

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING AND ADOPTING THE 2021 LEGISLATIVE PRIORITIES OF THE NAVAJO NATION RELATING TO THE STATE OF UTAH

WHEREAS:

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164 (A).
- B. Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. 2 N.N.C. § 110 (W).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700 (A) and 701(A)(6).
- D. Each of the Standing Committees of the Navajo Nation Council recommended 2021 Utah Legislative Priorities for their respective area(s) of oversight to the Naabik'íyáti' Committee's State Affairs Task Force Subcommittee; after review and discussion, the State Affairs Task Force compiled the Standing Committee recommendations into the 2021 Utah Legislative Priorities attached and incorporated herein as **Exhibit A**.
- E. The Navajo Nation Naabik'íyáti' Committee's State Affairs Task Force Subcommittee recommends the Naabik'íyáti' Committee approve the 2021 Utah Legislative Priorities attached as **Exhibit A**.

NOW THEREFORE, BE IT RESOLVED:

The Navajo Nation hereby approves the Navajo Nation's legislative priorities relating to the State of Utah for 2021, attached as **Exhibit A**, as determined by the 24th Navajo Nation Council and authorizes the Navajo Nation President, the Navajo Nation Speaker, and their designees, and the Naabik'íyáti' Committee, to advocate the position of the Navajo Nation with the State of Utah, State of Utah Legislature, Utah State Agencies, and the State of Utah Governor's Office for the preservation of funding and policies in the Navajo Nation's priority areas.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of 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 11th day of December 2020.



Honorable Eugenia Charles-Newton, Chairwoman Pro Tem
Naabik'íyáti' Committee

12/20/20
Date

Motion: Honorable Rickie Nez

Second: Honorable Eugene Tso

Chairwoman Pro Tem Eugenia Charles-Newton not voting



NAVAJO NATION PRIORITIES

UTAH

Speaker Seth Damon and 24th Navajo Nation Council

1. COVID-19 Issue Response

- a. Advocate to Utah State and National elected and administration officials for the acquisition and dissemination, in coordination with Navajo Nation, of COVID-19 vaccine to prevent and decrease the COVID -19 virus among the Navajo people.
- b. Advocate to obtain all possible resources for the effective management of COVID-19, PPE supplies for the protection of Navajo front-line workers treating or responding to COVID 19 pandemic, and all needed resources and supplies needed for the survival of the Navajo People.
- c. Advocate to obtain essential food, water and medical supplies for Navajo members to sustain themselves during the course of the COVID-19 virus.
- d. Obtain all possible resources for the effective management of COVID-19, PPE supplies for the protection of Navajo front-line workers treating or responding to COVID 19 pandemic, and all needed resources and supplies needed for the survival of the Navajo People. COVID-19 mitigation
- e. Navajo Nation involvement with state planning to minimize numbers

2. Utah Navajo Water Settlement

- a. Requesting continuing support of the Governor and Utah Congressional delegation in seeking passage of the Navajo Utah Water Rights Settlement Act of 2019 (S.886) during current Congress.
- b. Settlement will help to increase the water usage for 1300 Navajo Families who do not have running water and Navajo projects to enhance resources for economic and agriculture development.
- c. Navajo communities in San Juan County have severe water infrastructure deficiencies that impact the health, economy, and welfare of the Navajo people in Utah.
- d. The Navajo Nation and the State of Utah agreed in 2003 to pursue a negotiated settlement rather than litigation to resolve the Navajo Nation's water rights claim in Utah.
- e. The Navajo Utah Water Rights Settlement Act is the result of a long collaborative process between the Navajo Nation, the State of Utah, and the Federal Government.
- f. The negotiated settlement includes the right to deplete 81,500 acre feet from all water sources within the Upper Colorado River Basin in Utah on the Navajo Nation; the right to divert and store up to 435 cubic second from the San Juan River; the right to unlimited diversions from the groundwater and from Lake Powell, so long as the annual total depletion limit of 81,500 acre-feet is not exceeded; and appropriations of \$198,000 million for water infrastructure projects in Utah.

- g. The NUWRSA is part of S.886 and is currently awaiting final approval by the U.S. House of Representatives.

3. Voting Settlement Agreement (NAVAJO UTAH COMMISSION)

- a. The Navajo Nation and San Juan County Utah currently have voting settlement agreement in place pursuant to *Navajo Nation Human Rights Commission, et al., vs. San Juan County, et al.,* Case No. 2:16c-cv-00154.
- b. The settlement agreement requires the county to maintain three polling sites on the Navajo Nation, three satellite election offices, and language assistance for Navajo voters in regard to county, state, and federal elections.
- c. The current agreement expires on December 31, 2020, and despite short duration, brought great benefit to Utah Navajo voters.
- d. The State of Utah does not have a Secretary of State and in the absence of such a position, voting responsibilities, and oversights are delegated to the Lt. Governor.
- e. The Navajo Utah Commission is seeking the support and leadership of the Governor and Lt. Governor in facilitating the renewal and strengthening of the NN-SJC Voting Settlement Agreement.

