

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 9, 2021

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJN-37-21, *An Action Relating to an Emergency for the Navajo Nation; Recognizing and Supporting the June 23, 2021 State of Emergency Declaration by the Navajo Nation Commission on Emergency Management; Requesting the States of Arizona, New Mexico, and Utah to Deploy the National Guard to Assist the Navajo Nation with Water Delivery Services to Mitigate the Current Severe Drought*

Dear Speaker Damon,

The extreme drought conditions of the Navajo Nation continue to persist and worsen creating the need for an immediate response to assist Navajo communities with water for people, livestock, and agriculture. The health of Navajo citizens, especially during the ongoing COVID-19 pandemic, is dependent on water; the livelihood of Navajo ranchers and farmers is in jeopardy due to the depletion of water sources.

Compared to one year ago, the drought has drastically intensified across the Navajo Nation with no signs of relief in the near future. The weather pattern predicted through late fall calls for above-average temperatures and below-average precipitation. These dry conditions contribute to the possibility of catastrophic wildfires that threaten people and their homes, livestock and wildlife.

I want to thank the Navajo Commission on Emergency Management for taking swift action in re-affirming the 2018 Drought Declaration and extending the Declaration. The recognition of the Drought State of Emergency by the Navajo Nation Council and their request to the States of Arizona, New Mexico and Utah to deploy the National Guard to assist Navajo residents with water delivery is well taken and commended.

We sign CJN-37-21 into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; RECOGNIZING AND SUPPORTING THE JUNE 23, 2021 STATE OF EMERGENCY DECLARATION BY THE NAVAJO NATION COMMISSION ON EMERGENCY MANAGEMENT; REQUESTING THE STATES OF ARIZONA, NEW MEXICO, AND UTAH TO DEPLOY THE NATIONAL GUARD TO ASSIST THE NAVAJO NATION WITH WATER DELIVERY SERVICES TO MITIGATE THE CURRENT SEVERE DROUGHT

WHEREAS:

- A. Pursuant to 2 N.N.C. § 164(A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
- B. The Navajo Nation is facing an emergency with drought and there is an immediate need for help with water in the communities across the Navajo Nation. In some remote areas of the Navajo Nation, entire domestic water systems are down completely. The members of the Navajo Nation, particularly the elderly, are in dire need of help with water. This constitutes an emergency.
- C. The U.S. Drought Monitor ("USDM") map is produced by a partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the U.S. Department of Agriculture, and the National Oceanic and Atmospheric Administration. The USDM map can be found at <https://droughtmonitor.unl.edu>.
- D. The USDM map monitors drought conditions across the United States using a five-category system, from "Abnormally Dry" (D0) conditions to "Exceptional Drought" (D4) situations. Currently, the Navajo Nation is in the "Exceptional Drought" Category D4 that includes the following impacts:
 - 1. Federal lands begin to close for fire precautions; burn bans increase;
 - 2. No surface water is left for agriculture, farmers use private wells; and,

3. Lakes, ponds, rivers, and streams are dry.

Under Category D3, livestock do not have adequate water and ranching operations are affected. The Nation has surpassed category D3.

- E. On June 25, 2021, the Navajo Nation Commission on Emergency Management, in concurrence with the President and Vice-President of the Navajo Nation, reaffirmed the Drought Declaration State of Emergency on the Navajo Nation that was issued in 2018. At that time, according to the USDM map, the Navajo Nation was in Category D3. Alarming, the USDM map now indicates the Navajo Nation to be in Category D4.
- F. On Friday, June 25, 2021, President Nez and Vice President Lizer were joined by 24th Navajo Nation Council Speaker Seth Damon and Navajo Nation Chief Justice JoAnn B. Jayne for a virtual opening ceremony and proclamation signing ceremony for the "Navajo Nation Days of Prayer." The declaration offers prayers for rain/moisture for our people, livestock, agriculture, for the current drought experienced by the Navajo Nation, and the healing of Navajo communities as we recover from the COVID-19 pandemic.
- G. The current exceptional drought conditions have created significant shortages of water and range feed for livestock, as well as a lack of water for agricultural uses. The exceptional drought has also caused a severe shortage of water for all communities across the Navajo Nation.
- H. New Mexico has experienced an extended drought since January 2018. As a result, on December 9, 2020, the Governor of New Mexico issued "Executive Order 2020-084 - Drought Declaration." The Governor's Order allows proper state agencies to take actions to mitigate the drought in New Mexico. Furthermore, on June 14, 2021, the Governor declared a drought and severe fire conditions throughout the State of New Mexico. See Executive Order 2021-028.
- I. Also as a result of the widespread drought, on May 13, 2021 the Governor of Utah, issued a new Executive Order declaring a State of Emergency across the state due to continued serious drought conditions in Utah. The order allows the Emergency Operations Plan and the State Drought Response Plan which were activated on March 17, 2021.
- J. On June 8, 2021 the Arizona Governor's Drought Inter-Agency Coordinating Group recommended that the state's previous

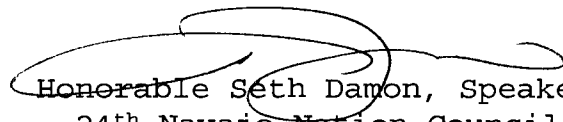
Drought Emergency Declaration (PCA 99006) and Drought Declaration for the State of Arizona (Executive Order 2007-10) remain in place.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Nation recognizes and supports the June 25, 2021 State of Emergency Declaration by the Navajo Nation Commission on Emergency Management. The Navajo Nation also commends the three state governors on their formal reaffirmations of their states of emergency declarations.
2. The Navajo Nation requests that the governors of Arizona, New Mexico, and Utah immediately deploy the National Guard to assist residents of the Navajo Nation suffering the consequences of the severe drought, particularly with urgently needed water delivery services for residents and livestock.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 21 in Favor, and 00 Opposed, on this 25th day of June 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council


June 30, 2021
DATE

Motion: Honorable Pernell Halona
Second: Honorable Edison J. Wauneka

Speaker Seth Damon not voting

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 9th day of July, 2021.


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION

814

Navajo Nation Council Special Session

6/25/2021
10:48:42 PM

Amd# to Amd#	Legislation 0102-21: Requesting	PASSED
MOT Halona, P	the Governors of the States of	
SEC Wauneka, E	Arizona, New Mexico and Utah to	
	Declare States of Emergency....	

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

Begay, E	Freeland, M	Slater, C	Tso, D
Begay, K	Halona, P	Smith	Tso, E
Begay, P	Henio, J	Stewart, W	Walker, T
Brown	James, V	Tso	Wauneka, E
Charles-Newton	Nez, R	Tso, C	Yazzie
Daniels			

Nay : 0

Excused : 0

Not Voting : 2

Crotty	Yellowhair
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Presiding Speaker: Damon