PROPOSED RESOLUTION OF THE SHIPROCK CHAPTER

REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE
NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY (NNEPA) TO ENFORCE
THE PROPOSED CLEAN POWER PLAN FOR ALL POWER PLANTS IN THE U.S.
INCLUDING THE POWER PLANTS LOCATED ON THE NAVAJO NATION

WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B.: Purpose which states “Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition” and the inclusivity provided by the Diné Fundamental Law, in that it is entirely appropriate for the government itself to openly observe these fundamental laws; and

2. On June 2, 2014, the EPA proposed a Clean Power Plan to cut carbon pollution from power plants in the U.S. by 30% below 2005 levels by 2030, yet, the proposed Clean Power Plan rule is being delayed for the power plants located in Indian Country because the EPA claims there is a different federal-tribal relationship than there are with the states; and,

3. The EPA is giving an opportunity for Tribes, including the Navajo Nation to provide their own cleanup plans for cutting carbon pollution from the power plants; and,

4. There are at least 5 coal-fired power plants surrounding the Navajo Nation, with the Four Corners Power Plant (FCPP) and Navajo Generating Station (NGS) being among the biggest power plant in the U.S. and the EPA needs to enforce an equally strong Clean Power Plan for the FCPP and NGS on the same timeline as the rest of the country; and

5. The Diné people deserve clean air and clean water and ultimately a healthy environment for the current and future generations.

NOW THEREFORE, BE IT RESOLVED:

The membership of the Shiprock Chapter requests the U.S. Environmental Protection Agency (EPA) and the Navajo Nation Environmental Protection Agency (NNEPA) to enforce the proposed Clean Power Plan for all power plants in the U.S. including the power plants located on the Navajo Nation.

Motioned: __________________________  Seconded: __________________________

CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of ___ in favor, ___ opposed and ___ abstention on this 08th day of September, 2014.

Duane H. Yazzie, President                          Tommie Yazzie, Vice President

Dr. J. Kaibah Begay, Secretary/Treasurer            Russell Begaye, Council Delegate
PROPOSED RESOLUTION OF THE SHIPROCK CHAPTER

REQUESTING THE LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL TO INVESTIGATE THE NAVAJO OIL AND GAS ISSUES, INCLUDING WHAT HAPPENED AT THE DISTRICT COURT AND THE NAVAJO SUPREME COURT IN THE NAVAJO NATION OIL AND GAS COMPANY (NNOGC) Case No. SC-CV-25-14; AND TO IMMEDIATELY RETAIN ITS OWN INDEPENDENT LEGAL COUNSEL TO ASSIST IT WITH THIS INVESTIGATION PROCESS

WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states “Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition” and the inclusivity provided by the Diné Fundamental Law, in that “it is entirely proper for the government itself to openly observe these fundamental laws”; and

2. The Law and Order Committee of the Navajo Nation Council has oversight authority over the Navajo Courts and the Department of Justice; and,

3. On June 20, 2014, the Navajo Nation Supreme Court issued a ruling in the Navajo Nation Oil and Gas Company (NNOGC), Case No. SC-CV-25-14; and,

4. Four of the five rightful Shareholder Representatives attempted to intervene at both the Window Rock District Court and at the Navajo Supreme Court but were not allowed to speak through their legal counsel at the hearings that were held in the matter; and,

5. Despite not being allowed to speak in their own defense and in defense of NNOGC, many critical factual determinations were made against the Shareholder representatives and other persons involved in the case; and,

6. The Shareholder representative believed and trusted than an affected party is provided proper notice of the claims against him, allowed to interview when his interests are at stake, provided an opportunity to speak, provided an opportunity to present evidence to protect his interests, and allowed to call and cross examine witnesses; and,

7. The Shareholder Representative also thought that a court does make factual and legal determination without receiving evidence, testimony from all concerned parties, and only after the cross examining of witnesses; and,

8. Because of the way in which the final decision was made by the Navajo Nation Supreme Court on June 20, 2014, the Law and Order Committee needs to immediately begin an investigation into what happened at the District Court and the Navajo Supreme Court in the NNOGC case; and,

9. The Committee investigation should focus on why the matter was moved from the District Court so quickly, why the district court was not allowed to perform its function of fact finding, why the Supreme Court itself made findings of facts, and why the shareholder representatives were not allowed to intervene; and,

