



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Benjamin Bennett, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0166-18.

*Act relating to supplemental funding request
from UN#B for DOA to address feral horses.*

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to be "Benjamin Bennett", written over a horizontal line.

DATE:

May 23, 2018

LEGISLATIVE SUMMARY SHEET

Tracking No. 0166-18

DATE: May 10, 2018

TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$2,241,319.00 (TWO MILLION TWO HUNDRED FORTY-ONE THOUSAND AND THREE HUNDRED NINETEEN DOLLARS) FOR THE DEPARTMENT OF AGRICULTURE TO ADDRESS THE PROBLEM OF FERAL HORSES, ROAMING HORSES, UNCLAIMED HORSES AND LIVESTOCK IN TRESPASS; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

PURPOSE: This resolution, if approved, will approve supplemental funding from the Unreserved, Undesignated Fund Balance (UUFB) in the amount of \$2,241,319.00 for the Department of Agriculture to address the problem of feral, unwanted horses and livestock in trespass and waiving 12 N.N.C. §§ 820(I) and 860(C).

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date: 7:52am 5/10/18
Posting End Date: 05.15.18
Eligible for Action: 05.16.18

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bik'iyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL—Fourth Year, 2018

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0166-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND
FINANCE COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO
NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF
\$2,241,319.00 (TWO MILLION TWO HUNDRED FORTY-ONE THOUSAND AND
THREE HUNDRED NINETEEN DOLLARS) FOR THE DEPARTMENT OF
AGRICULTURE TO ADDRESS THE PROBLEM OF FERAL HORSES, ROAMING
HORSES, UNCLAIMED HORSES AND LIVESTOCK IN TRESPASS; WAIVING 12
N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT
PROCESS

BE IT ENACTED:

SECTION ONE. AUTHORITIES

A. Pursuant to 12 N.N.C. § 820 (L), “[t]he Navajo Nation Council may adopt and
approve supplemental appropriations to the Annual Comprehensive Budget during
the fiscal year. Supplemental appropriations of General Funds within the current
fiscal year are permitted, if and when additional sources of revenues above and
beyond the initial or current revenue projections are projected and which are also in
excess of the reserve amount set forth at § 820(J).”

1 B. Pursuant to 2 N.N.C. § 300 (C)(1)(3) and (4) the Budget and Finance Committee is
2 authorized to recommend adoption of resolutions related to the expenditure of the
3 Nation's financial resources.

4 C. Pursuant to 2 N.N.C. § 501 (C)(1), the Resources and Development Committee is the
5 oversight committee for the Navajo Nation Division of Natural Resources,
6 Department of Agriculture.

7 D. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by
8 the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it
9 is heard by the Navajo Nation Council.

10
11 **SECTION TWO. TITLE 12 FINANCE ACT SUPPLEMENTAL**
12 **APPROPRIATION PROCESS**

13 A. The Title 12 Finance Act Supplemental Appropriation requirements include:

14 1. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional sources
15 of revenues above and beyond the initial or current revenue projections,
16 supplemental appropriations may be allocated by the Navajo Nation Council.

17 2. Pursuant to 12 N.N.C. § 820 (L), "Supplemental appropriations made from non-
18 recurring revenues shall only be made for non-recurring operations or purposes,
19 as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible
20 for designating recurring and non-recurring revenues and purposes."

21 3. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and
22 supplemental funds shall be submitted to the Office of Management and Budget
23 ("OMB") for budget impact analysis.

24
25 B. The Title 12 Capital Improvement Process includes:

26 1. Pursuant to 12 N.N.C. § 810(F), "Capital Improvement" means a major
27 project undertaken by the Navajo Nation that is generally not recurring on an annual
28 basis and which fits within one or more of the following categories:

- 29 (1) All projects requiring debt obligation or borrowing;
30 (2) Any acquisition or lease of land;

1 (3) Purchase of major equipment or vehicles, with a life expectancy of five years
2 or more, valued in excess of an amount to be established by the Controller;

3 (4) Major building improvements that are not routine maintenance expenses and
4 that substantially enhance the value or extend the useful life of a structure;

5 (5) Construction of new buildings or facilities including engineering, design, and
6 other pre-construction costs with an estimated cost in excess of an amount to be
7 determined by the Controller; and/or

8 (6) Major equipment or furnishing required to furnish new buildings or other
9 projects, the cost of which is above a certain amount to be established by the
10 Controller.

