

RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF STEPHEN B. ETSITTY AS EXECUTIVE DIRECTOR OF THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and shall confirm the appointments of all division directors upon recommendation from the appropriate oversight committee. 2 N.N.C. §§ 102(A) and (F).
- B. A proposed resolution requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyátí Committee. 2 N.N.C. § 164(A) (9).
- C. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over the Navajo Nation Environmental Protection Agency and the responsibility to recommend the appointment of the Director of the Navajo Nation Environmental Protection Agency. 2 N.N.C. §§ 501(C) (1) and 1923.

SECTION TWO. FINDINGS

- A. The Navajo Nation Code provides, "[t]he Environmental Protection Agency shall be administered by a Director who shall be appointed by the President of the Navajo Nation, subject to confirmation by the Navajo Nation Council, upon the recommendation of the Resources [and Development] Committee of the Navajo Nation Council." 2 N.N.C. § 1923.
- B. The Navajo Nation President appoints Stephen B. Etsitty as the Director of the Navajo Nation Environmental Protection Agency. Mr. Etsitty's appointment letter and resume are attached as Exhibit A.

SECTION THREE. CONFIRMATION

The Navajo Nation Council confirms the Navajo Nation President's appointment of Stephen B. Etsitty as the Director of the Navajo Nation Environmental Protection Agency.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th 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 16 in Favor, and 02 Opposed, on this 21st day of April 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

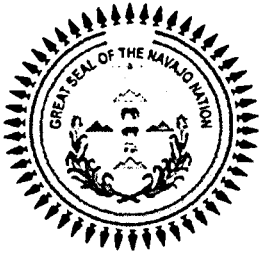
4/27/23

DATE

Motion: Honorable Danny Simpson

Second: Honorable Shaandiin Parrish

Speaker Crystalyne Curley not voting



**DR. BUU NYGREN
RICHELLE MONTOYA**



The Navajo Nation | Yideeskáadi Nitsáhákees

January 30, 2023

Stephen B. Etsitty
P.O. Box
Window Rock, AZ 86515

RE: Appointment as Environmental Protection Agency Executive Director

Dear Mr. Etsitty,

We are pleased to offer you an appointment to serve as Executive Director for the Navajo Nation Environmental Protection Agency. This appointment takes affect at 8:00 a.m. on January 30, 2023. We are so pleased you verbally accepted this position and have started your new role. Your salary is \$110,000.00.

Thank you for agreeing to serve the Nygren-Montoya Administration, the youngest Navajo Nation President elected, and the first woman to be Vice President. Together we will work hard for the Navajo people at the hogan level.

Ahéhee'

A handwritten signature in black ink, appearing to read "B. Nygren".

Dr. Buu Nygren, *President*
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Richelle Montoya".

Richelle Montoya, *Vice President*
THE NAVAJO NATION



DR. BUU NYGREN *PRESIDENT*

RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

March 29, 2023

Brenda Jesus, Chair, Resources and Development Committee
Navajo Nation Council
P.O. Box 3390
Window Rock, Arizona 86515

Chair Jesus:

I am writing to provide you with my letter of interest in being the Executive Director for the Navajo Nation Environmental Protection Agency (NNEPA), and to request your support for my confirmation to this important political appointment.

As we have discussed, I am requesting your support and to be my primary sponsor for the confirmation process and the legislation for this action. I also recommend the addition of co-sponsors to assist with the proposed legislation. I recommend Vice-Chair Casey Johnson and Council Delegate Otto Tso be co-sponsors.

Vice-Chair Johnson is the council delegate for the Coalmine Canyon Chapter where I am registered. Delegate Otto Tso was Vice-Chair of the 24th Navajo Nation Council's Law and Order Committee and I worked with him in my former position within the Navajo Nation Judicial Branch on multiple legislative matters. Delegate Otto Tso is very familiar with my work prior to my appointment to NNEPA.

I have over two decades of environmental management experience and service, with the federal and Navajo Nation environmental protection agencies. I look forward to applying my understanding of the Navajo Nation's environmental priorities and my abilities to work with Executive Branch and Legislative Branch leadership on behalf of the Dine' people.

I have enclosed copies of my updated resume, application forms, and the letter of appointment from President Buu V. Nygren. If you have additional questions or need more information, please let me know. I can be reached at s.etsitty@navajo-nsn.gov or at (928)

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen B. Etsitty".

