LEGISLATIVE SUMMARY SHEET

Tracking No. 0313-20

DATE: December 21, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

PURPOSE: The purpose of this resolution is to allocate $19,500,000 in Sihasin funds to the Navajo Division of Transportation for the N8031/N4 Road Project and to approve and adopt the Expenditure Plan for the Project.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 4:18pm 12-21-20
Posting End Date: 12-26-20
Eligible for Action: 12-27-20

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0313-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is the oversight committee for the Navajo Nation Division of Transportation. 2 N.N.C. §501 (C)(1).

B. The Budget and Finance Committee is empowered to "appropriate, allocate, cancel, re-appropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources. 2 N.N.C. § 301(B)(3).

C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

E. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

§ 2502 Purpose

A. The purposes of this Fund are to provide financial support and/or financing for:

1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
2. Education opportunities for members of the Navajo Nation.

B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 NNC § 1310(F) or TCDCJY-77-99.

C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.

12 N.N.C. § 2502, as amended by CJA-03-18.

F. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

G. The Síhasin Fund provides that "Fund Principal and Income shall not be expended except pursuant to a Fund Expenditure Plan consistent with the purposes set forth in § 2502 of this Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council." 12 N.N.C. § 2505(A).

SECTION TWO. FINDINGS

A. The N8031/N4 Road Project is a $41,800,000 project, as detailed in the "N4/N8031–Hardrock Pinon Project Summary and Recommendations" attached as **Exhibit A**.

B. The Resources and Development Committee approved the N8031/N4 project within the Navajo Nation's Tribal Transportation Improvement Program and the project was awarded $22,300,000 in federal funds. See Resolution No. RDCMY-46-18. Because the project is estimated to cost a total of $41,800,000 the amount of $19,500,000 is needed for the project. **Exhibit B**.

C. The Navajo Division of Transportation ("NDOT") will complete design plans, environmental clearances, permitting, and construction procurement. NDOT will provide construction management for the project, and is working with the Bureau of Indian Affairs/Navajo Region Division of Transportation for BIA/NRDOT to obtain the necessary right-of-way for the project on both Navajo Nation and Hopi tribal lands. BIA/NRDOT will hold the right-of-way and will be responsible for operation, maintenance, and repair of the road and bridge improvements once the project is completed. **Exhibit C**.

D. The Hardrock Chapter has adopted a resolution supporting this Project. **Exhibit D**.

E. The allocation of the $19,500,000 for this Project meets the criteria for Sihasin expenditures because this Project involves "infrastructure" such as "transportation" as mentioned in 12 N.N.C. § 2502(A)(1).

F. The allocation of the $19,500,000 for this Project meets the preference for leveraging Sihasin funds, as mentioned in 12 N.N.C. § 2502(C), because $22,300,00 in federal funding has already been awarded for this Project.

SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLAN

A. The Navajo Nation hereby approves and adopts the N8031/N4 Road Project Expenditure Plan, attached as **Exhibit A**.

B. The Navajo Nation hereby approves and adopts funding for the N8031/N4 Road Project Expenditure Plan in the amount of $19,500,000 from the Navajo Nation Sihasin Fund, in accordance with 12 N.N.C. § 2505(A).

C. The Síhasin Funds allocated for the N8031/N4 Road Project may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN ADMINISTRATION

The Navajo Nation Council hereby approves administration of the N8031/N4 Road Project Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $19,500,000 will be Síhasin Fund Principal or Income or a combination of both.
2. The funding for the N8031/N4 Road Project Expenditure Plan will be distributed to the Navajo Division of Transportation within ten (10) days after the effective date of this legislation. The Navajo Division of Transportation shall be responsible for administering the Project, in accordance with the N8031/N4 Road Project Expenditure Plan described in **Exhibit A**.
3. The funds allocated for the N8031/N4 Road Project Expenditure Plan shall be used solely to design, plan, and/or construct the N8031/N4 Road Project described in **Exhibit A**. Any and all cost-savings shall be returned to the Síhasin Fund once the project is completed.
4. The funds allocated for the N8031/N4 Road Project Expenditure Plan shall not lapse on an annual basis pursuant to 12 N.N.C. §820(N), however, any funds not spent or encumbered within thirty-six (36) months of the date funds are made available to the Navajo Division of Transportation shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee of the Navajo Nation Council and approved by the Naabik'íyáti' Committee.

5. The N8031/N4 Road Project shall be operated by the BIA/NRDOT, and maintenance and repairs for the Project shall be performed by the BIA/NRDOT.

SECTION FIVE. EFFECTIVE DATE

This legislation and the N8031/N4 Road Project Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

SECTION SIX. DIRECTIVES

The Navajo Division of Transportation shall report the status of the N8031/N4 Road Project to the Resources and Development Committee, and to the Naabik'íyáti' Committee, on a quarterly basis.

Exhibit A

EXHIBIT
tabbies
A

Dibble Engineering

7878 North 16th
Phoenix, Arizona 85020
P 602.957.1155
F 602.957.2838

N4/N8031 – Hardrock Pinon Project Summary & Recommendations

Project Description:

The project is located in Navajo County, Arizona, approximately 2 miles southwest of Pinon, AZ. It lies within the Hardrock and Pinon Chapters and within the BIA Chinle Agency Jurisdiction. The roadway improvements extend on N8031 from H4 to N4, 14.7miles (2.8 miles on Hopi Lands), and on N4 for 0.31 miles. There is one major crossing of Oraibi Wash located on Hopi Land at Station 4+400. The TTIP programmed amount is $22,300,000.

The project consists of one major structure, several box culverts, grading, drainage, treated aggregate base, and fencing. Much of the existing dirt road will be realigned to avoid flooding issues, home sites, utilities and archaeological sites. The Bureau of Indian Affairs (BIA) prepared initial plans for this project. The route has been realigned since the BIA plans to avoid three archeological sites. The Navajo Division of Transportation (NDOT) is now preparing final plans.

Estimated Cost:

An Engineer's Opinion of Probable Construction Cost has been developed. The following is a breakdown of the current estimate.

	Segment or New Item	Cost
1	N8031: H4 to Sta 15+060	$ 22,100,000.00
2	N8031: Sta 15+060 to N4; and N4	$ 13,600,000.00
3	Cultural Site Remediation	$ 1,800,000.00
4	AC Pavement	$ 3,300,000.00
	Total (1-4)	$ 40,800,000.00
	Programmed Amount	$ 22,300,000.00
	Shortfall	$ (18,500,000.00)

add $1,000,000 for construction contingency

Recommendations:

It is recommended the existing dirt road be realigned to avoid flooding issues, home sites, utilities and archaeological sites. The current road is not sufficiently safe and does not meet AASHTO criteria. The drainage culverts are routinely overtopped, the roadway surface is muddy and slick when wet, and impassable in heavy rains. When the wash is flowing, school children are unable to get to school and Chapter members on the west side of Oraibi Wash are unable to get to the Chapter, school, or other areas within the Hardrock Chapter. The detour is almost one hour. The improvements are needed for safety and operational efficiency. An additional $18,500,000 is needed in order to construct everything that is in the scope of work. Within the current programmed amount on $22,300,000, it is recommended to construct 9.0 mile on N8031 from H4 to station 15+060 including the Oriabi Wash Bridge. This would create a passable route during storm events because Oriabi Wash would be a bridge crossing. The surface would be a chip seal pavement which would last approximately 7 years. A future project should be programmed to pave the chip seal with an asphalt hot mix surface course within 7 years.