4. Health

- a. Recognition from the Utah Office of American Indian/Alaska Native Health Affairs (OAIANHA) to promote and coordinate efforts between the State of Utah and the Navajo Nation for better and sustainable Healthcare.
- b. Public Health Preparedness and Pandemic Flu Planning
 - During the COVID-19 pandemic, the UDOH office continues to be directly engaged with the Navajo government
- c. Consult and Coordinate the UDOH COVID-19 Vaccine distribution plan
- d. Quality Health Services with:
 - Health Indicators
 - Health Equity
 - Data/data sharing
- e. Mental/Behavioral Health Options for
 - Opioids Addiction
 - Substance Use Disorder
 - Historical Trauma & its' link to chronic disease
- f. Medicaid Expansion & Enrollment
- g. Strengthening Families
 - Maternal Child Health (MCH) Assessment
 - Access enrollment to Women Infants & Children (WIC)
 - Supplemental Nutrition Assessment Program (SNAP)

- Home Visiting Family Spirit program
- h. Diabetes & Obesity State Program Funding Increase
- i. Native Americans have a larger population of vulnerable people that deserve fair consideration in the state's vaccine distribution plan. The Utah Depart of Health is urged to maintain strong advocacy for the health and well-being of Native Americans.

5. Education

- a. Recognizing & Improving Indian education
- b. The Utah State Department of Education is urged to recognize the special challenges of remote, rural regions such as the Navajo Nation and allocate all essential resources and assistance to San Juan School District for purposes of providing a quality education for Navajo students during the health pandemic.
- c. Addressing the achievement gap for Utah's Native American students
- d. A study on San Juan School District's Student Transportation System
- e. Telecommunications infrastructure to bring reliable internet to Navajo Students living on or near reservation communities
- f. Office of Indian Education-Title VI
- g. Increase funding for school repair/replacement
 - dilapidated facilities
- h. Increase funding for O&M for schools

6. Senior Citizens/DALTCS

- a. Senior centers funding from NM
- b. Secure and increase state funding
- c. Explore new structure and options of state funding for better food plans and assistance.
- d. Consultation needed with Navajo Nation Chapters

7. Transportation

- a. Respectfully urging the Utah Department of Transportation to address road deficiencies on the Navajo Nation in San Juan County, including reconstruction of SR 162 between Aneth and Montezuma Creek, installation of a roundabout interchange in Montezuma Creek, right-of-way corridor fencing along SR 163 in Monument Valley, and construction of a paved road between Oljato and Navajo Mountain.
- b. Increase funding for roads
 - Highway 89, 64, 99
- c. State Fuel Excise Tax Allocation for Road Improvement

8. Public Lands

- a. Continuing support for Bears Ears National Monument
- b. Identify public lands within the state of Utah open for the exercise of hunting and fishing rights guaranteed by treaty

9. Economic Development

- a. Urging the Governor's Office of Economic Development to initiate and maintain collaboration and partnerships with the Navajo Division of Economic Development in exploring business developments and job creation in San Juan County
- b. Broadband - continue working with state and tribal leaders to address broadband needs for the Navajo Nation and rural communities.
 - Education
 - Economic Development
 - Community Development
 - The Utah Education Network (UEN) and Emery Telecom recently completed installation of fiber optics into Montezuma Creek to serve the Whitehorse High School, Montezuma Creek Elementary and the Utah Navajo Health System with the two scheduled to light up soon.
 - The Navajo Nation is appreciative and supportive of the Utah Education Network and funding partners for extending broadband into Bluff and Montezuma Creek and initiating the process for expansion into Oljato and Navajo Mountain.
 - The Navajo Nation is requesting the Office of the Governor and the Utah State Office of Education to monitor the progress of on-going efforts and intervene with assistance and support where necessary.
- c. Support Solar Field Project
- d. Tourism State Funding to help Navajo small businesses
- e. Business opportunity zones to create diversity and expand economic development

10. Tribal-State Consultation

- a. Based on the Governor's Executive Order on Tribal Consultation, urging the State to honor the government-to-government relationship and to apply tribal consultation uniformly across the spectrum of issues

- b. Supporting the designation of the Utah Division of Indian Affairs as a cabinet level entity with an adequate budget to support and carry-out Tribal-State Relations
- c. Utah Governor's Executive Order EO/2014/005
- d. MMIWG Task Force
- e. Native American Remains Review Committee
- f. Indian Child Welfare Act

