24th NAVAJO NATION COUNCIL
LEGISLATION SPONSORSHIP WITHDRAWAL

I, Kee Allen Begay JR, Primary Sponsor of proposed legislation hereby withdraw my sponsorship of the proposed legislation. The legislation tracking number is 0201-19

If there are any co-sponsors, they may re-sponsor the same bill by beginning a new legislation.

SPONSOR SIGNATURE: _____

DATE: 8/13/19

Office of Legislative Services • Post Office Box 3390 • Window Rock, AZ 86515
(928) 871-6380 / 7254 • Fax (928) 871-7259

LEGISLATIVE SUMMARY SHEET

Tracking No. 0201-19

DATE: July 11, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAU-52-15 EXHIBIT A, MASTER PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMITTEE

PURPOSE: If approved, this resolution will amend NABIAU-52-15 Exhibit A, Master Plan of Operation for the Dine Uranium Remediation Advisory Committee, by changing the number of commission members from eleven (11) to seven (7), removing the requirement for three members from the Navajo Nation Environmental Protection Agency, the Navajo Superfund Program, and the Abandoned Mine Lands Reclamation Department, and eliminating the requirement for a youth member.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2385
Website Posting Time/Date: 7/15/19 4:15pm
Posting End Date: 7/20/19
Eligible for Action: 7/21/19

Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Kee Allen Begay Jr.

Primary Sponsor

TRACKING NO. 0201-19

R. Nez

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAU-52-15 EXHIBIT A, MASTER PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMITTEE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700(A).

B. The Naabik'íyáti' Committee of the Navajo Nation Council exercises legislative oversight for the Diné Uranium Remediation Advisory Commission with the authority to approve amendments to the Diné Uranium Remediation Advisory Commission's Master Plan of Operation. 2 N.N.C. § 3584. *See also* CAP-14-15.

SECTION TWO. FINDINGS

A. The Navajo Nation Council amended the Navajo Nation Code at 2 N.N.C. § 3580 to establish the Diné Uranium Remediation Advisory Commission. *See* CAP-14-15.

B. Pursuant to CAP-14-15 and 2 N.N.C. § 3582, the organization of the Navajo Nation Uranium Remediation Advisory Commission shall be set forth in the Master Plan of Operation adopted by the Naabik'íyáti' Committee of the Navajo Nation Council.

C. The Naabik'íyáti' Committee adopted the Master Plan of Operation of the Diné Uranium Remediation Advisory Commission through NABIAU-52-15 attached as **Exhibit A**.

D. The Master Plan of Operation at section VIII, bullet point 2, provides for a Commission made up of eleven (11) members, including the Executive Director of the Navajo Nation Environmental Protection Agency, the Director of the Navajo Superfund Program, and the Manager of the Abandoned Mine Lands Reclamation Department, or their designees. *See* Master Plan of Operation attached as **Exhibit A1**.

E. The Master Plan of Operation at section VIII, bullet point 2(c), provides for one Commission member to be a Youth Member under the age of twenty-five (25). *See* **Exhibit A1.**

F. The Naabik'íyáti' Committee has determined that it is in the best interests of the Navajo Nation to amend the Master Plan of Operation of the Diné Uranium Remediation Advisory Commission to increase the efficacy and efficiency of the Commission through eliminating the Commission requirements for the Executive Director of the Navajo Nation Environmental Protection Agency, the Director of the Navajo Superfund Program, and the Manager of the Abandoned Mine Lands Reclamation Department, or their designees, and the Youth member.

SECTION THREE. AMENDING NABUIAU-52-15 BY APPROVING AMENDMENTS TO THE MASTER PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

The Naabik'íyáti' Committee of the Navajo Nation Council hereby amends and adopts the Master Plan of Operation for the Diné Uranium Remediation Advisory Commission as follows:

VIII. The Commission

2. The Commission shall consist of ~~eleven (11)~~ seven (7) members.

~~a. Three members shall be: The Executive Director of the Navajo Nation Environmental Protection Agency, or his/her designee; the Director of the Navajo Superfund Program, or his/her designee; and the Manager of the Abandoned Mine Lands Reclamation Department, or his/her designee. In the event that any of these members chooses to have a designee act as Commission member in his/her stead, the designee shall be an enrolled member of the Navajo Nation and shall have a background and expertise in environmental science. The designee may be changed or revoked at the will of the agency/department head.~~

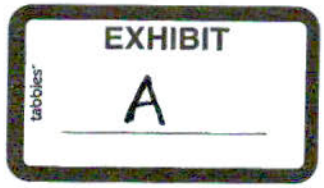
b. Seven Members shall be Community Members, one from each of the six Regions (as defined by the U.S. EPA) affected by past uranium mining – Northern, North Central, Eastern, Southern, Western, and Central – and one selected as an At-Large Community Representative. These seven members shall all be enrolled members of the Navajo Nation.