Dibble Engineering

7878 North 16th Street, Suite 300
Phoenix, Arizona 85020
P 602.957.1155
F 602.957.2838

Exhibit:

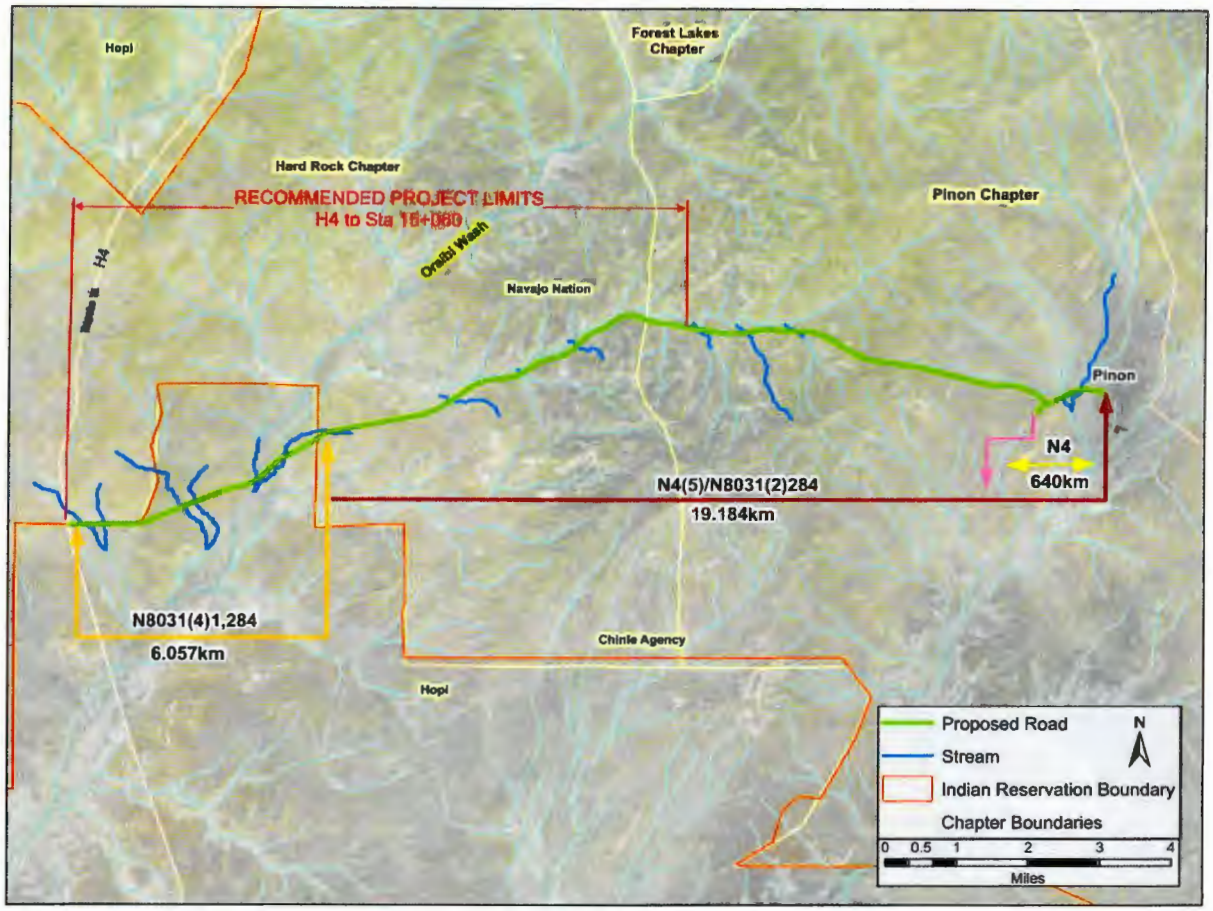


Exhibit B

RDCMY-46-18

EXHIBIT
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RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE FY 2018 NAVAJO NATION TRIBAL TRANSPORTATION IMPROVEMENT PROGRAM

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee has oversight authority over roads and transportation to oversee planning and coordination of all roads and transportation activities of the Navajo Nation. 2 N.N.C. § 500 (C)(6).

B. The Resources and Development Committee has oversight authority over the Navajo Division of Transportation. 2 N.N.C. § 501 (C)(1).

Section Two. Findings

A. Pursuant to 25 C.F.R. Part 170, Subpart D of the Tribal Transportation Program, the Navajo Division of Transportation is charged with performing the critical functions in collaboration with the Bureau of Indian Affairs, local, state and federal agencies to develop a tribal transportation priority listing.

B. The Navajo Division of Transportation prepared the FY2018 Navajo Nation Tribal Transportation Improvement Program (TTIP), **Exhibit A**, which includes projects for preliminary study which are cultural, environmental impact studies, rights-of-way, centerline surveys and design; construction engineering funds for construction administration; and, construction funds to construct roadway improvements.

C. The Resources and Development Committee approved Tribal Transportation Improvement Program (TTIP) is to be submitted to the Federal Highway Administration.

D. Approving the FY2018 Navajo Nation Tribal Transportation Improvement Program is in the Navajo Nation's best interest.

Section Three. Approval

The Navajo Nation hereby approves the FY2018 Navajo Nation Tribal Transportation Improvement Program as found at **Exhibit A.**

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 1 opposed, 1 abstained on this 23rd day of May 2018.

Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry

FY 2018 TTIP Project Information Sheet

Tribal Transportation Program Transportation Improvement Program
UNOFFICIAL **Project Details Listing** UNOFFICIAL

Consortium:
Tribe Navajo Nation
Tribe Code N00780
Date
Current FY 2018

PROJECT INFORMATION: ☐ Illustrative List

Funding Source TTP; (examples: TTP, TTPBP, 2% Planning, HPPP)

Project Name N4(5)/N8031(2)/N8031(3)/N8031(4)1,2,3 Pinon to Hardrock
Location Pinon, AZ
Type of Work New Construction

Route Number N4-Section 25; N8031-S
Project Number N4(5)/N8031(2)/N8031(3)/N8031(4)1,2,3
Length 12 Miles
County Navajo
State AZ
Construction Year 2019
Comments Project design is 95% complete for N4(5)/N8031(2)/N8031(3). Needs EA and BE. Project design is 95% complete for N8031(4), thru Hopi Land. Total construction funds committed for N4(5)/N8031(2)/N8031(3) = $22,300,000 to construct grade, drain, structures and gravel surface construction for 12 miles.