11 2. Pursuant to 12 N.N.C. § 820 (I), the “[d]evelopment of the Capital Budget
12 shall be coordinated with development of the Operating Budget. All budget requests
13 for capital improvements shall be in compliance with an adopted Capital
14 Improvement Plan and shall not be approved unless in compliance with the Plan.”

15 3. Pursuant to 12 N.N.C. § 820 (M), the Office of Management and Budget shall
16 coordinate the overall preparation, adoption and implementation of both the annual
17 operating and capital budgets of the Navajo Nation. All requests for annual operating
18 funds and supplemental funds shall be submitted to the Office of Management and
19 Budget for budget impact analysis and other appropriate action.

20 4. Pursuant to 2 N.N.C. § 501 (B)(4)(c), the Resources and Development
21 Committee is to review and recommend to the Navajo Nation Council through the
22 appropriate process supplemental appropriations to the capital improvement projects
23 annual budget to fund necessary additional capital improvement projects.

24 5. Pursuant to 12 N.N.C. § 860 (C)(2) “[t]he appropriation portion of the Capital
25 Improvement Plan is subject to approval of the Navajo Nation Council upon
26 recommendation of the Budget and Finance Committee. Any modification or
27 amendment affecting the approved Capital Improvement Plan is subject to review and
28 concurrence by the Resources and Development Committee prior to consideration by
29 the Navajo Nation Council.”
30

SECTION THREE. FINDINGS

- A. The Navajo Nation Resources and Development Committee has recognized that drought conditions have drastically reduced grazing capacity on the Navajo Nation. The Resources and Development Committee, at its May 9, 2018 regular meeting, directed that legislation be presented to the Navajo Nation Council requesting funding to address the problem of feral horses, roaming horses, unclaimed horses and livestock in trespass on Navajo Nation lands.
- B. The Navajo Nation Department of Fish and Wildlife conducted a study on feral horses. The Navajo Nation Department of Fish and Wildlife's February 13, 2017 report entitled "Survey of Free-Ranging Horses (*Equus caballus*) on the Navajo Nation" concluded that 38,223 horses roamed the study area. Specifically, the report stated: *We estimated a total of 38,223 horses of all ages occurred within the study area during the survey period (90% confidence interval: 32,188 to 52,033), with 29,394 horses in open areas (90% confidence interval: 23,804 to 41,822) and 8,829 horses in forested areas (90% confidence interval: 5,955 to 13,513).* "Survey of Free-Ranging Horses (*Equus caballus*) on the Navajo Nation," Prepared for Navajo Nation Department of Fish and Wildlife, February 13, 2017.
- C. Recently almost 200 feral horses died in their attempt to get drinking water in the Gray Mountain area of the Navajo Nation. "Nearly 200 free-roaming horses died searching for water on Navajo's parched land," Washington Post, May 6, 2018.
- D. The Navajo Department of Agriculture has submitted a plan with the project name: "Removal of Feral Horses, Roaming Horses, Unclaimed Horses and Livestock in Trespass—livestock number over valid grazing permit amount, livestock with no valid grazing permits, Right of Way pick up, etc. Livestock includes horses, sheep, cattle, llamas, donkey, burrow, etc." This Navajo Department of Agriculture plan is attached as **Exhibit B**.
- E. On page one of **Exhibit B**, the Navajo Department of Agriculture states:
"The livestock that requires immediate focus to remove is the horse population on the Navajo Nation which is steadily increasing. Many chapters and tribal members have requested the Navajo Nation to take action to remove these animals."

1 “In recent public meetings, people have expressed concern regarding forage depletion
2 resulting from an over population of feral horses grazing on rangelands. They request
3 the feral horses to be removed from these rangelands. It is known within the
4 agriculture industry that one horse, on average, can consume approximately 32.4
5 pounds of forage per day and 10 gallons of water per day to sustain its life.”

6 F. The budget documents requesting \$2,241,319.00 from the Unreserved, Undesignated
7 Fund Balance (UUFb) for the Department of Agriculture to address the problem of
8 feral horses, roaming horses, unclaimed horses and livestock in trespass. The budget
9 documents regarding this request are attached as **Exhibit A**.

10 G. The Office of the Controller’s memorandum identifying additional revenues above
11 and beyond the initial or current revenue projections, pursuant to 12 N.N.C. § 820(L),
12 is currently being requested and will be made available to the Navajo Nation Council
13 at the time the Navajo Nation Council considers this legislation.

14 H. The Office of Management and Budget Impact Analysis is currently being requested
15 and will be made available to the Navajo Nation Council at the time the Navajo
16 Nation Council considers this legislation.

