

A JOINT MEMORIAL

REGARDING STATE AND TRIBAL COLLABORATION TO ESTABLISH A PARK
AT THE SHIPROCK PINNACLE WITHIN THE NAVAJO NATION.

WHEREAS, the second session of the forty-eighth legislature passed House Joint Memorial 11 that requested the state parks division of the energy, minerals and natural resources department to conduct a feasibility study regarding the designation of the Shiprock pinnacle as a state park; and

WHEREAS, on September 8, 2008, Dave Simon, director of the state parks division of the energy, minerals and natural resources department, presented to the interim Indian affairs committee a draft of the state park feasibility study for the Shiprock pinnacle, thereby opening a public comment period of one hundred twenty days; and

WHEREAS, the draft feasibility study confirmed the state, national and international significance of the Shiprock pinnacle, identified significant potential opportunities and benefits from increased protection efforts for the Shiprock pinnacle and recommended that measures of some kind should be taken to manage the Shiprock pinnacle to protect it from degradation; and

WHEREAS, the draft feasibility study identified four alternatives for the potential involvement of the state parks division in a park at the Shiprock pinnacle: 1) no direct

state assistance or funds in the establishment of a park at the Shiprock pinnacle; 2a) a temporary partnership between the state and the Navajo Nation to provide design and development assistance for a park at the Shiprock pinnacle; 2b) a longer-term partnership between the state and the Navajo Nation to provide design and development assistance and operational support for a collaborative state-tribal park at the Shiprock pinnacle; and 3) establishment of a traditional state park at the Shiprock pinnacle that would be administered exclusively by the state parks division of the energy, minerals and natural resources department; and

WHEREAS, on November 23, 2008, the Shiprock chapter of the Navajo Nation passed a resolution that requested "the Honorable New Mexico State Legislature to Designate the Shiprock Pinnacle as an Official New Mexico State Park to Potentially Be Developed as a Tribal/State Park in Joint Partnership with the Navajo Department of Parks and Recreation"; and

WHEREAS, on February 2, 2009, the executive director of the Navajo division of natural resources expressed his support of the concept of establishing a park at the Shiprock pinnacle and directed all departments and programs of the Navajo division of natural resources to assist in the establishment of a park at the Shiprock pinnacle; and

WHEREAS, in February 2009, the state parks division of

the energy, minerals and natural resources department issued its state park feasibility study for the Shiprock pinnacle, which study identified a partnership between the state and the Navajo Nation and its chapters to provide design and development assistance and operational support for a collaborative state-tribal park at the Shiprock pinnacle as the preferred alternative and framework for state participation in a park at the Shiprock pinnacle; and

WHEREAS, the legislature recognizes that the Shiprock pinnacle is a unique and valuable natural and cultural resource in the four corners region of New Mexico that may suffer significant human-induced degradation if not protected through the establishment of a supervised park in that area; and

WHEREAS, the legislature recognizes that the Shiprock pinnacle presents an opportunity for the state and the Navajo Nation to work together to protect a valuable natural and cultural resource but that there are numerous legal and management issues that need to be carefully considered prior to entering into any formal partnership relating to the establishment of a joint state-tribal park partnership at Shiprock pinnacle;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state parks division of the energy, minerals and natural resources department, in

collaboration with the Indian affairs department, be authorized and requested to negotiate and draft a joint powers agreement or other appropriate legal agreements with the Navajo Nation regarding a state-tribal partnership for the establishment of a park at the Shiprock pinnacle; and

BE IT FURTHER RESOLVED that any draft agreements should address issues of mutual state and tribal concern, including the planning, design, construction, equipping and furnishing of park facilities; management and operations of park facilities; procurement practices; employment policies and supervision; law enforcement; sovereign immunity; dispute resolution; and the sharing of capital and operational costs for a state-tribal park; and

BE IT FURTHER RESOLVED that the state parks division and the Navajo Nation present a status report regarding a state-tribal partnership for the establishment of a park at the Shiprock pinnacle to the appropriate interim committees of the legislature no later than October 1, 2009, which report should include recommendations for legislative actions that may be necessary to facilitate the participation of the state in a partnership for a state-tribal park at the Shiprock pinnacle; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the secretary of energy, minerals and natural resources, the secretary of Indian affairs, the

director of the state parks division, the president of the Navajo Nation, the speaker of the Navajo Nation council, the chair and members of the resources and the intergovernmental relations committees of the Navajo Nation council, the executive director of the Navajo division of natural resources, the presidents of the Beclabito, Gadii' Ahi, Red Valley and Shiprock chapters of the Navajo Nation and the director of the Navajo region of the bureau of Indian affairs.