Activity	2018	2019	2020	2021	2022	TOTAL
Administration	$0	$0	$0	$0	$0	$0
Planning	$0	$0	$0	$0	$0	$0
Preliminary Engineering	$50,000	$0	$0	$0	$0	$50,000
Construction	$11,150,000	$11,150,000	$0	$0	$0	$22,300,000
Construction Engineering	$0	$350,000	$750,000	$0	$0	$1,100,000
Transit	$0	$0	$0	$0	$0	$0
Maintenance	$0	$0	$0	$0	$0	$0
TOTAL	$11,200,000	$11,500,000	$750,000	$0	$0	$23,450,000

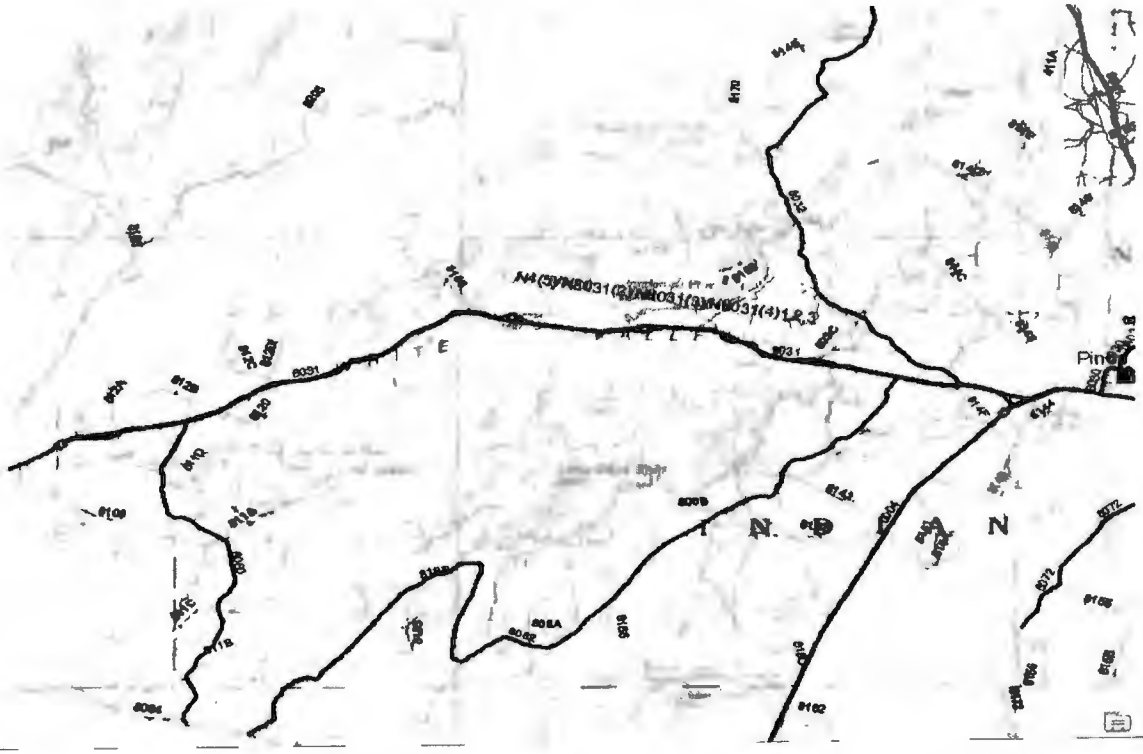


Exhibit C

EXHIBIT
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C

NAVAJO DIVISION OF TRANSPORTATIO

NAVAJO D.O.T.

POST OFFICE BOX 4620
WINDOW ROCK, ARIZONA 86515

TEL: 505.371-8300
FAX: 505.371-8399

Jonathan Nez, President

Myron Lizer, Vice President

December 15, 2020

Luralene Tapahe, Principal Advocate
Navajo Nation Office of Legislative Counsel
P.O. Box 3390
Window Rock, AZ 86515

RE: N8031/N4 Hardrock-Pinon, AZ Road Project
OLC#20-406-1

Dear Ms. Tapahe:

The Navajo Division of Transportation (NDOT) is working with the BIA Navajo Region Division of Transportation (NRDOT) and Hardrock and Pinon Chapters to construct 14.7 miles of road and bridge improvements along BIA Route N8031 from Hopi Route 4 to BIA Route N4 within the Hardrock and Pinon Chapters. Approximately 2.8 miles of N8031 crosses Hopi Tribal Lands with one major bridge crossing over Oraibi Wash. The current dirt road is not sufficiently safe, drainage culverts are routinely overtopped, the road surface is muddy and slick when wet, and impassable during heavy rains. When Oraibi Wash is flowing, school children are unable to get to school and Chapter members on either side of Oraibi Wash are unable to get the Chapter, community school or other areas within Hardrock and Pinon Chapters. The detour is almost one hour.

The Resources and Development Committee approved the N8031/N4 project on the Navajo Nation's Tribal Transportation Improvement Program and the project was awarded Tribal Transportation Program (TTP) federal funds for Preliminary Engineering, Construction, and Construction Engineering activities. The project was awarded $22.3 million in construction funds.

NDOT will complete design plans, environmental clearance, 404/404 permitting, construction procurement and construction management for the project. These activities are fully funded using TTP federal funds. The NDOT is working with the BIA NRDOT to obtain right-of-way (ROW) for the project for both Navajo Nation and Hopi Tribal Lands. The BIA NRDOT is the ROW applicant and the BIA NRDOT will be responsible for operation and maintenance of the road and bridge improvements once construction is completed.

The NDOT prepared an Engineer's Opinion of Probable Construction Cost to construct 14.7 miles of N8031/N4 road and bridge improvements and cultural resources site remediation and the total cost is $41,800,000 (see next page for cost breakdown). As mentioned above, the N8031/N4 project has received $22.3 million in TTP federal funds for construction. An additional $19,500,000 is needed in order to construct everything that is in the scope of work. At the request

of the Hardrock and Pinon Chapter leadership and community members, Delegate Jimmy Yellowhair is requesting approval of $19,500,000 of Sihasin Funds to supplement the existing TTP federal funds of $22.3 million to construct the full scope of work for N8031/N4 project.

N8031/N4 Engineer's Opinion of Probable Construction Cost

	Item	Cost
1	N8031: Hopi Route 4 to Sta 15+060	$22,100,000
2	N8031: Sta 15+060 to BIA Route N4; and N4	$13,600,000
3	Cultural Site Remediation	$1,800,000
4	Asphaltic Concrete Pavement	$3,300,000
5	Construction Contingencies	$1,000,000
	TOTAL with Paving, Cultural Site Remediation & Contingencies	**$41,800,000**
	Federal Funds Available	$22,300,000
	Additional Funds Needed	**$19,500,000**

If additional information is needed regarding the N8031/N4 project, please feel free to call me at (505) 371-8397. Thank you for your assistance.