17 I. The Office of the Controller’s determination as to whether this request for
18 supplemental appropriation is a non-recurring cost, pursuant to 12 N.N.C. § 820 (L),
19 is currently being requested and will be made available to the Navajo Nation Council
20 at the time the Navajo Nation Council considers this legislation.

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22 **SECTION FOUR. WAIVING 12 N.N.C. §§ 820(I) AND 860 (C) REGARDING**
23 **THE CAPITAL IMPROVEMENT PROCESS AS IT PERTAINS TO THE**
24 **DEPARTMENT OF AGRICULTURE’S PLAN TO ADDRESS THE PROBLEM**
25 **OF FERAL HORSES, ROAMING HORSES, UNCLAIMED HORSES AND**
26 **LIVESTOCK IN TRESPASS**

27
28 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C) with
29 regard to the Capital Improvement process as it pertains to the Department of
30

1 Agriculture's plan to address the problem of feral horses, roaming horses, unclaimed
2 horses and livestock in trespass.

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4 **SECTION FIVE. APPROVING SUPPLEMENTAL FUNDING FROM THE**
5 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
6 **\$2,241,319.00 FOR THE DEPARTMENT OF AGRICULTURE TO ADDRESS**
7 **THE PROBLEM OF FERAL HORSES, ROAMING HORSES, UNCLAIMED**
8 **HORSES AND LIVESTOCK IN TRESPASS**

9
10 A. The Navajo Nation Council, having received certification by the Office of the
11 Controller of the availability of certain funds from the Unreserved, Undesignated
12 Fund Balance (UUFB) for supplemental appropriation hereby approves the
13 supplemental appropriation of \$2,241,319.00 for the Department of Agriculture to
14 address the problem of feral, unwanted horses and livestock in trespass.

15 B. This supplemental appropriation of \$2,241,319.00 shall be from that amount of
16 funds that exceeds the minimum fund balance of the UUFB.
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PART I.	Business Unit No.: 115018	Program Title: Department of Agriculture	Division/Branch: Natural Resources/Executive
Prepared By:	Caroline Smith	Phone No.: 928-871-6517	Email Address: carsmith@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total
General Funds	10/01/17-09/30/18	2,241,319	100%

PART III. BUDGET SUMMARY			
Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
2001 Personnel Expenses	644,031	807,044	163,013
3000 Travel Expenses	133,056	153,095	20,039
3500 Meeting Expenses		0	0
4000 Supplies	57,530	363,180	305,550
5000 Lease and Rental	16,520	0	(16,520)
5500 Communications and Utilities	21,269	0	(21,269)
6000 Repairs and Maintenance	6,300	0	(6,300)
6500 Contractual Services	36,500	0	(36,500)
7000 Special Transactions	41,407	473,000	431,593
8000 Public Assistance			0
9000 Capital Outlay	0	445,000	445,000
9500 Matching Funds			0
9500 Indirect Cost			0
TOTAL	\$956,713	2,241,319	1,284,606

PART IV. POSITIONS AND VEHICLES		
Total # of Positions Budgeted:	(D)	(E)
	10	10
Total # of Permanently Assigned Vehicles:	8	8

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Program Manager's Printed Name

SUBMITTED BY: Program Manager's Signature and Date

APPROVED BY: Division Director/Branch Chief's Printed Name

APPROVED BY: Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2018

PART I. PROGRAM INFORMATION:		Department of Agriculture							
Business Unit No.: 115018		Program Name/Title:							
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE: RDCO-79-16: Plan, develop, coordinate, integrated, manage and implement all programs, policies and regulations designed to conserve, protect, regulate, develop and manage Navajo rangeland, livestock and agricultural resources, pursuant to tribal laws, provide agricultural extension education services to all aspects of production, agriculture and range management establish guidelines for conservation of soil and water resources, etc.									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Area:		1st QTR		2nd QTR		3rd QTR		4th QTR	
To ensure our Dept. and Programs have goals and priorities established for Fiscal Year 2018.		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement:									
Dept. of Agriculture and programs will develop their Master Plan for FY18 and submit to Division of Natural Resources (DNR) by the end of the 1st Qtr; updates to Master Plan will be completed each qtr. And submitted to DNR to gauge progress.		6		6		6		6	
2. Program Performance Area:									
To identify special/priority projects within Dept. of Agriculture.									
Goal Statement:									
The Dept. Director will assign internal work teams to implement and complete special/priority projects. Projects will be monitor and quarterly updates will be documented and presented to DNR. A year end annual report will be completed quarterly updates.		3		1		1		1	
3. Program Performance Area:									
Monitor services from all Programs within Dept. of Agriculture									
Goal Statement:									
To ensure quality services are provided to the public at office. Visits, survey will gauge the quality of services of the dept. and/or pgs..		6		6		6		6	
4. Program Performance Area:									
To establish the Brand Office within the Dept. of Agriculture.									
Goal Statement:									
The Brand Office will work to develop a record of valid brands associated with valid grazing permits on the Navajo Nation; the office will also work with Navajo BIA and State Brand Offices to establish listing of Navajo Nation Brand and State Brands.		25		25		25		25	
5. Program Performance Area:									
To develop and have published quarterly Dept. of Agriculture Newsletter.									
Goal Statement:									
Dept. of Agriculture will submit newsworthy news articles and educational information which farmers, ranchers, pet owners, general public, etc. can use to improve their knowledge in caring for their animals, the land, etc.		1		1		1		1	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
 Program Manager's Signature and Date		Division Director/Branch Chief's Printed Name _____ Division Director/Branch Chief's Signature and Date _____							

