex Corp.*, 658 F.3d 1060, 1068 (9th Cir.  
25 2011) (quoting *Warth v. Seldin*, 422 U.S. 490, 501 (1975)). "A Rule 12(b)(1) jurisdictional  
26 attack may be facial or factual." *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th  
27 Cir. 2004); see *Thornhill Publ'g Co. v. Gen. Tel. & Elecs.*, 594 F.2d 730, 733 (9th Cir.  
28 1979). "In a facial attack, the challenger asserts that the allegations contained in the



1 complaint are insufficient on their face to invoke federal jurisdiction. By contrast, in a  
2 factual attack, the challenger disputes the truth of the allegations that, by themselves, would  
3 otherwise invoke federal jurisdiction.” *Safe Air for Everyone*, 373 F.3d at 1039.

### 4 **III. Discussion**

#### 5 **A. Judicial Notice**

6 Although generally a court may not consider matters outside the pleadings in ruling  
7 on a motion to dismiss, the court may take judicial notice of matters of public record outside  
8 the pleadings. *Mack v. S. Bay Beer Distribs., Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986),  
9 overruled on other grounds by *Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104  
10 (1991); see Federal Rule of Evidence (“Rule”) 201(b)(2) (stating that a court may take  
11 judicial notice of facts that are “not subject to reasonable dispute” and which “can be  
12 accurately and readily determined from sources whose accuracy cannot reasonably be  
13 questioned”). Where judicial notice is requested, and the court receives sufficient  
14 information, judicial notice is mandatory. Fed. R. Evid. 201(c).

15 CAWCD seeks judicial notice of its Exhibits 1-4 in its Motion for Judicial Notice.  
16 (Doc. 23.) Plaintiffs do not oppose the Court taking judicial notice of those exhibits for the  
17 purposes of ruling on CAWCD’s and the Community’s Motions to Dismiss, so long as the  
18 exhibits do not turn the motions into ones for summary judgment and are given their  
19 appropriate characterization. (See Doc. 40.) Therefore, after reviewing the exhibits, the  
20 Court grants CAWCD’s Motion for Judicial Notice and will take judicial notice of Exhibits  
21 1-4: (1) Amended Navajo Power Marketing Plan issued by the Department of Interior,  
22 Bureau of Reclamation, published in the Federal Register at 72 Fed. Reg. 54289 (Sept. 24,  
23 2007) (the “Marketing Plan”); (2) Western Contract No. 11-DSR-12296, or, Reclamation  
24 Contract No. 1-CU-30-P121 (the “Western Contract”); (3) a November 30, 2017 press  
25 release of the Department of the Interior (the “DOI Press Release”); and (4) a letter dated  
26 June 1, 2008 from Timothy R. Petty, Ph.D., Assistant Secretary for Water and Science,  
27 United States Department of the Interior, to the Board of Directors and General Manager  
28 of the Central Arizona Project (the “Secretary’s Letter”). (Doc. 23, Exs. 1-4.)

**B. Motions to Dismiss**

Defendant CAWCD and Intervenor-Defendant the Community (the “Defendants”) make substantially the same arguments. Defendants argue that the Court must dismiss Plaintiffs’ Complaint because (1) the Court lacks subject matter jurisdiction; (2) indispensable parties cannot be joined; and (3) it fails to state a claim for relief. (Doc. 22.) Because the Court finds that it lacks jurisdiction, as discussed below, the Court does not address whether indispensable parties are at issue or whether Plaintiffs fail to state a claim.

**1. Lack of Standing**

Before reaching the merits, the Court must first address Defendants’ standing claim. *AOM Grp., LLC v. Provident Funding Assocs. L.P.*, No. CV-10-605-PHX-MHM, 2010 WL 3342020, at \*1 (D. Ariz. Aug. 25, 2010) (citing *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 102 (1998)). Article III federal courts are limited to deciding “cases” and “controversies.” U.S. Const. art. III, § 2; *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 471 (1982). The Declaratory Judgment Act’s “case of actual controversy” requirement and Article III’s “case” or “controversy” requirement are the same. *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 127 (2007). The plaintiff bears the burden of establishing the existence of a justiciable case or controversy, and “‘must demonstrate standing for each claim he seeks to press’ and ‘for each form of relief’ that is sought.” *Davis v. Federal Election Comm’n*, 554 U.S. 724, 734 (2008) (quoting *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006)).

“Standing is a core component of the Article III case or controversy requirement.” *Barnum Timber Co. v. EPA*, 633 F.3d 894, 897 (9th Cir. 2011) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). To establish Article III standing: (1) a plaintiff “must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical”; (2) “there must be a causal connection between the injury and the conduct complained of—the injury has to be fairly traceable to the challenged action of the defendant, and not the result of independent action of some third party not before the



1 court”; and (3) “it must be likely, as opposed to merely speculative that the injury will be  
2 redressed by a favorable decision.” *Lujan*, 504 U.S. at 560-61; *see also Barnum Timber*  
3 *Co.*, 633 F.3d at 905.

4 Turning to Plaintiffs’ Complaint, they allege that if CAWCD continues to make  
5 statements that it is not obligated to buy power from NGS or enters into power contracts  
6 with other suppliers, “CAWCD will make it more likely that NGS will close.” (Doc. 1 ¶  
7 34.) They allege that though there are potential buyers, “they may lose interest and walk  
8 away in the near future if CAWCD continues to float its responsibility to purchase CAP’s  
9 power requirements from NGS. Once the buyers walk, the demise of NGS will be assured.  
10 And its closure will wreak havoc [on Plaintiffs].” (Doc. 1 ¶ 34.) In other words, they argue  
11 that CAWCD is harming the sale process of NGS by announcing it is not obligated to buy  
12 power from NGS (and engaging in the process of searching for alternative power sources).

13 *Injury in Fact.* A plaintiff “must have suffered an injury in fact—an invasion of a  
14 legally protected interest which is (a) concrete and particularized, and (b) actual or  
15 imminent, not conjectural or hypothetical.” *Lujan*, 504 U.S. at 560. Here, Plaintiffs have  
16 not stated an injury in fact. They argue their injury in fact is the harm to the ongoing sale  
17 of NGS. Specifically, they allege that they “suffer concrete injury from CAWCD’s  
18 unlawful actions that directly harm the potential buyers of NGS.” (Doc. 41 at 17.)  
19 However, Plaintiffs do not establish how they have a cognizable legal interest in an ongoing  
20 sale between potential buyers of NGS and NGS owners. They fail to raise the distinction  
21 between potential buyers having a concrete interest in enjoining CAWCD’s alleged  
22 unlawful actions and theirs, which is one removed. Indeed, as Defendants argue, in the  
23 cases relied upon by Plaintiffs, standing was conferred on parties who were either buyers,  
24 sellers, or otherwise had some stake in the sale process itself. While the potential buyers in  
25 this case—third parties—would likely have standing, Plaintiffs do not account for their  
26 position as reapers of the benefits from the risks associated in the sale process felt by the  
27 potential buyers.

1 For example, in *Clinton v. City of New York*, 524 U.S. 417 (1998), the Supreme  
2 Court found that a farm cooperative had standing, at least in part, because it was engaged  
3 in ongoing negotiations with the owner of a processing plant and was actively searching  
4 for other processing facilities to purchase. Specifically, it held that the cooperative had  
5 been deprived of a “statutory bargaining chip,” which inflicted “a sufficient likelihood of  
6 economic injury to establish standing under our precedents.” *Id.* at 432. In *Northeastern*  
7 *Fla. Chapter, Associated Gen. Contractors of America v. Jacksonville*, 508 U.S. 656, 666  
8 (1993), the Supreme Court found an injury in fact where the party could not “compete on  
9 an equal footing in the bidding process....” In *CAWCD v. EPA*, 990 F.2d 1531, 1538 (9th  
10 Cir. 1993), the Ninth Circuit held that CAWCD had standing because, though its harm  
11 might have been indirect, it was obligated to reimburse the Government for a portion of  
12 NGS’s compliance costs. In *Bryant v. Yellen*, 447 U.S. 352, 367-68 (1980), the Supreme  
13 Court found that landowners had standing, or a sufficient stake in the outcome of the  
14 controversy, because the owners wished to purchase the land at issue.

15 In sum, the cases Plaintiffs hang their injury in fact claim on show that courts have  
16 found Article III standing where an aggrieved party was either a buyer or seller, attempting  
17 to buy or sell, or somehow established a connection, *i.e.*, in privity, to the sale process so  
18 as to adequately allege a “concrete injury” under this theory. Plaintiffs do not share that  
19 critical factor. Plaintiffs do not allege that they are a buyer of NGS, they have any authority  
20 to sell or are participating in the sale negotiations, or have otherwise induced some stake  
21 in the sale process, other than, assuming a sale of NGS both happens and goes south,  
22 Plaintiffs will, admittedly, be detrimentally affected. The cases relied upon by Plaintiffs,  
23 however, do not support that the latter is a sufficient injury. Accordingly, Plaintiffs have  
24 not met their burden to show an injury in fact.

25 *Traceability.* To establish traceability, “there must be a causal connection between  
26 the injury and the conduct complained of—the injury has to be fairly traceable to the  
27 challenged action of the defendant, and not the result of independent action of some third  
28 party not before the court.” *Lujan*, 504 U.S. at 560. Plaintiffs argue that their injuries are



1 fairly traceable to CAWCD because CAWCD's conduct will likely make a sale of NGS  
2 less likely because a "potential buyers' interest will likely wane" due to its largest  
3 consumer taking its business elsewhere. (Doc. 41 at 20.) Therefore, it is more likely that  
4 NGS will not be sold, which would result in the Kayenta Mine closing, the Hopi Tribe  
5 losing money, and UMWA workers losing their jobs (among other hardships). (Doc. 41 at  
6 20.) To support these claims, Plaintiffs cite to Middle River's letter to CAWCD, which  
7 states that, based on "public comments," Middle River envisioned that CAWCD would  
8 retain its existing ownership interest in NGS and would continue to utilize its share of the  
9 plant. (Doc. 1, Ex. D.) It also argues that, with CAWCD taking its business elsewhere, "it  
10 will be difficult for the interested buyer to find sufficient power consumers to replace  
11 CAP's power consumption" because CAP is its single, largest consumer of power. (Doc.  
12 41 at 20.) In response, CAWCD argues that it is "illogical to suggest theoretical potential  
13 buyers" will care about CAWCD's power purchasing decisions. (Doc. 22 at 7.) Similarly,  
14 the Community argues that the NGS owners' decision to close NGS, despite its largest  
15 consumer still intact, renders speculative Plaintiffs' claims that future decisions of potential  
16 buyers about the feasibility of NGS operations will depend on CAWCD's purchasing NGS  
17 power. (Doc. 36 at 15.)

18 Simply following Plaintiffs' chain of causation evidences the speculative nature of  
19 traceability here. Plaintiffs are correct in that actions by third parties may not defeat  
20 causation on that basis alone; but, Plaintiffs acknowledge that "the links [may not be]  
21 hypothetical or tenuous." (Doc. 40 at 19, citing *Wash. Envtl. Council v. Bellon*, 732 F.3d  
22 1131, 1141-42 (9th Cir. 2013)). While the Court disagrees with Defendants to the extent  
23 they argue it is "illogical" or of little importance that CAWCD, the entity controlling  
24 NGS's largest consumer of power, will not be an important factor a potential buyer will  
25 likely consider, the Court does agree with Defendants that it is speculative to guess to what  
26 extent the potential buyer might consider that factor more substantial than another.

27 The Court finds that, here, the causation chain is simply too weak. Even accepting  
28 as true that (1) CAWCD's conduct will *likely* make a sale of NGS *less likely* (2) because a

1 potential buyer's interest will *likely* wane (3) due to NGS's largest consumer of power  
2 taking its business elsewhere, (4) which *would* result in NGS's closure (and then the  
3 Mine's), the Court cannot say that "[CAWCD's] action[s are] 'substantially likely' to cause  
4 [Plaintiffs'] injuries despite the presence of intermediary parties." *CAWCD*, 990 F.2d at  
5 1538. Indeed, assuming as true that CAWCD will make a sale of NGS less likely, so to  
6 would the fact that no potential buyer could come forward, or that a potential buyer would  
7 not want to buy NGS because of pending, relevant legislation, or that the NGS owners will  
8 not agree to certain sales terms—the list goes on. Plaintiffs argue that they "do not need to  
9 plead or prove that NGS would be sold but for CAWCD's illegal actions." (Doc. 41 at 18.)  
10 Even so, however, they are required to show that it is "substantially likely" that CAWCD's  
11 actions are the cause of the harm to the ongoing sale process, which they cannot do.

12 CAWCD is not the only party who will or could have a detrimental impact on the  
13 sale process—the NGS owners and potential buyers (or lack thereof) are the parties who  
14 will determine what happens in the sale process. Though Plaintiffs attempt to confine their  
15 "harm" to that only CAWCD is inflicting on the sale process, that necessarily requires the  
16 assumption that potential buyers will consider their status as the providers of the largest  
17 consumer of power as the most influential or at least substantial factor in determining  
18 whether to pursue or consummate a sale. But, as evidenced by Plaintiffs, Middle River  
19 knew that CAWCD had stated its intent to and was indeed looking for other power sources  
20 and, yet, it decided to press on in the negotiations nonetheless.

21 While the Court accepts as true that a potential buyer will be more inclined to want  
22 to buy NGS with its largest consumer intact, so to could a buyer be more inclined to want  
23 to buy if state legislatures do not pass environmental laws that could negatively affect  
24 NGS's viability. In other words, who is to say that having NGS's largest consumer "intact,"  
25 so as to make it more economical to run than if not, is a more significant or the motivating  
26 factor in a potential buyer's decision to buy? Even if it were, that does not account for the  
27 NGS owners' decisions about what offer they might be willing to accept from a buyer. In  
28 other words, while it is not speculative to conclude that a potential buyer is more likely to



1 buy a power plant with its largest customer intact, it is speculative to conclude that that  
2 factor is what is substantially causing the harm to Plaintiffs. The argument that “if the  
3 potential buyers walk away, NGS and Kayenta would close at the end of 2019 absent  
4 unforeseen developments” demonstrates the issue. (Doc. 1 ¶ 36.) One, if a potential buyer  
5 walks away, there is no way to trace the harm, or, rather, why that buyer walked away, to  
6 CAWCD’s alleged illegal actions. Second, as Plaintiffs agree, NGS is already destined to  
7 close in 2019. The Court simply cannot say, with any degree of certainty, that CAWCD’s  
8 alleged illegal actions, as opposed to third parties, would be the significant factor in causing  
9 a potential buyer to walk away from a deal or otherwise “harm” the ongoing sale process.  
10 Therefore, Plaintiffs have not met their burden on traceability.

11 *Redressability.* Redressability requires that “it must be likely, as opposed to merely  
12 speculative that the injury will be redressed by a favorable decision.” *Lujan*, 504 U.S. at  
13 561. Plaintiffs do not need to demonstrate that their injuries *will* be redressed, but they do  
14 need to show a significant increase in the likelihood that the plaintiff would obtain relief  
15 that directly redresses the injury suffered in order to establish Article III standing. *Novak*  
16 *v. United States*, 795 F.3d 1012, 1019-20 (9th Cir. 2015) (quoting *ASARCO Inc. v. Kadish*,  
17 490 U.S. 605, 615 (1989)). “There is no standing if, following a favorable decision,  
18 whether the injury would be redressed would still depend on ‘the unfettered choices made  
19 by independent actors not before the courts.’” *Id.* at 1020.

20 Here, Plaintiffs’ injuries are not likely to be redressed by a favorable decision  
21 because a declaration that CAWCD must continue buying power from NGS, and a court’s  
22 order to that effect, will not make it likely that the harm to the ongoing sale process would  
23 be eliminated. Indeed, even if CAWCD were to continue buying power from NGS so long  
24 as it was open, the sale process could be “harm” by either the NGS owners or the  
25 potential buyers. This is also assuming that any potential buyer would consider CAWCD’s  
26 purchasing power to be more of an influence in their decision about whether to pursue and  
27 consummate a sale than another factor. While Plaintiffs argue that the sale process would  
28 no longer be hindered by CAWCD’s alleged unlawful conduct, as already analyzed, there

1 is no way to discern how much “harm” CAWCD would inflict due to their alleged unlawful  
2 actions as opposed to third parties’ independent decisions. In sum, the Court finds that it is  
3 not likely that an order from this Court would reduce the probability of the injuries. Thus,  
4 Plaintiffs do not meet their burden on redressability.

5 **IV. Conclusion**

6 For the reasons stated above CAWCD’s and the Community’s Motions to Dismiss  
7 are granted. Accordingly, Plaintiffs’ Complaint is dismissed for want of subject matter  
8 jurisdiction. However, Plaintiffs are given leave to amend solely to address standing.

9 Accordingly,

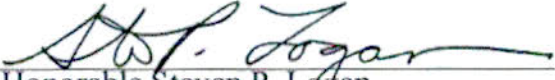
10 **IT IS ORDERED:**

- 11 1. That Defendant Central Arizona Water Conservation District’s Motion to  
12 Dismiss (Doc. 22) is **granted**;
- 13 2. That Defendant Central Arizona Water Conservation District’s Motion for  
14 Judicial Notice (Doc. 23) is **granted**; and
- 15 3. That Intervenor-Defendant Gila River Indian Community’s Motion to  
16 Dismiss (Doc. 36) is **granted**.

17 **IT IS FURTHER ORDERED:**

- 18 4. That Plaintiffs’ Complaint is **dismissed**;
- 19 5. That Plaintiffs have until **April 19, 2019** to file an amended complaint; and
- 20 6. That Defendants have **three weeks** from the date Plaintiffs file an amended  
21 complaint to file respective motions to dismiss.

22 Dated this 31st day of March, 2019.

23  
24   
25 Honorable Steven P. Logan  
26 United States District Judge  
27  
28



# Legislation No. 0093-19

Leon Spencer <l.spencer@navajo-nsn.gov>

Mon 4/22/2019 10:09 AM

To: comments <comments@navajo-nsn.gov>;

Cc: trex2019spencer@hotmail.com <trex2019spencer@hotmail.com>;

1 attachment

Resolution Supporting NTEC100.PDF;

To Whom it may concern,

I support this Legislation, number 0093-19. The 24th Navajo Nation Council did not have a full quorum when they voted on the NTEC acquisition of the Navajo Generating Station and the Kayenta Mine. Those that voted against the NTEC acquisition of the NGS/Kayenta mine based it on the NTEC's financial report, saying they did not have a copy of it. Even though they had access and copies were given to the Navajo Nation months before the meeting.

I believe the majority of the Delegates were misinformed on the matter as well. The Speaker also based his comments on his townhall meetings as to why he was against the NTEC acquisition, few attended the townhall and there was not enough of the townhalls for the entire Navajo Nation to provide comments. As speaker, he must speak for all the people and not just for special interest groups.

The NTEC NGS/Kayenta Mine resolutions were not noted at the Council meeting, over half of the Navajo Nation Chapter voted in favor of NTEC acquiring the NGS/Kayenta Mine, less than a quarter of the Navajo Nation Chapters voted against the NTEC acquisition. The remaining Navajo Nation Chapters were not allowed to even vote on it, Chapter Officials used their powers to leave it off the regular meetings agendas and/or squashed the resolution during the planning meetings. I even saw a Delegate take the resolution away from a Chapter President and saying, not this resolution, even though the planning Committee approved it to be on the agenda. This abuse of power did not allow Navajo Nation community members the opportunity to comment on the NGS/Kayenta Mine Resolution, for or against. But based on the above mentioned comments and facts, the NTEC acquisition of the NGS/Kayenta Mine Resolution was fully supported by the Navajo Nation people.

The people that were against the acquisition did not provide a plan for the negative economic impacts. NTEC did have a plan, the plant was going to be shutdown slowly and it would have addressed the revenue shortfalls for the next ten years. It was a viable plan and now the Navajo Nation is looking at the Permanent Trust Funds as a back fall. It would have address the renewable energy effort, by getting funds to build more solar power plants, as it is there is no funds for such development.

Renewable energy is good, but getting it and maintaining it, so it becomes stainable takes a long time and huge amounts of money. Until the Navajo Nation can get it off the ground and prove that it is a reliable source of energy, it'll remain to be seen. The NGS and Kayenta Mine should continue under the NTEC and it shuts down after ten years as planned by NTEC and order by the Navajo Nation 23rd Council.