Stephen B. Etsitty,
Acting Executive Director

Enclosures

cc: President Buu V. Nygren, OPVP
Vice-President Richelle Montoya, OPVP
Patrick Sandoval, OPVP

Stephen Brian Etsitty
P.O. Box
Window Rock, Arizona 86515
(928) cell phone
(928) , home phone

Education: Bachelor of Arts in 1991 from Stanford University, Stanford, California

Experience:

01/23 to Present ACTING EXECUTIVE DIRECTOR
Navajo Nation Environmental Protection Agency
Window Rock, Arizona

Appointed to serve at the pleasure of the President of the Navajo Nation, to lead and direct the Navajo Nation EPA, an Executive Branch office of the Navajo Nation, on complex administrative and policy matters that impact the Navajo Nation.

01/17 to 01/23 ADMINISTRATIVE DIRECTOR OF THE COURTS
Navajo Nation Judicial Branch
Window Rock, Arizona

Under the direct supervision of the Chief Justice, performs work of unusual difficulty in directing and managing the non-judicial functions and operations of the Navajo Nation Judicial Branch.

I supervise and administer the Judicial Branch of the Navajo Nation; provide leadership support to all Navajo Nation courts and program management by supervising the administrative management corps in the following areas: the financial section, information technology, probation office, human resources, and other programs. I manage the branch's annual total budget of approximately \$17 million by executing branch policies and guidance, recommending long- and short-term strategic plans, reviewing the productivity of the branch's goals and objectives; identifying potential operational and/or financial impacts on court operations and/or services, and managing the preparation of the annual Judicial Branch budget.

As the top administrative official, I represent the branch in meetings with committees of the Navajo Nation Council, with representatives of federal, state and local officials; and at other meetings, hearings and settings, as directed by the Chief Justice. In relation to potential impacts from external parties, I facilitate comments on proposed legislation, regulations, and policies that impact the work of the courts; and I facilitate the development of annual grant funding proposals and monitor grant-funded projects.

Working with internal branch groups and partners within the Navajo Nation, I participate in the development of the Navajo Nation court rules, policies, procedures, and plans, e.g. Data/Information sharing; ensuring compliance with branch policies and procedures; developing and implementing changes to internal courts policies, including records management, case flow

management, financial management, personnel management and overall court operations; and providing support to the Judicial Conference of the Navajo Nation.

HIGHLIGHTS:

Over a five-year period, worked with three successive Chief Justices (two Acting Chief Justices and one Probationary Chief Justice), and maintained the continued operations of the branch.

April 2017, developed and submitted recommendations to the Navajo Nation Council's Budget & Finance Committee regarding proposed changes to the Judges' Retirement Program, and requesting the branch be accommodated with a seat on the Retirement Plan Administration Committee. In FY 2018, the changes to the Navajo Nation's Retirement Programs reflected much of the branch's recommendations, and the branch was granted a new seat on the RPAC.

June 2017, re-engaged Navajo Technical University to develop a new certificate course, Navajo Interpretation/Court Reporting, expended dormant federal funds, and convened an initial class of 7 students from across judicial branch districts and programs. In December 2017, all 7 students completed the course and became certified. NTU continues to provide courses and the certificate program in its regular course offerings.

June 2018, attended the annual JustWare Training Conference presented by Journal Technologies, Inc., and met with JTI Chief Operations Officer to discuss our ten-year relationship and continuing to go forward in partnership for court case management systems.

September 2018, facilitated over 80% of identified personnel in completing their certifications for FMIS and 6B Roll Out, in preparations for the entire Navajo Nation to migrate toward a paperless, budgetary environment. By January 2019, I completed my FMIS/6B certification and facilitated over 90% of the management corps' completion.

March 2020, assumed responsibilities as Continuity of Operations Plan (COOP) Coordinator to manage the non-judicial functions and operations of the Navajo Nation Judicial Branch during the COVID-19 Pandemic/Public Health Emergency. Responsible for planning and implementing the Roadmap to Full Capacity, the guidance for re-opening the courts and programs, pursuant to appropriate pandemic conditions.

09/15 to 01/17 **DIRECTOR**
 New World Environmental, Inc.
 Window Rock, Arizona

Provided guidance and advice to company owners in the development of a Navajo Nation based satellite office; in the development of a relationship with the Navajo Nation and U.S. EPA, in order to apply New World Environmental, Inc.'s capabilities in hazardous waste and radioactive waste remediation at Abandoned Uranium Mine clean-up sites.