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2018

PART I. PROGRAM INFORMATION:		Business Unit No.: 115018	
Program Name/Title:		Department of Agriculture	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
2001 PERSONNEL EXPENSES			807,044
2310	Employee Salary, Fringe Benefits		
2320	Temporary	706,888	
2510	Overtime	33,180	
2900	Fringe Benefits	66,976	
3110	3000 TRAVEL EXPENSES		153,095
	Monthly mileage and fleet rental, meals, lodging and air fare directly related to program, other misc. expenses; POV mileage when tribal vehicles are not available.		
	Fleet		
	3111 Month/Perm		
	Rental of Group B, Class V, 1 Ton Truck: 35 dys x \$32.00/day =	1,120	
		1,120	
	3113 Mileage		
	3 (Group A, Class III, 3/4 Ton Trucks 2WD) @ 12,000 x 21/mi =	7,560	
	4 (Group B, 3-Class IV& 1-V, 3/4 Ton Trucks 4WD) @ 12,500 x 28/mi =	14,000	
	1 (Group B, Class V, 1 Ton Truck 4WD) @ 20,000 x 28/mi =	5,600	
	Mileage for rental Group A, Class XIII at 21/mi x 25,000 =	5,250	
		32,410	
		1,621	
		34,031	
3230	Personal Travel	117,889	
	3240 Per Diem @ \$54/Daily x 5 days x 12 week x 35 staff =	113,400	
	3260 POV mileage at 5,300 miles @ \$545 =	2,889	
	3290 Other Travel Expenses =	1,500	
		117,889	
TOTAL		960,139	960,139

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: <u>Department of Agriculture</u> Business Unit No.: <u>115018</u>			
PART II. DETAILED BUDGET:			
Object Code (A)	Object Code Description and Justification (B)	Total by DETAILED Object Code (C)	Total by MAJOR Object Code (D)
4000	SUPPLIES Purchase of desk top computer including software; printing and duplicating of documents; purchase of uniforms; purchase of tire and supplies for stock trailers; purchase of fuel for small equipments; dirt bikes, etc.		363,180
4200	Non Capital Assets 4230 Non Cap Computer Equipment 13 Lap tops @ \$2,000 ea 12000	12,000	
4410	Operating Supplies 4420 General Operating Supplies 4440 Non Cap Computer Software 4490 Custodial Supplies 4530 Printing/Binding/Photocopying 4510 Veterinary Supplies 4530 Printing/Binding/Photocopying 15,000.00 341,000.00	341,000	
4610	Supplies 4620 Parts & Supplies 4630 Tires & Tubes 1,500.00 5,000.00 6,500.00	6,500	
4700	Fuel 4710 Gasoline at \$2.40/gal. X 500 gallons = 4720 Diesel at \$2.48/gal. X 1,000 gallons = 1,200.00 2,480.00 3,680.00	3,680	
TOTAL		363,180	363,180



PARTIAL IMPLEMENTATION OF THE LIVESTOCK IN TRESPASS

For Submittal to Resources and Development Committee – May 10, 2018

Project Name: Removal of Feral Horses, Roaming Horses, Unclaimed Horses, Livestock in Trespass – livestock number over valid grazing permit amount, livestock with no valid grazing permits, Right of Way pick up, etc. Livestock includes horses, sheep, cattle, llamas, donkey, burro, etc.

Brief Background/Description:

The Navajo Nation Department of Agriculture's (NNDA) STRATEGY seeks to remove livestock not supported by the available forage to address the over population of livestock on the Navajo Nation. Strategy implementation is required for a sustainable future. The NNDA mission is to protect and preserve Navajo Nation agricultural resources valued by our people. Natural resource use determines the strength of Dine' culture and traditions, and our collective well-being.