Therefore, I fully support this legislation and recommend the Navajo Nation Leadership approve it as soon as possible.

Attached is my Chapter Resoluton for Tiis Tsoh Sikaad Chapter, a coal community Chapter.

Leon Spencer, Community member

Tiis Tsoh Sikaad Chapter

P.O. Box 1613

Shiprock, NM 87420

[trex2019spencer@hotmail.com](mailto:trex2019spencer@hotmail.com)



# TÍIS TSOH SÍKAAD CHAPTER

Post Office Box 7359  
Newcomb, New Mexico 87455  
505-696-5470 (Telephone)  
505-696-5473 (Fax)  
tiistsohsikaad@navajochapters.org



Perry J. Begaye Sr., Presiden  
Harrison LaMone, Vice Presiden  
Elevena Begay, Secretary/Treasure  
Tanner J. Begaye, Grazing Membe  
Rickie Nez, Council Delegat

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## RESOLUTION OF THE TIIS TSOH SÍKAAD CHAPTER TTS-RES-19-03-023

### THE TIIS TSOH SÍKAAD CHAPTER SUPPORTS THE NAVAJO TRANSITIONAL ENERGY COMPANY'S (NTEC) ACQUISITION OF NAVAJO GENERATING STATION (NGS) AND THE KAYENTA MINE

#### WHEREAS,

1. Tiis Tsoh Sikaad is a certified Chapter of the Navajo Nation pursuant to Navajo Tribal Council Resolution No. CAP-34-98 and is delegated authority with respect to local matters consistence with Navajo Nation Law, including custom, tradition, and fiscal matters; and
2. The current owners and participants of both the NGS power plant and Kayenta Mine have announced plans to cease all operations as of December 22, 2019. Both the plant and the mine were originally permitted to operate through 2044. Despite this, the owners have decided to abandon their original plans of operation and close both facilities. The closure of the plant and mine will result in the loss of 700 jobs on the Nation and \$40 Million dollars of annual revenue to the Navajo Nation; and
3. The Navajo Nation created the Navajo Transitional Energy Company, LLC ("NTEC") in 2013 and charged it with responsibility to develop the economic, financial, social, and cultural well-being of the Navajo People, the Navajo Nation, and its future generations through the development of its energy portfolio. In October of 2018, in furtherance of that responsibility, the Navajo Nation requested NTEC to evaluate the possible acquisition of NGS and Kayenta Mine in order to preserve their operations; and
4. The continued operation of both NGS and Kayenta Mine are crucial to the public welfare, jobs and prosperity of the Navajo Nation, and therefore a matter of critical local concern; and
5. On December 27, 2018 the Naabik'íyatí issued a resolution [supporting continued efforts by NTEC to acquire NGS and Kayenta mine]. On December 29, 2018, NTEC reported to the Council that its Management Committee had approved continued negotiations and due diligence for the purpose of concluding a deal to acquire both NGS and Kayenta Mine.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tiis Tsoh Sikaad Chapter and its community and members hereby support the acquisition of NGS and Kayenta Mine by the Navajo Nation and NTEC in order to preserve their operations.
2. The Navajo Nation receives benefits to various community members in the form of jobs for our people, scholarships and summer jobs for college students, and other financial assistance to the local government units from the operations of NGS and Kayenta Mine and these benefits would be lost if they cease operation.



3. The Navajo Nation also receives benefits from the operation of NGS and Kayenta Mine to the General Funds of the Navajo Nation in the form of royalties, taxes, lease and rights-of-way, scholarships payments and AML funds, which in turn, are used to supplement governmental programs of the Navajo Nation including the Tiis Tsoh Sikaad Chapter.
4. NGS and the Kayenta Mine have complied with all environmental regulations and permits issued for the operation of the facilities and have contributed to the economy and well-being of the Navajo Nation and the southwestern United States.

#### CERTIFICATION

We hereby certify that the forgoing resolution was duly considered by the Tiis Tsoh Sikaad Chapter of the Navajo Nation, at a duly called meeting at which a quorum was present and that same was passed by a vote of 20 in favor, 09 opposed, and 04 abstained on this 10<sup>th</sup> day of March, 2019.

Motioned: Tanner Begay

Seconded: Lavern Begay

Perry Begay SR  
Perry Begay SR, President

Harrison LaMone  
Harrison LaMone, Vice-President

Elevena Begay  
Elevena Begay, Secretary/Treasurer

Rickie Nez  
Rickie Nez, Council Delegate

0093-19

cindi865100 <cindi865100@yahoo.com>

Mon 4/22/2019 7:04 PM

To: comments <comments@navajo-nsn.gov>;

I support this legislation, we need jobs and revenue for the Navajo Nation, also need coal for home use, local residents need water and thier roads graded, also need the tax revenue for the schools, the water rights rightful belong to the Navajos,our Hopi neighbors also need the revenue too

Sent from my Samsung Galaxy smartphone.



## Fwd: Scanned Docs

Percy Deal <deal.percy@gmail.com>

Tue 4/23/2019 12:45 PM

To comments <comments@navajo-nsn.gov>;

3 attachments

DOCset1.pdf; DOCset2.pdf; DOCset3.pdf;

Good afternoon, please accept the following attachments regard Legislation 009 - 19.. The face sheet is the letter to the council, followed by the chapter resolutions beginning with Forest Lake and so on.

I thank you for your cooperation. If you have any questions please contact me at 928-205-7332 or at this email.

----- Forwarded message -----

From: **Hardrock Chapter** <[hardrock@navajochapters.org](mailto:hardrock@navajochapters.org)>

Date: Tue, Apr 23, 2019 at 11:11 AM

Subject: Scanned Docs

To: Percy Deal (Personal) <[deal.percy@gmail.com](mailto:deal.percy@gmail.com)>

--

### **Hardrock Chapter**

P.O. Box 20

Kykotsmovi, AZ 86039

(928) 725-3732 Phone

(928)725-3731 Fax

**FOREST LAKE CHAPTER**

P.O. BOX 441  
HIGHWAY NAVAJO ROUTE 41  
PINON ARIZONA 86510-0441  
PHONE: 928-677-3252 if busy 928-677-3347  
FAX: 928-677-3320

Council Delegate, Jimmy Yellowhair  
President, Fern Benally  
Vice-President, Raphael Boy  
Secretary/Treasurer, Brenda White  
Grazing Representative, Irene Begaye  
Community Services Coordinator, Ella Mae Benally

**JONATHAN NEZ**  
PRESIDENT

**MYRON LIZER**  
VICE PRESIDENT

**RESOLUTION OF THE FOREST LAKE CHAPTER**  
**FLC-19-04-00 b**

**SUPPORTING THE RESCINDING OF NAVAJO NATION ENERGY POLICY OF 2013  
AND THE ESTABLISHMENT OF A TRANSITION TASKFORCE TO MOVE THE NATION  
BEYOND COAL SOURCE REVENUE AND FORWARD TO SUSTAINABLE AND  
RENEWABLE ENERGY SOURCES.**

**WHEREAS:**

1. The Navajo Nation Council by Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1 & 2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Nation laws including costume and tradition and to make over local matters; and
3. The Navajo Nation Energy Policy was enacted by the Navajo Nation Council in 2013 which declared total dependence on coal source revenue, the national economy on coal has caused power plants to close all over the country, including in 2017 the Navajo Generating Station's owners to announce their decision to close the plant. The Navajo Transitional Energy Company (NTEC) was the latest energy company to end its pursuit to purchase Navajo Generating Station in late March, 2019; and
4. On the Navajo Reservation there is a Navajo Coal Mine owned by NTEC and the Four Corners Power Plant, NTEC has 7% ownership, these industries are also facing closure within the next 10 years; and
5. These industries over the 50 years has not only provided jobs and revenue but it also done much damage to the health of people, has contaminated and wasted water and changed the land vegetation and caused climate change resulting in the severe droughts; and
6. The time has come for the Navajo Nation to rescinds the 203 Energy Policy and enact a new energy policy that begin movement from coal source revenue to more sustainable and renewable energy source and to fully reclaim water rights which was dedicated to the industries to support their operation; and
7. Legislation 0073-19 will establish aa Navajo Taskforce to provide recommendation to the Navajo Nation Council regarding replacement revenue for the Nation; to provide recommendations for decommissioning, clean-up, reclamation and re-purposing of the Navajo Generating Station and Kayenta Mine sites; and to provide recommendations for



- assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal plant decommissioning; and
8. The Forest Lake Chapter also hereby recommends to the Navajo Nation Council that the Taskforce also make a recommendation to assist local communities in their recovery toward a healthier livelihood by water restoration and conducting health data study to determine the depth or injuries to the people; and
  9. The Forest Lake Chapter also makes a recommendation to the Navajo Nation Council to appoint to member from the impacted communities to the Taskforce; and
  10. It is in the best interest of the Navajo Nation to fully support Legislation -73-19 and establish the Navajo Nation Energy Taskforce.

**Now Therefore Be It Resolved That**

**SUPPORTING THE RESCINDING OF NAVAJO NATION ENERGY POLICY OF 2013  
AND THE ESTABLISHMENT OF A TRANSITION TASKFORCE TO MOVE THE  
NATION BEYOND COAL SOURCE REVENUE AND FORWARD TO SUSTAINABLE  
AND RENEWABLE ENERGY SOURCES.**

**CERTIFICATION**

We hereby certify that the foregoing resolution was presented and considered at a duly called meeting at which a quorum was present and the same was passed by a vote of 14 in favor, 03 opposed and 09 abstaining on this 18<sup>th</sup> day of April, 2019.

Motion: Gloria Johns

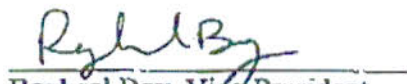
Second: Mary Lou Slim



Fern Benally, Chapter President



Brenda White, Secretary/Treasurer



Rapheal Boy, Vice-President

Jimmy Yellowhair, Council Delegate



Irene Begaye, Grazing Representative

**Resolution of Dził Yíjiiin Regional Council**

**Resolution # 19-04-002**

**Supporting the Rescinding of Navajo Nation Energy Policy of 2013 and the Establishment of a Transition Taskforce to Move the Nation Beyond Coal Source Revenue and Forward to Sustainable and Renewable Energy Sources.**

**Whereas:**

1. The Dził Yíjiiin Regional Council is established by the Resources and Development Committee of the Navajo Nation Council to meet quarterly to discuss issues effecting the region and the Navajo Nation and take action as necessary; and
2. The Navajo Tribe in 1969 entered into a lease agreement with Navajo Generating Station (NGS) to combust coal and the Navajo and Hopi tribe in 1969 entered into a lease agreement with Peabody Coal Company to mine coal and water on Black Mesa, both leases are for 50 years; and
3. The Navajo Nation Energy Policy was enacted by the Navajo Nation Council in 2013 which declared total dependence on coal source revenue, the national economy on coal has caused power plants to close all over the country, including in 2017 the Navajo Generating Station's owners to announce their decision to close the plant, the Navajo Transitional Energy Company (NTEC) was the latest energy company to end its pursuit to purchase Navajo Generating Station in late March, 2019; and
4. On the Navajo Reservation there is a Navajo Coal Mine owned by NTEC and the Four Corners Power Plant, NTEC has 7% ownership, these industries are also facing closure within the next 10 years; and
5. These industries over the 50 years has not only provided jobs and revenue but it also done much damage to the health of people, has contaminated. and wasted water and changed the land vegetation and caused climate change resulting in the severe drought; and
6. The time has come for the Navajo Nation to rescinds the 2013 Energy Policy and enact a new energy policy that begin movement from coal source revenue to more sustainable and renewable energy source and to fully reclaim water rights which were dedicated to the industries to support their operations; and



7. Legislation 0073 – 19 will establish a Navajo Taskforce to provide recommendation to the Navajo Nation Council regarding replacement revenue for the Nation; to provide recommendations for decommissioning, clean-up, reclamation and re-purposing of the Navajo Generating Station and Kayenta Mine sites; and to provide recommendations for assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal plant decommissioning; and
8. The Dizl Yijiin Regional Council also hereby recommends to the Navajo Nation Council that the Taskforce also make a recommendation to assist local communities in their recovery toward a healthier livelihood by water restoration and conducting health data study to determine the depth of injuries to the people; and
9. The Dizl Yijiin Regional Council also makes a recommendation to the Navajo Nation Council to appoint a member from the impacted communities to the Taskforce; and
10. It is in the best interest of the Navajo Nation to fully support Legislation 0073 – 19 and establish the Navajo Nation Energy Taskforce.

**Now therefore be it resolved that:**

The Dizl Yijiin Regional Council hereby express its support to Legislation 0073 – 19 rescinding Navajo Nation Energy Policy of 2013 and the establishment of Transition Taskforce to move the Nation beyond coal source revenue and forward to sustainable renewable energy sources.

**Certification**

We hereby certify the foregoing resolution was duly considered at a duly called Dizl Yijiin Regional Council meeting at Blue Gap chapter at which a quorum was present and the same was considered and passed by a vote of 12 in favor 00 opposed and 02 abstained on this 4th day of April, 2019.

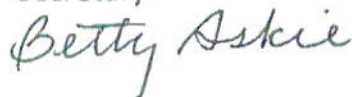
President



Vice President



Secretary



**RESOLUTION OF THE CHINLE AGENCY COUNCIL  
NAVAJO NATION  
CAC-04/19-04**

**Supporting the Rescinding of Navajo Nation Energy Policy of 2013 and the Establishment of a Transition Taskforce to Move the Nation Beyond Coal Source Revenue and Forward to Sustainable and Renewable Energy Sources.**

**Whereas:**

1. The Navajo Nation Council by legislation approves funds for the operation of the Navajo Nation government including stipends for chapter officials to conduct chapter businesses and for quarterly agency council meetings to act on matters effecting their agency and the Navajo Nation; and
2. The Navajo Nation Energy Policy was enacted by the Navajo Nation Council in 2013 which declared total dependence on coal source revenue, the national economy on coal has caused power plants to close all over the country, including in 2017 the Navajo Generating Station's owners to announce their decision to close the plant, the Navajo Transitional Energy Company (NTEC) was the latest energy company to end its pursuit to purchase Navajo Generating Station in late March, 2019; and
3. On the Navajo Reservation there is a Navajo Coal Mine owned by NTEC, and the Four Corners Power Plant, NTEC has 7% ownership, these industries are also facing closure within the next 10 years; and
4. These industries over the 50 years has not only provided jobs and revenue but it also done much damage to the health of people, has contaminated and wasted water and changed the land vegetation and caused climate change resulting in the severe drought; and
5. The time has come for the Navajo Nation to rescinds the 2013 Energy Policy and enact a new energy policy that begin movement from coal source revenue to more sustainable and renewable energy source and to fully reclaim water rights which were dedicated to the industries to support their operations; and
6. Legislation 0073 – 19 will establish a Navajo Taskforce to provide recommendation to the Navajo Nation Council regarding replacement revenue for the Nation; to provide recommendations for decommissioning, clean-up, reclamation and re-purposing of the Navajo Generating Station and Kayenta Mine sites; and to provide recommendations for assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal plant decommissioning; and
7. Chinle Agency Council also hereby recommends to the Navajo Nation Council that the Taskforce also make a recommendation to assist local communities in their recovery toward a healthier livelihood by water restoration and conducting health data study to determine the depth of injuries to the people; and



8. Chinle Agency Council also makes a recommendation to the Navajo Nation Council to appoint a member from the impacted communities to the Taskforce; and
9. It is in the best interest of the Navajo Nation to fully support Legislation 0073 – 19 and establish the Navajo Nation Energy Taskforce.

**Now therefore be it resolved that:**

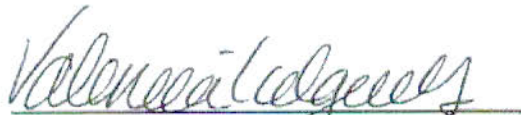
Chinle Agency Council hereby express its support to Legislation 0073 – 19 rescinding Navajo Nation Energy Policy of 2013 and the establishment of Transition Taskforce to move the Nation beyond coal source revenue and forward to sustainable renewable energy sources.

**CERTIFICATION**

We hereby certify the foregoing resolution was duly considered at a duly called Chinle Agency Council meeting at Many Farms chapter at which a quorum was present and the same was considered and passed by a vote of 16 in favor 9 opposed and 7 abstained on this 13<sup>th</sup> day of April, 2019.

  
Zane James, CAC Chairperson

  
Timothy Johnson, CAC Vice Chair

  
Valencia Edgewater, CAC Secretary

**RESOLUTION OF HARDROCK CHAPTER**  
**HR-01/18-01**  
**THE NAVAJO NATION**

**Requesting the Navajo Nation President and the Navajo Nation Council to Fully Prepare for a Successful Transition Away from Coal and to Reclamation and Restoration of Plant and Mine Sites, and Move Ahead on Diversifying the Navajo Nation's Economy, Investing in Renewable Energy, Creating Sustainable Economic Development and Restoring the Nation's Water Rights.**

**Whereas:**

1. The Navajo Nation Council by Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B – 1 & 2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Nation laws including costume and tradition and to make decisions over local matters; and
3. The Navajo and Hopi Tribe in 1969 approved 64,000 acre lease for a period of 50 years on Black Mesa for Peabody Coal Company to mine coal and water (N-aquifer) and to Navajo Generating Station in LaChee to combust coal and up to 34,000 AFY of water from Upper Colorado River Basin to support the operation; and
4. The 69 lease with Navajo Generating Station was replaced in July, 2017 by the Navajo Nation to continue the operation until December, 2019 and US Department of Interior recently gave final approval and set a firm retirement date of December 23, 2019 for the Navajo Generating Station; and
5. Within the July, 2017 Replacement Lease the Navajo Nation will have access rights to 500 megawatts of transmission lines and other assets; and
6. To support their operation, since 1969 Peabody Coal Company and Navajo Generating Station has used more than 1.6 million acre feet of water from the Upper Basin of the Colorado River and the N-Aquifer of Black Mesa, while thousands of people in the Black Mesa region and the western reservation do not have access to clean and reliable sources;
7. For consumers, the cost of energy from coal is much higher than energy from renewable sources, which is why utility companies like PNM, APS, SRP, Nevada Energy, LADWP have divested their fossil fuel energy sources; and across the county utility companies are leaving the coal market; and
8. The Navajo Nation and Department of Interior for several months have invited industries to purchase the generating station to continue the operation however it appears due to the trending economy there is no decent buyers; and
9. On or about January 8, 2019 the Federal Energy Regulatory Commission rejected Energy Secretary Perry's proposal to support coal and nuclear power plants due to the current electricity market; and



10. The US Department of Interior, US Department of Energy and US Department of Agricultural has made available resources to assist communities impacted by coal closures to prepare for a successful transition and diversify their economy and Navajo Nation has received grants for such purposes; and
11. The world energy economy has irreversibly turned away from coal, therefore, the Navajo Nation cannot and should not rely on political promises by the Unities States to revive an unprofitable industry.

**Now Therefore be it Resolved That:**

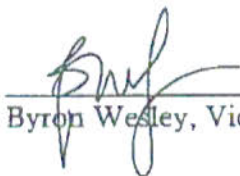
The Hardrock Chapter hereby request the Navajo Nation President and the Navajo Nation Council to fully prepare for a successful transition away from coal and to move ahead on diversifying the Navajo Nation economy, investing in renewable energy using the 500 MW transmission lines, creating sustainable economic development and restoring the Navajo Nation's water rights to the Upper Colorado River Basin and the Black Mesa N-aquifer.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Hardrock Chapter at a duly called meeting in Hardrock, Navajo Nation, Arizona which quorum was present that same was passed by vote of 96 in favor 0 opposed and 7 abstained on this 19<sup>th</sup> day January, 2018.