~~c. One member shall be a Youth Member, who shall be an enrolled member of the Navajo Nation under the age of 25 years at the inception of his/her term, and who shall have demonstrated a continuing interest in issues to be considered by the Commission.~~

SECTION FOUR. EFFECTIVE DATE

Amendments enacted herein shall be effective upon certification by the Chair or Chair Pro Tem of the Naabik'íyáti' Committee pursuant to 2 N.N.C. § 189(A).

NABIAU-52-15



RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - FIRST YEAR, 2015

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; ADOPTING THE PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

BE IT ENACTED:

SECTION ONE. FINDINGS

A. The Navajo Nation Council amended the Navajo Nation Code at 2 N.N.C. § 3580 to establish the Diné Uranium Remediation Advisory Commission. *See* CAP-14-15 attached as Exhibit A.

B. The purpose of the Commission is to study and reach conclusions about impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, law and regulations to address those impacts. 2 N.N.C. § 3581.

C. Pursuant to CAP-14-15 and 2 N.N.C. § 3582, the organization of the Navajo Nation Uranium Remediation Advisory Commission shall be set forth in the Plan of Operation adopted by the Naabik'íyáti' Committee of the Navajo Nation Council.

D. It is in the best interests of the Navajo Nation to adopt the proposed Plan of Operation attached hereto as Exhibit B.

SECTION TWO. ADOPTING THE PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

The Naabik'íyáti' Committee of the Navajo Nation Council hereby adopts and approves the Plan of Operation for the Diné Uranium Remediation Advisory Commission, attached hereto as Exhibit B.

SECTION THREE. EFFECTIVE DATE

The action enacted herein shall become effective upon passage and certification by the Naabik'íyáti' Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd 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 13 in favor and 0 opposed, this 27th day of August, 2015.

LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion : Honorable Jonathan L. Hale
Second : Honorable Tuchoney Slim, Jr.

DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

Master Plan of Operation

I. Establishment

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

II. Purpose and Objectives

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

The Commission may review and make recommendations on issues including but not limited to the following: remediation and restoration of areas contaminated by past uranium mining and uranium processing; appropriate technologies to address wastes, including potential locations to dispose and isolate uranium wastes; the role of the Navajo Nation in remediation of such sites; opportunities to increase the employment of members of the Navajo Nation in remediation work; the need for and scope of studies of the effects on the environment and human health of exposure to uranium wastes; the potential impacts and risks of new uranium development; and the consistency of new proposed mining with the Fundamental Laws of the Diné, the Diné Natural Resources Protection Act of 2005, Navajo Nation CERCLA, and the Radioactive Materials Transportation Act.

The Commission shall consider the comments and preferences of the citizens of the Navajo Nation, and shall work closely with the Navajo Nation Environmental Protection Agency.

The Commission shall have no regulatory or enforcement authority but shall serve as an advisory body to the President and Navajo Nation Council.

III. Definitions

1. "Fundamental Laws of the Diné" means the law titled Diné Bi Beehaz'áanii Biste Silei and enacted by the Navajo Nation Council (Resolution CN-69-02) on November 8, 2002, and codified at 1 N.N.C. §§201-206.

2. "Diné Natural Resources Protection Act of 2005", or "DNRPA", means the law enacted by the Navajo Nation Council (Resolution CAP-18-05) on April 19, 2005, and codified at 18 N.N.C. §§1301-1303.

3. "Navajo Indian Country" shall mean (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running throught the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or the subsequently acquired territory thereof, and whether within or without the limits of the state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Title 18 of the U.S. Code, Section 1151 (18 U.S.C. §1151).

4. "Navajo Nation CERCLA" means the law titled Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act and enacted by the Navajo Nation Council (Legislation No. 0691-07) on April 29, 2005, and codified at 4 N.N.C. §§2101-2805.

