

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJY-32-20 WHICH APPROVED A CONTRACT ON BEHALF OF THE NAVAJO NATION BETWEEN THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY, INC. (NAPI) AND THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE OPERATION AND MAINTENANCE, ON-FARM DEVELOPMENT, AND AGRICULTURAL TESTING AND RESEARCH LABORATORY ON THE NAVAJO INDIAN IRRIGATION PROJECT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is the oversight committee for the Navajo Agricultural Products Industry, Inc. 5 N.N.C. 1604.
- B. The Naabik'íyáti' Committee is authorized to approve contracts with the United States Department of Interior for the implementation of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq. (P.L. 93-638 as amended). 2 N.N.C. § 701(A) (12).

SECTION TWO. FINDINGS

- A. On July 19, 2020, the Naabik'íyáti' Committee approved resolution NABIJY-32-20, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING AND AUTHORIZING A CONTRACT ON BEHALF OF THE NAVAJO NATION BETWEEN THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY, INC. (NAPI) AND THE UNITED STATES DEPARTMENT OF THE INTERIOR UNDER 25 U.S.C. §§ 450 ET SEQ. (P.L. 93-638 INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT, AS AMENDED) FOR THE OPERATION AND MAINTENANCE, ON-FARM DEVELOPMENT, AND AGRICULTURAL TESTING AND RESEARCH LABORATORY ON THE NAVAJO INDIAN IRRIGATION PROJECT BEGINNING WITH CALENDAR YEAR 2021 AND SUBSEQUENT CALENDAR YEARS UNDER A MATURE CONTRACT STATUS; AND APPROVING AND AUTHORIZING THE FISCAL YEAR AND SCOPE OF WORK FOR THE PERIOD OF THE CONTRACT TERM. Resolution NABIJY-32-20 (without exhibits) is attached as Exhibit A.
- B. The United States Department of the Interior, Bureau of Indian Affairs, Navajo Regional Office in a memorandum dated November 6, 2023, stated that amendments to resolution NABIJY-32-20 were necessary. The memorandum states: *Tribal Resolution -As part*

of the submitted documents the resolution was reviewed and BIA NRO continues to remind NAPI to amend the resolution, to change the referenced citation from 25 U.S.C. § 450 et seq. to 25 U.S.C. 5301 et seq. in the header, Section One B on page 1 and Section Three A and B on page 3. The change is to reflect the renumbering of 25 U.S.C. 450 to 25 U.S.C. 5301. In addition, the resolution amendment needs to remove Bureau of Reclamation (BOR) after Department of the Interior in Section 3. The BIA memorandum dated November 6, 2023 is attached as Exhibit B.

SECTION THREE. AMENDING NABIJY-32-20

A. The Navajo Nation Naabik'íyáti' Committee hereby amends NABIJY-32-20 by deleting references to section 450 and inserting section 5301 in its stead as follows:

1. On page one (1) in the title of the Resolution, delete the number 450 and insert 5301 as follows:

DEPARTMENT OF THE INTERIOR UNDER 25 U.S.C. §§ ~~450~~ 5301 ET SEQ.

2. On page one (1), Section One, AUTHORITY, paragraph "B" of the Resolution, delete the number 450 and insert 5301 as follows:

Indian Self-Determination and Education Assistance Act, 25 U.S.C. § ~~450~~ 5301 et seq.

3. On page two (2), Section Three, APPROVING A CONTRACT, paragraph "A" of the Resolution, delete the number 450 and insert 5301 as follows:

25 U.S.C. § ~~450~~ 5301 et seq. (Indian Self-Determination and Education Assistance Act

4. On page two (2), Section Three, APPROVING A CONTRACT, paragraph "B" of the Resolution, delete the number 450 and insert 5301 as follows:

25 U.S.C. § ~~450~~ 5301 et seq. (Indian Self-Determination and Education Assistance Act

B. The Navajo Nation Naabik'íyáti' Committee hereby amends page two (2), Section Three, APPROVING A CONTRACT, paragraph "A" of Resolution NABIJY-32-20 by deleting the words Bureau of Reclamation (BOR) after Department of the Interior in Section Three of the Resolution as follows:

United States Department of the Interior ~~Bureau of Reclamation~~

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Tse Bonito, New Mexico, at which a quorum was present and that the same was passed by a vote of 11 in Favor, and 00 Opposed, on this 05th day of January 2024.