Timothy Johnson, President



Byron Wesley, Vice President



Valencia Edgewater, Secretary/Treasurer



Dwight Witherspoon, Council Delegate



# WESTERN NAVAJO AGENCY COUNCIL

DAVID S. SELLERS      JAMES W. HILL      SUSAN SELLERS

President

Vice-President

Secretary



## RESOLUTION OF THE WESTERN NAVAJO AGENCY COUNCIL WNAC RESOLUTION N0: WNAC17-03-NB3

**Requesting the Navajo Nation President and the Navajo Nation Council to Fully Prepare for a Successful Transition Away from Coal and to Move Ahead on Diversifying the Navajo Nation's Economy, Investing in Renewable Energy, Creating Sustainable Economic Development, Ensuring Proper Restoration of Land, Clean up, and Decommissioning According to Applicable Laws and Restoring the Nation's Water Rights.**

### WHEREAS:

1. The Western Navajo Agency is an association of duly elected Chapter Officials of eighteen (18) certified Navajo Nation chapters that advocate, promote and support common goals and interests of the respective Chapters; and,
2. The Western Navajo Agency Council is comprised of elected officials from eighteen (18) Navajo Nation Chapters in the Western Navajo Agency and has the responsibility and authority to address matters and projects that will benefit the 18 chapters of the Western Navajo Agency of the Navajo Nation; and,
3. The Navajo Nation Council by legislation approves funds for the operation of the Navajo Nation government including stipends for chapter officials to conduct their chapter businesses including quarterly agency council meetings to act on matters of interest to their agency and the Navajo Nation; and
4. The Navajo and Hopi Tribe in 1969 approved 64,000 acre lease for a period of 50 years on Black Mesa for Peabody Coal Company to mine coal and water (N-aquifer) and to Navajo Generating Station in LeChee to combust coal and up to 34,000 AFY of water from Upper Colorado River Basin to support the operation; and
5. The 69 leases with Navajo Generating Station was replaced in June 2017 by the Navajo Nation to continue the operation through December, 2019 and US Department of Interior gave final approval and set a firm retirement date of December 23, 2019 for the Navajo Generating Station thus Peabody Mine and
6. Within the July, 2017 Replacement Lease the Navajo Nation negotiated revenue in the amount over \$169 million and will have access rights to 500 megawatts of transmission

### WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON  
COPPERMINE ~ DENNEHOTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~  
LEUPP ~ NAVAJO MOUNTAIN ~ OJUNTO ~ SHONTO ~ TOLANI LAKE ~ TONANESDIZI ~ TONALEA





# WESTERN NAVAJO AGENCY COUNCIL

ANDREW S. STEVENS      JEFFREY WILLIAMS      SARAH SEEM  
President      Vice-President      Secretary



lines and other assets and rights to 1,900 AFY to Colorado River with a promise from SRP to support the Nation for additional water from the Colorado River: and

7. Both industries for almost 50 years used a lot of water to support their operation from the Upper Basin of Colorado River and the N-aquifer of Black Mesa while thousands in the affected areas do not have water; and
8. The cost of energy from coal to consumers are much higher verses energy from renewables resulting in the southwest region to move away from coal by PNM in New Mexico, APS and SRP in Arizona, NV Energy in Nevada, Xcel in Colorado and all utilities in California and elsewhere all across the country leaving no market to sell energy produced from coal; and
9. The Navajo Nation, Department of Interior and Peabody for several months have invited industries to purchase the generating station to continue the operation however it appears due to the trending economy there is no decent buyers; and
10. The US Department of Interior, US Department of Energy and US Department of Agricultural has made available resources to assist communities impacted by coal closures to prepare for a successful transition and diversify their economy and Navajo Nation has received grants for such purposes; and
11. The Navajo Nation can't wait around and hope that the United States will save the coal industry while its unemployment rate continue to climb and losing its revenues, the Navajo Nation needs to move forward using those federal resources now available to move forward and diversify the economy creating businesses, jobs and revenues.

## Now Therefore be it Resolved That:

1. The Western Agency Council hereby request the Navajo Nation President and the Navajo Nation Council to fully prepare for a successful transition away from coal and to move ahead on diversifying the Navajo Nation economy, investing in renewable energy using the 500 MW transmission lines, creating sustainable economic development, ensuring proper restoration of land, clean up, and decommissioning according to applicable laws and restoring the Navajo Nation's water rights to the Upper Colorado River Basin and the Black Mesa N-aquifer.

## WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON  
COPPERMINE ~ DENNEHOTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~  
LEUPP ~ NAVAJO MOUNTAIN ~ OLCATO ~ SHONTO ~ TOLANT LAKE ~ TONANEESEDIZI ~ TONALEA



# WESTERN NAVAJO AGENCY COUNCIL

JOHN STEVENS  
President

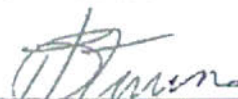
DEBBY WYLLIAMS  
Vice-President

SEAN STEIN  
Secretary



## CERTIFICATION

We, hereby certify that the foregoing resolution was properly presented at a duly called Western Navajo Agency Council meeting at NaaTsis' Aan Community School., Navajo Mountain, Arizona, where a quorum was present and passed with a vote of 15 in favor, 0 opposed, and 8 abstained on this 17<sup>th</sup> day of March 2018.

  
\_\_\_\_\_  
Hank Stevens, President  
Western Navajo Agency Council

Motion: Emmett Kerley

Second: Phillip Zahne

## WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON  
COPPERMINE ~ DENNEROTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~  
LEUPP ~ NAVAJO MOUNTAIN ~ OLUJATO ~ SHONTO ~ TOLANT LAKE ~ TONANEESEDIZI ~ TONALEA



FORT DEFIANCE AGENCY COUNCIL  
NAVAJO NATION

Linda Youvella, President  
Lorenzo Curley, Vice President  
Francis Lester, Secretary  
(Host), Sergeant-At-Arm



District 17 Council  
District 18 Council  
District 07 Council  
Chapter President

RESOLUTION OF THE FORT DEFIANCE AGENCY COUNCIL

Resolution No: FDAC-18-01-001

SUPPORTING AND REQUESTING THE NAVAJO NATION PRESIDENT AND THE NAVAJO NATION COUNCIL TO FULLY PREPARE FOR A SUCCESSFUL TRANSITION AWAY FROM COAL, ENSURING OPERATORS TO COVER COST FOR RECLAMATION AND RESTORATION OF PLANT AND MINE SITES AND MOVE AHEAD ON DIVERSIFYING THE NAVAJO NATION'S ECONOMY, INVESTING IN RENEWABLE ENERGY, CREATING SUSTAINABLE ECONOMIC DEVELOPMENT AND RESTORING THE NATION'S WATER RIGHTS.

WHEREAS:

1. The Fort Defiance Agency Council is a consortium of duly elected Chapter Officials of twenty-eight (28) certified/non-certified Navajo Nation Chapter that advocate, promote, and support common goals and interest of the respective Chapters; and
2. The Fort Defiance Agency Council is comprised of elected officials from twenty-eight (28) Navajo Nation Chapters within the Fort Defiance Agency and has the responsibility and authority to address matters and projects that will benefit the chapters; and
3. Pursuant to 26 N.N.C.; The Fort Defiance Agency Council is duly recognized as certified Agency Council of the Navajo Nation Government, Listed at 11 N.N.C. Part 1, Section 10 and
4. Pursuant to 26 N.N.C.; The Fort Defiance Agency Council is vested with the authority to review and adhere to all matters relating and affecting the Twenty-eight (28) Navajo Communities and chapters at which this council is made of; and make appropriate actions when need be; and
5. The Navajo Nation Council by legislation approves funds for the operation of the Navajo Nation government including stipends for chapter officials to conduct their chapter businesses including quarterly agency council meetings to act on matters of interest to their agency and the Navajo Nation; and
6. The Navajo Nation and Hopi Tribe in 1969 approved a 64,000 acre lease for a period of 50 years on Black Mesa for the Peabody Coal Company to mine coal and water from the N-aquifer; and for the Navajo Generating Station in LaChee to combust coal and to use 34,000 acre feet per year of water from the Upper Colorado River Basin to support their coal operations; and
7. The 1969 lease with Navajo Generating Station was replaced in July 2017 by the Navajo Nation to continue its operation until December 2019 and the US Department of Interior recently gave

final approval and set a firm retirement date of December 23, 2019 for the Navajo Generating Station; and

8. Within the July, 2017 Replacement Lease the Navajo Nation will have access rights to 500 megawatts of transmission lines and other assets; and
9. To support their operation, since 1969 Peabody Coal company and Navajo Generating Station has used more than 1.6 million acre feet of water from the Upper Basin of the Colorado River and the N-aquifer of Black Mesa, while thousands of people in the Black Mesa region and the western reservation do not have access to clean and reliable water sources; and
10. For consumers, the cost of energy from coal is much higher than energy from renewable sources, which is why utility companies like PNM, APS, SRP, Nevada Energy, LADWP have divested their fossil fuel energy sources and are diversifying their electric power by including renewable energy sources and other energy sources; and across the country utility companies are leaving the coal market; and
11. The Navajo Nation and Department of Interior for several months has invited energy companies to purchase the Navajo Generating Station to continue its operation; However, due to the energy economy trending away from coal, there are no buyers; and
12. On or about January 8<sup>th</sup>, 2018 the Federal Energy Regulatory Commission rejected Energy Secretary Perry's proposal to support coal and nuclear power plants due to current electricity market; and
13. The US Department of Interior, US Department of Energy and US Department of Agricultural have made available resources to assist communities impacted by coal closures to prepare for a successful transition and diversify their economy and Navajo Nation has received grants for such purposes; and
14. The world energy economy has irreversibly turned away from coal, therefore, the Navajo Nation cannot and should not rely on political promises by the United States to revive an unprofitable industry.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Fort Defiance Agency Council hereby supports and requests the Navajo Nation President and the Navajo Nation Council to fully prepare for a successful transition away from coal, ensure operators to cover costs for reclamation and restoration at plant and mine sites and move ahead on diversifying the Navajo Nation economy, investing in renewable energy using the 500 MW transmission lines, creating sustainable economic development and restoring the Navajo Nation's water rights to the Upper Colorado River Basin and the Black Mesa N-aquifer.

**CERTIFICATION**

We, hereby certify that the foregoing resolution was duly considered by and moved for adoption by Elmer Clark, Second by Calvin Lee, Sr., thoroughly discussed and adopted by a vote of 42 in favor, 00 opposed and 06 abstained at a duly called meeting at Indian Wells Chapter, the NAVAJO NATION, Indian Wells, Arizona on this 13<sup>th</sup> day of January 2018.



  
Linda Youvella, President  
Fort Defiance Agency Council

  
Francis K. Lester, Secretary  
Fort Defiance Agency Council

  
Lorenzo Curley, Vice-President  
Fort Defiance Agency Council

**RESOLUTION OF THE  
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**

**AN ACTION TO RECOMMEND THE 24<sup>TH</sup> NAVAJO NATION COUNCIL TO MOVE FORWARD AND TRANSITION BEYOND COAL SOURCE-REVENUES TO A MORE SUSTAINABLE AND RENEWABLE ENERGY SOURCE. TRANSITION INCLUDES COMPLETE RECLAMATION AND RE-PURPOSING ACQUIRED INFRASTRUCTURE AND ASSISTING COMMUNITY ECONOMIC PROJECTS, PLANNING, FOR AND MANAGEMENT OF LOCAL WATER RESOURCES.**

**WHEREAS:**

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission on Navajo Government Development (Commission) including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and
2. Pursuant to 2 N.N.C. § 971 (1994 as amended), the purpose of the Commission on Navajo Government Development shall be as follows: (A) To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities to the central government; and
3. Pursuant to 2 N.N.C. § 973(B)(2), to provide short and long range comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo People... The Navajo Nation society and government is undergoing changes in its energy-water nexus that impacts the current and especially future generation in which the "short and long range comprehensive planning" must include transition beyond coal source revenues to a more sustainable and renewable energy sources; and
4. The Navajo Generating Station (NGS) contract expires December 2019, Salt River Project (SRP) and the other owners, APS, TPE, LADWP, NE, and BOR announced in February 2017 that it would shut down the plant at the end of 2019 citing economic reasons for the closure; (see *SRP letter attached*) and
5. The Central Arizona Project (CAP), NGS's single biggest customer has decided that it would no longer buy its power from NGS, and that it can save at least \$35million a year buying energy on the open market; and
6. Even if CAP were to continue to buy power from NGS, it would be under circumstances that would not make continued operation of NGS viable. NGS generated approximately 13.8 million megawatt-hours in 2017, which is more than 2.8 million MWh per year CAP has historically bought from the coal plant which means that NGS would still need additional buyers for the remaining 11 million MWh of power it has typically produced; and



7. Navajo Nation through the replacement leases has acquired various assets, including cash payment in \$169 million and assets worth over \$223 million among which are 500 MW transition lines, railroad and related facilities, Lake Pump and other improvements and 950 acre-feet per year (AFY) from the Upper Colorado Rive Basin for local communities and a promise from SRP for future support for additional water rights; and
8. A potential buyer, Avenue Capital and Middle River Power, ended its bid to purchase NGS after determining that there were no customers willing to buy large amounts of power from NGS, without incurring losses (*see attached letter*); and
9. The Navajo Nation continues to seek potential buyers and has asked Navajo Transitional Energy Company (NTEC) to conduct due diligence to determine if the purchase of NGS and the Mine is feasible; and
10. Within Section 8A of the Extension Agreement states, "The Navajo Nation has determined that the varying compensation and non-monetary compensation the Navajo Nation will receive under the Replacement Lease is in the best Navajo Nation's best interest. Any action contrary to carrying out the Replacement Lease such as pursuing new ownership jeopardize these payments and assets, thus jeopardizing the Nation's smooth transition to a sustainable clean energy economy; and
11. The proposed amendment in CNGD-1002-18, the Commission on Navajo Government Development embrace and adopts the proposed Navajo Nation Sustainability Policy and Procedures that will cover twelve (12) domains and each field will have similar guidelines and with an emphasis that water (*Tó Iina*) is an organic and inherent substance that is inclusive in each of the domains listed: Awareness, Education and Engagement, Green building and Facilities, Transportation, Climate Protection, Sustainable Operations, Waste reduction and recycling, Environmental preferable purchasing/procurement, Sustainable food production, Sustainable energy transition, Diné language and culture, Natural habitat and ecosystem, and Social equity and justice; and
12. The Navajo Nation Energy Policy of 2013 was approved and adopted on October 24, 2013 under the 22<sup>nd</sup> Navajo Nation Council (CO-50-13) in which there are no renewable energy standards and priorities; and
13. On April 21, 2018, the Commission on Navajo Government Development passed Resolution No. 0401-18, which unanimously supports the first-of-its-kind Navajo Sustainability Symposium: Nahasdzaán dóó Yáidilhił (Mother Earth Father Sky) that will take place on April 29-May 1, 2019; and
14. The vision of the proposed Sustainability Symposium will act as a catalyst to encourage a more sustainable transition and practices across all segment and sectors in Navajo Nation government and the need "to move forward and transition away from coal to renewables."

**NOW THEREFORE IT BE RESOLVED THAT:**

1. The Commission on Navajo Government Development hereby approves an action to move forward and transition beyond coal source-revenues to a more sustainable and renewable energy sources for the Navajo Nation; and
2. The Commission on Navajo Government Development fully supports the endeavor of transitioning to renewable energy that embraces the proposed Navajo Nation Sustainability Practices and Procedures principles, which is intended for codification in 2 N.N.C. § 971.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed, and 1 abstained, this 16th day of February 2019.



JoAnn Dedman, Chairperson  
Commission on Navajo Government Development

Motion: Kenneth Maryboy

Second: Crystal Cree



RESOLUTION OF THE  
CHINLE AGENCY COUNCIL  
Resolution No: CAC-01/18-08

Requesting the Navajo Nation President and the Navajo Nation Council to Fully Prepare for a Successful Transition Away from Coal and to Reclamation and Restoration of Plant and Mine Sites, and Move Ahead on Diversifying the Navajo Nation's Economy, Investing in Renewable Energy, Creating Sustainable Economic Development and Restoring the Nation's Water Rights.

Whereas:

1. The Navajo Nation Council by legislation approves funds for the operation of the Navajo Nation government including stipends for chapter officials to conduct their chapter businesses including quarterly agency council meetings to act on matters of interest to their agency and the Navajo Nation; and
2. The Navajo and Hopi Tribe in 1969 approved 64,000 acre lease for a period of 50 years on Black Mesa for Peabody Coal Company to mine coal and water (N-aquifer) and to Navajo Generating Station in LaChee to combust coal and up to 34,000 AFY of water from Upper Colorado River Basin to support the operation; and
3. The 69 lease with Navajo Generating Station was replaced in July, 2017 by the Navajo Nation to continue the operation until December, 2019 and US Department of Interior recently gave final approval and set a firm retirement date of December 23, 2019 for the Navajo Generating Station; and
4. Within the July, 2017 Replacement Lease the Navajo Nation will have access rights to 500 megawatts of transmission lines and other assets; and
5. To support their operation, since 1969 Peabody Coal Company and Navajo Generating Station has used more than 1.6 million acre feet of water from the Upper Basin of the Colorado River and the N-Aquifer of Black Mesa, while thousands of people in the Black Mesa region and the western reservation do not have access to clean and reliable sources;
6. For consumers, the cost of energy from coal is much higher than energy from renewable sources, which is why utility companies like PNM, APS, SRP, Nevada Energy, LADWP have divested their fossil fuel energy sources; and across the county utility companies are leaving the coal market; and
7. The Navajo Nation and Department of Interior for several months have invited industries to purchase the generating station to continue the operation however it appears due to the trending economy there is no decent buyers; and
8. On or about January 8, 2019 the Federal Energy Regulatory Commission rejected Energy Secretary Perry's proposal to support coal and nuclear power plants due to the current electricity market; and
9. The US Department of Interior, US Department of Energy and US Department of Agricultural has made available resources to assist communities impacted by coal

Resolution No: CAC-01/18-08

- closures to prepare for a successful transition and diversify their economy and Navajo Nation has received grants for such purposes; and
10. The world energy economy has irreversibly turned away from coal, therefore, the Navajo Nation cannot and should not rely on political promises by the Unities States to revive an unprofitable industry.

**Now Therefore be it Resolved That:**

The Chinle Agency Council hereby request the Navajo Nation President and the Navajo Nation Council to fully prepare for a successful transition away from coal and to move ahead on diversifying the Navajo Nation economy, investing in renewable energy using the 500 MW transmission lines, creating sustainable economic development and restoring the Navajo Nation's water rights to the Upper Colorado River Basin and the Black Mesa N-aquifer.

**CERTIFICATION**

I hereby certify that the foregoing resolution was considered at a duly called Chinle Agency Council meeting at the Luckachukai Chapter, Navajo Nation, Arizona at which a quorum was present and the same time passed by a vote of 29 in favor 0 opposed and 8 abstained on this 13<sup>th</sup> Day of January, 2018.

\_\_\_\_\_  
Zane James, President

  
\_\_\_\_\_  
Timothy Johnson, Vice-President

  
\_\_\_\_\_  
Valencia Edgewater, Secretary



April 23, 2019

To: The Most Honorable Navajo Council Delegates

Re: Legislation 0093 – 19

I urge you to oppose Legislation 0093-19. This legislation attempts to resurrect from defeat the Navajo Nation's and federal government's engagement in NTEC's "independent" proposal to acquire Navajo Generating Station and Kayenta Mine.

It was just over one month ago that this Council made the decision not to support NTEC's plan to purchase the plant and mine based on the substantial risks to the Navajo Nation and the need to move to economy beyond further dependence on coal. The reasons for moving forward and not back remain the same:

- SRP and the other owners of NGS will close the plant in December and replace the energy from it with natural gas and renewables. NGS – and Kayenta Mine – simply can no longer compete economically in today's energy markets, making any expenditure in trying to keep them running highly risky. That is not going to change.
- SRP has already made the decision to sign contracts with several contractors to start decommissioning work within the next few weeks.
- Time is wasting: It has been almost two years since the Navajo Nation Council and Salt River Project negotiated the Extension Lease for NGS. The Navajo Nation has lost two years that could have used to develop opportunities for renewable energy projects for the benefit of our communities and the Nation. Legislation 0093 just makes that disadvantage worse, wasting even more time for an inevitable conclusion. There is nothing that will bring back the plant and mine. The decision by SRP is already final.

Over the past two years, Navajo Nation officials have been to the White House, to both houses of Congress, to the Departments of Interior and Energy, and to the Arizona Legislature looking for assistance to keep NGS running. All those attempts have failed because NGS is now an economic dinosaur. The Hopi Tribe and

Peabody have been to Federal Court. Hundreds of thousands of dollars have been wasted trying to keep alive the Navajo Nation's coal economy, and it has not worked because coal is no longer economic. More coal-fired power plants closed in the United States in 2018 than in 2016, and numerous others are facing closure in the coming years as utilities and their customers, like SRP did two years ago, come to the conclusion that they are losing hundreds of millions of dollars keeping them operating.