5. "Radioactive Materials Transportation Act" means the law titled Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 and enacted by resolution CF-18-12 of the Navajo Nation Council on March 7, 2012, and codified at 18 N.N.C. §§ 1304-1307.

6. "Remediation" shall mean the permanent closure of uranium mining and uranium processing sites, waste piles and associated buildings for the purposes of eliminating or substantially reducing releases of radioactive and toxic substance to the air, land and water in such ways as to prevent or substantially minimize human exposure to such substances now and for future generations. 18 N.N.C. §1302.D.

7. "Restoration" shall mean returning land, vegetation, water and air to its original state, or as close to its original state as is technologically possible, without regard to cost, in accordance with the duty of the Diné to protect and preserve the beauty of the natural world for future generations, as set forth in 1 N.N.C. §205.G.

8. "Uranium mining" shall mean the extraction of uranium or uranium ores by mechanical means including, but not limited to, surface mining, open pit mining or

underground mining. Uranium mining shall not include extraction of uranium or uranium ores by solution mining. 18 N.N.C. §1302.F.

9. "Uranium processing" shall mean the alteration of uranium ores from their natural state by mechanical or chemical means including, but not limited to, crushing, grinding, and in situ leach mining or solution mining. 18 N.N.C. §1302.G.

10. "Uranium waste" means any sludge, effluent, soil, materials or equipment, including contaminated waste water, left over from the extraction of uranium-bearing ores from the earth, by any means, and from the processing of mineral-bearing ores to extract and concentrate uranium, by any means, for later use in military or civilian power applications.

IV. Findings

1. In the Diné concept, uranium (łeetso) was conceived at creation. In the 1890s, Marie Curie coined the word "radioactivity" and explored many of the properties of radioactive materials. In 1938, nuclear fission was achieved, releasing large amounts of energy, and łeetso began to take the form of a Nayee, a monster. The Nayee was born, bringing the entire world into the nuclear age, when the first atomic bomb was detonated at Alamogordo, New Mexico on July 16, 1945.

2. Beginning in the 1940s, the Navajo people were recruited by the federal government and private industry to extract uranium from Navajo lands to build this powerful new weapon, the atomic bomb, for military purposes. When the weapon was used on the Japanese people on August 6 and August 9, 1945, łeetso became a full-fledged Nayee. After World War II, the United States and other nations struggled for world dominance by threatening to use the atomic bomb against each other. Once again, the Navajo People were recruited and employed to mine and mill uranium for use in atomic bombs in the 1950s and 1960s and later.

3. Thousands of Navajo people were engaged in uranium mining, processing, ore transportation and related jobs between the early 1940s and the mid-1980s. Studies have shown that these workers contracted lung cancer and other respiratory diseases at much higher rates than the rest of the population. Uranium exposure also increases the risk of kidney damage and kidney disease.

4. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.

5. Western science provides evidence to support the traditional teachings regarding the Nayee. Uranium has both chemical and radiological properties. Its chemical properties generally allow uranium to exist in Mother Earth without causing great harm or damage if left undisturbed. Uranium minerals exist in sedimentary rocks next to or as part of humate deposits that are low in oxygen. This "reduced" condition leaves uranium in an insoluble form that limits its movement through the subsurface. But once removed from the Earth, uranium is "released" by being exposed to air containing oxygen. Its chemical properties change and uranium becomes highly soluble, meaning it is easily dissolved in the moisture in soils and in surface water, and therefore far more mobile.

6. Uranium also has the property of being "radioactive," meaning it constantly emits unseen radiation and radioactive particles. This property is why uranium was sought for its explosive capabilities for military uses and its energy capabilities for commercial electric power uses. Being "radioactive" also means that uranium changes in time into other unseen radioactive decay "products." These other elements also emit unseen radioactive particles.

7. This "uranium decay chain" produces other radioactive elements, such as radium and radon, which, like uranium, are present throughout nature but in very small quantities. Even then, uranium, radium and radon are considered to be dangerous to human beings. They are classified as "Class A" human carcinogens by USEPA, meaning that they emit radiation that is known to cause cancer in people.

8. Human health risks are associated with exposure to uranium and uranium decay products in soil, dust, air, groundwater, surface water and/or sediment. Pathways include direct exposure to radioactive waste piles during cultural activities (hunting, herb gathering, sheep grazing, and performing ceremonies) and recreational activities (camping, hiking etc.) as well as exposure to radioactive media that have been transported from the waste rock piles to other locations, including building structures. Other exposure pathways include ingestion of and dermal contact with radiologically-impacted surface water and groundwater, and inhalation and/or ingestion of windblown radioactive dust. Finally, open portals, adits, vertical openings, inclines and declines, pits, rim cuts, high walls, and embankments pose the added risk of physical injuries.

9. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation. Many of these uranium waste sites are located within a short distance of Navajo homes.

10. Results of recent research conducted by the University of New Mexico and other organizations in collaboration with the Navajo Nation and USEPA indicate that living in close proximity to uranium wastes and having had contact with uranium wastes at multiple times in a person's life may significantly increase a person's risk of high blood pressure, kidney disease and autoimmune disease. The DiNEH study concluded that "People living in areas with greatest number of mine features can have twice the risk of hypertension when all other significant factors - kidney disease, diabetes, family history of disease, BMI, age and gender - are accounted for as the baseline."[1]

11. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné .

V. Foundation in Fundamental Law

The Commission shall be guided by traditional Navajo governance and planning, particularly the Naabik'iyati "talking things out" example (2 N.N.C. §110 (M)) and the Fundamental Laws of the Diné.

A. Navajo Definitions[2]

1. *Hózhó* – Describes a state or a condition in which everything tangible and intangible is in its proper place and functioning well with everything else – a condition encompassing everything that Navajos consider positive and good, and having all the positive characteristics that Navajos believe will contribute to living life to the fullest. These positive characteristics include beauty, harmony, goodness, socially acceptable relations, good health, and acquisition of knowledge. (pg. 54).

2. *K'e* – A person's positive relationship with all life forms to maintain *hózhó*. (pg. 41).

---

[1] Uranium Legacy Impacts on Health in Eastern Navajo Agency. Diné Network for Environmental Health Project Update. September 15, 2010.

[2] Navajo definitions 1-4 are based on the Hon. Raymond D. Austin's Navajo Courts and the Navajo Common Law. Page numbers refer to the specified pages of that source.

3. *K'ei* – Embedded within *k'e* – a person's positive relationship with all relatives including clan relatives. (pg. 41).

4. *Nayee* – Something that disrupts successful life or *hózhó* and that gets in the way of successful life, anything that causes disharmony. (pg. 205).

5. *Naat'aanii* – Leader.

6. *Łeetso* – literally means "yellow dirt" or "yellow cake," referring to the appearance of uranium as observed by Navajos.

7. *Naat'aahji* – The process of talking and planning, to carefully examine and involve all interests of all people and knowledge holders in the process of decision making. Navajo leadership philosophy considers this one of the key traits of good governance and good leadership.

B. Uranium and the Diné Natural Law

1. By enacting the Fundamental Laws of the Diné, the Navajo Nation Council has established that Diné Natural Law in 1 N.N.C. §205 requires the four sacred elements of life — air, light/fire, water and earth/pollen — to "be respected, honored and protected" because they sustain life.

2. The Council also established "the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse." 1 N.N.C. §204.E

3. The Council further recognized that all creation, including Mother Earth, Father Sky and other animate and inanimate earth surface beings each have their own laws, rights and freedom to exist. 1 N.N.C. §205.C.

4. The recognition of those elements, their laws and their independent rights and freedoms to exist, create a sacred obligation and duty of the Five Fingered People to respect, preserve and protect Mother Earth as stewards and guardians. Elements are to be observed as a matter of *k'e* with love and respect, without exerting dominance, in recognition of their necessary co-existence, to protect and preserve the beauty of the natural world for future generations.

5. *Iiná*, or life, is energy that is in all life forms and sentient beings. As such, all of life has the capability and capacity of *hozhooji* (good or goodness) or *hashkeji* (bad or badness) that must be balanced to achieve beneficial results. It is this balance, known by the Navajo word *hózhó* that the Commission must strive to achieve in carrying out its functions and in its

consideration of remedies and policies related to uranium mining and uranium processing on the Navajo Nation.

6. Our elders have taught that people have freedom to do what they want but that freedom comes with responsibility. We have a responsibility to observe, for example, Natural Law. Our failure to observe Natural Law and to practice *hózhó* results in a disruption of our sacred, shared relationships (*k'ei*) with one another and causes the emergence of certain *Nayee*, or "monsters," that are forces impeding successful outcomes of *liná*. The term *Ba ho za'a* incorporates this principle of responsibility and the consequences of the failure to observe it.

