

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

June 18, 2021

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

RE: CJN-33-21, *An Action Relating to Health, Education and Human Services, Resource and Development, Naabik'iyati' Committees, and the Navajo Nation Council; Approving the Reopening of all Navajo Nation Lakes and Parks, Including the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument, The Navajo Nation Museum, The Navajo Veterans Memorial Park, The Navajo Nation Zoo, and Tséyi' Dine Heritage Area at 100% Notwithstanding Public Health Emergency Order Related to COVID-19; and Approving the Reopening of Navajo Nation-Owned and Maintained Roads Notwithstanding Public Health Emergency Orders Relating to COVID-19 and Resolution No. CMA-16-20*

Dear Speaker Damon,

This resolution brings together two very important issues for Navajo leadership, the health and safety of our Navajo People and the economic welfare of Navajo business owners. For the past 16 months all Navajo People have been battling the deadly coronavirus. Our People have stayed strong with the help of our Navajo health care workers and experts, we cannot let up now. There are new COVID-19 variants spreading around the world so we are not completely free of this virus. We are proud that many Navajos have received the COVID-19 vaccine and we urge more to get vaccinated.

We fully understand the need to accept more visitors and tourists who bolster our economy. We also recognize the impact COVID-19 had on all businesses across the Navajo Nation, including our own Enterprises. A major concern on opening our Nation to visitors and tourists is the lack of health information we can gather from people entering our Nation from all areas of the country and the world. Our Nation is a beautiful place to visit but we cannot stop the coronavirus or its variants at our borders.

Our Navajo Department of Health with the Indian Health Service and Health Organizations worked tirelessly since this pandemic made its way to the Navajo Nation. The Public Health Emergency Orders were fully vetted and issued based on the best health and safety standards to protect every one of us. We must continue to support and abide by the advice from our health experts, they are the front line in our battle against COVID-19.

The Navajo Department of Health continually monitors many health factors in determining the guidance for the Public Health orders. We have a mask mandate in place, we observe social distancing, we keep close to home, and we take every measure to protect our loved ones. Over the

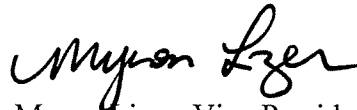
recent months, with the help of many Navajo People, our health situation has improved to allow a gradual re-opening of the Nation. This is the safest method to ensure the protection of our citizens while bringing our lives back to some normalcy.

As our situation improves and more funds are available to help those in need we pledge our support to find solutions to assist the business community. Working with the Navajo Council we could get more relief to businesses that lost revenue due to the pandemic. We will work toward a gradual re-opening of the Nation and urge the Navajo Council to consider a special session for the immediate repeal of resolutions that are no longer effective or that are past due in its application. With the repeal of certain resolutions we will be free to move forward in a gradual re-opening of the Nation while protecting our families and loved ones. We cannot let our guard down now and we must follow the advice of our health experts. We ask the Navajo Council to work with us in making the safest decision for the Nation. At this time we cannot support CJN-33-21.

Sincerely,



Jonathan Nez, President
THE NAVAJO NATION



Myron Lizer, Vice President
THE NAVAJO NATION

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

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING THE REOPENING OF ALL NAVAJO NATION LAKES AND PARKS, INCLUDING THE LAKE POWELL NAVAJO TRIBAL PARK, MONUMENT VALLEY NAVAJO TRIBAL PARK, MONUMENT VALLEY WELCOME CENTER, LITTLE COLORADO RIVER NAVAJO TRIBAL PARK, FOUR CORNERS MONUMENT, THE NAVAJO NATION MUSEUM, THE NAVAJO VETERANS MEMORIAL PARK, THE NAVAJO NATION ZOO, AND TSÉYI' DINÉ HERITAGE AREA AT 100% NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS RELATED TO COVID-19; AND APPROVING THE REOPENING OF NAVAJO NATION-OWNED AND MAINTAINED ROADS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS RELATED TO COVID-19 AND RESOLUTION NO. CMA-16-20