The entire Nation was watching when you decided this spring not to provide support to NTEC's plan to acquire NGS and the mine. The Nation continues to watch and is waiting on your next move. They desperately want your leadership in helping the Navajo Nation build a new economy that will benefit their families, businesses and communities.


Surrounding states, cities and potential major energy buyers are watching you very closely to see if you are serious and solemn in your decision to seek new, sustainable energy opportunities. They want to partner with the Navajo Nation but need to see a desire to participate in a clean energy economy, and not a continued grip on failing coal.

Legislation 0093 has all the hallmarks of an uncertain and weak Nation, which I know we are not. We cannot be wobbling while all eyes are on us. I urge you to put down Legislation 0093 – quickly and resolutely – and move forward with Legislation 0073, the bold measure that will help the Nation shed the stranglehold that coal has held on us for the last half century. Pass Legislation 0073 to help build a new Navajo approach to energy that respects our land, our water, our people, and the new economics of energy. Pass 0073, establish your task force, and let them write a new energy policy. Pass 0073 and be true leaders.

Since the introduction of 0073, I have visited several communities and councils, and they have all passed resolutions supporting 0073 (see attachments). I am urging you as our legislative leaders to lead us into a true, livable and sustainable future, **ta anii iina' ya'at ehii biyi' gone' t'aashondi** and not waiver.

Thank you for your time and May the Great Spirits guide and be with you.

Ahe' hee, nitsaago,  
Percy Deal, Big Mountain





0093-19

Lori Goodman &lt;lgoodman89@gmail.com&gt;

Tue 4/23/2019 2:32 PM

To: comments &lt;comments@navajo-nsn.gov&gt;;

4 attachments

image001.png; ATT00001.htm; RECLAIM ACT Fact Sheet.pdf; ATT00002.htm;

Executive Director

Office of Legislative Services

P.O. Box 3390

Window Rock, AZ 86515

(928) 871-7586

Dear 24th Navajo Nation Council

RE: My opposition to LEGISLATION NO: 0093-19, SPONSOR: Nathaniel Brown

**TITLE: An Action Relating To The Resources And Development Committee And The NAABIK'IYATI' Committee; Supporting The Navajo Nation's Request To Call Upon The United States Federal Government To Facilitate The Further Development Of The Economic Sovereignty Of The Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People**

This legislation needs to be disregarded as soon as possible and not let it be seen by anyone outside of Navajo Nation. It is an embarrassment to talk about Sovereignty at the same time we're on our knees begging to the federal government to save us when we are totally capable of doing for ourselves.

0093-19 is disingenuous and full of misinformation. I will respond to a couple of statements.

WHEREASE:

D. This legislation is a necessary response to current developments involving NTEC independent acquisition of NGS and Kayenta Mine.

This was settled at the March 21, 2019, NAABI Special Session via legislation 0044-19's defeat.

It is time to move on by rolling up our sleeves and doing for ourselves just as our elders have taught us. There are plenty of opportunities awaiting us to take advantage of. (See below of DOE Office of Indian Energy).

E. NTEC is a limited liability company organized pursuant to the NN LLC Act, 5 N.N.C.3600 et seq., created and enabled by NNC resolution No. CAP-20-13. NTEC is only surviving due to handouts by the Navajo People's monies, it has yet to make a profit. NTEC received \$10.2 million in grants they never have to pay back. Before NTEC, we invested in another failed NN Energy Company Dine' Power Authority, whom we gave \$30 million in grants that were never paid back. DPA didn't accomplish anything for the Navajo people.

F. The negotiations between NGS Owners and NTEC stalled due to the demands by the NGS Owners.

NGS's distrust of NTEC was a business decision based on not having any confidence in NTEC's operations. Also, NGS owners demands stemmed from not wanting to have to pay over \$100,000 00/year more for electricity derived from coal when solar and gas was cheaper. Again, another prudent business decision arrived at based on reality. As a Navajo I am glad we are not saddled with over billions and billions of dollars for an outdated power plant, a coal mine that will be useless, clean up and unforeseen liabilities. And the real possibility of bankrupting the Nation was thwarted.

G. Recent support legislation offering support to NTEC's acquisition of NGS and Kayenta Mine was narrowly defeated.

This statement is revisionist. The vote on legislation 0044-19 was 9 for and 11 opposed. 16 votes were needed to pass the legislation and only 9 votes were received, making it far from narrowly defeated.

Delegate Nathaniel Brown needs to respectfully explain where and how he plans to resurrect NGS. Who will buy the expensive electricity? Does he have a signed contract? Where will he get the \$1Billion surety bond needed?

After the announcement of NGS owners announcing closing NGS in Jan 2017, the NN was caught by surprise and actively sought and searched for new owners to take over NGS. After 40+ corporations expressed interest, only two took the necessary steps in due diligences needed to come to their conclusion that it was economically impossible to make it succeed and abandoned purchasing NGS all together.

Sincerely,

Lori Goodman  
Dilkon Chapter

## IEEFA U.S.: Post-coal cleanup could be a job-creating lifeline for Colstrip, similar communities

*'Doing It Right' template in Montana has regional, national applications*



# Register for April 24 Webinar on Tribal Energy Industry Fundamentals

April 23, 2019

The U.S. Department of Energy (DOE) Office of Indian Energy is hosting a free webinar on the fundamentals of the tribal energy industry tomorrow, April 24, 2019, from 11 a.m.–1 p.m. Mountain Time.

Energy development is a powerful tool to help bring economic growth, jobs, and independence to tribal communities. As such, there is significant interest in pursuing energy development in Indian Country—but difficulty understanding energy jargon or energy concepts can be a barrier to getting started.



Fire station in New Mexico.

This webinar will provide an introduction to energy and familiarize attendees with important concepts and terminology. Attendees will also learn about publicly available resources that can help build their energy knowledge base.

Speakers include:

- Tony Jimenez, National Renewable Energy Laboratory (NREL)
- Travis Lowder, NREL
- Pete Miller, Western Area Power Administration.

[Register now.](#)

## Deadline Reminder for DOE FOA: May 1

On March 11, DOE announced up to \$17 million in new funding to deploy energy infrastructure on tribal lands. This funding through the Office of Indian Energy will support Indian tribes, which include Alaska Native Regional Corporations and Village Corporations, Intertribal Organizations, and Tribal Energy Development Organizations, interested in harnessing their vast, undeveloped energy resources.



Through grants awarded as result of this funding opportunity announcement (FOA), DOE intends to provide financial support under the provisions of the Title V of EAct 2005. Specifically, the Office of Indian Energy is soliciting applications from Indian Tribes, which include Alaska Native Regional Corporations and Village Corporations (hereafter referred collectively as "Indian Tribes"), Intertribal Organizations, and Tribal Energy Development Organizations, to:

1. Topic Area 1: Install energy generating system(s) and/or energy efficiency measure(s) for Tribal Building(s)
2. Topic Area 2: Deploy community-scale energy generating system(s) on Tribal Lands
3. Topic Area 3: Install energy system(s) for autonomous operation (independent of the traditional centralized electric power grid) to power a single or multiple essential tribal facilities during emergency situations or for tribal community resilience.

The intended results of the 50% cost-shared projects selected under this FOA are to reduce or stabilize energy costs and increase energy security and resilience for Indian tribes and Alaska Native villages.

For additional details, read the [press release](#) and download the [full FOA](#). The [FAQ webpage](#) on EERE Exchange also offers answers to frequently asked questions about the funding opportunity.

An informational webinar was held March 14, 2019, to describe the FOA in detail, presenters discussed who is eligible to apply, what an application needs to include, cost share and other requirements, how to ask questions, and how applications will be selected for funding. [Download and view the presentation](#).

Regards,

**Office of Indian Energy Policy and Programs**  
1000 Independence Ave. SW  
Washington DC 20585

For more information on the Office of Indian Energy, visit our [website](#) and see our [brochure](#).

*From the Office of Congressman Matt Cartwright, PA-08*







Press Release  
April 9, 2019

Contact: Melvin Felix  
202-302-7316

## Cartwright Introduces Bipartisan Bill to Invest in Coal Country

### *RECLAIM Act Would Boost Economic Investment and Environmental Recovery in Coal Communities*

**WASHINGTON** –Representatives Matt Cartwright (PA-o8), Hal Rogers (KY-o5), Glenn Thompson (PA-15), and Don Beyer (VA-o8) introduced bipartisan legislation on Tuesday to revitalize coal country by giving communities the funds they need to clean up abandoned mine lands.

The *Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act (RECLAIM) Act* will accelerate the investment of \$1 billion in unappropriated funds over the next five years, bringing roughly \$300 million to Pennsylvania alone, giving states the tools they need to invest in communities that are dealing with the legacy of abandoned mines. These old mine sites create problems such as polluted streams, hazardous erosion and land subsidence, underground mine fires, and piles of coal waste. The funding is intended to help resource-strapped states and tribes clean up over 20,000 high priority sites that remain unaddressed.

“This bill brings much-needed funding to struggling coal communities, while also helping them eliminate blight and pollution,” **said Congressman Cartwright**. “It’s a common-sense piece of legislation that will help Pennsylvanians reclaim these lands and create jobs that can transform entire communities. I applaud Congressman Rogers for his years of leadership on this critical issue.”

The RECLAIM Act, which was approved by the House Natural Resources Committee in the 115<sup>th</sup> Congress, was met with strong bipartisan support during a hearing organized by the Committee in March this year. Witnesses described the urgent need to remove the many environmental and health hazards caused by abandoned mines sites throughout Appalachia.

RECLAIM funds may be used to restore land and water resources polluted by mine waste; to seal and fill abandoned deep mine entries and voids; to plant land and prevent erosion and sedimentation; and to treat water pollution created by coal mine drainage; among other purposes. These reclamation efforts will help streams recover, increase property values, and make land available for new economic uses that benefit struggling communities with a stagnant tax base.

“Pennsylvania’s 15th Congressional District is home to more abandoned mine sites than any other district in the country,” **said Congressman Thompson, a Republican from Pennsylvania**. “Providing additional resources to clean up these locations will increase environmental benefits to our rivers and watersheds, and will have an added bonus of economic activity in many rural areas. I am pleased we can move forward in a bipartisan

manner and will continue to work with Pennsylvania's advocates to move this important bill through the legislative process."

"The RECLAIM act provides a transformative opportunity for coal-producing states to fast-track available funding to restore our land and revive our economy in the coalfields," **said Congressman Rogers, a Republican from Kentucky.** "I thank my Appalachian colleague from across the aisle, Congressman Matt Cartwright, for his leadership in this new Congress and I look forward to working together to bring relief to our struggling coal communities across the country."

"As Lieutenant Governor of Virginia, I spent nine years touring Virginia's coal counties, where I witnessed the harsh effects of an economic downturn as well as the degradation of the land," **said Congressman Beyer, a Democrat from Virginia.** "By reinvesting this money in these communities, we will provide access to much needed jobs and help to restore unused and abandoned mines."

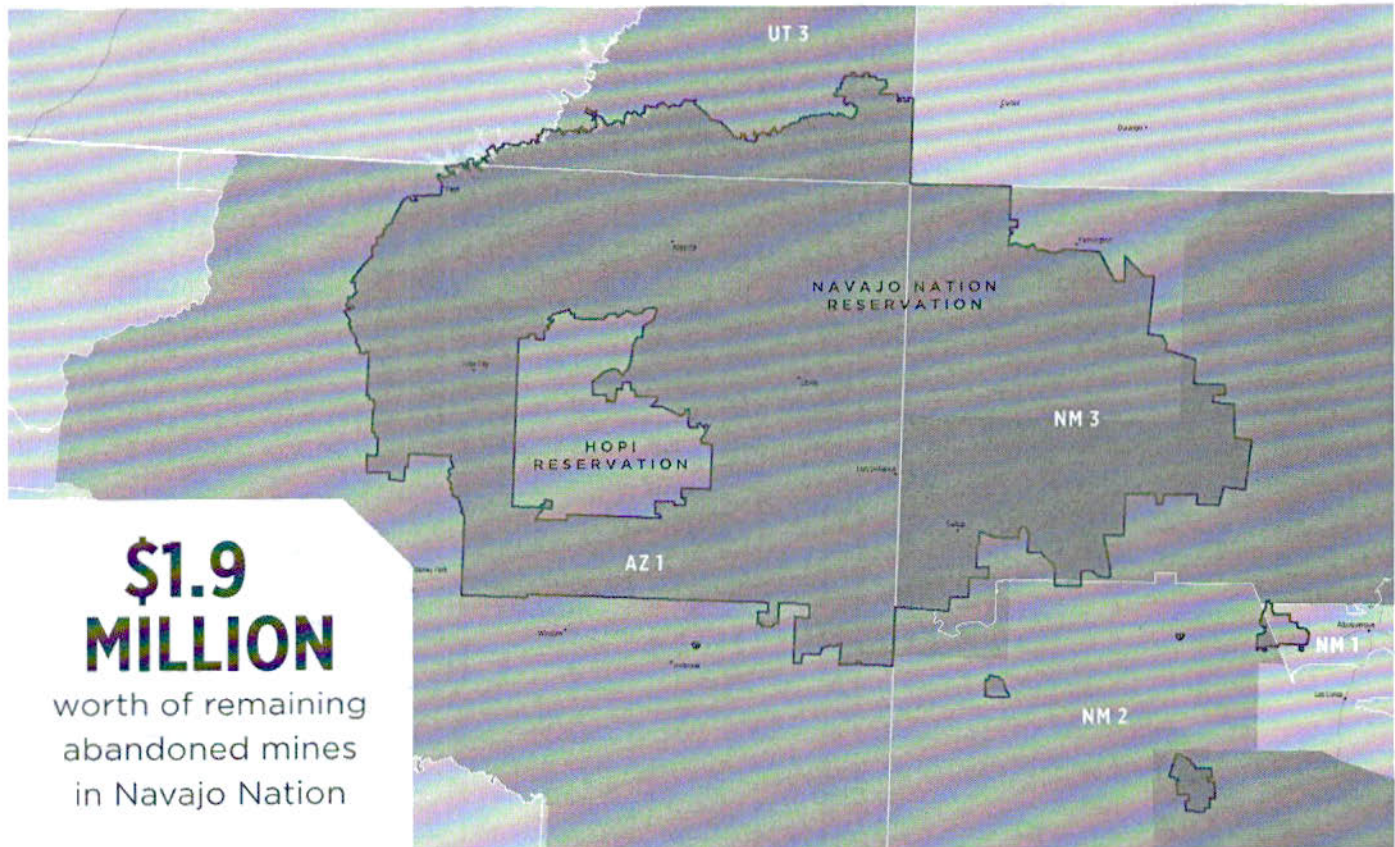
The RECLAIM Act has been endorsed by several national organizations, including the Sierra Club, Voices for Progress, the Prairie Rivers Network, Appalachian Voices, the Western Organization of resources Councils, the Western Colorado Alliance for Community Action, the Alliance for Appalachia, the Appalachian Citizens' Law Center, the BlueGreen Alliance, the Union of Concerned Scientists, the Wilderness Society, Diné Citizens Against Running our Environment, the Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR), the Foundation for PA Watersheds, the Citizens Coal Council, and the National Wildlife Federation.

"The RECLAIM Act will create good-paying jobs by reclaiming abandoned mine land and providing economic opportunity in areas that are struggling right now," **said BlueGreen Alliance Interim Co-Executive Director Michael Williams.** "It is critical that as our nation moves toward a clean energy economy, we make sure that no worker or community is left behind. The RECLAIM Act is an important step toward a better future for all."

###



# How Would The RECLAIM Act Impact Navajo Nation?



**\$1.9  
MILLION**

worth of remaining  
abandoned mines  
in Navajo Nation

THE DARKER THE RED, THE GREATER THE REMAINING MINE PROBLEMS IN THE COUNTY. SOURCE: DAILY YONDER. WHITE BORDERS AND NUMBERS DELINEATE CONGRESSIONAL DISTRICTS. SOURCE: CENSUS

The RECLAIM Act would distribute **\$1 billion** from the existing federal Abandoned Mine Land (AML) Fund to states and tribes across the country. The funds would put people to work reclaiming abandoned mines and creating business opportunities out of reclaimed sites. The proposal would provide a vital economic boost to coal communities that are struggling across the country.

Navajo Nation is  
one of 8 states/tribes  
eligible for a collective

**\$25 MILLION**

over 5 years



# Northern Agency Crisis Response Alliance meeting 4/25/19, 1-4p NRBHC; public acudetox 4/27 9-12 NRBHC

Benally, Christine J. (IHS/NAV) <Christine.Benally@ihs.gov>

Tue 4/23/2019 3:47 PM

1 attachment

DOH04317567\_240803\_Research Assistant\_close04.29.2019.pdf;

Northern Agency Crisis Response Alliance meeting Thursday, 4/25/19, 1-4p Navajo Regional Behavioral Health Center (NRBHC); Public Acudetox, Saturday, 4/27, 9-12, at NRBHC  
POC: 505-368-1438

## New Mexico Senate Memorial 115, PROTECT CHILDREN FROM VIOLENCE

<https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=M&LegNo=115&year=19>

Child sexual assault survivors testify for bill to prosecute alleged abusers by Keith Eldridge | KOMO News Thursday, March 28th 2019

<https://komonews.com/news/local/child-sexual-assault-survivors-testify-for-bill-to-prosecute-alleged-abusers>

19 RESEARCH ASSISTANTS needed for a two (2) teams of eight (8) members for our **Navajo Nation Health Survey** (NNHS). Attached, is the Job vacancy announcement for the temporary positions; **closing date is Monday April 29, 2019**. This year, we anticipate to conduct the NNHS in both the Central Navajo (Chinle) and Northern Navajo (Shiprock) agencies. A total of 19 Navajo chapters were selected: 9 in Central Navajo and 10 in Northern Navajo. Employment is temporary full-time, i.e., 40 hours per week, Mon-Fri, until September 27, 2019. Training and orientation will be provided first week of employment. Prospective applicants may **contact Si directly** for more information.

**Simental "Sy" Francisco**, Project Manager/Principal Investigator, **Navajo Nation Health Survey** (Navajo BRFSS Project), Navajo Epidemiology Center, P.O. Box 1390, Window Rock, AZ 86515, Office 928-871-6542 Mobile 928-245-3991

Webinar: How Legal and Policy Levers Can Amplify Efforts to Reach Healthy People Goals. Thursday April 25, 2019 | 1:00 to 2:00 p.m. ET | [Register Now](#). A leading public health law scholar will provide an overview of the law and policy levers framework and explore the mechanics of how laws and policies can create and sustain environments that promote optimal health for all. Attendees will also hear a practical community example about how to use legal tools and authorities within a jurisdiction to address important public health challenges.

This service is provided by the [Office of Disease Prevention and Health Promotion](#). Posted on [April 4, 2019](#) by [ODPHP](#) [health.gov@public.govdelivery.com](mailto:health.gov@public.govdelivery.com).

Intimate Partner Violence Experienced by Lesbian, Gay, and Bisexual Individuals: A Look at National Data. Tuesday, April 30, 2019 | 4 pm to 5 pm ET The [Center for Victim Research](#) invites you to attend our upcoming webinar, "Intimate Partner Violence Experienced by Lesbian, Gay, and Bisexual Individuals: A Look at National Data" on Tuesday, April 30, 2019 from 4 to 5 pm ET.