The Navajo Nation has a large land base with unique geologic features, home to a diverse array of ecosystems and species, many of which are native to the region. NNDA desires to protect these resources by actively managing the livestock population which is recognized as a Navajo Nation problem.

The livestock that requires immediate focus to remove is the horse population on the Navajo Nation which is steadily increasing. Many chapters and tribal members have requested the Navajo Nation to take action to remove these animals.

In recent public meetings, people have expressed concern regarding forage depletion resulting from an over population of feral horses grazing on rangelands. They request the feral horses to be removed from these rangelands. It is known within the agriculture industry that one horse, on average, can consume approximately 32.4 pounds of forage per day and 10 gallons of water per day to sustain its life.

Community support of the NNDA STRATEGY is critical to the success of reducing free-ranging horse impacts to the land and natural resources. This support is necessary to improve the ecological health and productivity of Navajo rangelands and to protect the interests of present and future generations of our Navajo people. Chapter resolutions demonstrate the strong support with 66% or 72 of all 110 Navajo Nation Chapters passing supporting resolutions.

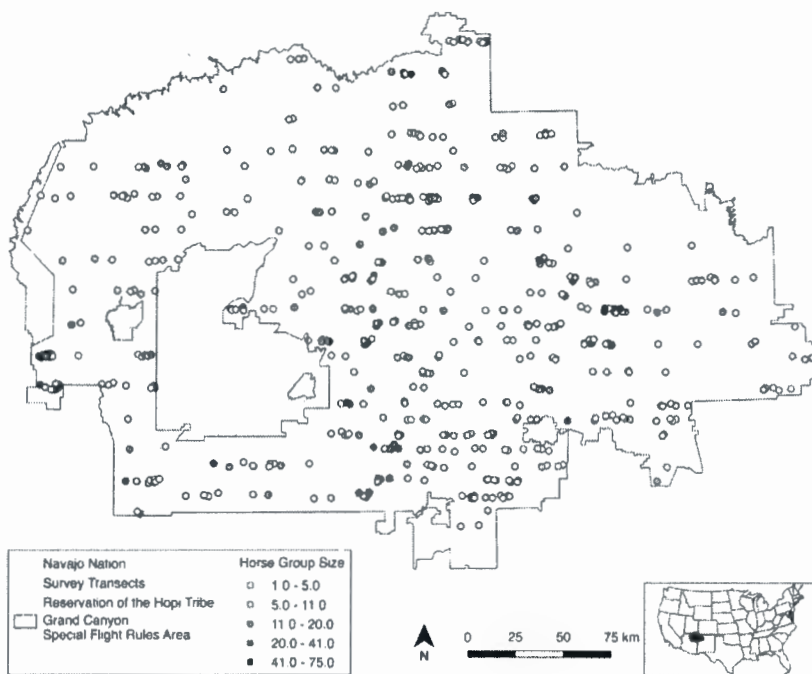


Figure 1 - Horse group locations identified by the 2016 aerial horse survey.

SUYL over the carrying capacity!!!

The Division of Natural Resources (DNR) has documented extensive damage to land, wildlife habitat, vegetation and other natural resources by the over-population of feral horses on the landscape. In 2016, the Navajo Nation Department of Fish and Wildlife contracted Eagle Environmental, Inc. to conduct the first systematic survey and density estimate for free-ranging horses within the Navajo Nation. Figure 1 depicts the locations and sizes of horse groups found across the Navajo Nation.

Figure two graphs the number of Sheep Units Year Long (SUYL) compared to the carrying capacity