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). The committee provides "legislative oversight on matters involving health," and oversees "Navajo Nation efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation." 2 N.N.C. § 400 (C)(1) and § 400(C)(3). Also, the committee has authority to review and recommend "[r]esolutions relating to ... health, environmental health, ... employment and labor." 2 N.N.C. § 401(B)(6)(a).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A). The committee has oversight authority over matters such as water, land, economic and community development, commerce and trade. See, 2 N.N.C. § 500(C). The committee also has oversight authority over the Division of Natural Resources, Parks and Recreation Department and the Department of Fish and Wildlife. 2 N.N.C. § 501(C)(1). The Resources and Development Committee also has authority over roads and transportation on the Navajo Nation 2 N.N.C. §§ 501 (B)(1), (B)(2)(b).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). The committee, among other responsibilities, has authority over proposed

resolutions requiring "final action by the Navajo Nation Council." 2 N.N.C. § 164(A)(9).

- D. Pursuant to 2 N.N.C. § 102(A), the Navajo Nation Council is the "governing body of the Navajo Nation."

SECTION TWO. FINDINGS

- A. "The Navajo Parks and Recreation Department is responsible for the management and operation of established tribal parks, monuments, recreation areas, the planning and development of visitor services, facilities and accommodations therein, and recommends the establishment of new parks." See RDCJY-031-19, Exhibit 1.
- B. The World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19), a highly contagious and sometimes fatal respiratory virus on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- C. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders to contain the spread of the COVID-19 virus.
- D. Public Health Emergency Order No. 2021-011, attached as **Exhibit A**, at page 1 paragraph III, states that "The Navajo Nation is experiencing a plateau of low cases, with a slowed infection rate and no sustained rebound."
- E. Navajo Nation residents who derive their income from selling their arts and crafts and services at the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument, Tséyi' Diné Heritage Area have felt the adverse economic effects of the closure of these Navajo Nation parks. Given that the "The Navajo Nation is experiencing a plateau of low cases, with a slowed infection rate and no sustained rebound," these vendors should be allowed to resume their livelihood generated from sales at the Navajo parks.

- F. In accordance with recent Public Health Emergency Orders, all businesses will be required to submit a COVID-19 Reopening Plan to the Navajo Nation Division of Economic Development before reopening. Reopening plans can be emailed to: <navajoeconomy@navajo-nsn.gov>.
- G. The Navajo Nation Reopening website <navajoreopening.navajo-nsn.gov> states that such policies and procedures must:
1. Ensure physical distance between personnel, customers, and any member of the public at the place of business is maximized, and that keeping six-feet between persons is possible at all times.
 2. Address requests of personnel who are members of a vulnerable population for special accommodations.
 3. Provide that the entity or organization will carry sufficient and appropriate PPE based on industry best practices.
 4. Provide that the entity or organization will carry sufficient disinfectant products.
 5. Require hygiene practices such as cleaning frequently-touched surfaces and handwashing.
 6. Provide for conducting regular employee COVID-19 screenings, such as temperature checks, checklist or diagnostic testing.
 7. Provide for on-going safety training and education on COVID-19.
 8. Provide standards for how to respond to suspected and confirmed cases of COVID-19 among employees. The policies and procedures shall further provide contact information for the nearest healthcare facility, and such information posted conspicuously at the place of business (e.g., informational poster). The place of business shall contact the healthcare facility immediately in the event of a suspected or confirmed case of COVID-19 to consult about next steps. Places of business shall report suspected or confirmed cases to NHCOC by calling (928) 871-7014.
- H. The Navajo Nation Council recognizes the need to reopen Navajo Nation roads and Navajo Nation maintained roads in order to facilitate business operations and to support the recovery of small businesses and vendors at the Navajo Nation Parks listed herein.

SECTION THREE. APPROVING THE REOPENING OF ALL NAVAJO NATION LAKES AND PARKS, INCLUDING THE LAKE POWELL NAVAJO TRIBAL PARK, MONUMENT VALLEY NAVAJO TRIBAL PARK, MONUMENT VALLEY WELCOME CENTER, LITTLE COLORADO RIVER NAVAJO TRIBAL PARK, FOUR CORNERS MONUMENT, THE NAVAJO NATION MUSEUM, THE NAVAJO VETERANS MEMORIAL PARK, THE NAVAJO NATION ZOO, AND TSÉYI' DINÉ HERITAGE AREA AT 100% NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS RELATED TO COVID-19

The Navajo Nation Council hereby approves the reopening of all Navajo Nation lakes and parks, including the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument, the Navajo Nation Museum, the Navajo Veterans Memorial Park, the Navajo Nation Zoo, and the Tséyi' Diné Heritage Area at the 100% notwithstanding Public Health Emergency Orders related to COVID-19. All Navajo Nation lakes shall be reopened by the Department of Fish and Wildlife as soon as adequate staff and funding become available.