[Register Now](#)



Why I Don't Use the Word 'Forgiveness' in Trauma Therapy. January 20, 2016 • By [Anastasia Pollock, LCMHC, Posttraumatic Stress / Trauma Topic Expert Contributor](#). the degree of trauma, acts of [sexual abuse](#), rape, exploitation, and [physical and emotional abuse](#), in each of these cases is significant and has had a major impact on their lives and well-being.  
[https://www.goodtherapy.org/blog/why-i-dont-use-the-word-forgiveness-in-trauma-therapy-0120164?fbclid=IwAR0mJFtQLa0\\_IzPiU5Pupm48uVxT0ePTwi6NlRpnEyPMDRhD6k1V6K0I1Lo](https://www.goodtherapy.org/blog/why-i-dont-use-the-word-forgiveness-in-trauma-therapy-0120164?fbclid=IwAR0mJFtQLa0_IzPiU5Pupm48uVxT0ePTwi6NlRpnEyPMDRhD6k1V6K0I1Lo)

We don't "move on" from grief. We move forward with it. Nora McInerny at TEDWomen 2018  
[https://www.ted.com/talks/nora\\_mcinerny\\_we\\_don\\_t\\_move\\_on\\_from\\_grief\\_we\\_move\\_forward\\_with\\_it?utm\\_source=tedcomshare&utm\\_medium=email&utm\\_campaign=tedsread](https://www.ted.com/talks/nora_mcinerny_we_don_t_move_on_from_grief_we_move_forward_with_it?utm_source=tedcomshare&utm_medium=email&utm_campaign=tedsread)

Crime Survivors for Safety and Justice is a project of the Alliance for Safety and Justice. Our mission is to bring together crime survivors and lift up their voices. We are grateful to count you as part of our growing movement, but if you wish unsubscribe, please click here. In solidarity, Anna Cho, Survivors Speak Campaign Director, Crime Survivors for Safety and Justice

[https://allianceforsafetyandjustice.org/?link\\_id=18&can\\_id=36f51fbed393fe2f594ff5043714b6cc&source=email-2019-survivors-speak-comes-to-a-close&email\\_referrer=email\\_531995&email\\_subject=2019-survivors-speak-comes-to-a-close](https://allianceforsafetyandjustice.org/?link_id=18&can_id=36f51fbed393fe2f594ff5043714b6cc&source=email-2019-survivors-speak-comes-to-a-close&email_referrer=email_531995&email_subject=2019-survivors-speak-comes-to-a-close)

Police listening session: Eastern wants more police, quicker response times - Navajo Times, By [Donovan Quintero](#) | Apr 4, 2019

<https://navajotimes.com/reznews/police-listening-session-eastern-wants-more-police-quicker-response-times/>

Custody Court Crisis: Trauma, the brain, the courts, and the problems | Dec 8, 2017 | [Custody Court Crisis, Trauma: Healing, Trauma: Prevention](#) Stop abuse. What's the connection between complex trauma, ACEs study, neurobiology and family courts? It's complicated, but that connection is there, and it's devastating to families, kids, and adults across the country.

[https://stopabusecampaign.org/2017/12/08/custody-court-crisis-trauma-the-brain-the-courts-and-the-problems/?fbclid=IwAR1zNTfV5Av2Ogc0iAlp6ntrt7POwyH\\_9vzkF\\_htU-tbAXOTj-tHU4bN\\_38](https://stopabusecampaign.org/2017/12/08/custody-court-crisis-trauma-the-brain-the-courts-and-the-problems/?fbclid=IwAR1zNTfV5Av2Ogc0iAlp6ntrt7POwyH_9vzkF_htU-tbAXOTj-tHU4bN_38)

'Groundbreaking' new domestic abuse law comes into force. 1 April 2019 A new law has come into force that makes psychological domestic abuse and controlling behaviour a crime.. It will be supported by a Scottish government awareness campaign aimed at improving public understanding of the wide-ranging nature of the problem. The Scottish Parliament [passed the Domestic Abuse Act](#) in February last year.

<https://www.bbc.com/news/uk-scotland-47764648>

Tragedy of Child Sexual Abuse Takes Financial Toll, Too | Health Care | US News. BY MARY ELIZABETH Dallas, HealthDay Reporter. MONDAY, June 4, 2018 (HealthDay News) -- Child sexual abuse in the United States exacts an enormous economic toll, researchers report. Researchers at the Johns Hopkins Bloomberg School of Public Health calculated that in 2015 alone, the costs associated with the aftermath of abuse exceeded \$9 billion. That figure included costs associated with health care, child welfare, special education, violence and crime, suicide and survivor productivity losses, the researchers said.  
<https://health.usnews.com/health-care/articles/2018-06-04/tragedy-of-child-sexual-abuse-takes-financial-toll-too>

The Real Impact of Child Abuse on Life Span | For Better | US News. A past history of abuse and trauma can have a significant impact on a person's well-being and longevity. By [Pam Peeke, M.D.](#), Contributor Sept. 15, 2016, at 6:00 a.m.  
<https://health.usnews.com/health-news/patient-advice/articles/2016-09-15/the-real-impact-of-child-abuse-on-life-span>

This Week in MMWR - Vol. 68, April 19, 2019. [Prevalence of Violence Victimization and Perpetration Among Persons Aged 13–24 Years — Four Sub-Saharan African Countries, 2013–2015](#). Elizabeth A. Swedo, MD; Steven A. Sumner, MD; Susan D. Hillis, PhD; et al.

This Week in MMWR - Vol. 68, April 5, 2019 [Nonfatal Assaults and Homicides Among Adults Aged ≥60 Years — United States, 2002–2016](#)

J. E. Logan, PhD; Tadesse Haileyesus, MS; Allison Ertl, PhD; et al.



San Juan County, New Mexico | County Health Rankings & Roadmaps. San Juan County, New Mexico | County Health Rankings & Roadmaps <http://www.countyhealthrankings.org/app/new-mexico/2019/rankings/san-juan/county/outcomes/overall/snapshot>. The results of this submission may be viewed at: <http://www.countyhealthrankings.org/node/28164/submission/787853>

Psychology Today: Why Do People Blame the Victim? The tendency to blame the victim may be programmed in the mind at a deep level. [David B. Feldman Ph.D.](#) Posted Mar 02, 2018. internalize beliefs at an early age ... <https://www.psychologytoday.com/blog/supersurvivors/201803/why-do-people-blame-the-victim?eml>

Psychology News from PsyPost // 04/17/2019 [Inflammatory processes play a role in the link between stress and depressive symptoms in female teens](#)

PsyPost. Inflammatory processes play a role in the link between stress and depressive symptoms in female teens. By [ERIC W. DOLAN](#) April 12, 2019 New research has found that inflammatory responses following stressful events predicts an increase in depressive symptoms in female adolescents. The findings indicate that greater biological reactivity to stressors is associated with vulnerability to depression. The study has been published in the journal Brain, Behavior, and Immunity. "We were interested in this topic because so many ... ([READ MORE](#)) <https://www.psypost.org/>

Grooming for Domestic Abuse: From Romance to Isolation. Domestic abusers often entrap their future victims with intense romance. [Lisa Aronson Fontes Ph.D.](#), [Invisible Chains](#), Posted Feb 19, 2019 <https://www.psychologytoday.com/blog/invisible-chains/201902/grooming-domestic-abuse-romance-isolation?eml>

Parkland Lawsuits: School Shooting Victims' Families Allege Negligence : NPR Jessica bakeman, 4/14/2019 [https://www.npr.org/2019/04/11/712161514/there-were-failures-parkland-victim-families-file-22-lawsuits-alleging-negligence?utm\\_source=npr\\_newsletter&utm\\_medium=email&utm\\_content=20190411&utm\\_campaign=news&utm\\_term=npnews](https://www.npr.org/2019/04/11/712161514/there-were-failures-parkland-victim-families-file-22-lawsuits-alleging-negligence?utm_source=npr_newsletter&utm_medium=email&utm_content=20190411&utm_campaign=news&utm_term=npnews)

How to Heal the Traumatized Brain. An inside look at the traumatized brain, and how you can start to heal. Jennifer Sweeton Psy.D. [Workings of Well-Being](#) Posted Mar 13, 2017 <https://www.psychologytoday.com/ca/blog/workings-well-being/201703/how-heal-the-traumatized-brain?fbclid=IwAR1QIzUf4UWmmchaJLCIR4uHBKZha1n0ecAGQu4BWRJvqEOVVOgl4f7d5xE>

'Epidemic' of Gun Deaths Threatens U.S. Schoolchildren: Study. A forthcoming report in the American Journal of Medicine found that the gun-related death rate of school-age children over the past two decades was six to nine times higher than other developed nations—a rate higher than that reported for police officers and the military. [Read More](#)

[Rising U.S. Suicides Spur Call for More Research](#) The national suicide toll grew from 29,000 in 1999 to 47,000 in 2017. The recent deaths of three people connected to two school shootings point to the lack of research on suicide causes. [Read More](#)

Watch Wasps stars speak up for victims of rape and sexual assault. Josh Bassett, Rob Miller and Tom Cruse involved in clip to be screened before Worcester Warriors match at Ricoh Arena. By [Bobby Bridge](#) Rugby Reporter 15:51, 4 APR 2019. UPDATED 15:56, 4 APR 2019 A centre for victims of rape and sexual assault across Coventry and Warwickshire has



received backing from Wasps to raise awareness and empower more victims, particularly men, to have the confidence to seek support.

<https://www.coventrytelegraph.net/sport/rugby/sexual-assault-wasps-rugby-news-16078341>

Shonda Rhimes Fought Back Against ABC When Making This "Grey's Anatomy" Episode About Sexual Assault. "Respectfully, I decline these notes." Krystie Lee Yandoli BuzzFeed News Reporter Posted on March 29, 2019, at 4:07 p.m. ET On Thursday night's episode of *Grey's Anatomy*, the show featured a storyline about how rape kits are administered in hospitals.

<https://www.buzzfeednews.com/article/krystieyandoli/greys-anatomy-shonda-rhimes-rape-kit-abc>

Neurodevelopment of 2-month-old infants shows effect of maternal stress -NEUROSCIENCE NEWSAPRIL 8, 2019

**Summary:** *The findings of an EEG study on two-month-old babies reveal the impact of maternal stress on early neurodevelopment.* <https://neurosciencenews.com/>

[https://neurosciencenews.com/eeg-neurodevelopment-maternal-stress-11039/?](https://neurosciencenews.com/eeg-neurodevelopment-maternal-stress-11039/?fbclid=IwAR0rjbTPSIE9bI_W3n1YtJucaAfGx0rUo27uWlock60vtRgqm-juf1Wx21Y)

[fbclid=IwAR0rjbTPSIE9bI\\_W3n1YtJucaAfGx0rUo27uWlock60vtRgqm-juf1Wx21Y](https://neurosciencenews.com/eeg-neurodevelopment-maternal-stress-11039/?fbclid=IwAR0rjbTPSIE9bI_W3n1YtJucaAfGx0rUo27uWlock60vtRgqm-juf1Wx21Y)

Broken Family Court system hurts kids. By A. Blair Dunn. Aug 18, 2018 A very real issue that is impacting our country is that many children have had their civil rights trampled by a broken Family Court system.

[https://www.santafenewmexican.com/opinion/my\\_view/broken-family-court-system-hurts-kids/article\\_7e289761-e5ac-5612-b334-c5ade790832c.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](https://www.santafenewmexican.com/opinion/my_view/broken-family-court-system-hurts-kids/article_7e289761-e5ac-5612-b334-c5ade790832c.html?utm_medium=social&utm_source=email&utm_campaign=user-share)

Child Abuse by Omission: How American Law Holds Mothers Responsible for Their Partners' Crimes, BY Linda C. Fentiman, TruthoutApril 1, 2017 NEWS ANALYSIS ECONOMY & LABOR. Criminalizing a woman for her male partner's abusive behavior toward her children is another type of victim blaming. The law disproportionately criminalizes women for failing to protect their children from abuse at the hands of their male partners.

[https://truthout.org/articles/child-abuse-by-omission-how-american-law-holds-mothers-responsible-for-their-partners-crimes/?utm\\_source=sharebuttons&utm\\_medium=mashshare&utm\\_campaign=mashshare](https://truthout.org/articles/child-abuse-by-omission-how-american-law-holds-mothers-responsible-for-their-partners-crimes/?utm_source=sharebuttons&utm_medium=mashshare&utm_campaign=mashshare)

How does income affect childhood brain development? 11:47 minutes · TED Salon: Education Everywhere. Neuroscientist and pediatrician Kimberly Noble is leading the Baby's First Years study: the first-ever randomized study of how family income changes children's cognitive, emotional and brain development. She and a team of economists and policy experts are working together to find out: Can we help kids in poverty simply by giving families more money?

Watch now »

When Children Witness Violence. They're more likely to abuse or be abused as adults, unless adults step in and stop the cycle. Nov 05, 2014. By domesticshelters.org. Consider this: Most domestic abuse that occurs in a home where children are present is witnessed by those children. In fact, one study found that 90 percent of children in violent homes have seen one parent physically abusing the other.

<https://www.domesticshelters.org/articles/childhood-domestic-violence/when-children-witness-violence>

Biology may make certain PTSD patients unresponsive to behavioral therapy -NEUROSCIENCE NEWSAPRIL 3, 2019

<https://neurosciencenews.com/unresponsive-ptsd-biology-10994/>

The Sexual Assault Crisis Facing Native American Women – WhoWhatWhy. FEBRUARY 26, 2019 | ELYSE NOTARIANNI

<https://whowhatwhy.org/2019/02/26/the-sexual-assault-crisis-facing-native-american-women/>

VAWA Supports an Economy of Victimization. Published on March 30, 2019. Doreen Ludwig Follow Author, Activist, Advocate at.. \*This is dedicated to my friend – a mother who tried to stop Daddy's sexual abuse of their 4-year-old - only to be sucked into the profit driven litigation forum called family court.



[https://www.linkedin.com/pulse/vawa-supports-economy-victimization-doreen-ludwig/?fbclid=IwAR2GM5WiS3C9BE25ml\\_erfoZ5\\_PQSgy\\_BllvOAAQp836dQUwf4F2OmnF8m4](https://www.linkedin.com/pulse/vawa-supports-economy-victimization-doreen-ludwig/?fbclid=IwAR2GM5WiS3C9BE25ml_erfoZ5_PQSgy_BllvOAAQp836dQUwf4F2OmnF8m4)

Overcoming the Bystander Effect | The Psychology of Heroism | BBC StoryWorks. The Psychology of Heroism. Psychological experts explain why we “freeze” during danger, and what we can do to fight that instinct.  
[http://www.bbc.com/storyworks/the-psychology-of-heroism/overcoming-the-bystander-effect?utm\\_source=Facebook&utm\\_medium=Clicks](http://www.bbc.com/storyworks/the-psychology-of-heroism/overcoming-the-bystander-effect?utm_source=Facebook&utm_medium=Clicks)

April 3, 2019. Multi-Polygenic Score Approach to Identifying Individual Vulnerabilities Associated With the Risk of Exposure to Bullying. [Tabea Schoeler, PhD<sup>1</sup>](#); [Shing Wan Choi, PhD<sup>2</sup>](#); [Frank Dudbridge, PhD<sup>3</sup>](#); et al [Jessie Baldwin, PhD<sup>1</sup>](#); [Lauren Duncan, BSc<sup>1</sup>](#); [Charlotte M. Cecil, PhD<sup>4</sup>](#); [Esther Walton, PhD<sup>5</sup>](#); [Essi Viding, PhD<sup>1</sup>](#); [Eamon McCrory, PhD<sup>1</sup>](#); [Jean-Baptiste Pingault, PhD<sup>1,2</sup>](#). Author Affiliations. *JAMA Psychiatry*. Published online April 3, 2019. doi:10.1001/jamapsychiatry.2019.0310. The findings implicate mental health vulnerabilities and other individual traits as risk factors for exposure to bullying, and prevention programs may improve long-term outcomes in children and adolescents at risk for experiencing bullying by addressing preexisting vulnerabilities to help break a cycle of repeated exposure to bullying.  
[https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2729424?guestAccessKey=af2d508e-e358-4261-9ec2-0df27bab6c37&utm\\_source=silverchair&utm\\_campaign=jama\\_network&utm\\_content=weekly\\_highlights&cmp=1&utm\\_medium=email](https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2729424?guestAccessKey=af2d508e-e358-4261-9ec2-0df27bab6c37&utm_source=silverchair&utm_campaign=jama_network&utm_content=weekly_highlights&cmp=1&utm_medium=email)

Dating class teaches teens how to leave abusive relationships. By **LORI BASHEDA** | Orange County Register  
 PUBLISHED: February 11, 2019 at 8:30 am | UPDATED: February 11, 2019 at 12:37 pm  
<https://www.ocregister.com/2019/02/11/dating-class-teaches-teens-how-to-get-out-of-abuse-relationships/>

Surviving Domestic Abuse is Like Being a Refugee | JoyfulSurrender.com [MARCH 19, 2019 JOY FORREST](#)  
[https://joyforrest.wordpress.com/2019/03/19/surviving-domestic-abuse-is-like-being-a-refugee/?fbclid=IwAR1knVkWA4sNEFWq36VxzIEfzyx9gk-D\\_LYuPKJ-p-QlARmQyA-AUvC3L4k](https://joyforrest.wordpress.com/2019/03/19/surviving-domestic-abuse-is-like-being-a-refugee/?fbclid=IwAR1knVkWA4sNEFWq36VxzIEfzyx9gk-D_LYuPKJ-p-QlARmQyA-AUvC3L4k)

Shared from BBC: Can the legacy of trauma be passed down the generations? By Martha Henriques 26 March 2019, Our children and grandchildren are shaped by the genes they inherit from us, but new research is revealing that experiences of hardship or violence can leave their mark too.  
<http://www.bbc.com/future/story/20190326-what-is-epigenetics?ocid=ww.social.link.email>

Sexual Assault Awareness Month Continues with New Webinars & Podcast Episodes! Forensic Technology Center of Excellence [ForensicCOE@rti.org](mailto:ForensicCOE@rti.org)

[Just Science Podcast: Just The Evolution of Sexual Assault Evidence Collection](#) April is Sexual Assault Awareness Month, a campaign designed to raise awareness about sexual violence and provide methods to prevent it.

Upcoming Online Events

- [Emerging Forensic Research Series: Forensic Toxicology & Drugs](#) April 23rd, 2019 at 1pm ET
- [Collaboration Enhances Trauma-Informed Response to Sexual Assault Survivors](#) April 25th, 2019 at 1pm ET
- [Neurophysiology and Overcoming Trauma: Understanding Individual Challenges](#) April 30th, 2019 at 1pm ET
- [The Elements of DNA Profile Interpretation and Probabilistic Genotyping](#) May 1st, 2019 at 1pm ET (*This webinar is the first on our new platform. You will need to create a new account for this event, which you will be able to use for all FTCOE webinars after May 1st, 2019.*)

Recently Archived Webinars

[Surviving Sexual Assault - It Takes A Village](#)

JCH Webinar Weekly Digest

4/25: The Neurobiology and Traumatic Impact of Sexual Assault [Learn More](#)

5/1: Suicide Identification, Prevention, and Policy Failure [Learn More](#)

5/2: Crime Scene Responsibilities for the First Responder [Learn More](#)

5/7: Domestically Violent Homes: Threats of Harm for Children [Learn More](#)

5/7: Difficult Conversations [Learn More](#)



5/8: How to Handle a Recanting Witness [Learn More](#)

5/9: Coaching & Developing Your Bench [Learn More](#)

5/14: EQ and You: Developing Your Emotional Intelligence [Learn More](#)

5/16: Federal Statutes and Who is Not Allowed to Possess Firearms [Learn More](#)

5/21: Using Murder Data to Help Justice Professionals Work Cases & Solve Crimes [Learn More](#)

5/21: Criminal Cases Involving Multi-Animal Impounds [Learn More](#)

5/22: Differentiating by Risk and Enhancing Skill Building Techniques to Motivate Positive Change [Learn More](#)

5/23: Mindfulness in Domestic Violence Work: Working with Victims (Part I) [Learn More](#)

5/28: Working with Sexual Assault Victims: Strategies for Justice Professionals [Learn More](#)

5/30: Ask Me Anything: Workplace Violence & Mass Shootings [Learn More](#)

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Sister begs for information, police offer reward in 19-year-old's mysterious cold case disappearance. By [EMILY SHAPIRO](#). Apr 18, 2019, 12:35 PM ET

<https://abcnews.go.com/US/sister-begs-information-police-offer-reward-19-year/story?id=62479683>

FEMA Allocates Funding for Tribal Homeland Security Grant Program <https://www.fema.gov/media-library/assets/documents/178528>

Tribal Police Access to Crime Data Discussed at Senate Indian Affairs Committee Hearing

[www.startribune.com/dakotas-tribes-seek-more-crime-fighting-help-from-feds/507427082](http://www.startribune.com/dakotas-tribes-seek-more-crime-fighting-help-from-feds/507427082)

<https://www.indian.senate.gov/news/press-release/hoeven-convenes-field-hearing-joint-law-enforcement-efforts-and-stopping>

Murder Suspect Arrested At Mescalero Apache After BIA OJS Alert Issued

<https://www.ruidosonews.com/story/news/local/community/2019/04/05/law-enforcement-agencies-looking-suspect-possible-homicide/3378202002>

New Amber Alert in Indian Country Website <https://amber-ic.org>

Navajo Nation Successfully Issues First Amber Alert (see page 5) <https://www.amberadvocate.org/wp-content/uploads/2019/03/AA37-final-web.pdf>

DOJ OVW Domestic Violence Technical Assistance Grant Opportunity

[https://www.grants.gov/web/grants/view-opportunity.html?](https://www.grants.gov/web/grants/view-opportunity.html?oppId=313321&utm_campaign=fyi_newsletter&utm_medium=email&utm_source=govdelivery)

[oppId=313321&utm\\_campaign=fyi\\_newsletter&utm\\_medium=email&utm\\_source=govdelivery](https://www.grants.gov/web/grants/view-opportunity.html?oppId=313321&utm_campaign=fyi_newsletter&utm_medium=email&utm_source=govdelivery)

DOJ PSP Violence Reduction Response Center Opportunity <https://bjatta.bja.ojp.gov/content/violence-reduction-response-center>

White House Initiates Task Force on Protecting Children in IHS System

<https://www.whitehouse.gov/briefings-statements/white-house-announces-presidential-task-force-protecting-native-american-children-indian-health-service-system/>

HHS SAMHSA Opioid Overdose Response Grant Opportunity

[https://www.samhsa.gov/grants/grant-announcements/ti-19-004?](https://www.samhsa.gov/grants/grant-announcements/ti-19-004?utm_campaign=fyi_newsletter&utm_medium=email&utm_source=govdelivery)

[utm\\_campaign=fyi\\_newsletter&utm\\_medium=email&utm\\_source=govdelivery](https://www.samhsa.gov/grants/grant-announcements/ti-19-004?utm_campaign=fyi_newsletter&utm_medium=email&utm_source=govdelivery)

NIST Conducting First Responder Survey Regarding Public Safety Communications Technology

<https://www.rrmediagroup.com/News/NewsDetails/newsID/18093>

The Expansion of Tribal Data Sovereignty <https://www.tribalhub.com/magazine/Spring-2019/#page=24>

FBI CJIS Advisory Policy Board Meeting Notice <https://www.govinfo.gov/content/pkg/FR-2019-04-23/pdf/2019-08161.pdf>



FBI & Tribes Working Together to Combat Drug Trafficking

<https://www.fbi.gov/news/testimony/joint-law-enforcement-efforts-in-building-safe-tribal-communities>

**Law Enforcement/First Responder Diversion Mentor Program**, Deadline: May 10, 2019 , [Solicitation](https://www.coapresources.org/Content/Documents/Funding/Mentor_Site_Selection_FAQ_and_Application_for_LE_FR%20Diversion_Program_Form.pdf) available at [https://www.coapresources.org/Content/Documents/Funding/Mentor\\_Site\\_Selection\\_FAQ\\_and\\_Application\\_for\\_LE\\_FR%20Diversion\\_Program\\_Form.pdf](https://www.coapresources.org/Content/Documents/Funding/Mentor_Site_Selection_FAQ_and_Application_for_LE_FR%20Diversion_Program_Form.pdf).