7. The Dine' Journey Narratives speak of two Hero Twins that set about dealing with *Nayee* (Monsters), and confrontations with certain *Nayee* such as hunger and poverty who were spared to co-exist with the Navajo livelihood, thereby continuing *hózhó* and benefitting the Five-Fingered People (bii laa ashjg;ai).

8. Some Navajo elders have taught that uranium, or *łeetsó* (literally, "the dirt that is yellow"), is one such *Nayee* that can disrupt life when it is misused or disrespected and its own laws are not observed. This is a violation of *k'e* or a persons' positive relationship with all living beings as mentioned in 1 N.N.C. §§ 201-206. Other elders have said that certain substances in Mother Earth (*doo nalyee dah*) are not to be disturbed from their resting places, and that "the people now know that uranium is one such substance". 18 N.N.C. §1301.D.

9. Accordingly, the Commission, as the agent of the Five Fingered People, who in turn are the stewards of the land and its sacred elements (1 N.N.C. §205.D.), is guided by Fundamental Laws of the Diné to find ways to return *łeetso* to its natural balance within Mother Earth so that it does not harm the sacred elements or the sacred *liná* of the human beings and animal and plant people that exist on Mother Earth. (1 N.N.C. §205).

10. In considering how to address the problems of *łeetso*, the Commission shall act as *Naat'aanii*, or leader, in using traditional characteristics of each of the Four Directions: (i) *Nitsahakees*, for intuition, discovery and thinking of the East (2 N.N.C. §110 (N); *Nahat'a*, or planning (2 N.N.C. §110 (M), and *nahat'a* or *Naat'aaji*, or the talk of planning, of the South to carefully examine and involve all interests and knowledge holders in the process; *jiná* to implement thought and consensual plans actively and for good results in the West (2 N.N.C. §110 (G) ; and *Sihasin*, or reflection and reconsideration, to assess the result of thinking, talking, planning and doing, of the North (2 N.N.C. §110 (T). *Naabik'iyatí* (2 N.N.C. §110 (M).

11. The Four Direction planning process of Navajo tradition is also expressed in modern Western principles of planning and project implementation: the project begins with a concept (a thought or intuition – the East); the concept is then discussed, considered and refined (talk or examine – the South); the refined project is then put into action (implementation – the West); and the results of the project are assessed and evaluated (reflection and reconsideration – the North).

12. In both Navajo and Western traditions, good governance occurs when we observe these important principles: effective participation and consensus among those affected by the decision; accountability to and from government and civil society; transparency through the free flow of information; fairness and equity to all men and women; and adherence to the rule of law. A failure to observe these principles leads to non-responsive governance.

13. *T'aa altso alk'ei daniidii* means that everything in existence has a positive (good) and negative (bad) aspect to it. Everything has both positive and negative, and these must be balanced. Some things are so powerful that they must not be touched—our very involvement with these causes imbalance and harm. The Coyote once enticed the people and persuaded them that certain things were good. The people thought "This really looks good", not knowing that this very thing, although attractive, would make the people sick and result in death or loss of life. The Navajo elders say that you should never assume that if something looks good up front it really is good for you. *Ba' at'eeh holo*: it has grave consequences. *T'aa altso alk'ei daniidii* – if you contaminate one, you will contaminate everything. The uranium looks good, it can bring wealth but it can also bring, and has brought, serious consequences. Even if we cannot see the consequences now, there are grave consequences for the future, for ourselves as the five-fingered people and our land, and for the well-being of all life forms. Those who use our uranium put themselves and others in grave danger.

14. The Commission shall consider this history as it seeks a path to restore *hózhó*.

VI. Staffing and Organization

The Commission shall be administered by an Executive Director, who shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council upon recommendation from the Naabik'iyatí Committee of the Navajo Nation Council.

The Executive Director shall be employed and compensated in accordance with the Navajo Nation Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

The Executive Director shall be authorized to oversee the daily operations of the Commission, coordinate hearings, analyze data, write reports, and submit his/her findings to the Commissioners, the Naabik'iyatí Committee, and the Navajo Nation Council. The Executive Director shall supervise the office staff to ensure timely completion of established operational goals.