SECTION FOUR. APPROVING THE REOPENING OF NAVAJO NATION-OWNED AND MAINTAINED ROADS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS RELATED TO COVID-19 AND RESOLUTION NO. CMA-16-20.

The Navajo Nation Council hereby approves the reopening of Navajo Nation-owned and maintained roads notwithstanding any Public Health Emergency Orders related to COVID-19 and Resolution No. CMA-16-20. This reopening shall apply to all travelers with the Navajo Nation, residents, tourist and visitors alike. The Navajo Nation Council supports and approves this reopening in order to facilitate business operations and the recovery of small businesses and vendors at the Navajo Nation Parks listed herein.

SECTION FIVE. EFFECTIVE DATE

This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C. § 221(B). Further, the "President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

SECTION SIX. SAVINGS CLAUSE

Should any provision of this action be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo

Nation without appeal to the Navajo Nation Supreme Court, those provisions not determined invalid shall remain the law of the Nation.

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 23 in Favor, and 00 Opposed, on this 3rd day of June 2021.



Hon. Eugenia Charles-Newton, Speaker Pro Tem
24th Navajo Nation Council

6/8/21
DATE

Motion: Honorable Rickie Nez

Second: Honorable Edmund Yazzie

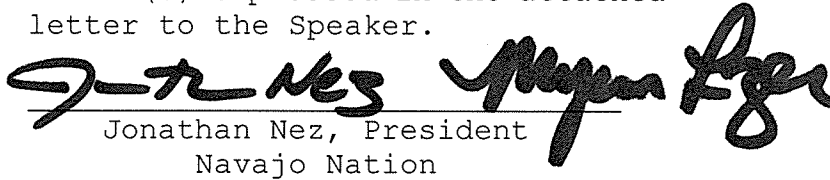
Speaker Pro Tem Eugenia Charles-Newton not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

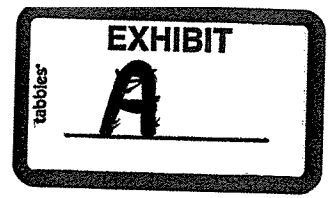
1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2021.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 18 day of June, 2021 for the reason(s) expressed in the attached letter to the Speaker.



Jonathan Nez, President
Navajo Nation



**PUBLIC HEALTH ORDER
NAVAJO DEPARTMENT OF HEALTH
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**

May 21, 2021

Public Health Emergency Order No. 2021-011

Public Health Emergency Order Continuing "Yellow Status" for Businesses

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency as well as escalating incidents and community spread of COVID-19 on the Nation.
- II. In response to COVID-19, the Navajo Nation has established the "Navajo Nation Reopening Plan," to declare the Nation's "status" according thereto, and to guide businesses in proper compliance with the plan. All provisions of this Order are to be interpreted to effectuate this intent. Failure to comply with any provision of this Order constitutes an imminent threat and menace to public health.
- III. The Navajo Nation is experiencing a plateau of low cases, with a slowed infection rate and no sustained rebound. The Nation remains vigilant as neighboring states are reducing restrictions rapidly and new COVID variants are present and being monitored in states surrounding the Navajo Nation. As coronavirus vaccines are being made available on the Navajo Nation, all preventative precautions should continue to be adhered to after receiving the vaccine. The Navajo Nation recently documented cases of COVID-19 UK variant (B.1.1.7) and California variant (B.1.429) within the Navajo Nation. According to the CDC, these variants seem to spread more easily and quickly.
- IV. Pursuant to Navajo Nation Resolution No. CMA-16-20, the Nation's roads remain closed to Visitors for the duration of the declared public health emergency, and Visitors are advised to refrain from traveling to the Navajo Nation. Tribal parks will not be accessible to Visitors and Tourists during this time. Visitors and Tourists will be informed when the Navajo Nation can safely welcome Visitors back to the Nation.