Sincerely,

Darryl Bradley, Principal Civil Engineer
Navajo Division of Transportation

Exhibit D

EXHIBIT
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D

Resolution of the Hardrock Chapter

Resolution # HRC 08/20-06

Requesting the Navajo Nation to Provide Sufficient Resources to provide the Necessary completion in the amount of $19,500,000.00 for the Construction of NR 8031 and for Completion of NR 8031 Road with Asphalt Blacktop Using the Federal CARES Act Fund.

Whereas:

1. The Resources and Development Committee, Navajo Nation Council approved and certified the Hardrock Chapter to represent and act on behalf of the region on issues affecting the region and threatening the health and welfare of the communities; and
2. The BIA and Navajo Department of Transportation, Services submitted a Preliminary Design Plan related to the Navajo Nation Council for consideration and the Hardrock Chapter reviewed the plan and responded with their comments and additional recommendations; and
3. In the Preliminary Design Plan, it shows $22.3 million Programmed in the TTIP. This amount will cover only 9.3 miles on 8031.The remaining 6.4 miles of N8031 and N4 will need an additional $19.5 million to complete construction. The region requested the Navajo Nation to seriously consider the completion of the entire 14.7 miles of N8031(2.8 miles on Hopi Lands) and 0.31 on N4 with asphalt blacktop; and
4. All paved roads within the region do not connect to another paved road, all pave road comes to a dead end. The current transportation system does not adequately meet the safety standard and it's not safe for school, public safety, emergency and the general public; and
5. In early April, 2020 the Navajo Nation received over $640 million from the federal CARES Act to address and fight the deadly coronavirus diseases and providing safe transportation will eliminate much of the health issues now facing the Dzil Yijiin Region; and
6. It would be in the best safety interest to provided efficient resources from the federal CARES Act and other federal funds to provide construction and completion of NR 8031.

Now therefore be it resolved that:

The Hardrock Chapter hereby request the Navajo Nation to provide sufficient Funds to offset the shortfall of additional $19,500,000.00 as needed in order to construct everything that is in the scope of work and finding the resources for the construction of NR 8031 and for the completion of NR 8031 with asphalt blacktop using the federal CARES Act fund.

Certification

We the undersigned hereby certify that the foregoing resolution was duly considered by the Hardrock Chapter teleconference call meeting on Aug 20, 2020 and the same was discussed and passed by a vote of 7 in favor, 0 opposed and 0 abstained.

Tim Johnson

President

Byron Wesley

Vice – President

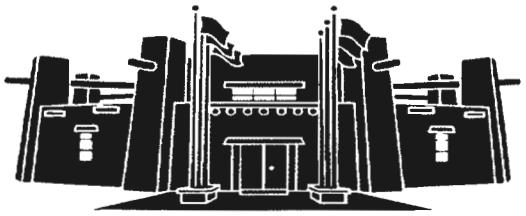
Jay Begay Jr.

Secretary/Treasure

Jimmy Yellowhair

Council Delegate

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO : Honorable Jimmy Yellowhair, Delegate
24th Navajo Nation Council

FROM : Luralene D. Tapahe
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : December 21, 2020

SUBJECT : **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0313-20__ SPONSOR: Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Date posted: December 21, 2020 at 4:18PM

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.: 0313-20

SPONSOR: Honorable Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 21, 2020 at 4:18 PM

5 DAY Comment Period Ended: December 26, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

12:00 PM 12/28/20
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating $19,500,000 in Sihasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Jimmy Yellowhair*

Has had it under consideration and reports a DO PASS with no amendment; however, the Committee directs NDOT to prepare an overall strategic transportation plan. Such transportation plan made available to the Navajo Nation Council when they deliberate on this legislation and other legislations sponsored by Delegate Yellowhair.

and thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,

Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: December 30, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Kee Allen Begay, Jr. S: Mark A. Freeland Vote: 5-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.
Oppose: NONE
Excuse: NONE
Not Voting: Presiding Chairperson Rickie Nez

(NOTE: Vote Tally attached.)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

SECOND YEAR 2020

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating $19,500,000 in Sihasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Jimmy Yellowhair*

Date: December 30, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Kee Allen Begay, Jr. S: Mark A. Freeland Vote: 5-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.
Oppose: NONE
Excuse: NONE
Not Voting: Presiding Chairperson Rickie Nez

Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0313-20:

An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Jimmy Yellowhair, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

1. Page 1, lines 10-16, insert the following:
   AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $19,500,000 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE N8031/N4 ROAD PROJECT; ALLOCATING $112,080,000 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR EARTH ROAD IMPROVEMENT PROJECTS; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT AND THE EARTH ROAD IMPROVEMENT PROJECTS EXPENDITURE PLANS PURSUANT TO 12 N.N.C §§ 2501 – 2508

2. Page 3, line 24, insert a new paragraph G as follows:
   G. NDOT has prepared a "List of Proposed Earth Road Improvement Projects by Agency," attached as **Exhibit E**. Each Delegate's District is listed, with a total of $4,670,000 as the cost for various earth road improvement projects by District. The total cost for all Districts is $112,080,000.

3. Add the "List of Proposed Earth Road Improvement Projects by Agency" as new **Exhibit E**.

4. Page 3, line 25, add the following:
   SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLANS

5. Page 4, line 1, insert a new paragraphs C and D as follows:
   C. The Navajo Nation hereby approves and adopts the Earth Road Improvement Projects Expenditure Plan, as shown in **Exhibit E**.
   D. The Navajo Nation hereby approves and adopts funding for the Earth Road Improvement Projects Expenditure Plan in the amount of $112,080,000 from the Navajo Nation Síhasin Fund, in accordance with 12 N.N.C. § 2505(A).

6. Page 4, lines 1-5, insert new wording in paragraph C as follows:
   C. The Síhasin Funds allocated for the N8031/N4 Road Project and the Earth Road Improvement Projects may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

7. Page 4, line 7, add the following:
   SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLANS ADMINISTRATION.

8. Page 4, lines 9-10, add the following:

The Navajo Nation Council hereby approves administration of the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans as follows:

9. Page 4, lines 11-13, add the following:
   1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $19,500,000 for the N8031/N4 Road Project and $112,080,000 for the Earth Road Improvement Projects will be Síhasin Fund Principal or Income or a combination of both.

10. Page 4, lines 14-18, add the following:
   2. The funding for the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans will be distributed to the Navajo Division of Transportation within ten (10) days after the effective date of this legislation. The Navajo Division of Transportation shall be responsible for administering the Project, in accordance with the N8031/N4 Road Project Expenditure Plan described in **Exhibit A**, and in accordance with the Earth Road Improvement Projects Expenditure Plan described in **Exhibit E**.