07/03 – 05/15 EXECUTIVE DIRECTOR

*Navajo Nation Environmental Protection Agency
Window Rock, Arizona*

Served at the pleasure of the President of the Navajo Nation, directed the Navajo Nation EPA, an Executive Branch office of the Navajo Nation, on complex administrative and policy matters that impact the Navajo Nation. Managed the development of, and directed the implementation of environmental regulatory programs and policy initiatives; facilitated the Nation's strategic objectives; negotiated on behalf of the Nation on environmental policy matters affecting the operations of federally and tribally funded programs or services; and established policies and partnerships with key federal, state, tribal, local agencies, and non-governmental organizations. I lead the Navajo Nation EPA in discussions with high level, elected and non-elected federal, state, tribal, and local officials, including the U.S. Congress; and with representatives of regulated industries operating on or near the Navajo Nation. I consulted regularly with Executive, Legislative and Judicial Branches of the Navajo Nation government; regularly communicated NNEPA accomplishments and issues to the highest levels of leadership in the Navajo Nation government; and served on committees and lead task forces and performed special assignments as required. I was the longest serving NNEPA Executive Director, I provided the people of the Navajo Nation with 12 years of executive leadership.

HIGHLIGHTS:

January 2004, NNEPA embarked on a Leaking Underground Storage Tank Clean-Up Initiative; using Navajo Nation Fuel Excise tax revenue and implementing authorities under the Navajo Nation Underground Storage Tank Act; leveraged access to the USEPA's LUST Trust Fund in 2006, and to date NNEPA has removed over 720 Leaking/Abandoned UST's and returned over 300 contaminated business sites to potential re-use by community leaders.

October 2004, NNEPA received Delegation of Authority under the Clean Air Act to administer a Part 71 Title V Permit Program; this lead to the acquisition of \$1.2 million in annual emission fees from 14 facilities on the Nation.

Elected by my peers to be the Chairman of the USEPA National Tribal Caucus for FYs 2006 and 2007; the Chair and USEPA Administrator serve as co-chairs of the USEPA National Tribal Operations Committee.

December 2005, appointed by the Governors of Arizona and New Mexico to their respective Climate Change Advisory Groups to represent the Navajo Nation and to develop policy options/recommendations on the issue of climate change and Carbon Dioxide management.

January 2006, NNEPA received USEPA approval of our Water Quality Standards Treatment As State application, and authority to administer Sections 303 and 401 of the Clean Water Act.

May 2006, NNEPA announced significant reductions of Sulfur Dioxide emissions at the Four Corners Power Plant, from 35,094 tons in 2003 to 12,554 tons in 2005.

October 2007, provided Navajo Nation testimony and recommendations to the U.S. Congress on the issue of Impacts of Uranium Mining and Milling on the Environment and Public Health on the Navajo Nation.

June 2008, assisted in the completion of the multi-agency response to Congress for a Five-Year Plan to reinvigorate the efforts to address the Impacts of Uranium Mining and Milling on the Environment and Public Health on the Navajo Nation.

December 2008, NNEPA received USEPA primacy approval under the Safe Drinking Water Act for our Underground Injection Control program which regulates the Class II injection wells on the Navajo Nation.

December 2008, facilitated the provision of congressional authority/appropriation of funds to US DOE to address the environmental clean-up of the Highway 160 site located near Tuba City, AZ. By 2010 the project was completed on-time, and under budget. This clean up provides a model for all remaining radioactive waste clean-up projects. NNEPA received approval from USDOE to use the remaining balance of funds for additional authorized clean-up activities which are currently underway.

July 2012, testified as an expert witness in the case Anadarko v. Tronox in U.S. Bankruptcy Court, Southern District of New York. The Navajo Nation was a party to this suit because it had filed a bankruptcy claim against Tronox in 2009. Tronox sued its former owner, Kerr McGee, for fraudulent conveyances. By 2012, Kerr McGee had been purchased by Anadarko Petroleum Company. The Court approved a final settlement agreement in 2014. Anadarko agreed to pay \$5.15 Billion to a group of claimants, including the Navajo Nation. The Navajo Nation received a settlement totaling \$1.02 Billion.

December 2012, coordinated with multiple federal agencies on the completion of the Five-Year Plan projects. The federal agencies reported total project expenditures in excess of \$120 million. In addition to the Highway 160 project, interim remedies at three of the highest priority sites were completed, and in March 2013 the Birth Cohort Study was finally approved and launched. The Birth Cohort Study is the first health study focusing on birth outcomes for women/babies who may be exposed to risks posed by Abandoned Uranium Mines/former Mill sites on the Navajo Nation.

NNEPA continues to work with the federal agencies and the Congress on a variety of projects under a second Five-Year Plan for the years 2014 through 2018.