11. Community Development

- a. Westwater is a community west of Blanding that is without running water and electricity - continue working with state and tribal leaders to address infrastructure needs for this community.
 - The Navajo Nation purchased 120 acres of fee simple land on the outskirts of Blanding to resolve conflicts with the BLM regarding unauthorized occupancy by Navajo families.
 - Currently approximately 27 low-income Navajo families reside in this Navajo community identified as Westwater in homes lacking basic utilities.
 - The Navajo Utah Commission and several organizations working in partnership are seeking \$500,000.00 in the Governor's FY2022 budget to anchor a powerline extension project to serve the Navajo community in Whitewater.
 - 1. This appropriation was originally approved during the 2021 Utah Legislature, but had to be withdrawn due to the state's budgetary challenge caused by the COVID-19 outbreak.
 - 2. The proposed project will extend a Three-Phase Powerline to a water well and a Single Phase Powerline distribution to 29 residential lots from Blanding City power source.
- b. Telecommunications Infrastructure to provide reliable internet access to members of the Navajo Nation
- c. Broadband and internet for virtual learning

12. Public Safety

- a. Public Safety is a concern in San Juan County.
 - Improve police response time
 - Law Enforcement Cross-Commission/Cross-Deputization
 - explore creating or amending agreements with San Juan County and Utah Highway Patrol

- b. Supporting the State of Utah's Missing and Murdered Indigenous Women and Girls Task Force
 - find solutions and keep Utah's Indigenous women safe.
 - There is currently legislation pending for the 2021 Legislative Session to address this issue.
- c. White Mesa Uranium Mill is a processing plant that carries health and safety implications concerning safe drinking water and overall Navajo health.

13. Consultation

- a. UDPS Tribal Consultation Policy 172 meets requirements of Utah Governor's Executive Order EO/2014/005.
 - Future Utah Consultation Activities include, but are not limited to the following:
- b. Host Utah Tribal Emergency Response Committee (UTERC) Meetings
- c. Public Safety to present and be available at Utah Tribal Leaders Meeting
- d. Annual UDPS Tribal Consultation Report for Governor's Office
- e. Meet with Tribal Governments upon request. Ex: Navajo Nation Council/Standing Committees, Navajo Nation Law and Order Committee, Northern / Western Navajo Agency Council; etc.
- f. Utah Indian Health Advisory Board
- g. Indian Health System (I/T/U) COVID-19 Call
 - During the COVID-19 pandemic, the UDPS State Tribal Liaison/ARO will continue to be directly engaged with the Navajo Nation Government, Navajo Emergency Management, Navajo Public Safety, and other recognized Navajo governmental representatives.
- h. \$2M for Kayenta Judicial District
 - Facility replacement
- i. Amend state liquor laws to curb bootlegging and alcoholism
- j. Update/strengthen human trafficking laws

14. Natural Resources

- a. Re-Negotiate 1970 Quadrilateral Agreement
- b. Clean Hydrogen Production & Storage and Transportation
- c. Agriculture Chapter projects along the LCR
 - Funding, possibly with multiple resources
- d. Fund green energy projects due to the dependency on coal revenue loss

15. Hunting Cooperative Agreement (NAVAJO UTAH COMMISSION)

- a. The Navajo Utah Commission is seeking renegotiation and improvement of the Navajo Nation-State of Utah Cooperative Agreement regarding off-reservation hunting and fishing in Utah.
- b. The Treaty of 1868 between the Navajo people and the United States gives the Navajo people reserved rights to hunt on any unoccupied lands contiguous to their reservation, so long as there is sufficient game to justify the chase.
- c. The Navajo people have never rescinded or altered their rights to hunt pursuant to the treaty.
- d. After approximately 20 years of regulations under the Cooperative Agreement, Navajo hunters find the agreement at a disadvantage to members of the Navajo Nation and recommend updating and strengthening the document, including recognition of traditional hunting pursuant to passage of Constitution Amendment E, allocation of certain number of free hunting permits, and Navajo representation on Utah Division of Wildlife Resources advisory board.

16. 2021 Legislative Bills (NAVAJO UTAH COMMISSION)

- a. The Navajo Utah Commission supports legislation that removes offensive geographic names and providing an opportunity for Utah tribal nations to work with the Utah Division of Indian Affairs (UDIA) in identifying offensive place names and beginning the process of replacing with more appropriate names.
- b. The Navajo Utah Commission is requesting the Utah Legislature to enact a concurrent resolution encouraging Utah cities and towns to retire Native American mascots as a symbol of their schools and communities.

NAVAJO NATION

781

12/11/2020

Naa'bik'iyati' Committee Special Meeting

05:08:26 PM

Amd# to Amd#

Legislation 0301-20: Approving

PASSED

MOT Nez, R

and Adopting the 2021

SEC Tso, E

Legislative Priorities of the
Navajo Nation Relating to....

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

Begay, E

Daniels

Slater, C

Tso, O

Begay, K

Freeland, M

Smith

Walker, T

Begay, P

Halona, P

Stewart, W

Wauneka, E

Brown

Henio, J

Tso, C

Yazzie

Crotty

James, V

Tso, D

Yellowhair

Damon

Nez, R

Tso, E

Nay : 0

Excused : 0

Not Voting : 0

Presiding Speaker: Charles-Newton