The Executive Director shall hire other personnel as may be deemed necessary to carry out the purposes of the Commission. All personnel shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

VII. Responsibility and Authority of the Executive Director

The Executive Director of the Commission shall:

1. Be responsible to develop, organize, administer, and coordinate the meetings and the work of the Commission;
2. Chair all meetings and proceedings of the Commission;
3. Collect and compile data from public meetings, prepare and issue minutes, and prepare meeting agendas;
4. Report to the Executive Director of the Navajo Environmental Protection Agency and the President of the Navajo Nation, and shall be responsible to the President;
5. Plan, prepare, and submit budgetary packages;
6. Establish and fill additional positions within the Commission where deemed appropriate and necessary in accordance with established guidelines and budget;
7. Provide effective administrative, managerial, and financial direction to the Commission;
8. Formulate overall administrative and operational policies for the Commission and take action as necessary for their accomplishment;
9. Complete all assignments issued to him/her from the Commission in a timely manner;
10. Establish and maintain effective communications with the various programs of the Navajo Nation Government and with local, chapter, state, and other authorities on matters related to the objectives of the Commission;
11. Prepare, present, and submit appropriate reports and documents for approval.

VIII. The Commission

1. The initial term of the Commission shall be approximately five (5) years. The term shall end five (5) years after the date of issuance of the Second Five-Year Plan entitled "Federal Actions to Address Impacts of Uranium Contamination in the Navajo Nation," expected to be issued by the U.S. Environmental Agency and other federal agencies in the first half of 2014. The Navajo Nation Council may, by majority vote, renew the Commission for a second five-year term, or for such period as the Council may choose.
2. The Commission shall consist of eleven (11) members.
    a. Three members shall be: The Executive Director of the Navajo Nation Environmental Protection Agency, or his/her designee; the Director of the Navajo Superfund Program, or his/her designee; and the Manager of the Abandoned Mine Lands Reclamation Department, or his/her designee. In the event that any of these members chooses to have a designee act as Commission member in his/her stead, the designee shall be an enrolled member of the Navajo Nation and shall have a background and expertise in environmental science. The designee may be changed or revoked at the will of the agency/department head.
    b. Seven members shall be Community Members, one from each of the six Regions (as defined by the U.S. EPA) affected by past uranium mining – Northern, North Central, Eastern, Southern, Western, and Central – and one selected as an At-Large Community Representative. These seven members shall all be enrolled members of the Navajo Nation.
    c. One member shall be a Youth Member, who shall be an enrolled member of the Navajo Nation under the age of 25 years at the inception of his/her term, and who shall have demonstrated a continuing interest in issues to be considered by the Commission.
3. Commission members shall be appointed as follows:
    a. The Navajo Nation President shall appoint the Youth Member and the At-Large Community Representative.
    b. The Navajo Nation Council shall appoint the six Members representing the six uranium mining regions.
    c. All initial Commission members shall be appointed within 90 days following the effective date of this Act. If the Council fails to make its Commission appointments within that ninety (90) day period, the President shall appoint them within sixty (60) days thereafter. If the President fails to make his or her Commission appointments within

that ninety (90) day period, the Council shall appoint them within sixty (60) days thereafter.

d. The President and the Council may, but are not required to, make a public announcement soliciting letters of interest and statements of qualification for the Commission member positions.

4. The Commissioners' terms shall be coextensive with the initial term of the Commission (five years). In the event the Commission is renewed by the Council, each Commission Member shall be either reappointed or replaced. The appointment process shall follow the same procedure outlined above for the initial appointment.

5. If a member of the Commission retires or becomes unable to serve, a new Commission Member shall be appointed promptly to complete the remainder of his or her term. The appointment shall be made by the person or body that appointed the Member being replaced. The appointment process shall follow the procedure outlined above for the initial appointment.

6. The Commmission Members appointed by the Navajo Nation Council may be removed by a majority vote of the Council, for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the Council shall promptly appoint a replacement Commission Member. If the Council fails to fill the Commission seat within ninety (90) days of the vacancy, the President shall appoint a replacement Commission Member within sixty (60) days thereafter.

7. The Commission Members appointed by the President may be removed by the President for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the President shall promptly appoint a replacement Commission Member. If the President fails to fill the Commission seat within ninety (90) days of the vacancy, the Council shall appoint a replacement Commission Member within sixty (60) days thereafter.

8. All members of the Commission shall be voting members. The Executive Director of the Commission shall not be a voting member of the Commission, except in the case of a tie vote of the Commission. In case of a tie vote, the Executive Director shall cast the deciding vote.