11. Page 4, lines 19-22, add the following:
   3. The $19,500,000 in funds allocated for the N8031/N4 Road Project Expenditure Plan shall be used solely to design, plan, and/or construct the N8031/N4 Road Project described in **Exhibit A**. The $112,080,000 in funds allocated for the Earth Road Improvement Projects Expenditure Plan shall be used solely to design, plan, and/or construct the Earth Road Improvement Projects described in **Exhibit E**. Any and all cost-savings shall be returned to the Síhasin Fund once the project is completed.

12. Page 4, lines 23-29, add the following:
   4. The funds allocated for the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans shall not lapse on an annual basis pursuant to 12 N.N.C. §820(N), however, any funds not spent or encumbered within ~~thirty-six (36)~~ sixty (60) months of the date funds are made available to the Navajo Division of Transportation shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee of the Navajo Nation Council and approved by the Naabik'íyáti' Committee.

13. Page 5, line 3, add a new paragraph 6, as follows:
   6. The NDOT shall oversee the Earth Road Improvement Projects, and NDOT shall perform or engage contractual services for all improvements, maintenance, and repairs for the Earth Road Improvement Projects.

14. Page 5, lines 5-6, add the following:
   This legislation and the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

15. Page 5, lines 9-11, add the following:
   The Navajo Division of Transportation shall report the status of the N8031/N4 Road Project and the Earth Road Improvement Projects to the Resources and Development Committee, and to the Naabik'íyáti' Committee, on a quarterly basis.

16. Renumber or re-letter succeeding paragraphs, sections, and exhibits, accordingly, if necessary. This amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.
   Motion: Amber K. Crotty Second: Nathaniel Brown Vote: 5-0 Yeas: Raymond Smith, Jr., Amber K. Crotty, Elmer P. Begay, Jimmy Yellowhair, Nathaniel Brown

And, therefore referred to the **NAABIKIYATI** Committee

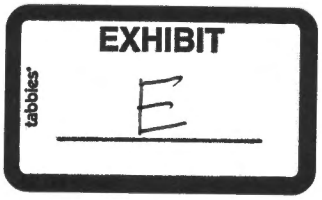
Respectfully submitted,

Jamie Henio, Chairman

Adopted: _____ Not Adopted: _____
Legislative Advisor Legislative Advisor

5 JANUARY 2021

The vote was **3** in favor **1** opposed *Yeas: Raymond Smith, Amber K. Crotty, Elmer P. Begay Nays: Jimmy Yellowhair; Nathaniel Brown not voting*
Main Motion: Raymond Smith, Jr.
Second: Nathaniel Brown



List of Proposed Earth Road Improvement Projects by Agency

Chinle Agency						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Kee Allen Begay, Jr.		Blue Gap/Tachee, Low Mountain, Many Farms, Nazlini, Tselani/ Cottonwood				
N29	Blue Gap	Grade, Drain, Culvert, Stabilize	129	14.0	$1,120,000	
N8068	Blue Gap - Burnt Corn	Grade, Drain, Culvert, Stabilize	n/a	9.6	$770,000	
N8059/N67	Low Mountain	Grade, Drain, Culvert, Stabilize	193	22.0	$1,120,000	
N25/C419	Tselani/ Cottonwood	Gravel and Stabilize	287	3.3	$1,060,000	
N8085	Many Farms	Gravel and Stabilize	n/a	3.0	$600,000	
					Total	$4.67
Carl Slater		Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tse'ch'izhi				
N133/134	Lukachukai	Gravel and Stabilize	291	3.9	$780,000	
N8070	Rock Point	Gravel and Stabilize	282	8.0	$1,600,000	
N172	Round Rock	Low Water Crossing	72	1.0	$500,000	
N172	Round Rock	Grade, Drain, Culvert, Stabilize	72	14.0	$1,000,000	
N8077	Tsaile/WF	Grade, Drain, Culvert, Stabilize	124	5.9	$592,000	
N8066	Rough Rock	Grade, Drain, Culvert, Stabilize	133	2.5	$198,000	
					Total	$4.67
Eugene Tso		Chinle				
N8081	Chinle	Gravel and Chip Seal	825	1.7	$680,000	
N8095	Chinle	Gravel and Chip Seal	999	3.8	$1,520,000	
N8090	Chinle	Gravel and Stabilize	198	2.4	$480,000	
N7	Chinle	Gravel and Stabilize	241	6.0	$1,190,000	
N7	Chinle	Sidewalk project	241	1.0	$800,000	
					Total	$4.67
Jimmy Yellowhair		Black Mesa, Forest Lake, Hard Rock, Pinon, Whippoorwill				
N41	Forest Lake	Gravel and Stabilize	324	4.4	$1,140,000	
N8073	Pinon	Gravel and Stabilize	656	9.5	$1,140,000	
N8027	Hard Rock	Grade, Drain, Culvert, Stabilize	112	9.2	$1,140,000	
N8065	Black Mesa	Low Water Crossing	122	1.0	$650,000	
N61	Whippoorwill	Low Water Crossing	170	1.0	$600,000	
					Total	$4.67

Eastern Agency						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Seth Damon		**Baahaali, Chichiltah, Manuelito, Rock Springs, Tsayatoh, Tse Lichii**				
CR5-Manuelito Canyon Rd.	Manuelito	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	n/a	11.0	$1,000,000	
N1113-CR02 Remnant Mesa Rd/N7299	Tse Lichii	Grade, Drain, Culvert Stabilize	50	2.5	$600,000	
CR-6-Cousins Rd	Chichiltah	Roadway Improvement, Turnouts, etc.	695	7.5	$1,000,000	
N7572-N7573/ CR8A Bosson Wash Rd/N7239/ 7153/N7103	Chichiltah	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	n/a	8.0	$505,000	
N0123-CR4 Hunter Point Rd.	Tsayatoh	Grade, Drain, Culvert Stabilize	82	3.5	$750,000	
CR10-Pinehaven Rd/CR34-Uprooted Tree Rd.	Baahaali	Double Chip Seal, Grade, Drain, Culvert, Gravel, Stabilize	n/a	7.0	$300,000	
Windy Mesa Rd N0179	Rock Springs	Grade, Drain, Culvert Stabilize	n/a	1.5	$515,000	
					Total	$4.67