based on range studies conducted by BIA. **The Navajo Nation is 377,847**

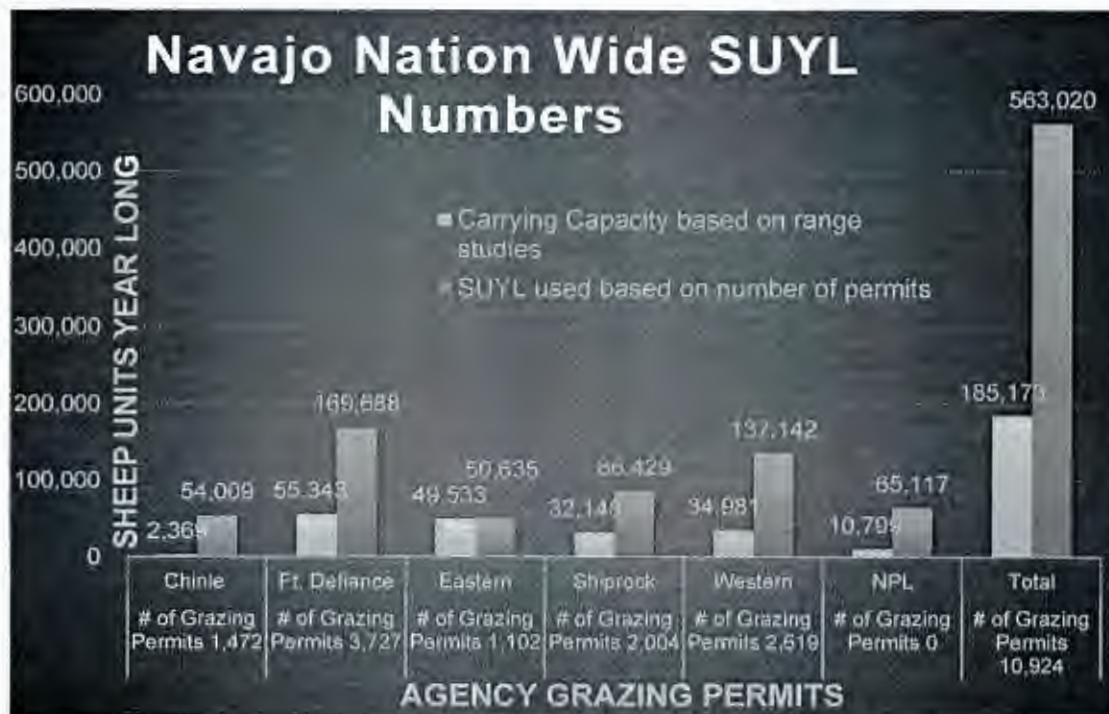


Figure 2 - Number of Grazing Permits by Agency and Number of Sheep Units Year Long. The figures were provided by the Bureau of Indian Affairs.

The Navajo Nation Department of Agriculture (NNDa) has significant experience in removal of feral horses and livestock in trespass and has removed 855 feral horses and 82 cattle from April 2017 to December 31, 2017 as follows:

- NPL ROW – 31 horses, 2 cattle captured (April 2017)
- Chinle – 34 horses (May 14 2017)
- Steamboat – 149 horses captured (07.7, 11, 12.2017)
- Lukachukai – 219 captured (July 10 – 20, 2017)
- Coppermine – 102 horses (July 13, 2017)
- NPL – 55 cattle (October 17,.2017)
- Big Navajo RMU – 32 horses captured (May 2017)
- Tselani/Cottonwood Entrapment – 19 capture (05.03, 04.17)
- Cameron – 79 horse captured (June 9, 10, 11, 12, 2017)
- N of Black Mesa – 139 captured (06.27, 28, 29, 30; July 3)
- Many Farms – 51 horses (July 20, 2017)
- NPL – 25 cattle (December 19, 2017)

In addition the NNDa has removed 714 feral horses from January 2018 to May 8, 2018:

- 12 – Livestock in Right of Way
- 12 – Livestock Stuck in Cattle Guard; Had to be put down.
- 300 – Tselani/Cottonwood (04.27.2018)
- 267 – Cornfields (04.20.2018)
- 90 – Cameron (05.01 to 03.2018)
- 33 – Steamboat *05.08 and 09.2018)

NNDa has received the following requests for livestock in trespass removal:

- Cameron
- Steamboat
- Cottonwood
- Cornfields (2)
- Blue Gap/Tachee
- Chinle/Nazlini
- Teec Nos Pos
- Cottonwood

The working partnership includes the Department of Resource Enforcement, Navajo Chapters, District Grazing Committee Members, District Land Board, and the Bureau of Indian Affairs/Branch of Natural Resources to capture, remove and transport.

Goal/Objectives:

There will be several objectives, in no particular order, to removal livestock in trespass. NNDa will require a budget of \$2,000,000, NNDa veterinary management will require \$250,000, and Department of Resource Enforcement will require \$750,000.

First. Removal of feral or roaming horses with established partnerships. Feral or roaming horses would be horses not branded and/or found in open range and/or unclaimed. Removal will occur through entrapment, round up, agency round up, etc. Removal activities will occur at the agency level with crews hired from, and stationed at, each agency.

Second. Conduct agency livestock animal sales whose owner can produce proof of ownership.

Third. Create incentive for individuals to reduce their livestock through the agency livestock sale. Pay \$50 to owners on top of the buyer price.