9. Any matter requiring decision or formal action by the Commission shall require the presence of a quorum. A quorum shall consist of at least five (5) members of the Commission, and the Executive Director.

IX. Responsibility and Authority of the Commission

The Commission shall have the power and authority to conduct studies of problems created by uranium extraction and associated activities in the Navajo Nation, consult with experts and civil society on problems and solutions, render reports to the Navajo Nation Council and to other governmental officials and agencies, conduct governmental and public education programs, hire staff and experts within established annual budgets, solicit public comment and hold public hearings, and otherwise conduct the business of a public agency in light of the purposes and findings of this Act. All of the Commission's work shall be guided by the Fundamental Laws of the Diné as discussed in this Plan of Operation and in the Commission's enabling legislation.

X. Reports

The Commission shall prepare and submit quarterly reports to the Navajo Nation Council following public notice and an opportunity for the public to comment and suggest changes. The Commission may also provide recommendations for new or revised policies and proposed legislation to the Council as often and as necessary to fulfill its responsibilities under this Act.

XI. Creation of Standards for Measuring Progress under Diné Natural Resources Protection Act of 2005

The Diné Natural Resources Protection Act of 2005 placed a moratorium on uranium mining in Navajo Indian Country until "all adverse economic, environmental and human health effects from past uranium mining and processing have been eliminated or substantially reduced, to the satisfaction of the Navajo Nation Council." The Commission shall draft standards for measuring progress toward this goal. The standards shall reference the number of uranium mines cleaned up, the number of contaminated structures identified and remediated, the number of contaminated water sources identified and alternative water sources provided, and progress toward the other goals identified in the U.S. EPA's Five-Year Plan (2008) and the Five-Year Report (2014), as well as other measures to be determined by the Commission. The standards for measuring progress shall be submitted to the Council for approval. Following Council approval, the Commission's quarterly reports shall report on progress made during the reporting period and expected progress in the next reporting period or longer.

XII. Funding, Expenditures and Oversight

1. The Executive Director of the Navajo Nation Environmental Protection Agency and the Executive Director of the Commission are authorized and directed to seek initial funding for the Commission through grants from the US Environmental Protection Agency, from funds available to the Navajo Nation for investigation and remediation of uranium mines and mills, and from the Navajo Nation Council.

2. Thereafter, the Commission, acting through its Executive Director, shall have the authority to establish budgets for operations, to seek funding from the Navajo Nation, federal agencies or other sources, to conclude agreements for such funding, to comply with funding requirements and restrictions, and to otherwise responsibly seek funding for operations mandated in this act. The Commission shall prepare and approve annual budgets and funding plans, shall account for all income and expenditures, and shall report its financial status and activities to the Navajo Nation Council and to the public.
3. The Commission is authorized to expend funding for travel and other activities needed to carry out its purpose.
4. Members of the Commission, except members who are Navajo Nation employees attending in the normal course of their employment, shall receive a stipend for each Commission meeting attended, subject to a budget prepared by the Commission.
5. All members of the Commission, the Executive Director and each staff member shall receive reimbursement for documented expenses, including mileage, per diem, and lodging, incurred in attending Commission meetings.
6. Except as provided herein, Commissioners shall receive no compensation for their activities in connection with the Commission.

XIII. Standard of Conduct

1. Each Commissioner shall be held to the standard of conduct as a fiduciary in charge of their responsibilities and authorities. As fiduciaries, the members of the Commission shall carry out their responsibilities and authorities to promote and protect the human rights of the Navajo people, consistent with the fiscal and governmental responsibilities of the Navajo Nation.
2. Each member of the Commission shall discharge his/her duties with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such matters would use.

XIV. Meetings and Procedures

1. Meetings of the Commission shall initially be conducted pursuant to rules and procedures stipulated in the "Navajo Nation Council Standing Committee Rules of Order," until such time as rules are approved for the Commission by the Naabik'iyatí Committee.