The Bureau of Justice Assistance (BJA) announces the creation of the **Program** begins on October 1, 2019.

**Submission Deadline**, Applications are due **5:00 p.m., ET, on May 10, 2019**. Please submit the application by downloading the form [here](#). By using Adobe Acrobat Reader, you will be able to submit your application directly through a button on the form. A free download for Adobe Acrobat Reader can be found [here](#). If using another PDF program, please complete the form and save your responses. Then, email a copy of the completed form to [COAP@iir.com](mailto:COAP@iir.com). Email **questions** about the application process or issues with submission to [COAP@iir.com](mailto:COAP@iir.com), and we will do our best to respond promptly.

Christopher B. Chaney, Unit Chief - Criminal Justice Information Law Unit, FBI Office of the General Counsel, (304) 625-3510

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#### OMH Grants

- HHS/Office of the Assistant Secretary for Health (OASH): Grant. *Youth Engagement in Sports: Collaboration to Improve Adolescent Physical Activity and Nutrition* (YES Initiative). Supports projects that address the HHS priority to expand youth participation in sports and encourage regular physical activity, especially for youth populations with lower rates of sports participation and communities with limited access to athletic facilities or recreational areas. Deadline is May 31. [Learn more](#).  
Technical Assistance webinar, April 24, 2:00 pm ET. [Register](#).

#### Non-Federal Grants

- William T. Grant Foundation: *Research Grants on Reducing Inequality*. Supports studies relevant to policies and practices that affect the lives of young people (5-25), particularly research on approaches to reducing inequality in youth outcomes, especially on the basis of race, ethnicity, immigrant origins and/or socioeconomic status. Deadline for Letter of Intent is May 1. [Learn more](#).
- Lalor Foundation: *Anna Lalor Burdick Program*. Supports organizations that offer comprehensive and unbiased sexual and reproductive health education to young women who are disadvantaged by poverty, discrimination, geographic isolation or other factors. Deadline for Concept Papers is May 1. [Learn more](#).
- Kresge Foundation: *Advancing Health Equity Through Housing*. Supports innovative, community-generated, multi-sectoral solutions that improve health outcomes and housing affordability and quality. Deadline is May 7. [Learn more](#).

#### Scholarships / Fellowships

- HHS/HRSA, Bureau of Health Workforce: *National Health Service Corps Scholarship Program - School Year 2019-2020*. Provides scholarships to students pursuing primary care health professions training in return for a commitment to provide primary health services in a [Health Professional Shortage Area](#). Deadline is May 16. [Learn more](#).
- 

The [Office on Violence Against Women](#) is seeking nominations for members of the Task Force on Research on Violence Against American Indian and Alaska Native Women (Task Force). By statute, Task Force members must be representatives of one of the following entities: tribal governments; national tribal domestic violence and sexual assault non-profit organizations; or national tribal organizations. Task Force candidates should be nominated by the authorized representative of the listed governments or organizations (i.e., tribal council or executive director). The Task Force provides advice and recommendations on the development and implementation of a program of research that examines violence against Indian women in Indian Country and Alaska Native villages, including domestic violence, dating violence, sexual assault, stalking, murder, and sex trafficking, and evaluates the effectiveness of federal, state, tribal, and local responses to these crimes.

**Nominations are due April 30, 2019.**

[Read the 2019 Letter Calling for Nominations for the Task Force.](#)



Public Health Institute <communications@phi.org> | Child Welfare & Domestic Violence Connections | Addressing White Savior Complex **Tue 4/16/2019 11:25 AM** Using the media to tell a more complete story about child welfare. Child abuse occurs in nearly 60% of households where domestic violence is identified, but you're unlikely to learn that from reading the news. In a new report titled "The Child Welfare System in U.S. News: What's Missing?" researchers from PHI's Berkeley Media Studies Group found that domestic violence appeared in only 12% of stories about the child welfare system, and most of those stories only mentioned domestic violence in passing. [See the full report](#) and read [key findings and tips](#) for advocates in how to strengthen the news about family violence.

Send a tweet: *"The news shapes how we view issues like family violence, its causes, and what we can do about it," says @PHIdotorg's @BMSG. See their tips for advocates in how to use the media to tell a more complete story about child welfare: [bit.ly/2lyYkM3](https://bit.ly/2lyYkM3) #publichealth*

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 Provided by CDC's Office for State, Tribal, Local and Territorial Support

**Monday, April 1, 2019** CDC's National Center for Injury Prevention and Control has launched a new web page—[Injury Prevention in American Indian and Alaska Native Communities](#)—where you can find all of the center's current resources and information on injury prevention work in tribal communities.

Many injuries disproportionately affect American Indians and Alaska Natives:

- Injuries are the leading cause of death for American Indians and Alaska Natives between the ages of 1 and 54.
- The drug overdose death rate among American Indians and Alaska Natives is above the national average and recent data show this trend continuing.
- The motor vehicle-related death rate for American Indian and Alaska Native adults who are aged 20 years or older are more than twice that of non-Hispanic whites or blacks.

Visit the [web page](#) to access data, research, publications, and tools to address these and other injury-related issues. These resources can be used alongside the traditions, languages, spiritual practices, connection to elders, and social ties that tribal communities already use to prevent injuries in Indian Country.

**THE NAVAJO NATION**  
**Department of Personnel Management**  
**JOB VACANCY ANNOUNCEMENT**

REQUISITION NO: DOH04317567

DATE POSTED: 04/02/19

POSITION NO: 240803

CLOSING DATE: 04/29/19

POSITION TITLE: Research Assistant (Temporary)

DEPARTMENT NAME / WORKSITE: Navajo Epidemiology Center, Navajo Nation Wide

WORK DAYS: Mon - Fri REGULAR FULL TIME: ☐ GRADE/STEP: AR56A

WORK HOURS: 8am - 5pm PART TIME: ☐ NO. OF HRS./WK.:            \$ 21,320.00 PER ANNUM

SENSITIVE ☒ SEASONAL: ☐ DURATION :            \$ 10.25 PER HOUR

NON-SENSITIVE ☐ TEMPORARY: ☒ 4-6 months

**DUTIES AND RESPONSIBILITIES:**

Implement survey methods, procedures & quality control. Obtain data on assigned subject. Recruit Adult individuals for participation of survey with appropriate voluntary consent. Records participants responses to survey questions and conduct interviews. Maintain records of data collection. Uses Navajo culturally appropriate etiquette and Navajo language. Conduct environmental scan. Travels to assigned field locations. Participants and reports to Survey team.

**QUALIFICATION REQUIREMENTS: (Education, Experience and Training)**

**Minimum Qualifications:**

- A high school diploma/GED; and one (1) year of experience involving the survey collection of statistical, demographic and/or research analysis; or an equivalent combination of education and experience.

**Special Requirements:**

- Research Assistant(s) will travel to randomly selected households of the Navajo Nation. A current valid State Driver's License and Vehicle Insurance, required. Certification to operate a Government Service Administration vehicle, required (to be obtained upon temporary employment). Use of personal vehicle to and from worksite, required. Must obtain a Navajo Nation vehicle operator's Permit. Reimbursement for travel to and from worksite will not be allowed. Required to demonstrate fluency in both English and Navajo Language.

*<<A favorable background investigation>>*

*(To receive full credit for education, certification, or licensure, transcripts, copies of degrees, certificates, and other appropriate documents must be submitted along with employment application.)*

**Special Knowledge, Skills and Abilities:**

Knowledge of Navajo cultural appropriate customs and etiquette. Strong communications skills to speak the English and Navajo Language; and to write the English Language. Knowledge of research methods and practices. Knowledge of conducting in-person interviews. Multi-task skills during face-to-face interview. Ability to: follow detailed instructions on method and protocol; obtain verbal or signed consent to voluntarily participant in the survey; administer the survey; record participants' response; effectively listen; maintain confidentiality; read and follow maps with global positioning system.

**THE NAVAJO NATION GIVES PREFERENCE TO ELIGIBLE AND QUALIFIED APPLICANTS IN ACCORDANCE WITH THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AND VETERANS' PREFERENCE.**



## Legislation# 0093-19

Lester Begay <lesterb43@gmail.com>

Tue 4/23/2019 4:00 PM

To: comments <comments@navajo-nsn.gov>;

Over 35 years ago., U.S. Congress gave us full authority to govern ourselves known as Self-Determination Act., and today Navajo Tribal Leaders still begging U.S. government to intervene because its own people disagree and oppose Tribal Leaders plan to continue with coal-fired power plants that are no longer economically feasible any more. ,

This makes Navajo Nation unfit to govern and bring any kind of economic development that would benefit its people to improve the living standard.

Lester Begay

## Legislation 0093-19

Shirley Peaches <speaches2000@gmail.com>

Tue 4/23/2019 7:22 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Shirley Peaches <speaches2000@gmail.com>;

1 attachment

SP comment to Legislation 0093-19 4 2019.pdf;

Good afternoon,  
see attached comments. Thank you.  
Sincerely,  
Shirley Peaches



TO: Honorable Delegates

DATE: April 23, 2019

RE: Legislation 0093-19

**Please vote NO on Legislation 0093-19**

**Legislation 0093-19 perpetuates health disparities from coal fired power plant emissions and coal mining. This legislation disregards constituents' access to clean air, clean water, and health wellness. In addition, this legislation does not promote the next steps needed to replace the economic losses from the closure of Navajo Generating Station (NGS). It does not respond appropriately to the declining coal market and does not make a clear pathway for clean renewable energy development.**

A month ago the Council voted down the legislation to support NTEC acquisition of NGS and Kayenta Mine, which is the right direction we should be going, transition to Renewable Energy and away from dependence on fossil fuel (energy from coal). Much of our people are still suffering from the effects of coal mining on Black Mesa and emissions from the Navajo Generating Station (NGS), whether it be health, environmental, social or mental ills.

I am a constituent of Navajo Mountain Chapter and my family extends from Navajo Canyon to Paiute Mesa. My mother and my late father's communities covers a vast area, yet it is also the path of where the emissions from NGS travels. The emission from the NGS travels northeast and settles in Navajo Canyon (where my father's relatives live), it lingers in the canyon south of Inscription House and on to Paiute Canyon, to Paiute Mesa and Navajo Mountain area. Families in Navajo Canyon and Paiute Mesa are the most remote areas of the Navajo Nation. You need a four-wheel drive to get to our families in Navajo Canyon. Yet, most of the elders in these area have either died of respiratory illness, including pulmonary issues (i.e. lung diseases) and are suffering from asthma. Most have never smoked a cigarette in their life time. No one is speaking for these families, as our Council Delegate Herman Daniels is Co-sponsoring this legislation (which clearly does not benefit our families). These families are suffering from the health effects if downwind emissions from NGS Power Plant.

Here is the breakdown:

NGS when build burned 25,000 tons of coal per day, emitted approximately 125 tons of sulfur dioxide per/day, emitted approximately 100 tons of nitrogen oxides (NOx) per day, not to mention various heavy metals including mercury.

Significant relationship between air pollution from power plant pollution and negative health effects, includes:

- decreased lung function making it more difficult to breathe freely,
- more frequent asthma symptoms,
- increase numbers of asthma attacks and heart attacks,
- increased emergency department visits
- additional hospital admissions
- increased number of daily death

Fine Particulate Matter (PM), one of the key air pollutants released by power plants, has been found to cause the following health impacts:

- PM can stress the lung and place extra burden on the heart, which can lead to heart problems
- Short-term exposure to PM pollution can increase the daily risk of mortality by 3% per 10 micrograms per cubic meter of air (ug/m3) of PM 10.
- Exposure to PM pollution can increase the risk of cardiopulmonary and lung cancer.
- Long-term exposure to PM pollution can decrease the life expectancy of people living in polluted cities, relative to those living in cleaner cities.

Ozone, another harmful air pollutant from power plant emissions, has serious and well documented adverse health effects, including:

- Causes damage to the human respiratory system & reduces the lung's ability to inhale and exhale, even in healthy people with no pre-existing respiratory conditions.
- Can inflame and damage lung cells, triggering acute asthma and causing an increase in the development of asthma in children.
- When ozone levels are greater than 60 parts per billion (ppb), studies have found an increase in daily hospital admissions, including a 28% increase in emergency room visits.
- Permanent lung damage from chronic lung diseases and the reduction of the immune system's ability to fight off bacterial infections in the respiratory system can result from exposure to ozone.
- Exposure to ozone increases the daily risk of mortality by 5% per 10 ppb increase of ozone pollution.

In addition to forming PM and Ozone pollution, research studies have found a relationship between short-term, daily exposure to nitrogen oxide and adverse effects on the respiratory systems, including:

- Increased emergency room visits and hospitalization, and airway inflammation and hyper-responsiveness.
- Decrease respiratory system and lung function.

Studies have found that reducing any amount of pollutant exposure from power plants, even in places where background air is relatively clean, can result in population health benefits.

- In case studies where PM pollution has dropped, hospital admissions and mortality rates from cardiovascular disease, respiratory illness and lung cancer also decreased, even at low levels of PM.
- Decreases in ozone levels correlated with decreases in the rate of children's hospital admissions.

In addition, coal fired power plants emit Mercury, non-mercury metallic toxics, acid gases and organic air toxics such as dioxin. Coal fired power plants are the largest unregulated source of mercury emissions. Mercury released by burning coal converts to a more toxic form when it enters the food chain (methylmercury). Mercury when released into the air from coal fired power plant fall to the ground with snow and rain and then it drains into watershed, rivers and lakes and settles into sediment. Mercury bioaccumulates in fish (highly toxic compound methylmercury) and are passed on to human when eaten. Mercury have been found in fish at Wheatfield Lake (Tsaile, AZ) and Lake Powell (Page, AZ).

Mercury is a neurotoxin. We need to ask ourselves how many children in the surrounding communities of Page, Inscription House, Kaibeto, Shonto, Navajo Mountain have neurological issues. How many of our Navajo students are in Special Education in these communities due to neurological problems? We should be asking the Federal Government to assist us with health studies in these areas instead of asking them to assist us in reviving what is actually causing the health disparities, emissions from NGS.



With all this information, we need to move forward with transition to renewable energy, as if we continue with coal production and use, we are essentially creating our own health disparities. Let this council be the one to take the step in reducing health disparities from coal fired power plant emission and coal mining. We need to spare our families. Please vote NO on Legislation 0093-19 and press forward with Legislation 0073-19.

Thank you – Ahe' hee'

Respectfully,

A handwritten signature in black ink, appearing to read 'SP' followed by a stylized surname, written over a horizontal line.

Shirley Peaches, MPH, RS, CHSP  
Navajo Mountain Chapter  
Resident of Paiute Mesa/Tall Mountain area

*Source: Dr. George D. Thurston, NYU  
William Malm, Research Scientist, Colorado State University*

## My COMMENTS on Legislation 0093-19 submitted by Ed Becenti...04/23/19

Ed Becenti <rezztone@yahoo.com>

Tue 4/23/2019 7:43 PM

To comments <comments@navajo-nsn.gov>;

Cc:Tom Platero <tomplatero@navajo-nsn.gov>;

**Legislation 0093-19:** An Action Relating To The Resources And Development Committee And The NAABIK'IYATI' Committee; Supporting The Navajo Nation's Request To Call Upon The United States Federal Government To Facilitate The Further Development Of The Economic Sovereignty Of The Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People

1) **We are not aware** where the NAVAJO NATION has submitted a request to call upon the U.S. Govt. to facilitate the further development of the economic sovereignty of the Navajo Nation including the maximization of the autonomy of its energy resources for the benefit of the Navajo Nation and its People

2) If approved, this basically is telling the whole world that the **Navajo Nation does not have a Nation-to-Nation sovereign relationship with the U.S. Government, but a relationship that makes the Navajo Nation submissive to the U.S. Govt. in all matters from here forward.** We will have waived 100% of our sovereignty---all for 800 jobs and some chump change in revenue! This opens the door for Donald Trump and his Republicans to basically take control of our people's future.

**This is very dangerous!!!!**

3) Why is our Navajo Nation Council ONLY concerned with JOBS for a dismal FEW Chapter members while we have over **110 Navajo Chapter communities** who have been waiting for JOBS/EMPLOYMENT/INCOME beyond 40+ years basically to provide for their families, relations, education, livestock, farming...etc..??

4) We hear **Delegates Nathaniel Brown and Paul Begay** traveled to Washington D.C. recently...we want to know who they met with...what was discussed...and if there were any deals or agreements made on behalf of NTEC pursuing NGS and PEABODY Kayenta Coal Mine..??

5) If our **OPVP** are also involved in this certain 'fast-track' legislation we also want to know ASAP..!! Remember your OATH of OFFICE taken under **TRANSPARENCY and ACCOUNTABILITY.**

6) Since RDC members and a few other Delegates were stunned by the **FAILURE of Legislation 0044-19** they immediately requested NAABI Committee to **TABLE Legislation 0073-19** (Sponsor Elmer Begay) for a 'work session'...so now we the



**DINE'/NAVAJO GRASSROOTS** will be asking for the same on Legislation 0093-19 to find out the TRUE details and intent...etc.

Ahe'hee...!!

Ed Becenti  
Dine'/Navajo Grassroots Liaison  
P.O. Box 121  
St. Michaels, AZ 86511  
480-313-8070

## Comment on Legislation 0093-19

Wahleah Johns <wahleah@gmail.com>

Tue 4/23/2019 8:11 PM

To: comments <comments@navajo-nsn.gov>;

2 attachments

Coal Financial Trends\_20150504 (1).pptx; WJ Public Comment.docx;

April 23, 2019

Re: Comments to LEGISLATION NO: 0093-19

Dear 24th Navajo Nation Council Delegates,

My name is Wahleah Johns and I'm from Tonizhoni, I live approximately 1-2 miles from Peabody Coal Kayenta mine operations. I urge you to please vote NO on Legislation 0093-19.

