

HOUSE JOINT MEMORIAL 69

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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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,

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1 national and international significance of the Shiprock  
2 pinnacle, identified significant potential opportunities and  
3 benefits from increased protection efforts for the Shiprock  
4 pinnacle and recommended that measures of some kind should be  
5 taken to manage the Shiprock pinnacle to protect it from  
6 degradation; and

7 WHEREAS, the draft feasibility study identified four  
8 alternatives for the potential involvement of the state parks  
9 division in a park at the Shiprock pinnacle: 1) no direct  
10 state assistance or funds in the establishment of a park at the  
11 Shiprock pinnacle; 2a) a temporary partnership between the  
12 state and the Navajo Nation to provide design and development  
13 assistance for a park at the Shiprock pinnacle; 2b) a longer-  
14 term partnership between the state and the Navajo Nation to  
15 provide design and development assistance and operational  
16 support for a collaborative state-tribal park at the Shiprock  
17 pinnacle; and 3) establishment of a traditional state park at  
18 the Shiprock pinnacle that would be administered exclusively by  
19 the state parks division of the energy, minerals and natural  
20 resources department; and

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

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1 Navajo Department of Parks and Recreation"; and

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

8 WHEREAS, in February 2009, the state parks division of the  
9 energy, minerals and natural resources department issued its  
10 state park feasibility study for the Shiprock pinnacle, which  
11 study identified a partnership between the state and the Navajo  
12 Nation and its chapters to provide design and development  
13 assistance and operational support for a collaborative state-  
14 tribal park at the Shiprock pinnacle as the preferred  
15 alternative and framework for state participation in a park at  
16 the Shiprock pinnacle; and

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

22 WHEREAS, the legislature recognizes that the Shiprock  
23 pinnacle presents an opportunity for the state and the Navajo  
24 Nation to work together to protect a valuable natural and  
25 cultural resource but that there are numerous legal and

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1 management issues that need to be carefully considered prior to  
2 entering into any formal partnership relating to the  
3 establishment of a joint state-tribal park partnership at  
4 Shiprock pinnacle;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
6 STATE OF NEW MEXICO that the state parks division of the  
7 energy, minerals and natural resources department, in  
8 collaboration with the Indian affairs department, be authorized  
9 and requested to negotiate and draft a joint powers agreement  
10 or other appropriate legal agreements with the Navajo Nation  
11 regarding a state-tribal partnership for the establishment of a  
12 park at the Shiprock pinnacle; and

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

21 BE IT FURTHER RESOLVED that the state parks division and  
22 the Navajo Nation present a status report regarding a state-  
23 tribal partnership for the establishment of a park at the  
24 Shiprock pinnacle to the appropriate interim committees of the  
25 legislature no later than October 1, 2009, which report should

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1 include recommendations for legislative actions that may be  
2 necessary to facilitate the participation of the state in a  
3 partnership for a state-tribal park at the Shiprock pinnacle;  
4 and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the governor, the secretary of energy, minerals  
7 and natural resources, the secretary of Indian affairs, the  
8 director of the state parks division, the president of the  
9 Navajo Nation, the speaker of the Navajo Nation council, the  
10 chair and members of the resources and the intergovernmental  
11 relations committees of the Navajo Nation council, the  
12 executive director of the Navajo division of natural resources,  
13 the presidents of the Beclabito, Gadii' Ahi, Red Valley and  
14 Shiprock chapters of the Navajo Nation and the director of the  
15 Navajo region of the bureau of Indian affairs.

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