2. The Commission shall establish a meeting schedule, which will provide for at least one meeting day per month during the first year after its formation, and at least one meeting day every two months thereafter. During the first two and one-half years of its existence, and again during the second two and one-half years, the Commission shall hold at least one meeting in each of the six Uranium Regions.
3. These scheduled meetings are to be known as "regular meetings" of the Commission. Regular meetings of the Commission shall commence at 10:00 a.m. on a date selected by the Commission.
4. The Commission may hold "special meetings" or call for "executive session" as deemed necessary. All special meetings and executive sessions shall be conducted in accord with the Commission's rules of order.
5. Meetings of the Commission shall be open to the public. When matters before the Commission are protected or confidential, the Commission, upon majority vote of a quorum of the Commission, may hold discussions in executive session which shall be closed to the public.
6. The Commission shall publish the date and location of each meeting ten days in advance of such meeting. The publication requirement shall be satisfied by announcement by radio, in the Navajo Times and on the official Navajo Nation website.
7. Meetings of the Commission shall not commence until a quorum of the Commission is present and the meeting publication requirement has been satisfied.

XV. Indemnification

The Navajo Nation shall indemnify and hold the members of the Commission, jointly and severally, harmless for the effects and consequences of their acts, omissions, and conduct in their official capacity, provided that such acts, omissions or conduct arise in the Commissioners' official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right of indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law, nor waive any immunities conferred by applicable law.

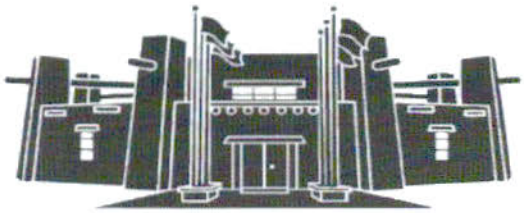
XVI. Legislative Oversight

The Naabik'iyati Committee of the Navajo Nation Council shall be the oversight committee for the Commission.

XVII. Amendments

This Plan of Operation may be amended by the Navajo Nation Council upon the recommendation of the Naabik'iyatí Committee or as deemed necessary.

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Kee Allen Begay Jr.
24th Navajo Nation Council Delegate

THRU: Edward McCool, Attorney
Office of Legislative Counsel

FROM: Khrystyne Wilson, Legal Intern
Office of Legislative Counsel

DATE: July 11, 2019

RE: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAU-52-15 EXHIBIT A, MASTER PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMITTEE

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0201-19_____ SPONSOR: Kee Allen Begay

TITLE: An Action Relating To The Naabik'íyáti' Committee; Amending NABIAU-52-15 Exhibit A, Master Plan Of Operation For The Diné Uranium Remediation Advisory Committee

Date posted: July 15, 2019 at 4:15pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0201-19

SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: An Action Relating To The Naabik'íyáti' Committee; Amending NABIAU-52-15 Exhibit A, Master Plan Of Operation For The Diné Uranium Remediation Advisory Committee

Posted: July 15, 2019 at 4:15 PM

5 DAY Comment Period Ended: July 20, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

7/22/19 8:37am
Date/Time

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2019

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0201-19

An Action Relating to Naabik'íyáti'; Amending NABIAU-52-15 Exhibit A, Master Plan of Operation for the Diné Uranium Remediation Advisory Committee

Sponsored by: Honorable Kee Allen Begay, Jr.
Co-Sponsored by: Honorable Rickie Nez

Has had it under consideration and reports the same that the legislation **WAS TABLED AND REMAINS WITH THE NAABIK'ÍYÁTI' COMMITTEE**.

Respectfully Submitted,

Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

8 August 2019

TABLING MOTION
Motion to table legislation 0201-19 for no longer than 30 days.
Motioned by: Honorable Otto Tso
Seconded by: Honorable Paul Begay, Jr.
Vote: 15 in Favor, 00 Opposed (Chairman Damon Not Voting)

MAIN MOTION
Motioned by: Honorable Raymond Smith, Jr.
Seconded by: Honorable Jamie Henio
Vote: VOTE PENDING

NAVAJO NATION

265

8/8/2019

Naa'bik'iyati Committee Meeting

03:37:01 PM

Amd# to Amd# | Table Legislation 0201-19 For 30 Days | PASSED

MOT Tso, O

SEC Begay, P

Yea : 15 **Nay : 0** **Excused : 4** **Not Voting : 3**

Yea : 15

Begay, E	Halona, P	Tso, C	Walker, T
Begay, P	Henio, J	Tso, D	Wauneka, E
Charles-Newton	Nez, R	Tso, E	Yellowhair
Daniels	Smith	Tso, O	

Nay : 0

Excused : 4

Begay, K	Freeland, M	Stewart, W	James, V

Not Voting : 3

Yazzie	Crotty	Brown

Presiding Chair: Damon