

January 2004

Report of the Council Delegate - Alice W. Benally

The following is a brief summary of meetings attended so far this month plus information on issues presented to the NNC.

Jan. 6th - Met with the Chapter's CLUPC. I arranged a meeting with Chuska Sierra's representative, Kimble Rogers to provide information concerning the construction of Crownpoint's Tribal Office Complex. The meeting will involve Chapter Officials and CLUPC Members on January 14, 2004 at 1:00PM.

Jan. 13th - The Division of Health & Social Services met this day in Window Rock for its regular session of the Committee. Agenda items included:

*An executive session concerning the Twin Trails Treatment Center and an Indian Health Service Bill of Collections on the subject of the Treatment Center.

*A status report on the Arizona House Bill 2485 and Senate Bill 1317 (Senior Citizens Construction Projects). NAAA Program Director-Lavern Wyaco, Division of Health Executive Director-Anselm Roanhorse and Design & Engineering Program Director-Mr. Marianito provided information concerning the status of nine House Bill 2485 projects and ten Senate Bill 1317 projects. Of the nine House Bill funded projects, five of them will be liquidated by June 2004. Three are being review by Nation. One is recommended for transfer to another project because it is incomplete and there is an unresolved issue for the use of Arizona funds for the State of Utah. HSSC recommended that the Nation will continue to support the project at Mexican Water since Navajo elderly are the primary clientele. On the other hand, funds from the Senate Bill have three completed projects and await certification for occupancy. Two projects in the SAS Review process, two will be settled by June 2004 and three are being considered for reallocation to other projects. Any reallocation will require Arizona Legislative review since the TCDC has already approved the projects and funding for specifically identified Chapters. Mr. Roanhorse, Ms. Wyaco, Mr. Marianito, and other officials were to travel to and meet with Senator Jack Jackson and Representative Sylvia Laughter on Wednesday, January 14, to address the feasibility of transferring funds to other project ready sites.

HSSC urged NAAA to be more conscientious in promptly initiating projects and monitoring its progress. The above-mentioned funds were allocated in June 1998. It has been five years and there are only three completed projects! Due this report, I inquired what the status of New Mexico projects were now. Ms. Wyaco responded that "it was no big problem with the State of New Mexico since it is simple to request extensions." To me the response was inappropriate. I requested information on New Mexico, ENA, Crownpoint to ensure that projects are not being delayed. Mr. Marianito indicated many New Mexico Senior Citizens

projects were also in the same situation as Arizona. Mr. Roanhorse reported that many Chapters go directly to New Mexico for funding and the problem arises when there is no matching for projects to be completed. In this case, Mr. Marianito reported that programs and chapters seek funds from NAHASDA, AML or other resources. I will continue to monitor the situation for ENA, Crownpoint.

January 14th-15th- I attended a Work Session concerning the NN Proposed San Juan River Basin Settlement. The session was led by the NN Water Rights Commission Chair, Albert Hale and Attorney, Stan Pollack. The agenda included a brief history of the Commission, an overview of the purpose of the work session, a review of the proposed settlement, background information of the litigation and how the settlement evolved.

Former NNC Speaker, Ed T. Begay during his tenure established the Commission and their budget. The Commission's Plan of Operation focused on **actively pursuing** Navajo water rights. And, this is what the Commission has taken to task. The Commission has no intent to have the final say but to have the NNC make the final approval with the blessings of their constituents at the Chapter level.

From the onset, many questions arose concerning the proposed settlement however, Mr. Hale and Mr. Pollack reminded that **the task of the NNC is to determine whether the proposed settlement is in the Nation's best interest and whether it is a fair settlement.**

The San Juan River Basin litigation (court case) was filed in 1975 and no water has been quantified (measured), to say what portion of the San Juan River belongs to the Navajo Nation. However, **in the proposed settlement the Navajo Nation has senior water rights and control of the San Juan water.** It needs to be understood the water is within the boundary of Navajo country in New Mexico but it does **not** mean we have the right to it-we must have it settled first.

In the proposed settlement the Navajo Nation will have the right to use (deplete) 55% of water and this is higher than that of others in the State of New Mexico.

The "window of opportunity" exists now to seriously consider the proposed settlement as New Mexico has the highest-ranking officials on water rights in Congress and that is Senator Pete Domenici and Senator Jeff Bingaman. Essentially this means New Mexico a lot of control water rights issues. The proposed settlement if approved by the NNC will be presented to the U.S. Congress on March 1, 2004. The outcome of this presentation would mean an endorsement of the settlement and appropriations would be made available.

Despite the thorough manner the session was presented there were numerous questions. Some of these included: *why is there a January 15th deadline for comments and NNC is just now being informed of the proposed settlement status, what studies have been done to determine that 55% of water will go to Navajo, we own 100% of the water why are we now told we only have less than that, what happens to*

water if not used, what happens with the Gallup Waterline Project especially when NN has senior water control, who determined 55% will belong to Navajo, what has each Chapter said about the needs and usage for their areas, why are the attorneys asking us to go with the NM proposal-NNC should not just be a rubber stamp and last, why are we defeating our own water rights by placing a ceiling on the amount we should receive?

Not to approve will see the Navajo Nation continue to suffer the lack of water while people in California and Nevada enjoy the water that runs to them freely without financial benefit to the Nation. There is a great need to exercise accountability and claim ownership to water that rightfully belong to the Navajo people. Remember, Crownpoint has not passed a resolution to support the proposed settlement and there are about (16) Chapters within ENA that have not. Nahodishgish passed a resolution in support of the Water Rights Commission's efforts on December 16, 2003.

The work session was not completed therefore another will be scheduled, perhaps one day during the week of the NNC Winter Session the last week of this month.

Unreported Items of Importance:

December 9, 2003-Information such as the NAAA supplemental budget request was supported by the HSSC at its regular meeting this date. The resolution was forwarded to the full NNC during the Special Session held on December 23, 2003.

A summary of the Direct Service Tribes Meeting held in Rockville, Maryland was provided by Theresa Galvan-Legislative Analyst with Division of Health, Evelyn Acothley-Vice Chair of HSSC and myself. The meeting was to have the Indian Health Service commit in providing support of Tribes that receive direct health care from IHS. Each area's representation provided preliminary information on the needs of all Direct Service Tribes. Dr. Charles Grim, Director of IHS reported that he receives technical guidance on policy decisions from the Tribal Self Governance Advisory Group, National Council of Urban Indian Health, National Congress of American Indians and the National Indian Health Board. It was his plan to include a fifth organization be incorporated, this being from leadership of the those receiving direct service funding. The result of the this meeting will lead to a national forum on issues affecting Direct Service Tribes. Future meetings were identified by tele-conferences and meetings in Rockville as well as in Albuquerque in March 2004.