Eastern Agency Continued						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Jamie Henio		Alamo, Tohajiilee				
N55	Alamo	Gravel and Chip Seal	100	6.0	$2,400,000	
N56	Tohajiilee	Gravel and Chip Seal	389	5.0	$2,000,000	
N57	Tohajiilee	Grade, Drain, Culvert, Stabilize	168	3.4	$270,000	
					Total	$4.67
Mark Freeland		Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock				
N0011	Crownpoint	Gravel and Chip Seal	2578	6.0	$2,400,000	
N7049	Standing Rock	Gravel and Stabilize	228	4.0	$800,000	
N7950	Nageezi	Gravel and Chip Seal	50	2.7	$1,070,000	
Airport	Crownpoint	Resurface existing run way	n/a	1.0	$400,000	
					Total	$4.67
Edmund Yazzie		Church Rock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau				
N0491	Smith Lake	Grade, Drain, Culvert, Stabilize	146	5.0	$1,800,000	
CR33/ Turtle Butte	Iyanbito	Gravel and Stabilize	50	5.0	$1,000,000	
N7113	Mariano Lake	Grade, Drain, Culvert, Stabilize	119	18.4	$1,470,000	
CR49	Pinedale	Gravel and Chip Seal	50	4.5	$400,000	
					Total	$4.67
Daniel E. Tso		Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor				
N7128	Pueblo Pintado	Grade, Drain, Culvert, Stabilize	140	10.0	$800,000	
N0474	Ojo Encino	Gravel and Chip Seal	503	5.5	$2,200,000	
N7004	Whitehorse	Grade, Drain, Culvert, Stabilize	100	12.0	$960,000	
N481	Littlewater	Grade, Drain, Culvert, Stabilize	122	5.0	$400,000	
N485	Casamaro Lake	Grade, Drain, Culvert, Stabilize	139	3.9	$310,000	
					Total	$4.67

Ft Defiance Agency						
Route	Chapter	Description	ADT	Length (mile)	$	$M
Wilson C. Steward, Jr.		Crystal, Fort Defiance, Red Lake, Sawmill				
N9703	Crystal	Grade, Drain, Culvert, Stabilize	110	5.0	$400,000	
N112	Fort Defiance	Gravel and Chip Seal	3646	4.7	$1,870,000	
N112	Red Lake	Gravel and Chip Seal	886	4.0	$1,600,000	
N9073	Sawmill	Gravel and Chip Seal	882	2.0	$800,000	
					Total	$4.67
Edison J. Wauneka		Oak Springs, St. Michaels				
N123	St. Michaels	Grade, Drain, Culvert, Stabilize	98	14.0	$1,770,000	
N120/N121	St. Michaels	Gravel and Chip Seal	50	1.8	$900,000	
N28	Oak Springs	Grade, Drain, Culvert, Stabilize	192	12.0	$2,000,000	
					Total	$4.67
Elmer P. Begay		Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone				
N153/N9003/ N9606	Greasewood	Gravel and Chip Seal	764	10.5	$2,000,000	
N9860/N9864	Indian Wells	Grade, Drain, Culvert, Stabilize	136	5.0	$400,000	
N9901	Teesto	Grade, Drain, Culvert, Stabilize	137	12.0	$960,000	
N9065	Whitecone	Grade, Drain, Culvert, Stabilize	214	8.0	$640,000	
N9860	Dilkon	Grade, Drain, Culvert, Stabilize	136	8.4	$670,000	
					Total	$4.67
Vince R. James		Cornfields, Ganado, Jeddito, Kin Dah Lichii, Steamboat				
N151	Cornfields	Gravel and Stabilize	326	4.0	$800,000	
N151	Ganado	Gravel and Stabilize	326	4.0	$800,000	
N9201	Ganado	Gravel and Stabilize	1695	5.0	$1,000,000	
N39	Kinlichee	Grade, Drain, Culvert, Stabilize	549	5.0	$400,000	
N9056	Jeddito	Grade, Drain, Culvert, Stabilize	217	8.9	$710,000	
N9052	Steamboat	Grade, Drain, Culvert, Stabilize	196	12.0	$960,000	
					Total	$4.67

Ft Defiance Agency Continued						
Route	Chapter	Description	ADT	Length (mile)	$	$M
Raymond Smith, Jr.		**Houck, Klagetoh, Nahata Dzill, Tse Si ani, Wide Ruins**				
Banana Wash/Grey Cactus, N9355, N9401, N9410, CR27, N9011	Wide Ruins	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	n/a	25.0	$934,000	
N203, N28, 9352	Klagetoh	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	287	25.0	$934,000	
N9402	Lupton	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	410	10.0	$934,000	
PAVED RTS	Nahata Dzill	Grade, Drain, Culvert, Gravel, Stabilize, Chip Seal	50	25.0	$934,000	
N9402	Houck	Grade, Drain, Culvert, Stabilize, Chip Seal	223	10.0	$934,000	
					Total	$4.67
Pernell Halona		**Bahastl'a', Coyote Canyon, Mexican Springs, Naschitti, Tohatchi**				
N9660	Coyote Canyon	Gravel and Stabilize	475	2.0	$800,000	
N9503	Mexican Springs	Grade, Drain, Culvert, Stabilize	166	4.6	$1,280,000	
N69	Naschitti	Grade, Drain, Culvert, Stabilize	218	5.0	$400,000	
N9659	Twin Lakes	Grade, Drain, Culvert, Stabilize	221	5.0	$400,000	
N9653	Tohatchi	Grade, Drain, Culvert, Stabilize	157	11.0	$880,000	
N31	Tohatchi	Grade, Drain, Culvert, Stabilize	n/a	3.4	$910,000	
					Total	$4.67

Northern Agency						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Eugenia Charles - Newton		**Shiprock**				
N5033/N5366/ Neshka Dr.	Shiprock	Double Chip Seal	1159	1.0	$ 1,970,000	
N5436/N5156	Shiprock	Double Chip Seal	3000	0.5	$ 500,000	
N1473	Shiprock	Double Chip Seal	654	0.4	$ 1,000,000	
N5364/5363/ 1519/1518	Shiprock	Realign and Double Chip Seal	1075	1.4	$ 1,200,000	
					Total	$4.67
Amber Kanazbah Crotty		**Beclahbito, Cove, Gadi'l'ahi/To'koi, Red Valley, Tooh Halsooi, Toadlena/Two Grey Hills, Tse alnaos't'l'l,**				
N5010/N5012	Sanostee	Gravel and Chip Seal	304	10.7	$ 1,400,000	
N5113/N57		Gravel and Stabilize		5.0	$ 1,300,000	
N5002	Sheep Springs	Gravel and Stabilize	167	3.0	$ 970,000	
N332	Cove	Box Culvert	304	2.4	$ 1,000,000	
					Total	$4.67
Rickie Nez		**Nenahnezad, Newcomb, San Juan, Tii Tsoh Sikaad, Tse' Daa'Kaan, and Upper Fruitland, Hogback**				
N367	Upper Fruitland	Gravel and Chip Seal	680	2.0	$ 778,333	
N5	Burnham	Gravel and Chip Seal	300	2.0	$ 778,333	
N5004	Newcomb	Grade, Drain, Culvert, Stabilize	256	1.2	$ 778,333	
N365/N362	Nenahnezad	Gravel and Chip Seal	566	2.2	$ 778,333	
N367	San Juan	Gravel and Chip Seal	356	1.9	$ 778,333	
N563	Hogback	Gravel and Chip Seal		1.0	$ 778,333	
					Total	$4.67
Charlaine Tso		**Aneth, Mexican Water, Red Mesa, Teecnospos, Tolikhan**				
N5060 (UT)	Red Mesa	Gravel and Stabilize	244	8.0	$ 1,270,000	
N121/5056	Mexican Water	Gravel and Stabilize	60	5.0	$ 1,000,000	
N5059	TeecNosPos	Gravel and Stabilize	206	3.0	$ 600,000	
N5066	Aneth	Gravel and Stabilize	216	4.0	$ 800,000	
N5054	Tolikan	Grade, Drain, Culvert, Stabilize	300	4.0	$ 1,000,000	
					Total	$4.67

