

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

April 9, 2021

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

RE: CMA-17-21, *An Action Relating to Resources and Development, Naabik'iyáti' Committees and the Navajo Nation Council; Rescinding CMA-16-20, Entitled, "An Action Relating to an Emergency; Regarding the COVID-19 Virus within the territorial jurisdiction of the Navajo Nation, ensuring safe protection upon roads within the Navajo Nation by declaring all Navajo Nation-owned and maintained roads shall be closed to all visitors and tourists"*

Dear Speaker Damon,

Since the Navajo Nation Council's consideration of CMA-17-21, the Navajo Department of Health has confirmed that the U.K. variant and the B.1.429, also known as the California variant, are present on the Navajo Nation. We do not yet know the full extent that these variants will have in our communities, our people, and our health care system. We believe there would have been more debate on this issue by the Council if these variants were confirmed prior to the Council's consideration of this legislation. We have discussed this matter with our public health experts and they advise us to remain vigilant and cautious to protect the health of our citizens. Now is not the time to let up our guard. CMA-16-20 was a step in the right direction by relying on the Navajo Nation's sovereign inherent power to limit access to the Nation to protect the health and safety of our members.

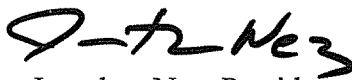
The latest report from the State of Arizona indicates an upward trend new COVID-19 cases, with 1,302 new infections being reported today. Cases caused by the variants are also on the rise in surrounding States. The state of Arizona has lifted nearly all COVID-19 restrictions and the state of Utah will be lifting its mask mandate on April 10. We need more time to monitor the impact of these mandate changes and the trend in new COVID-19 cases.

We have daily COVID-19 reporting and recommendations with our health experts, this includes individual health and affects on our economy, on moving toward a gradual re-opening of the Nation; equally we are advised not to move too fast. The debate on school attendance is an example of how we must evaluate all aspects of our decisions; we cannot simply follow others without a thorough analysis of our own distinctive situation. As to our economy, we are examining the opportunities available through the American Rescue Plan for Navajo businesses. The small business owner has been greatly impacted over the past year and we will push for their support and the support of their employees.

Our Nation has been hard hit by COVID-19 and there are new challenges on the horizon that we will face. We continue to take steps to protect the Nation; one such step is a letter delivered to the U.S. Department of the Interior Secretary to fully consider the Nation's position on the Grand Canyon east entrance reopening, an action that will potentially bring more visitors to the Nation. As Navajo leaders we are called upon to make hard decisions, so we balance the safety of our People with the need to grow our economy.

We believe now is not the time to risk opening the Nation but a time to keep vigilant. We cannot, at this time, support CMA-17-21. We respectfully ask the members of the Council to respect the advice and recommendations of our public health experts on this matter.

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 RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESCINDING CMA-16-20, ENTITLED, "AN ACTION RELATING TO AN EMERGENCY; REGARDING THE COVID-19 VIRUS WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, ENSURING SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION BY DECLARING ALL NAVAJO NATION-OWNED AND MAINTAINED ROADS SHALL BE CLOSED TO ALL VISITORS AND TOURISTS"

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council has oversight over the Navajo Nation roads. 2 N.N.C. § 500(B).
- B. The Naabik'íyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

SECTION TWO. FINDINGS

On March 24, 2020, the Honorable Speaker Damon certified and on April 3, 2020 Navajo Nation President Nez signed into law the Navajo Nation Council resolution entitled "AN ACTION RELATING TO AN EMERGENCY; REGARDING THE COVID-19 VIRUS WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, ENSURING SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION BY DECLARING ALL NAVAJO NATION-OWNED AND MAINTAINED ROADS SHALL BE CLOSED TO ALL VISITORS AND TOURISTS." Navajo Nation Council Resolution CMA-16-20 is hereto attached as Exhibit A.

SECTION THREE. RESCINDING CMA-16-20

The Navajo Nation hereby rescinds CMA-16-20.

SECTION FOUR. EFFECTIVE DATE

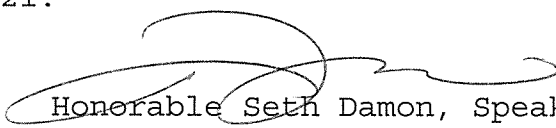
The provisions of this action shall become effective in accord with 2 N.N.C. § 221 (B) and shall remain effective until otherwise determined by act of the Navajo Nation Council.

SECTION FIVE. SAVING CLAUSE

Should any provisions 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, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo 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 20 in Favor, and 01 Opposed, on this 26th day of March 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

03.30.2021

DATE

Motion: Honorable Otto Tso

Second: Honorable Pernell Halona



Speaker Seth Damon not voting

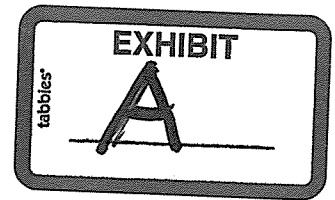
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ 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 9th day of April, 2021 for the reason(s) expressed in the attached letter to the Speaker.

 
Jonathan Nez, President
Navajo Nation



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY; REGARDING THE COVID-19 VIRUS WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, ENSURING SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION BY DECLARING ALL NAVAJO NATION-OWNED AND MAINTAINED ROADS SHALL BE CLOSED TO ALL VISITORS AND TOURISTS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. 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."