Fourth. Create bounty to allow members of the Navajo Nation to bring in unbranded horses. Will have to work with Navajo Nation Department of Justice to allow the bounty and pay \$75 to the individual who brings in the unbranded horses. Proof of ownership would not be required.

Fifth. Conduct continuous Right of Way livestock pick up. All unbranded, grazing permit not in compliance animals, animals that need to be culled will be removed. There would be on crew that would do continuous pick up, assist with animals stuck in cattle guard, nuisance calls, pick up of animals as a result of Notice of Violation on Tally Count, etc.

Sixth. Payment to partners for their help in removing horses: (1) pay chapter at \$30 per horse removed from their chapter. (2) \$100 bonus for chapter resolution using template provided by NNDA. (3) payment to DGCM \$250 for assistance provided at each removal activity for each 100 horses removed. (4) pay \$50 to Deputy Livestock Officers for conducting (1) livestock inspection submitted, reviewed and approved by the Department of Resource Enforcement.

Seventh. Bi-Annual Agriculture Conference to share information on the horse/livestock removal activities, condition of land, range improvement, water development, climate change, etc.

Eighth. Marketing to share message of taking care of the land by reducing livestock. Impact of overpopulation of livestock. Would include radio, newspaper, brochures, social media, website, video, etc.

Ninth. Provide free castration, mare birth control, herd health services free or at a reduced price at each agency. These services will be provided to the NNDA Veterinary Management Program with a budget of \$250,000.

Tenth. As Department of Resource Enforcement is a close partner they will be requiring materials and equipment and labor. They will be submitted a general budget for \$750,000.

The measurable objective would be the number of removed feral horses. It is expected the NNDA can remove over 1,000 feral horses.

Methodology

NNDA proposes to the following to support active removal of feral horses and animals in trespass. As NNDA plans to conduct removal at the agency level we will be investing in resources at the agency level. Any improvements such as livestock processing facilities will remained permanently for the local chapter and/or community to continue the supporting of responsible active range management.

- (1) Build and/or renovate livestock processing facilities in each agency. We may need to build/renovate more than five facilities depending on the condition of the forage and the need to removal livestock and the distance from the Tse Bonito Department of Resource Enforcement livestock processing facility.
- (2) Purchase five (6) mobile livestock weigh stations.
- (3) Purchase five (6) portable corrals.

- (4) Create a horse removal crew at each agency supplied with all the resources needed to capture and remove horses. Including miscellaneous and safety equipment and any training needed.
- (5) Create one crew to conduct continues Right of Way pick up, respond to animals stuck in cattle guard, pick up animals as a result of Notice of Violation on Tally Count, assist with livestock inspection, assist other crews as needed, etc.
- (6) Equip each NNDA office with needed equipment to manage the field crews and to assist with any horse removal activities including dispatch radio, computers, printers, software, truck, livestock trailers, miscellaneous equipment, training, maintenance, replacement parts, etc.
- (7) Each location with a crew including the Window Rock office will be to be secured to assure funds invested in materials and equipment are safely stored from theft and incimate weather. Fencing, gates, storage facility, cameras, etc. Each area may need a locked storage area so tools and equipment do not go missing.

Each of these resources will be kept at the agency level and/or the NNDA agency offices for horse removal crews to use in their effort to remove animals.

NNDA will accomplish the following pre-planning, planning and implementation steps will occur to support various methods of feral horse removal wherein the permanent and portable equipment will be used. Many of the activities have been initiated and will be reinforced continuously thus improving NNDA's ability to actively manage removal beyond funding availability.

- (1) Inventory chapter resolution and keep resolutions on file to determine what resolutions are up to date; currently have 72 supporting chapter resolutions; this effort will continue;
- (2) NNDA will work with partners to secure supporting Chapter resolution for removal activities, share developed resolution template, and encourage livestock owners to voluntarily reduce livestock; will also have DGCM identify livestock owners that need help in removing livestock;
- (3) Letter to Extension Agent to work with DGCM to include Notice of Violation with Tally Counts so they can be followed up; Extension Agent will provide training to the DGCM on the list of violations;
- (4) Letter to DGCM (05.03.2017) to finalize and implement Self Tally format and processing; subject was discussed with the DGCM, ENLB and MIFB Executive Committee with committee approval.
- (5) All NNDA Extension Agents will be DLI commissioned to support inspection of livestock removal activities; two DLI training have been scheduled for January 16, 17, 18, 2018, NN Museum, Window Rock, AZ. And March 26, 27, 28, 2018, Chinle, AZ. All DGCM, ENLB and MIFB members have been invited to achieve certification.
- (6) Work with partners to actively remove livestock in trespass and Right of Way and withdrawn areas (BIA complex, schools, fenced areas).