Western Agency						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Nathaniel Brown		Chilchinbeto, Dennehotso, Kayenta				
N6486	Kayenta	Gravel and Stabilize	411	8.5	$1,030,000	
N6460/N1118	Dennehotso	Gravel and Stabilize	221	14.0	$1,030,000	
N591	Chilchinbeto	Gravel and Chip Seal	202	6.5	$2,610,000	
					Total	$4.67
Herman Daniels, Jr.		Naa'tsis'Aan, Oljato, Shonto, Tsa Bii Kin				
NR6323	Inscription House	Grade, Drain, Culvert, Stabilize	99	5.0	$400,000	
N161	Navajo Mountain	Grade, Drain, Culvert, Stabilize	67	5.5	$440,000	
N221	Shonto	Gravel and Chip Seal	247	8.2	$3,270,000	
N6410	Oljato	Grade, Drain, Culvert, Stabilize	229	7.0	$560,000	
					Total	$4.67
Thomas Walker, Jr.		Birds Springs, Cameron, Coal Mine Canyon, Leupp, Tolani Lake				
N2	Bird Springs	Grade, Drain, Culvert, Stabilize	318	15.0	$1,200,000	
N6810	Bird Springs	Grade, Drain, Culvert, Stabilize	70	3.7	$296,000	
N6910	Leupp	Grade, Drain, Culvert, Stabilize	62	12.0	$960,000	
N70	Leupp	Grade, Drain, Culvert, Stabilize	76	6.0	$480,000	
N6810	Tolani Lake	Grade, Drain, Culvert, Stabilize	56	6.0	$480,000	
N6720	Coalmine Canyon	Grade, Drain, Culvert, Stabilize	75	10.7	$854,000	
NR6728	Cameron	Grade, Drain, Culvert, Stabilize	137	5.0	$400,000	
					Total	$4.67
Paul Begay		Bodaway/Gap, Coppermine, K'ai Bii'to, LeChee, Tonalea/Red Lake				
N6130	Bodaway Gap	Grade, Drain, Culvert, Stabilize	57	7.5	$600,000	
N6110	Bodaway Gap	Grade, Drain, Culvert, Stabilize	91	7.5	$600,000	
N6210	Coppermine	Grade, Drain, Culvert, Stabilize	86	9.0	$718,000	
N201	LeChee	Grade, Drain, Culvert, Stabilize	15	12.0	$960,000	
N6330	Kaibeto	Grade, Drain, Culvert, Stabilize	116	10.0	$800,000	
N21	Tonalea	Grade, Drain, Culvert, Stabilize	201	5.0	$400,000	
N6011	Tonalea	Grade, Drain, Culvert, Stabilize	297	7.4	$592,000	
					Total	$4.67

Western Agency Continued						
Route	Chapter	Description	ADT	Length (miles)	$	$M
Otto Tso		To Nanees Dizi				
N6220	Tuba City	Gravel and Chip Seal	655	2.0	$520,000	
N608	Tuba City	Sidewalk project	2019	4.0	$680,000	
N6221	Tuba City	Gravel and Stabilize	392	3.0	$600,000	
NR6224	Tuba City	Gravel and Stabilize	631	3.0	$520,000	
N23	Tuba City	Grade, Drain, Culvert, Stabilize	132	6.9	$550,000	
SR160	Tuba City	Sidewalk project	5975	1.0	$400,000	
N1012	Tuba City	Gravel and Chip Seal	1417	3.5	$1,400,000	
					Total	$4.67

BUDGET AND FINANCE COMMITTEE
5 JANAUARY 2021
Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Jimmy Yellowhair, Council Delegate*
Motion: Raymond Smith, Jr.
Second: Nathaniel Brown
Vote: 3-1, Chairman not voting, with 1 amendment

Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair		**nay**
Raymond Smith Jr.	**yea**	
Elmer P. Begay	**yea**	
Amber K. Crotty	**yea**	
Nathaniel Brown		

Absent: Nathaniel Brown

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Third Year 2021

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0313-20

An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Sponsored by: Honorable Jimmy Yellowhair

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**.

Respectfully Submitted,

Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

14 January 2021

MAIN MOTION
Motioned by: Honorable Kee Allen Begay, Jr.
Seconded by: Honorable Eugene Tso
Vote: 12 in Favor, 10 Opposed (Chairman Damon Not Voting)

---------- FAILED MOTIONS ----------

REFERRAL MOTION
Motion to Refer Legislation 0313-20 to a Naabik'iyati' Committee Work Session on February 4, 2021.
Motioned by: Honorable Herman M. Daniels, Jr.
Seconded by: Honorable Wilson C. Stewart, Jr.
Vote: 08 in Favor, 12 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

831 1/14/2021

Naa'bik'iyati' Committee Regular Meeting 02:23:27 PM

Amd# to Amd#	Legislation 0313-20: Allocating	PASSED
MOT Begay, K	$19,500,000 in Sihasin Fund to	
SEC Tso, E	the Navajo Division of	
	Transportation for the.....	

Yeas : 12 **Nays : 10** **Excused : 1** **Not Voting : 0**

Yea : 12

Begay, E	Crotty	James, V	Wauneka, E
Begay, K	Halona, P	Smith	Yazzie
Charles-Newton	Henio, J	Walker, T	Yellowhair

Nay : 10

Begay, P	Nez, R	Tso, C	Tso, E
Daniels	Slater, C	Tso, D	Tso, O
Freeland, M	Stewart, W		

Excused : 1

Brown

Not Voting : 0

Presiding Speaker: Damon

NAVAJO NATION

830 1/14/2021

Naa'bik'iyati' Committee Regular Meeting 12:40:45 PM

Amd# to Amd# Refer Legislation 0313-20 to FAILED

MOT Daniels Work Session on February 4, 2021

SEC Stewart, W

Yeas : 8 **Nays : 12** **Excused : 1** **Not Voting : 2**

Yea : 8

Begay, E	Crotty	Stewart, W	Tso, O
Begay, P	Daniels	Tso, D	Walker, T

Nay : 12

Begay, K	Halona, P	Smith	Wauneka, E
Charles-Newton	Nez, R	Tso, C	Yazzie
Freeland, M	Slater, C	Tso, E	Yellowhair

Excused : 1

Brown

Not Voting : 2

Henio, J James, V

Presiding Speaker: Damon

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0313-20

SPONSOR: Honorable Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 21, 2020 at 4:18 PM

5 DAY Comment Period Ended: December 26, 2020

Digital Comments received:

Comments Supporting	**1) Percy Deal**
Comments Opposing	***None***
Comments/Recommendations	***None***

A Johnson
Legislative Tracking Secretary
Office of Legislative Services

01/20/21 5:13pm
Date/Time

The Most Honorable Members, Navajo Nation Council November 18, 2021

Re: Legislation 0313-20.