SECTION TWO. FINDINGS

- A. As recognized by the Navajo Treaty of 1868 and Treaty of 1849, the Navajo Nation has the inherent sovereign authority to protect its members through any emergency measure it deems necessary, including restricting travel onto the Navajo Nation by non-Navajo visitors.
- B. The Navajo Nation population comprises around 367,731 members, of which 200,000 live within the territorial jurisdiction of the Navajo Nation, according to the 2010 U.S. Census.
- C. The Navajo Nation comprises 27,000 square miles of land and occupies portions of three States including northeastern Arizona, northwestern New Mexico and southeastern Utah. The geographic area is larger than 10 U.S. States, and includes five sovereign governments, and 11 counties across three states.

- D. The Navajo Nation has over 14,000 miles of roads; of these roughly 6,000 miles are U.S. Bureau of Indian Affairs roads, 1,600 miles are county routes, and 5,000 miles are Navajo Nation owned and maintained. Only 23.4 % of the total roadway network is paved. 2016 Navajo Nation Long Range Transportation Plan.
- E. Given jurisdictional positions and challenges on the different types of roads, in the different counties, different states, and different governments are enormous.
- F. Presently, the Navajo Nation, like the United States and the entire world, are impacted by the spread of the COVID-19.
- G. The Navajo Nation has declared a State of Emergency regarding the outbreak of the COVID-19.
- H. The Navajo Nation (Navajo Nation Council, Speaker, President, Chief Justice, Executive Branch, Legislative Branch, Judicial Branch, chapters, township, enterprises, authorities, educational institutions, and business entities) is very concerned about the health, safety and welfare of the Navajo people and all Navajo Nation residents.
- I. The Navajo Nation has inherent sovereign power to limit access to its roads when necessary to protect self-government and the health and safety of its members. This authority is consistent with the Navajo Nation's inherent authority to control internal relations and matters and to protect the health, safety, and welfare of the residents of the Navajo Nation.
- J. It is in the best interest of the Navajo people, Navajo Nation residents, and visitors that all people are protected and safe from COVID-19, and that COVID-19 is contained effectively.

SECTION THREE. STATE OF EMERGENCY AND DECLARATION; ROAD CLOSURES AND EXCEPTIONS

- A. The Navajo Nation hereby declares that all Navajo Nation-owned and maintained roads shall be closed to all visitors and tourists. The intent of this action is to restrict travel onto the Navajo Nation by all visitors and tourists.
- B. Until this emergency declaration and measures are lifted, the Navajo Nation hereby requests the surrounding federal, state, and country governments and governmental subdivisions to work with applicable Navajo Nation public health, public safety,

and transportation authorities to ensure that visitors and tourists are restricted from traveling onto Navajo Nation-owned and maintained roads. The Navajo Nation Department of Transportation shall assist all law enforcement agencies in identifying roads maintained by the Navajo Nation.

SECTION FOUR. EFFECTIVE DATE


The provisions of this Action shall become effective in accord with 2 N.N.C. § 221(B) and shall remain effective until otherwise determined by act of the Navajo Nation Council.

SECTION FIVE. SAVINGS CLAUSE

Should any provisions 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, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo 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 21 in Favor, and 00 Opposed, on this 20th day of March 2020.


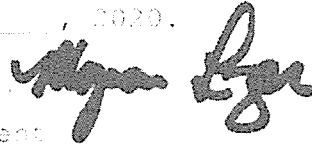

Honorable Seth Damon, Speaker
4th Navajo Nation Council
3-24-2020
DATE

Motion: Honorable Raymond Smith, Jr.
Second: Honorable Carl R. Slater

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 3rd day of April, 2020.

 
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 _____, 2020 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



April 3, 2020

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

RE: CMA-16-20, *An Action Relating to an Emergency: Regarding the COVID-19 within the Territorial Jurisdiction of the Navajo Nation, Ensuring Safe Protection Upon Roads Within the Navajo Nation by Declaring all Navajo Nation-Owned and Maintained Roads Shall be Closed to all Visitors and Tourists*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-16-20 into law.

As CMA-16-20 states, the Navajo Nation has inherent sovereign power to limit access to its road when necessary to protect self-government and the health and safety of our members. With the COVID-19 virus rapidly spreading through the Navajo Nation, in some instances to the detriment of our People, this Resolution fits with the Public Health Emergency Order, 2020-003, that was issued on March 20, 2020.

While this Resolution was passed under the Consent Agenda, with no debate to explain the urgency of the legislation, we believe an explanation is necessary. The Navajo Department of Public Safety began implementation of limiting access to the Navajo Nation under the Curfew Order and will continue this role under CMA-16-20. The limited access also fits with the previous Order to close the Nation's parks and recreation areas. The Nation will allow access for necessary and essential travel for such persons as medical personnel and volunteers, essential delivery, and to allow for interstate commerce.

Thank you Speaker Damon and the 24th Navajo Nation Council.

Sincerely,

A stylized, handwritten signature of Jonathan Nez in black ink.

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature of Myron Lizer in black ink.

Myron Lizer, Vice President
THE NAVAJO NATION

NAVAJO NATION

720

3/26/2021

Navajo Nation Council Special Session

06:21:19 PM

Amd# to Amd#	Legislation 0043-21: Rescinding	PASSED
MOT Tso	CMA-16-20, Entitled "An Action	
SEC Halona, P	Relating to Emergency; Regarding	
	the COVID-19 Virus within the...	

Yeas : 20

Nays : 1

Excused : 1

Not Voting : 1

Yea : 20

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

Nay : 1

Tso, E

Excused : 1

Tso, C

Not Voting : 1

Crotty

Presiding Speaker: Damon