

TESTIMONY
OF DR. BUU NYGREN, PRESIDENT OF THE NAVAJO NATION,
BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE, SUBCOMMITTEE ON
WATER, WILDLIFE, AND FISHERIES

H.R. 6599- Technical Corrections to the Northwestern New Mexico Rural Water Projects Act,
Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act

July 23, 2024

Yá'át'ééh, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. My name is Dr. Buu Nygren and I am the President of the Navajo Nation. Thank you for the opportunity to submit written testimony in support of the Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act, H.R. 6599. Thank you also to Congresswoman Leger Fernandez and Congresswoman Stansbury for sponsoring this legislation. The Navajo Nation strongly supports this bill, which would fix problems with the trust fund language included in multiple Indian water rights settlements enacted during the 2009 and 2010 time period, including the three settlements addressed in H.R. 6599. The settlements to be fixed by this legislation are the Navajo Nation settlement of water rights in the San Juan River Basin in New Mexico, the Taos Pueblo settlement, and the Aamodt settlement of the water rights of the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque.

The legislation makes a technical fix to Pub. L. No. 111-11, the legislation that both authorized a settlement of the Navajo Nation's water rights in the San Juan River Basin and created a Navajo Nation Water Resources Development Trust Fund (Navajo Trust Fund or Trust Fund). The technical fix is needed because a provision in Pub. L. No. 111-11 prohibited investment of the Navajo Trust Fund for ten years following enactment of the legislation, until 2019. This provision prohibiting investment for ten years is not typical in Indian water rights settlements and resulted in the Navajo Nation being deprived of millions of dollars of interest that otherwise should have accrued to the Navajo Trust Fund. The \$6.3 million that H.R. 6599 would authorize to be appropriated to the Navajo Trust Fund represents the amount of money that would have accrued in our Trust Fund if it had been properly invested and allowed to remain in the Trust Fund prior to 2019. H.R. 6599 also includes provisions that make a similar fix to the trust funds for two other New Mexico-based Indian water rights settlements originally authorized in the Taos Pueblo Indian Water Rights Settlement Act, Pub. L. No. 111-291 and the Aamodt Litigation Settlement Act, Pub. L. No. 111-291. These water rights settlements also had technical errors that resulted in the lack of appropriate investment of settlement trust funds.

The Navajo Trust Fund established under section 10702 of Pub. L. 111-11 can be used by the Navajo Nation both for construction of necessary water facilities and for water conservation activities needed for the Nation to utilize its water rights in the San Juan River Basin. This Trust Fund has and will continue to provide vitally important funding for the Nation to use in exercising the water rights recognized in Pub. L. 111-11 by completing the construction of facilities that are being built to fulfill the promises of the water rights settlement. Indeed, this fix to the Trust Fund

language is necessary to fulfill the promise that the San Jan River Basin settlement represents to the Navajo Nation.

Indian water settlements provide certainty concerning the availability of water supplies for all parties. This is good policy and good sense. Consistent with the federal trust responsibility, funding these settlements is critical to ensuring the ability of settling tribes to put their water to use. Enacting this bill is an important step towards fulfilling the economic potential created by the water rights settlements that Congress enacted for the Navajo Nation, the Taos Pueblo, and the Pueblos covered by the Aamodt settlement. I therefore respectfully urge the Subcommittee to support swift passage of this legislation.