February 2013, participated in the settlement of the Regional Haze Rule/ BART determination for the San Juan Power Plant in New Mexico. I led the Navajo Nation in the NM Environment Department's Technical Workgroup that was formed to develop an Alternative State Implementation Plan. While the Workgroup efforts failed, Navajo Nation continued to work with NMED, Public Company of New Mexico and USEPA Region 6 to finalize a settlement that reduces air pollution and protects jobs for Navajo Nation members who worked at the power plant and mine. In 2014, USEPA and the New Mexico Environmental Improvement Board approved the Alternative State Implementation Plan. Final action by the New Mexico Public Regulatory Commission is pending as of May 2015.

July 2013, coordinated with the Navajo Nation Executive and Legislative Branch leadership to facilitate the passage and enactment of the Navajo Generating Station Lease Amendments. I was a member of the Navajo Nation negotiating team that negotiated the NGS Lease Amendments with Salt River Project and the other owners of the power plant (October 2010 to November 2012).

July 2013, coordinated with the Navajo Nation Executive and Legislative Branch leadership to facilitate the passage and enactment of the Navajo Nation Energy Policy Act of 2013. I was a member of the President's Energy Advisory Committee. Subsequently, I continued to serve on the President's Energy Policy Implementation Task Force.

In May 2014, the first class of Environmental Workforce and Job Training trainees completed their courses. 17 trainees were recognized by President Shelly, Northern Arizona University and NNEPA for their accomplishments. In 2012 President Shelly requested this training program from USEPA to help Navajo workers receive credentials to qualify for jobs at uranium clean up sites. In 2013, I initiated a successful collaboration between NNEPA and NAU Institute for Tribal Environmental Professionals that lead to NAU ITEP receiving a \$200,000 grant for a 3-year project for environmental workforce development and job training on the Navajo Nation. A second class of 20 trainees was convened in April 2015 and completed their program in May 2015.

February 2015, received the first of three payments from the Anadarko v. Tronox settlement. The final settlement of this case brought \$1.02 Billion dollars to the Navajo Nation to address the clean up of 50 abandoned uranium mine sites, including the former Kerr McGee Mill in Shiprock, NM. The Navajo Nation received \$44 million directly, and the funds are now deposited in the NNEPA Hazardous Substance fund, an approved Special Revenue account associated with the NNEPA Superfund Program, and authorized by the NN CERCLA of 2008. The balance of approximately \$985 million is with USEPA Region 9, Superfund Program. The NNEPA and USEPA work together on establishing the projects that will use the settlement funds.

April 2015, coordinated the Navajo Nation Executive and Legislative Branch leadership to facilitate the passage of legislation establishing the Dine' Uranium Remediation Advisory Committee. This advisory committee was the final recommendation of the Navajo Nation Uranium Task Force which examined issues regarding remedial projects and the need for a commission from May 2012 to November 2013. President Shelly created this task force by Executive Order 05-2012, and appointed me to lead the task force.

May 2015, lead the NNEPA in issuing an Administrative Order against the Navajo Tribal Utility Authority (NTUA) for violations of the Navajo Nation and the federal Clean Water Act, and the Navajo Nation surface water quality standards. NTUA's wastewater facility in Window Rock, AZ was exceeding its discharge permit limits for several years and was not addressing USEPA enforcement orders originally issued in 2006. NNEPA and NTUA negotiated the enforcement agreement in several executive level meetings, and came to a final agreement on May 12, 2015.

04/03-07/03 SENIOR PLANNER

*Navajo Nation Department of Transportation, Division of Community
Development
Tuba City, Arizona*

Responsible for all transportation planning activities for the Western Navajo Agency (18 Chapters), compiled agency transportation needs; developed the annual 20-Year transportation construction priority schedule; developed and maintained databases for transportation projects; supported and coordinated the Western Agency Roads Committee project review, selection and prioritizing meetings; and provided assistance to the Navajo Nation Council Transportation and Community Development Committee, Navajo Chapters, BIA, Tribal, County, and State agencies.

11/02 – 01/03 COMMUNITY SERVICES COORDINATOR

To' Nanees'Dizi Chapter, Tuba City, Arizona (Navajo Nation)

Responsible for planning, organizing and implementing Chapter goals and projects in service to the community of To'Nanees'Dizi, assisted elected officials and Local Governance Service Center in all aspects of Chapter administration and management; attended Chapter meetings; represented the Chapter at conferences and other meetings; administered and managed day to day operations, including financial planning and oversight of Chapter resources, and supervising Chapter staff and contract employees.

