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Diné Bitzill: Navajo public in the dark
By Jim Snyder/The Daily Times
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WINDOW ROCK, Ariz. — A Navajo grassroots coalition will call upon the Navajo government today to hire an outside law firm to perform an independent analysis of the proposed Navajo Nation water rights settlement.

The Diné Bitzill Navajo Strength coalition wants a delegate-sponsored resolution on this fall's Navajo Council session agenda mandating an analysis be performed to give the Navajo people a clearer idea of what the settlement means. The coalition is holding a news conference at 1 p.m. at the Diné Quality Inn Restaurant in Window Rock to announce its intention.

"The concern is the Navajo people still have not been fully informed of the political and legal ramifications of the agreement," said Norman Patrick Brown, one of the coalition leaders, in an interview Wednesday.

"Where are all the people who support the settlement? Where are they?" Brown asked. "If the water rights agreement is so great and so positive, why are they (the Navajo Nation) afraid to have us look at it, evaluate it and have an independent counsel to educate people, the grandpas and grandmas?"

The Navajo Water Commission can afford to spend \$30,000-\$40,000 on the study out of its annual multimillion dollar budget, he added.

"If it's great ... we'll jump behind the agreement," Brown said, adding its strength comes from people supporting it. His coalition represents more than a dozen grassroot coalitions throughout the 27,000 square-mile reservation.

The settlement, still in negotiations with the New Mexico' state engineer, seeks 606,060-acre-feet of diverted water — 56 percent of the basin's water supply in New Mexico — annually for the Navajo Nation. It also seeks \$1.2 billion in federal appropriations to pay for a Navajo-Gallup Pipeline, to complete the Navajo Indian Irrigation Project and other Navajo water infrastructure projects.

Once passed, the settlement would set a precedent for negotiations between the Navajo Nation and the states of Arizona and Utah on potential water right settlements on the Lower and Upper Colorado River Basins respectively, Brown added, because it allowed a New Mexico state court to adjudicate a water claim.

Brown added he is distressed the Navajo Nation has not publicly responded to U.S. Sen. Pete Domenici's Aug. 18 letter to Navajo President Joe Shirley Jr. stating the \$1.2 billion settlement had become too expensive for congressional passage. U.S. Rep. Tom Udall, D-N.M. stated Sept. 1 he agreed with Domenici on this issue, adding the proposed Navajo settlement was more than twice the cost of the CALFED water settlement in California by comparison. The House passed the \$389 million settlement July 9.

"Ideally there should be some kind of reaction from the (Navajo) Council," Council spokesman Merle Pete said Wednesday about Domenici and Udall's statements. "They (the Council) have talked about not making their reaction public."

Shirley spokeswoman Deana Jackson added Wednesday, "The president has not issued a response."

Brown is also concerned the Council has repeatedly gone into closed-door executive sessions — keeping the Navajo public in the dark — each time the water settlement was discussed.

The Council has only heard reports from the Navajo Water Commission and Navajo water attorney Stanley Pollack during

those executive sessions, Pete said, adding, "The Council really hasn't dug their hands into it (the settlement) at all."

The closed-door sessions give the 88 delegates an opportunity to talk "candidly" about the settlement without the public listening, Pete said. Furthermore, the Council is not expected to speak publicly about the settlement until the third draft comes out and they are ready to vote on it. For the Council to do otherwise would be "premature," he added.

The state engineer released its first draft Dec. 5 after nearly a decade of secret negotiations with the Navajo Nation and Navajo water attorney Stanley Pollack. A second draft was released July 9 following an extended public comment period.

"The (Navajo) people aren't excluded in commenting in this proposal at all," Pete said, adding he would like to see public hearings held on Navajo land — as opposed to Farmington — after the third draft was released.

Brown wasn't as optimistic "The trust factor within the Navajo Nation government is not there. They can only tell us so much. They knew very well by excluding us from the Navajo Nation water rights agreement ... the ideal would be reasserting our rights."

The Navajo Water Commission met privately with Domenici staff members Aug. 31 in Albuquerque in response to the letter to discuss the cost of the settlement. The senator was in New York City attending the Republican National Convention.

That prompted an argument between the commission and the Council's Natural Resources Committee when they met Sept. 3 in Window Rock, Brown said, because the commission had been directed to meet with Domenici personally.

"Who's in charge?" Brown asked, saying the water commission, the resource committee, the president's office, the speaker's office and the Intergovernmental Relations Committee all proclaim to be in charge of the settlement. "Everybody wants to be at the front. We can't — we have to be together," he said.

Pollack is feeding all the Navajo government entities information, Brown said, adding, "He has incredible access to power."

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