THEREFORE, NOTICE IS GIVEN that pursuant to the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14) and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

- A. The Navajo Nation Reopening Plan is declared binding on all businesses on the Navajo Nation. Available at <https://www.navajoreopening.navajo-nsn.gov/>.

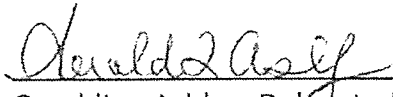
- B. Per the Plan's "reopening status schedule," the Navajo Health Command and Operations Center ("NHCOC"), having evaluated the current state of the Navajo Nation per the gating criteria and public health considerations provided in the Plan, declares the Nation to continue in **Yellow status**. All businesses shall be bound to the conditions and requirements of Yellow status. The NHCOC will announce any future status changes by Public Health Emergency Order.
- C. Yellow status is defined as: 50% of maximum occupancy allowed for most businesses. Restaurants and Dining facilities: drive-thru and curbside permissible. Restaurants with permanent outdoor dining may provide outdoor dining at 50% of maximum occupancy, as long as social distancing between tables is enforced; Restaurants without permanent outdoor dining are allowed up to 10 outdoor tables (max 4 persons per table), as long as social distancing between tables is enforced; Personal Care and Services: service by appointment only and allow time for cleaning between appointments. Casinos and video poker: Navajo casinos are allowed to open at 50% of maximum occupancy to Navajo Nation residents, citizens and employees only (no visitors and tourists). Lodging and hotels including campgrounds and RV parks are allowed at 50% of maximum occupancy.
- D. Restaurants may provide indoor dining at 50% of maximum occupancy. Marinas and parks are allowed to open at 50% of maximum occupancy to Navajo Nation residents, citizens and employees only (no visitors and tourists). Tour businesses must follow the HCOC Reopening Guidelines for Tour Businesses. Museums and zoos are allowed to open at 50% of maximum occupancy.
- E. Flea markets and roadside markets are allowed in accordance with guidelines issued by HCOC, including:
 - 1. Temporary food stands are permitted to operate under the same provisions as temporary food service establishment under the Navajo Nation Food Service Sanitation Code/Regulations.
 - 2. Permit and food handler's card are required to be displayed during operation.
 - 3. If expired, any vendor must renew permit and food handler's card prior to operation.
 - 4. Management entities overseeing or managing the site where vending is occurring, shall be responsible for ensuring that these guidelines are followed. Management Entity: The owner of the permanent property where temporary vendors are conducting business. Includes individuals, businesses, and local governance units.
- F. Currently Not Allowed in the Yellow Phase: youth programs. The HCOC is evaluating reopening youth programs. Further guidance will be issued in the future to reopen.
- G. Not Allowed in Yellow Phase: gyms, recreation facilities, movie theaters.

H. All businesses are required to submit a COVID-19 Reopening Plan to the Navajo Nation Division of Economic Development before reopening in Yellow Status. Reopening plans can be emailed to: navajoeconomy@navajo-nsn.gov

NOTICE IS FURTHER GIVEN that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

NOTICE IS FURTHER GIVEN that this Order shall take effect Monday, May 24, 2021 at 5:00 A.M. MDT, and shall remain in effect until amended or rescinded by the Health Command Center.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 21st Day of May, 2021..



Geraldine Ashley, Delegated Program Supervisor III
Navajo Office of Environmental Health &
Protection Program
Navajo Department of Health



Dr. Jill Jim, Executive Director
Navajo Department of Health
Health Command Operations Center

NAVAJO NATION

794

Navajo Nation Council Special Session

6/3/2021
04:16:33 PM

Amd# to Amd#	Legislation 0076-21: Approving	PASSED
MOT Nez, R	the Reopening of the Lake Powell	
SEC Yazzie	Navajo Tribal Park, Monument	
	Valley Navajo Tribal Park,...	

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

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

Nay : 0

Excused : 0

Not Voting : 0

Presiding Speaker: Charles-Newton