This legislation is proposing to allocate $19,500,000 from the Sihasin Fund to the Navajo Department of Transportation for NR 8031 and NR 4 project. The road project is two in one project.

I'm asking you to support placing this legislation on the coming winter council session agenda. I'm under the assumption it is not now on the agenda for your consideration.

Over the weekend the Chinle Agency Council unanimously supported a resolution requesting the Navajo Nation Council to approve legislation 0313-20.

See attachment of the unsigned agency resolution, I do not have a copy of signed resolution.

Very briefly, this road is 14.7 miles connecting the communities of Pinon and Hardrock it also traverses the Hopi reservation. The communities been working with the Bureau of Indian Affairs both Navajo Area and Phoenix Area, Navajo Department of Transportation and the Hopi tribe over 30 years. The road is not improved to safety standard and presents a very dangerous situation during inclement weather. During the none wet seasons it also present dangerous condition with wash board and blow sands. The unsafe situation is especially true for schools and emergency services. Ambulance refuses to travel on unimproved road. It also presents a very unsafe condition for all commuters.

For this road to become a reality two major issues got to be met:

First, is the resources. NDOT with its engineers (Dibble Engineering) to compete the total 14.7 miles with a bridge over Oraibi Wash would cost $41,800,000. In 2018 the Navajo Nation received $22.3 million in TTP from the federal government, this would only do 9 miles of the 14.7 miles. To wait for the additional $19.5 million from the federal TTP will take years.

Second, is the approval from the Hopi tribe. The road at the west end traverses their reservation. It took over 20 years before the Hopi Tribal Council by resolution H-073-2013 approved a revocable permit to the Navajo Bureau of

Indian Affairs and Navajo Department of Transportation to enter and use certain lands of the Hopi tribe for the purposes of NR 8031 road improvement.

Should the Navajo Nation Council refuse to consider and approve $19.5 million from the Sihasin fund to complete construction it will only add another road in the Dzil Yijiin region that comes to a dead end and not connect to another paved road. All paved roads in the region comes to a dead end, none meet another paved road. With the additional $19.5 million it will complete the entire road not only for the two communities but for the central and western agencies for a more direct route. The entire road will be safe for all commuters, especially for schools and public safety.

The two communities are extremely pleased to have a revocable permit granted to the BIA and NDOT. It'll be 9 years this year since the permit, the communities worked very hard pleating with the Hopi tribe for their permission for the right of way. Remember, this is a revocable permit, it means it could be recalled and taken back. I know there are other right of ways for public projects needed by the Navajo Nation, by not exercising this permit it will interfere with other needs.

The Navajo Nation Council created the Sihasin Fund for development of economic development and regional infrastructures including transportation. It could also be use as leveraging fund as matching in this case to the federal government. We have hope and a dream to see this road become a reality before long.

I'm therefore asking you to support legislation 0313-20 by the Honorable Jimmy Yellowhair.

Most Sincerely,

Percy Deal

P.O. Box

Kykostmovi, Arizona 86039

Chinle Agency Council

Resolution # _____

Chinle Agency Council hereby Supports Legislation 0313-20 Allocating $19,500,000 in Sihasin Fund to Navajo Department of Transportation for NR-8031 Road Project and Requesting the Budget and Finance Committee, Navajo Nation Council to Support and Enact the Legislation.

Whereas:

1. The Navajo Nation Council through the FY 2021 Navajo Nation Operating budget appropriated funds for the Chinle Agency Council to meet quarterly to discuss and act on issues effecting Chinle agency; and
2. The most Honorable Council Delegate Jimmy Yellowhair on or about December 21, 2020 introduced Legislation 0313-20 entitled "An Action Relating to Resources and Development, Budget And Finance, Naabik'Iya'ti Committees, and Navajo Nation Council; Allocating $19,500,000 in Sihasin Funds to the Division of Transportation for N 8031 Road Project; Approving and Adopting the N 8031/N 4 Road Project Expenditure Plan Pursuant to 12 NNC, Section 2501 – 2508; and
3. NR – 8031 is 14.7 miles between Pinon and Hardrock chapters and it traverses the Hopi partition land at the west end; and
4. Both chapters been working with the Navajo Nation (NDOT), the Bureau of Indian Affairs; Navajo and Phoenix Area Offices and the Hopi Tribe for over 30 years to bring the road to safety standard and much depended on availability of funds and the approval from the Hopi Tribe; and
5. The Principal Civil Engineer, NDOT has estimated a total cost of $41,800,000 for road and bridge improvements and cultural resources site remediation, of which the Navajo Nation has received $22.3 million in TTP federal funds in 2018, the amount will only complete 9 miles of 14.7 miles and the additional $19,500,000 is not foreseeable in the near future; and
6. The Hopi Tribal Council in 2013 by Resolution H-073-2013 approved a revocable permit to the Navajo Area Bureau of Indian Affairs and Navajo Department of Transportation to enter upon and use certain lands of the Hopi Tribe for the purposes of NR 8031 road improvement; and

7. On December 30th, 2020 the Resources and Development Committee, Navajo Nation Council considered Legislation 0313-20 and reports a DO PASS approval with no amendments; and
8. NR-8031 is entirely in 1882 Executive Order reservation held in common for the Hopi and Navajo tribes and due to unsettled ownership between the tribes the Federal District Court of Arizona place a moratorium on all development in 1964 until 1978 when the lands were partitioned; and
9. No improvements been done and the road presents a very unsafe and dangerous conditions for all commuters especially for schools and public safety resources, and
10. And all paved roads in Navajo partition land do not connect to another paved road but comes to dead ends, if only 9 miles of 14.7 miles is completed 8031 will be another paved road that comes to a dead end and not connect to another paved road; and
11. It would be in the best safety interest of all concern to approve the allocation of $19,500,000 from the Sahasin fund as outlined in Legislation 0313-20.

Now therefore be it Resolved that:

The Chinle Agency Council hereby express its support and request the Budget and Finance Committee, Navajo Nation Council to approve Legislation 0313-20 allocating $19,500,000 in Sihasin funds to the Navajo Division of Transportation for NR 8031 road project.

Certification

We the undersigned hereby certify the foregoing resolution was duly considered at a duly called conference call meeting on January 16th, 2021 and the same was duly considered and passed by unanimous voice vote.