- (7) Work with partners to create written standardized process to removal horses and to remove animals through Notice of Violation on Tally Count.

Livestock Agency Level Livestock Sale

Develop livestock processing facility locations in all Navajo agencies with additional facilities if needed. Will strive to develop locations where the forage is most depleted according to BIA studies. Will assess the locations - who has jurisdiction for use, what condition is the facility, is chapter willing to manage the facility, etc.

Contact livestock buyers and secure for participation in the agency onsite livestock purchase. Establish buyer schedule at least a month ahead of the planned activity. Work with buyer to define what animals will be purchased, minimum number of animals required for each location, select appropriate dates. Market buyer schedule to the public using radio, newspaper and social media in advance of the event. Check with Veterinary Management, NNDA, to determine what is needed to remove livestock off NN and to provide animal health release; if not available work with area vet to provide paid services during buyer schedule. Secure other activities with Buyer activities through partnership. For example request Navajo Nation Animal Control to be on site for companion animal surrender; request Veterinary Management, NNDA, to provide services such as castration on site.

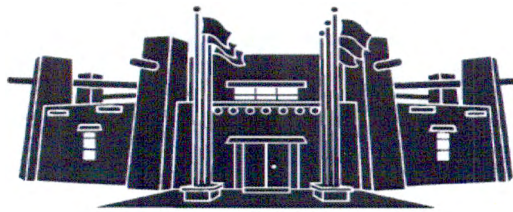
Outcome/Results

Short-term benefits will be realized as a result of implementation of the project:

- Improvements in livestock management/husbandry to provide immediate benefits to ranchers and to the rangeland by reducing the adverse impact of livestock on rangeland vegetation ecology, riparian areas, water quality, and other natural attributes of the range.
- Reduction in feral horse production.
- Reduction in the number of unlawful livestock such as those with no valid grazing permit, livestock in the Right of Way.
- Immediate removal and humane euthanasia of horses that may be suffering.
- Return of branded horses to rightful owners with valid grazing permits.
- To aid the recovery of vegetation/rangeland health using nonlethal and humane practices while monitoring changes to vegetation/rangeland conditions using photography.

Potential benefits of project:

- Long-term reduction in feral horse numbers using nonlethal and humane management options including humane euthanasia;
- Opportunities for Navajo Nation citizens to be involved in horse and land management strategies (i.e., citizen science);
- Providing a potential model management strategy that could be used by other Native American tribal governments, private landholders, and federal agencies to manage other feral and wild horse herds.



MEMORANDUM

TO: Honorable Ben Bennett
Crystal, Fort Defiance, Red Lake, Sawmill Chapters

FROM: 
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: May 10, 2018

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$2,241,319.00 (TWO MILLION TWO HUNDRED FORTY-ONE THOUSAND AND THREE HUNDRED NINETEEN DOLLARS) FOR THE DEPARTMENT OF AGRICULTURE TO ADDRESS THE PROBLEM OF FERAL HORSES, ROAMING HORSES, UNCLAIMED HORSES AND LIVESTOCK IN TRESPASS; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0166-18_

SPONSOR: Ben Bennett

TITLE: An Action Relating To Resources And Development Committee, Budget And Finance Committee; NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$2,241,319.00 (Two Million Two Hundred Forty-One Thousand And Three Hundred Nineteen Dollars) For The Department Of Agriculture To Address The Problem Of Feral Horses, Roaming Horses, Unclaimed Horses And Livestock In The Trespass: Waiving 12 N.N.C. §§ 820(I) And 860(C) Relating To The Capital Improvement Process

Date posted: May 10, 2018 at 7:32 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0166-18

SPONSOR: Honorable Benjamin Bennett

TITLE: An Action Relating To Resources And Development Committee, Budget And Finance Committee; NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$2,241,319.00 (Two Million Two Hundred Forty-One Thousand And Three Hundred Nineteen Dollars) For The Department Of Agriculture To Address The Problem Of Feral Horses, Roaming Horses, Unclaimed Horses And Livestock In The Trespass: Waiving 12 N.N.C. §§ 820(I) And 860(C) Relating To The Capital Improvement Process

Posted: May 10, 2018 at 7:32pm

5 DAY Comment Period Ended: May 15, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>


**Legislative Secretary II
Office of Legislative Services**

5/16/2018 7:13 am
Date/Time