06/01 – 08/01 INSTRUCTOR/FACILITATOR

*Youth Opportunity Grant Program, Environmental Issues/Careers Track
Dine' College, Tsaile, Arizona (Navajo Nation)*

Responsible for planning, development and implementation of a two week course for students enrolled in the program. Course consisted of classroom meetings, lectures, field trips and presentations by guest speakers. Developed a course booklet for the students, containing course schedule, information on selected environmental issues, and background on guest speakers.

09/00 – 06/02 HOME CARE PROVIDER – Volunteer

Lukachukai, Arizona (Navajo Nation)

Assisted my family in the care of my elderly grandfather (maternal). Responsible for every aspect of personal and home care assistance, including meal planning, preparation and feeding, purchasing groceries and supplies, house cleaning, yard maintenance, personal hygiene, transport to medical facilities, and coordination of additional care with other care providers.

04/97 – 09/00 NATIONAL PROGRAM MANAGER

Office of Solid Waste Tribal Programs

U.S. Environmental Protection Agency, Washington, DC

Responsible for leading a multi-departmental team in the development, implementation and reporting of the National Hazardous Waste and Municipal Solid Waste Programs for Indian Country. The national program budget averaged \$1.3 million annually which was programmed for grants to tribal governments and contracts in support of the program for developing capacity for tribal governments and facilities on Indian lands to comply with applicable provisions of the Resource Conservation and Recovery Act, as amended. Other duties included, managing the 4th and 5th National Tribal Conference on Environmental Management in 1998 and 2000.

Received several Team Excellence Awards (1997, 1999 and 2000); and received Environmental Excellence in Indian Country award in November 2000. Attained GS-028-13 grade in 1998.

05/92 – 04/97 ENVIRONMENTAL PROTECTION SPECIALIST

Indian Program Office

U.S. Environmental Protection Agency, Region IX, San Francisco, California

Regional Indian Coordinator for Indian nations and inter-tribal consortia in Arizona, Nevada and California. Assisted tribal governments with regulatory compliance; managed capacity-building grant programs; identified environmental needs and addressed special conditions on Indian lands. Conducted outreach to tribal, federal, state and local entities. Coordinated issues raised by tribes with Region IX and other federal, state and local agencies, and the public. Advised and trained regional staff and management on Indian Affairs issues.

Received a Special Act Award in December 1995 for exemplary effort in efficiently and effectively developing and implementing the Indian Environmental General Assistance Act of 1992, as amended. Attained GS-028-12 grade in 1995.

08/90 – 05/92 COMMUNITY PLANNER

Branch of Roads

U.S. Department of Interior, Bureau of Indian Affairs, Phoenix, Arizona

Coordinated with HUD Indian Housing Program and IHS Engineers on Indian infrastructure development and housing construction projects; assisted in contract management of BIA Transportation Planning projects at four Arizona Indian reservations; collected and analyzed project data, prepared presentations and documented project meetings; and organized a BIA/Tribal conference on the Intermodal Surface Transportation Efficiency Act of 1990 (ISTEA) and the Indian Reservation Roads Systems.

03/92 – 04/92: Detailed to BIA Central Office, Branch of Roads in Washington, DC to analyze ISTEA statutory, regulatory and policy impact for BIA and tribal governments.

References:

Michelle D. Wilson, Branch Chief (Retired)
U.S. EPA – Office of Solid Waste
Washington, DC 20004 Cell Phone No. (202)

David Taylor, Attorney (Retired)
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515 Cell Phone No. (505)

Diane Malone, Department Manager (Retired)
Waste Regulatory & Compliance Department
Navajo Nation EPA
Window Rock, AZ 86515 (928) 871-7993; Cell Phone No. (505)

NAVAJO NATION

116

4/21/2023

Navajo Nation Council Spring Session

12:32:45 PM

Amd# to Amd#

Legislation 0055-23: Confirming
the Appointment of Steven B.
Etsitty as Executive Director
of the Navajo Nation.....

PASSED

MOT Simpson, D

SEC Parrish, S

Yeas : 16

Nays : 2

Excused : 4

Not Voting : 1

Yea : 16

Arviso, S

Aseret, L

Begay, H

Begay, N

Charles-Newton, E

Claw, S

Daniels, H

James, V

Jesus, B

Nez, A

Nez, R

Notah, N

Parrish, S

Simpson, D

Tolth, G

Tso, O

Nay : 2

Yanito, C

Yazzie, C

Excused : 4

Simonson, G

Johnson, C

Crotty, A

Damon, S

Not Voting : 1

Slater, C

Presiding Speaker: Curley, C