Not ALL the facts and information have been provided that shows the current U.S. coal market is in significant decline for the past 5 years. The coal market decline poses a financial risk for the Navajo Nation economy and Dine people. "Economic Development" is based on the market system and if the coal market is showing signs of depression and divestment we need to carefully re-consider any new and current investment in coal and the long-term impacts on the Navajo Nation economy and our homelands. Please consider having equal representation and information regarding the risks of coal and as proof of this decline leading coal industries are filing for bankruptcy, see attached powerpoint.

<http://www.bloomberg.com/news/articles/2015-07-13/the-latest-sign-that-coal-is-getting-killed>

<http://www.wsj.com/articles/alpha-natural-resources-to-look-for-in-2015-1438557901>

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Ahe'hee,

Wahleah Johns

Forest Lake/ Tonizhoni

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Wahleah Johns



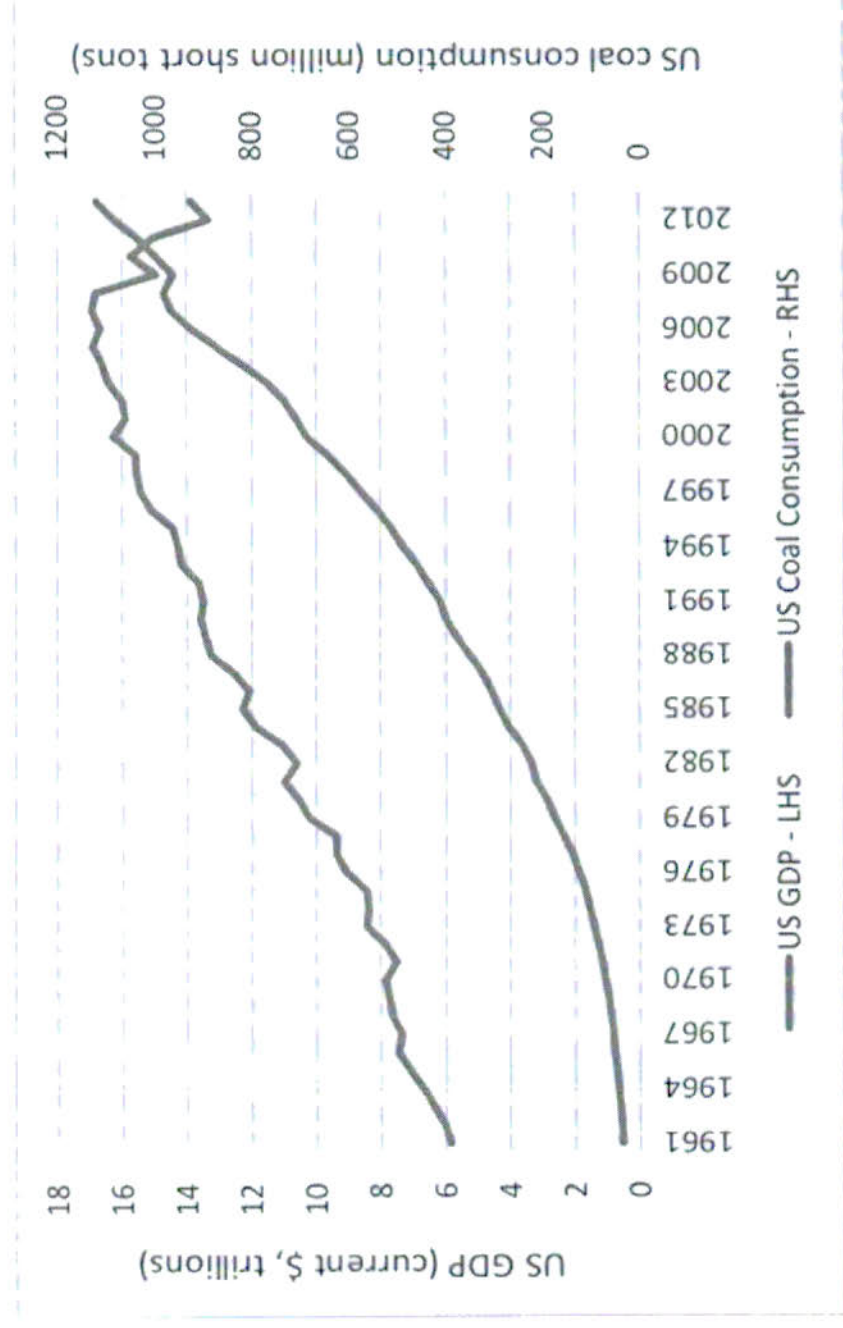
# U.S. Coal Market in Structural Decline

- In the past 5 years, the U.S. Coal Industry lost 76% of its value and over 200 mines were closed.<sup>1</sup> U.S. coal consumption decreased 17.6% from 2008-2014.<sup>2</sup>
- Coal decline appears to be structural, not cyclical, due to cleaner and cheaper energy sources (natural gas & renewables) and increasing environmental regulations.<sup>3</sup>
- From 2010 to 2012, 14GW of U.S. Coal became stranded assets, and 60GW of closures is estimated for 2020 and 92GW for 2030; approximately  $\frac{1}{3}$  of the 2012 U.S. coal fleet<sup>3</sup>

1. The Guardian. *US coal sector in 'structural decline', financial analysts say*. (March, 2015). <http://www.theguardian.com/environment/2015/mar/24/us-coal-sector-in-terminal-decline-financial-analysts-say>
2. Energy Information Agency. *Net Generation by Energy Source: Total (All Sectors), 2002 – 2013*. [http://www.eia.gov/electricity/annual/html/epa\\_03\\_01\\_a.html](http://www.eia.gov/electricity/annual/html/epa_03_01_a.html)
3. Carbon Tracker Institute. *The US Coal Crash – Evidence for Structural Change*. (January, 2015). <http://www.carbontracker.org/report/the-us-coal-crash/>

# Economy Grows While Coal Declines

- Increased economic activity is often correlated to increased energy consumption, but U.S. coal power has “decoupled” from this trend.



Source: World Bank, EIA

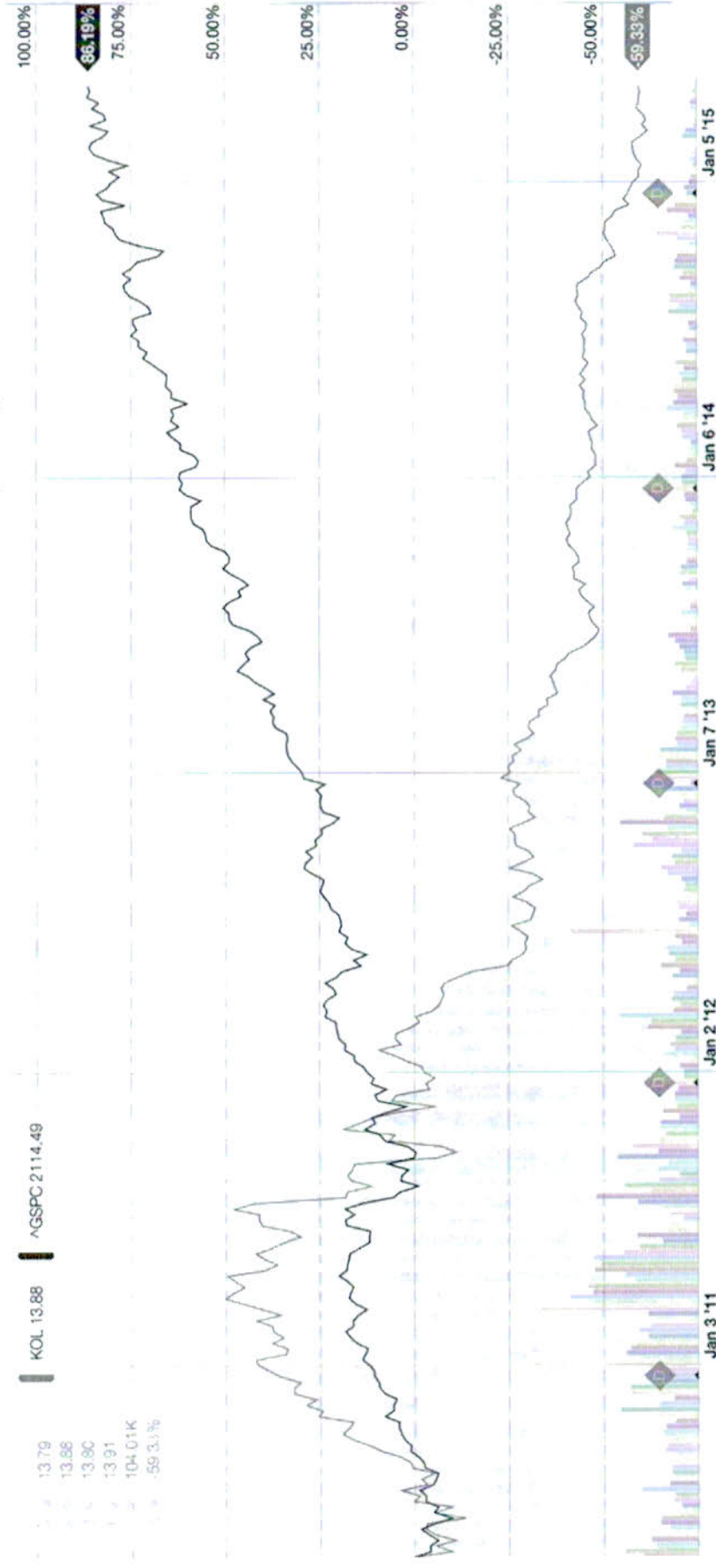


# Coal Index vs. Market

Performance over past 5 years  
[ 5/4/10 - 5/4/15 ]

S&P 500 (GSPC) returns = 86.19%

Market Vectors Coal ETF (KOL) returns = -59.33%



**\$1000** invested in the S&P 500 five years ago would now be **\$1862**

**\$1000** invested in KOL five years ago would now be **\$408**

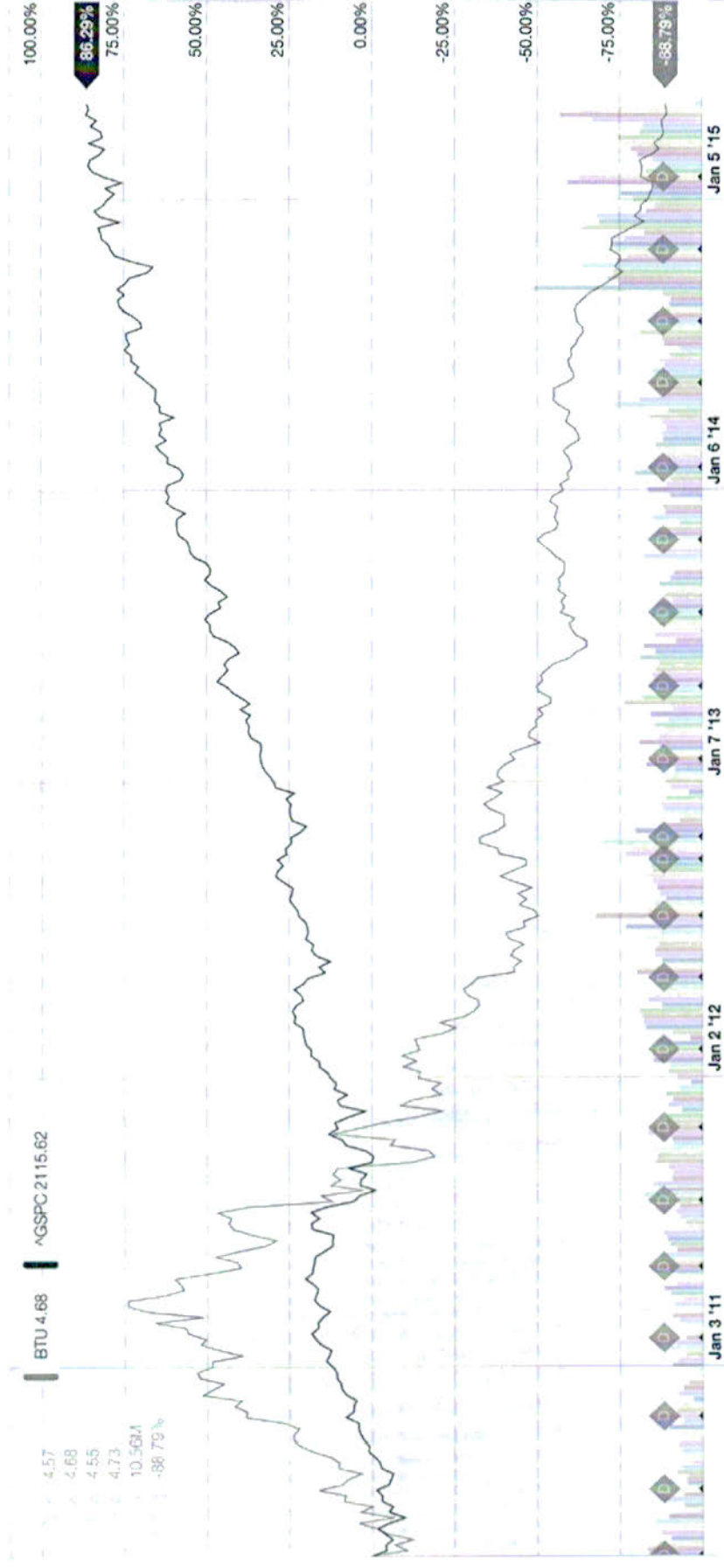
# Peabody Stock vs. Market

Performance over past 5 years

[ 5/4/10 - 5/4/15 ]

S&P 500 (GSPC) returns = 86.29%

Peabody (BTU) returns = -88.79%



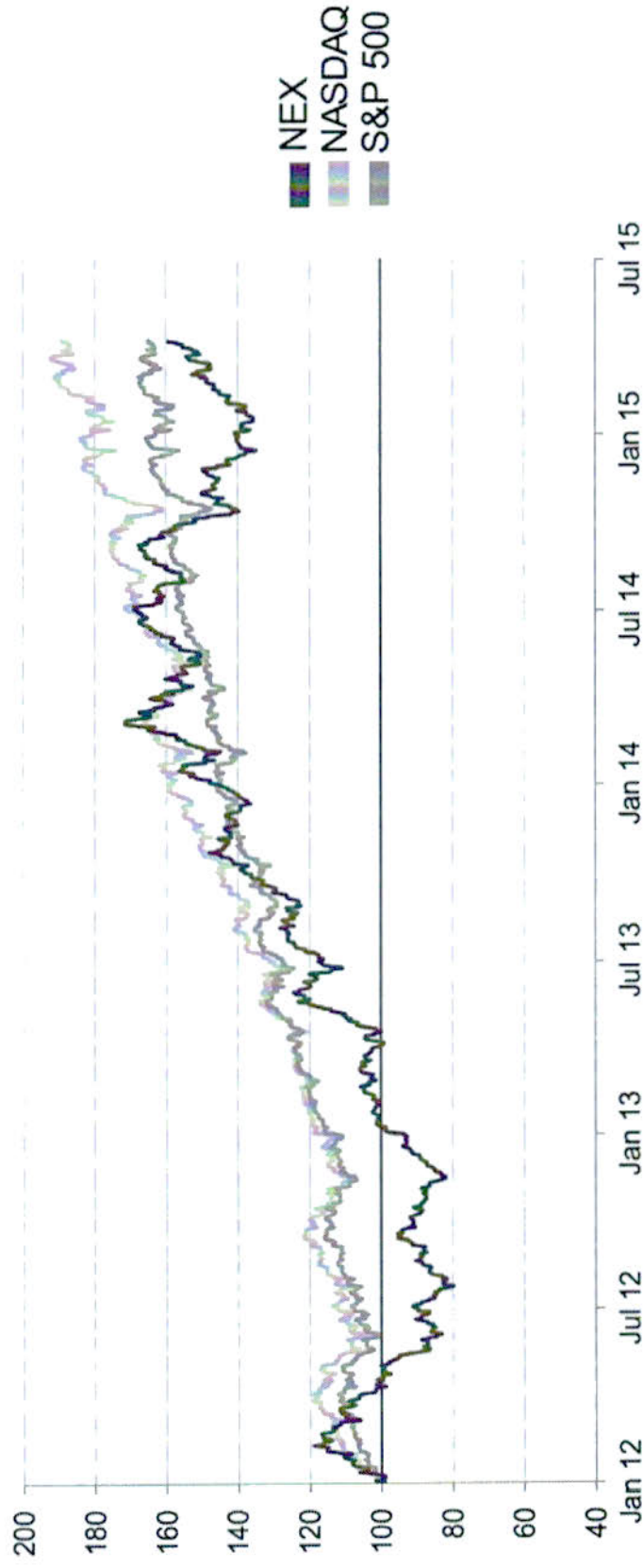
**\$1000** invested in the S&P 500 five years ago would now be **\$1863**

**\$1000** invested in Peabody five years ago would now be **\$112**



# Clean Energy Index vs. Market

Last 3 Years: *Slightly lower performance than market*



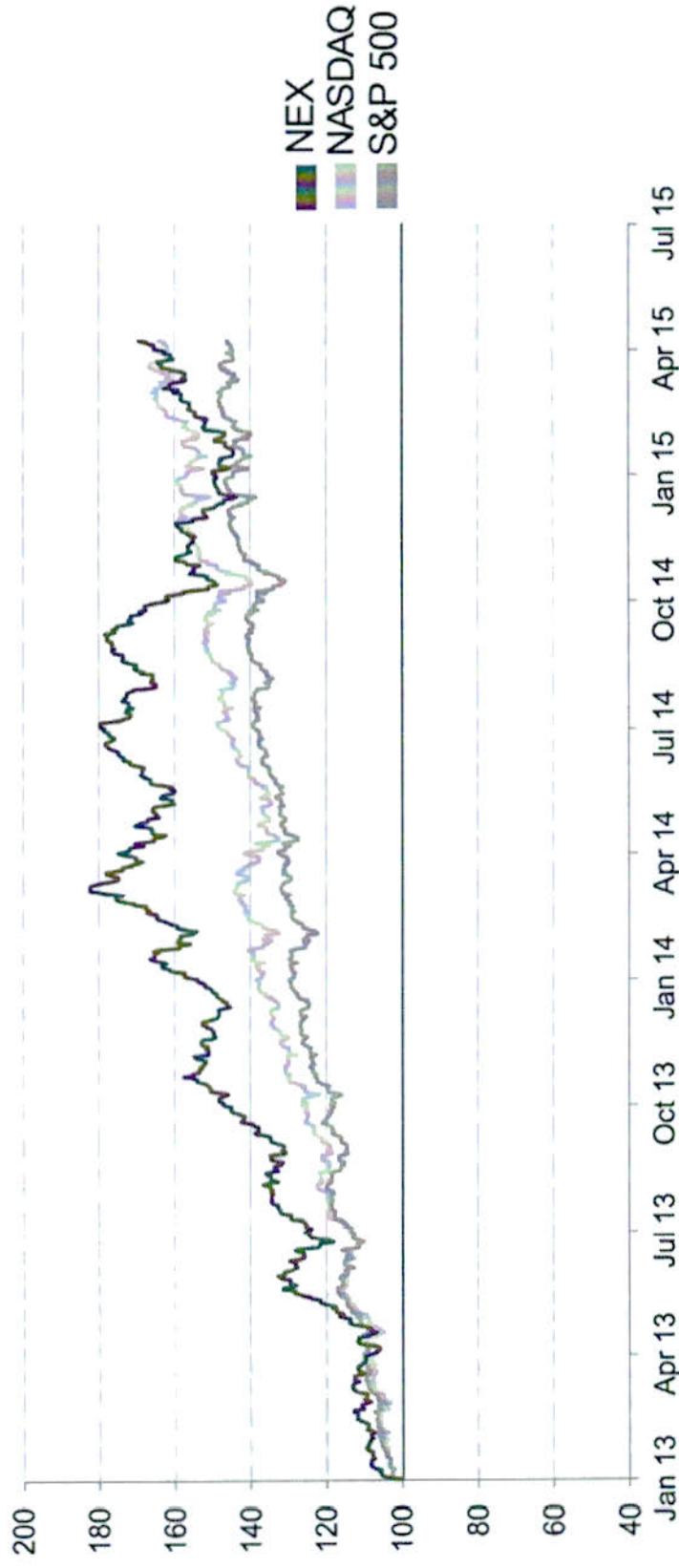
Source: Bloomberg New Energy Finance. *Global Trends In Clean Energy Investment*. (April, 2015).  
[http://about.bnef.com/content/uploads/sites/4/2015/04/BNEF\\_clean\\_energy\\_factpack\\_q1\\_2015.pdf](http://about.bnef.com/content/uploads/sites/4/2015/04/BNEF_clean_energy_factpack_q1_2015.pdf)