10. The Committee needs to investigate whether all parties who come before Navajo courts are treated in the same way and are all parties who come before our Navajo Nation courts not allowed to speak in their own defense, are all parties not allowed to offer evidence, are decisions routinely made without evidence being admitted, and are decisions made without any testimony from or cross examination by any party; and,
PROPOSED RESOLUTION OF THE SHIPROCK CHAPTER

11. The Navajo people need to know whether this is the way matters are routinely handled by our Navajo Nation courts and did our Navajo Nation courts provide due process to all parties? If not, why not?; and,

12. The Committee also needs to look into why the Department of Justice took the positions it took in the matter at all steps of the case; and,

13. The Committee also needs to look into the actions of the attorneys who caused the matter to end up the way it ended up. What was the relationship, if any, among and between the attorneys, judge and others who were involved in the matter; and,

14. The Committee should also inquire into what other errors were committed and by whom; and,

15. Once the investigation is completed, the Committee needs to either take appropriate corrective actions or make the appropriate recommendation on the Navajo Nation Council for correction action.

NOW, THEREFORE, IT BE RESOLVED THAT:

1. The Shiprock Chapter hereby respectfully requests the Law and Order Committee of the Navajo Nation Council immediately begin an investigation into what happened at the District Court and the Navajo Supreme Court in the NNOGC case; and,

2. The Shiprock Chapter hereby requests the Law and Order Committee to take appropriate corrective action including recommending the amendment of any laws that need to be amended, adopted of new laws that ensure the protection of rights to all parties, taking appropriate action against any public official who committed wrongdoing, or whatever other recommendation or appropriate action that needs to be taken based on results of the investigation; and,

3. The Shiprock Chapter hereby requests the Law and Order Committee to immediately retain its own independent legal counsel to assists it with this critical investigation process; and,

4. The Shiprock Chapter hereby requests that because the urgency of the matter and the need to protect the integrity of our legal system, the Law and Order Committee begins its investigation immediately.

Motioned: ____________________  Seconded: ____________________

CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of ___ in favor, __ opposed and ___ abstention on this ___ day of September, 2014.

Duane H. Yazzie, President  Tommie Yazzie, Vice President

Dr. J. Kaibah Begay, Secretary/Treasurer  Russell Begaye, Council Delegate
PROPOSED RESOLUTION OF THE SHIPROCK CHAPTER

SUPPORT OF THE NATURE CONSERVANCY TO RESTORE RIVER HABITAT TO HISTORIC SECONDARY CHANNELS OF THE SAN JUAN JUST WEST OF AREA 3

WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1,B. Purpose, which states “Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition”, and

2. The Nature Conservancy is an international non-profit organization with a mission to conserve the lands and waters on which all life depends and it completed San Juan River habitat restoration projects in Gadai’ahi Chapter in 2011 using Navajo workers and Navajo equipment, and

3. The Nature Conservancy applied for permission to restore river habitat to historic secondary channels to all applicable permits along the San Juan River west of Area 3 and the Conservancy has received permission for the project from the grazing permit holders in the project area, and

4. The Conservancy through its engineering consultant has entered into an agreement with Southwest Conservation Corps, a non-profit organization that completes conservation programs using Navajo young adults throughout the Navajo Nation to remove 6 acres of invasive Russian olive trees, and

5. The Nature Conservancy has coordinated projects with the Navajo Nation Departments of Fish and Wildlife and Historic Preservation and the U.S. Fish and Wildlife Service and the Conservancy has entered into an agreement through its engineering consultant with the San Juan River Dineh Water Users, Inc. (SJRDWUI) to complete excavation work using labor and equipment, and

6. The SJRDWUI, a non-profit farmer’s organization located in Shiprock will receive compensation for their labor and equipment which they can use to finance their maintenance of Shiprock Chapter irrigation system, and

7. The SJRDWUI is part of the San Juan River Woody initiative whose mission is to remove exotic invasive Russian olive and Tamarisk trees from the San Juan River basin.

NOW THEREFORE, BE IT RESOLVED THAT:

The membership of Shiprock Chapter hereby expresses its support for The Nature Conservancy to restore river habitat to historic channels of the San Juan River west of Area 3.

Motioned: ___________________________ Seconded: ___________________________

CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of ___ in favor, ___ opposed and ___ abstention on this 08th day of September, 2014.

Duane H. Yazzie, President

Dr. J. Kaibah Begay, Secretary/Treasurer

Tommie Yazzie, Vice President

Russell Begaye, Council Delegate