# Clean Energy Index vs. Market

*Last 2 Years: Slightly higher performance than market*

**NEX CLEAN ENERGY INDEX**  
2013–15 YTD

**Bloomberg**  
NEW ENERGY FINANCE

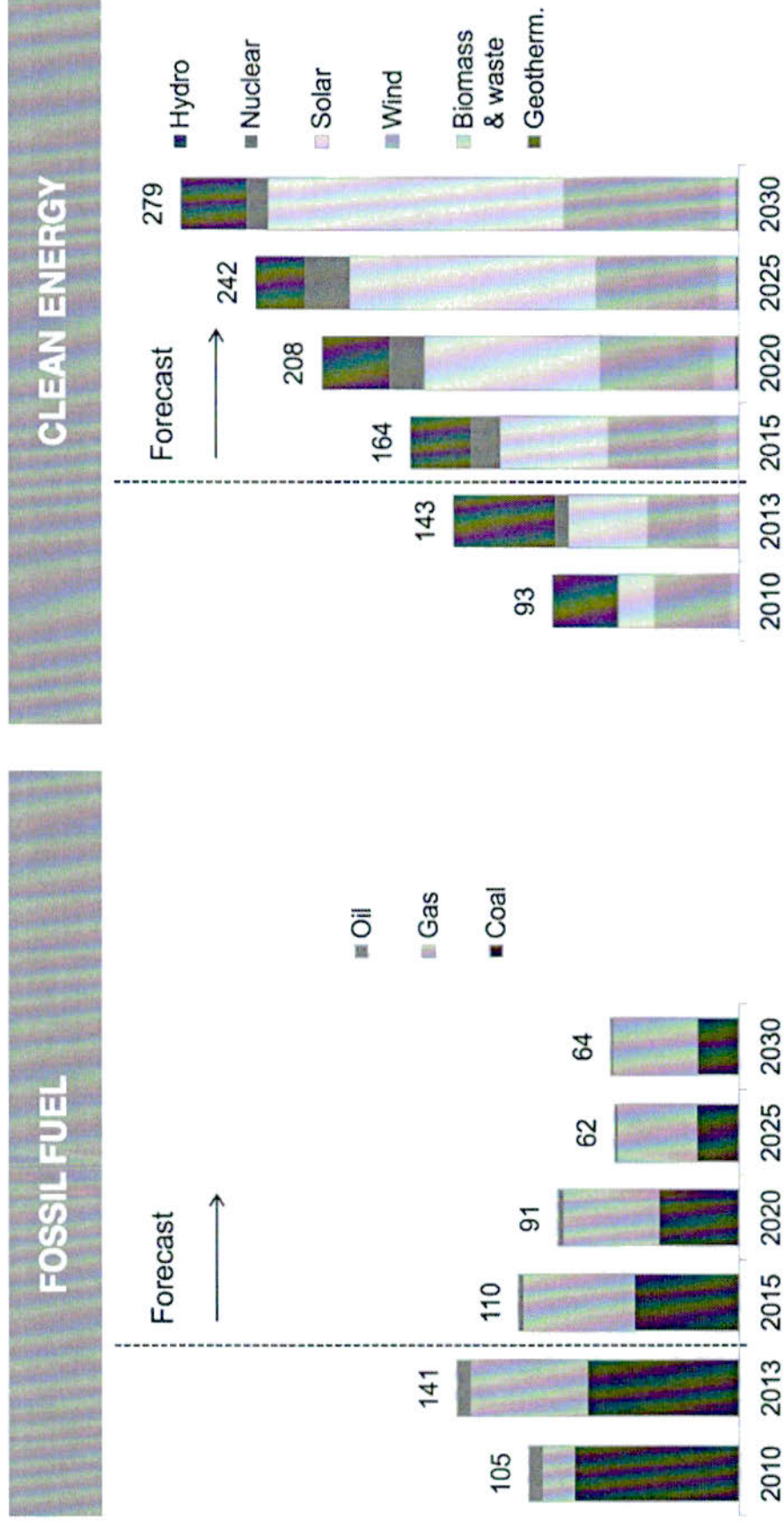


Source: Bloomberg New Energy Finance. *Global Trends In Clean Energy Investment*. (April, 2015).  
[http://about.bnef.com/content/uploads/sites/4/2015/04/BNEF\\_clean\\_energy\\_factpack\\_q1\\_2015.pdf](http://about.bnef.com/content/uploads/sites/4/2015/04/BNEF_clean_energy_factpack_q1_2015.pdf)



# Global Power Capacity Additions

More clean energy power plants were established than fossil fuel power plants in 2013 and this trend is expected to drastically increase



Source: BloombergBusiness. *Fossil Fuels Just Lost the Race Against Renewables*. (April, 2015).  
<http://www.bloomberg.com/news/articles/2015-04-14/fossil-fuels-just-lost-the-race-against-renewables>



# International Demand Is Exposed to Large Declines

## *Poses Risks for Exporters and Coal Price Fluctuations*

- E.U. coal consumption decreased 17.8% from 1995-2013.<sup>1</sup>
- China has made a commitment to cap coal consumption by 2020, representing peak coal for this key country in the global market.<sup>2</sup>
- India has quadrupled its tax on coal to finance clean environmental initiatives.<sup>4</sup>
- Global coal capacity additions are forecasted to decrease nearly 70% by 2025.<sup>5</sup>
- In the 2-degree scenario, global coal demand will decrease 34% by 2035.<sup>6</sup>

1. Economist: Intelligence Unit. *Energy: Coal's last gasp in Europe*. (July, 2014). <http://www.eiu.com/industry/article/741997658/coal-s-last-gasp-in-europe/2014-07-09>
2. New York Times. *In Step to Lower Carbon Emissions, China Will Place a Limit on Coal Use in 2020*. (Nov, 2014). [http://www.nytimes.com/2014/11/21/business/energy-environment/china-to-place-limit-on-coal-use-in-2020.html?\\_r=2](http://www.nytimes.com/2014/11/21/business/energy-environment/china-to-place-limit-on-coal-use-in-2020.html?_r=2)
3. Clean Technica. *India Doubles Coal Tax, Yet Again*. (March, 2014). <http://cleantechnica.com/2015/03/03/india-doubles-coal-tax-yet/>
4. Bloomberg. *Fossil Fuels Just Lost the Race Against Renewables*. (April, 2015). <http://www.bloomberg.com/news/articles/2015-04-14/fossil-fuels-just-lost-the-race-against-renewables>
5. International Energy Administration. *World Energy Outlook Executive Summary*. (2012). (p 157) <http://www.polsci.chula.ac.th/pitch/ep13/weo12.pdf>



April 23, 2019

Re: Comments to LEGISLATION NO: 0093-19

Dear 24th Navajo Nation Council Delegates,

My name is Wahleah Johns and I'm from Tonizhoni, I live approximately 1-2 miles from Peabody Coal Kayenta mine operations. I urge you to please vote NO on Legislation 0093-19.

Not ALL the facts and information have been provided that shows the current U.S. coal market is in significant decline for the past 5 years. The coal market decline poses a financial risk for the Navajo Nation economy and Dine people. "Economic Development" is based on the market system and if the coal market is showing signs of depression and divestment we need to carefully re-consider any new and current investment in coal and the long-term impacts on the Navajo Nation economy and our homelands.

Please consider having equal representation and information regarding the risks of coal. And as proof of this decline, the leading coal industries have filed for bankruptcy, see attached powerpoint.

<http://www.bloomberg.com/news/articles/2015-07-13/the-latest-sign-that-coal-is-getting-killed>

<http://www.wsj.com/articles/alpha-natural-resources-to-look-for-in-2015-1438557901>

Ahe'hee,

Wahleah Johns

Forest Lake/ Tonizhoni

0093-19

Duane Chili Yazzie <chili\_yazzie@hotmail.com>

Tue 4/23/2019 8:34 PM

To: comments <comments@navajo-nsn.gov>;

this proposed legislation is dangerous with far reaching implications that can do grave damage to the Navajo Nation, our people and our land. I am greatly disappointed the NNC is leaving the people behind. a move as major as this is should be discussed by the people at large. I am in firm opposition to 0093-219. chili Yazzie, shiprock



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0093-19

SPONSOR: Honorable Nathaniel Brown

TITLE: An Action Relating to The Resources And Development Committee And The Naabik'iváti' Committee; Supporting The Navajo Nation's Request To Call Upon the United States Federal Government To Facilitate The Further Development Of the Economic Sovereignty Of the Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People

Posted: April 18, 2019 at 8:20pm

5 DAY Comment Period Ended: April 23, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Vincent Yazzie, Flagstaff, AZ 2) Carol Davis,
Inconclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Legislative Secretary  
Office of Legislative Services

4-25-19 8:23am  
\_\_\_\_\_  
Date/Time

4/25/2019

No on 0093-19. Indiana watchdog seeks to limit charges for coal... - comments

## No on 0093-19. Indiana watchdog seeks to limit charges for coal gasification plant | Energy News Network

Vincent Yazzie <vinceyazzie@yahoo.com>

Wed 4/24/2019 1:31 PM

To: comments <comments@navajo-nsn.gov>.

April 24, 2019

Vincent Yazzie  
10000 Palomino Road  
Flagstaff, AZ 86004

vinceyazzie@yahoo.com  
(928) 380-3198.

Subject: No on 0093-19. Coal gasification is a failure.

Dear Honorable Delegates,

No on 0093-19. Coal gasification is a failure. Jonathan Nez at Shonto Presidential Forum wants a synplant in Shonto. Where synplant goes a gas combined cycle gas plant. Shonto wins bi

Vincent H Yazzie

Attachment

<https://energynews.us/2018/08/07/midwest/indiana-watchdog-seeks-to-limit-charges-for-coal-gasification-plant/>

[Sent from Yahoo Mail on Android](#)



## 2 Comments regarding Legislation 0093-19

Carol Davis <cjdavis\_2004@hotmail.com>

Wed 4/24/2019 3:17 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Elmer P. Begay <elmerbegay@navajo-nsn.gov>; Kee Allen Begay Jr. <keearallenbegayjr@navajo-nsn.gov>; Paul Begay <paulbegay@navajo-nsn.gov>; Nelson BeGaye <nelsonbegaye@navajo-nsn.gov>; Nathaniel Brown <nbrown@navajo-nsn.gov>; Eugenia Charles-Newton <echarles-newton@navajo-nsn.gov>; Amber K. Crotty <acrotty@navajo-nsn.gov>;

4 attachments

my\_signature.jpg; ATT00001.htm; 0093-19 PNezzie\_FINAL.pdf; ATT00002.htm;

**I am resending this email since it appears my comment, and the attached comment from a Dilkon community member, was not included in the packet provided to the RSC committee. I sent the original at 2:31 pm on 4/23/19.**

April 23, 2019

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

**RE: Comment regarding Legislation 0093-19; Title: An Action Relating To The Resources And Development Committee And The NAABIK'IIYATI' Committee; Supporting The Navajo Nation's Request To Call Upon The United States Federal Government To Facilitate The Further Development Of The Economic Sovereignty Of The Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People**

Dear 24<sup>th</sup> Navajo Nation Council:

I submit this letter to express my **vehement opposition** to **Legislation 0093-19**.

First and foremost, where is the "sovereignty" in asking the federal government to "facilitate" our economic sovereignty? We, the People, expect our Diné Nation to exert our independence and power/authority in its government operations; we do not want our leaders to look to a 'foreign' government to make plans, recommendations or facilitate our energy or economic future. Sovereignty is about harnessing the expertise of our own people, and dismantling the historic dependence on the federal government.

Are we so colonized that we would willingly concede to non-Diné (outsiders) to facilitate our economic future? Does the Navajo Nation Council not have faith in the expertise of its own people? We have our own Diné experts who hold legitimate graduate degrees in all areas of Energy, Climate Sciences, Geology, Hydrology, Sustainability & Renewable Energy, and everything else in between that could help transition our Nation to a sustainable economic future led by renewable energy development. For example, our own Diné drafted the [2017 Navajo](#)

Nation Economic Roadmap: A framework for creating economic sovereignty and sustainability, and more recently we have the 2018 Navajo Nation Energy and Natural Resource Economic Roadmap, both of which serve as basic tools to guide our energy and economic future.

It is a dangerous political move to ask the federal government to step in and strong-arm utility owners so we could forcibly secure an acquisition of a dilapidating and aging power plant and coal mine. The legislation enables an ill-advised purchase that will only jeopardize our Nation's economic future; such an acquisition will likely pawn the financial stability of future generations who will assume the financial responsibilities associated to unknown liabilities.

We do nothing more than diminish the little sovereignty we currently exercise, by inviting the federal government to "facilitate" the development of our economic sovereignty. Outsiders could never know what is truly in the best interest of the Diné people because their Capitalistic mentality directly conflicts with the ideals ingrained in our traditional lifeways. Only our own people could legitimately develop a viable plan for our Nation that will represent the people's consent.

History has already proven that the federal government only pursues its best interest and not those of indigenous peoples; it was through the means of federal "facilitation" that thousands of our Diné relatives were stripped of their land, livestock, livelihood--in many cases their lives--to fast-track energy development in the Black Mesa/Big Mountain region. The current federal political landscape is not conducive with the inherent rights and needs of indigenous peoples; on a daily basis, we witness attempts at federal rollbacks on treaties/laws that were originally intended to protect and/or empower tribal nations.

As you consider Legislation 0093-19, please be informed that the Navajo Nation DOES NOT fully support "further discussion with the United States Government" to develop plans for us. The majority of the people do not want federal hands in our business. You are NOT representing the people's consent through this legislation, because many of us understand that current economic indicators show that an NGS or Kayenta Mine purchase will only hurt the Diné Nation.

Sincerely,



Carol Davis

April 23, 2019

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

RE: Comment regarding Legislation 0093-19; Title: An Action Relating To The Resources And Development Committee And The NAABIK'IYATI' Committee; Supporting The Navajo Nation's Request To Call Upon The United States Federal Government To Facilitate The Further Development Of The Economic Sovereignty Of The Navajo Nation Including The Maximization Of The Autonomy Of Its Energy Resources For The Benefit Of The Navajo Nation And Its People

24<sup>th</sup> Navajo Nation Council:

I write to express my deepest opposition to Legislation 0093-19 for several reasons:

- I am Dine' and you don't represent me.
- By asking the federal government to discharge their federal obligations owed to us, we are relinquishing our power and authority to them.
- We have enough Navajo experts to provide options to enhance the economic sovereignty of the Navajo Nation, we don't need non-Navajos to tell us what to do, how to live, how to be, how to survive.
- Our own people have developed an Economic Roadmap and an Energy Plan, we don't need the Great White Father to impose their White views on our future.
- We don't want an acquisition of Navajo Generating Station or Kayenta Mine, because many of us understand that it is an economic hazard, and we pay attention to the energy market to know COAL IS DEAD!!

While you consider Legislation 0093-19, know that the majority of the Navajo Nation DOES NOT support further discussion with the United States Government to develop plans for us, nor do we want to assume the financial obligations associated to a plant and mine acquisition. I have an obligation to protect the economic future of my current grandchildren and great-grandchildren to be who have a right to live upon this land in good health and free of financial debt that would be caused by poor government leadership and poor decisions.

Please consider my thoughts and words,



Patricia Nezzie (Navajo Nation) community resident  
HCR 63 Box 387  
Dilkon, AZ 86047  
(928) 613-7900



**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FIRST YEAR 2019**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0093-19:** An Action Relating to Resources and Development Committee and the Naabik'Iyati Committee; Supporting the Navajo Nation's Request to Call Upon the United States Federal Government to Facilitate the Further Development of the Economic Sovereignty of the Navajo Nation Including the Maximization of the Autonomy of Its Energy Resources for the Benefit of the Navajo Nation and its People. *Sponsor: Honorable Nathaniel Brown; Co-Sponsor: Herman M. Daniels*

Has had it under consideration and reports the matter was DO PASS with no amendment and thereafter the legislation was referred to Naabik'Iyati Committee.

Respectfully submitted,



Rickie Nez, Presiding Chairperson  
Resource and Development Committee of  
the 24th Navajo Nation Council

Date: April 24, 2019 - Regular Meeting  
Meeting Location: TANCR, Twin Arrows, Arizona

**MAIN MOTION:**

M: Thomas Walker, Jr.      S: Herman M. Daniels      Vote: 3-2-0 (**Presiding Chairperson voted to break tie.**)

Yeas: Thomas Walker, Jr., Herman M. Daniels and Rickie Nez

Nays: Mark Freeland, Wilson Stewart, Jr.

Excused: Kee Allen Begay, Jr.

**RESOURCES AND DEVELOPMENT COMMITTEE**  
**24<sup>th</sup> Navajo Nation Council**  
**Regular Meeting**  
**April 24, 2019**

**ROLL CALL**  
**VOTE TALLY SHEET:**

**Legislation # 0093-19:** An Action Relating to Resources and Development Committee and the Naabik'Iyati Committee; Supporting the Navajo Nation's Request to Call Upon the United States Federal Government to Facilitate the Further Development of the Economic Sovereignty of the Navajo Nation Including the Maximization of the Autonomy of Its Energy Resources for the Benefit of the Navajo Nation and its People. *Sponsor: Honorable Nathaniel Brown; Co-Sponsor: Herman M. Daniels*

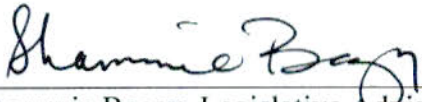
Date: April 24, 2019  
Meeting Location: TANCR, Twin Arrows, Arizona

**MAIN MOTION:**

M: Thomas Walker, Jr.                      S: Herman M. Daniels                      Vote: 3-2-0 (**Presiding  
Chairperson voted to break tie.**)  
Yeas: Thomas Walker, Jr., Herman M. Daniels and Rickie Nez  
Nays: Mark Freeland, Wilson Stewart, Jr.  
Excused: Kee Allen Begay, Jr.



Honorable Rickie Nez, Presiding Chairman  
Resources and Development Committee



Shammie Begay, Legislative Advisor  
Office of Legislative Services



# **24<sup>th</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT First Year 2019**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

## **NAVAJO LEGISLATIVE BILL #0093-19**

An Action Relating to the Resources and Development Committee and the Naabik'iyáti' Committee; Supporting the Navajo Nation's Request to Call Upon the United States Federal Government to Facilitate the Further Development of the Economic Sovereignty of the Navajo Nation including the Maximization of the Autonomy of its Energy Resources for the Benefit of the Navajo Nation and its People

*Sponsored by: Honorable Nathaniel Brown*

*Co-Sponsored by: Honorable Herman M. Daniels*

Has had it under consideration and reports the same that the legislation **FAILED**.

Respectfully Submitted,



*Honorable Seth Damon, Chairman*  
**NAABIK'ÍYÁTI' COMMITTEE**

**09 MAY 2019**

### **MAIN MOTION**

*Motioned by: Honorable Herman M. Daniels*

*Seconded by: Honorable Otto Tso*

*Vote: 05 in Favor, 12 Opposed (Chairman Damon Not Voting)*

## NAVAJO NATION

NNC 2019 Session

5/9/2019

08:32:21 PM

Amd# to Amd#	Legislation 0093-19:	FAILED
MOT Daniels	Supporting the NN's Request to	
SEC Tso	Call Upon the United States	
	Federal Government to Facilitate	

Yea : 5

Nay : 12

Excused : 2

Not Voting : 4

## Yea : 5

Begay, P  
Brown

Daniels

Nez, R

Tso

## Nay : 12

Begay, E  
Begay, K  
BeGaye, NCharles-Newton  
Crotty  
Freeland, MHalona, P  
James, V  
Stewart, WTso, C  
Tso, D  
Yellowhair

## Excused : 2

Smith

Henio, J

## Not Voting : 4

Tso, E

Walker, T

Wauneka, E

Yazzie

Presiding Speaker: Damon