Honorable Crystalyne Curley, Chairwoman
Naabik'íyáti' Committee

1/5/24

Date

Motion: Honorable Vince R. James

Second: Honorable Brenda Jesus

Chairwoman Crystalyne Curley not voting

EXHIBIT

A

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING AND AUTHORIZING A CONTRACT ON BEHALF OF THE NAVAJO NATION BETWEEN THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY, INC. (NAPI) AND THE UNITED STATES DEPARTMENT OF THE INTERIOR UNDER 25 U.S.C. §§ 450 ET SEQ. (P. L. 93-638 INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT, AS AMENDED) FOR THE OPERATION AND MAINTENANCE, ON-FARM DEVELOPMENT, AND AGRICULTURAL TESTING AND RESEARCH LABORATORY ON THE NAVAJO INDIAN IRRIGATION PROJECT BEGINNING WITH CALENDAR YEAR 2021 AND SUBSEQUENT CALENDAR YEARS UNDER A MATURE CONTRACT STATUS; AND APPROVING AND AUTHORIZING THE FISCAL YEAR AND SCOPE OF WORK FOR THE PERIOD OF THE CONTRACT TERM

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is the oversight committee for the Navajo Agricultural Products Industry, Inc. 5 N.N.C. § 1604.
- B. The Naabik'íyáti' Committee is authorized to approve contracts with the United States Department of Interior for the implementation of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq. (P.L. 93-638 as amended). 2 N.N.C. § 701 (A) (12).

SECTION TWO. FINDINGS

- A. The Navajo Agricultural Products, Inc. Board Resolution No. BDMY-10-20 states that [p]ursuant to Article 7(O) and (Q) of NAPI's Plan of Operation, NAPI has the authority to enter contracts for any lawful purposes set forth in Article 3 and to apply for and accept grants and enter into contracts, agreements or other transactions with any Federal Agency[.] NAPI Board Resolution No BDMY-10-20 is attached as Exhibit A.
- B. The Navajo Agricultural Products, Inc. Board Resolution No. BDMY-10-20 states that [t]he NAPI Board of Directors requests that the Resources and Development Committee recommend and the Naabik'íyáti' Committee of the Navajo Nation Council authorize NAPI to contract on behalf of the Navajo Nation with the Bureau

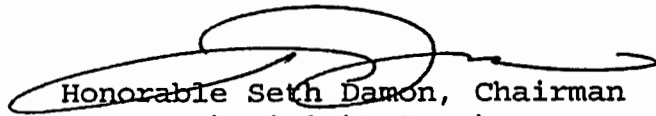
of Indian Affairs for the "Operation and Maintenance", "On-Farm Development", and "Agricultural Testing and Research Laboratory" on the Navajo Indian Irrigation Project beginning with Calendar Year 2021 and subsequent calendar years under a mature contract status[.]

SECTION THREE. APPROVING A CONTRACT

- A. The Navajo Nation approves and authorizes a contract on behalf of the Navajo Nation between the Navajo Agricultural Products Industry, Inc. and the United States Department of the Interior-Bureau of Reclamation 25 U.S.C. § 450 et seq. (Indian Self-Determination and Education Assistance Act, P. L. 93-638, as amended), for the "Operation and Maintenance", "On-Farm Development", and "Agricultural Testing and Research Laboratory" on the Navajo Indian Irrigation Project beginning with Calendar Year 2021 and subsequent calendar years under a mature contract status as set forth in the documents attached as Exhibit A.
- B. The Navajo Nation hereby approves and authorizes the Annual Funding Agreement and Scope of Work for the Navajo Agricultural Products Industry, Inc., 25 U.S.C. § 450 et seq. (Indian Self-Determination and Education Assistance Act, P. L. 93-638, as amended), for the "Operation and Maintenance", "On-Farm Development", and "Agricultural Testing and Research Laboratory" on the Navajo Indian Irrigation Project for the contract term indicated above, as set forth in the documents attached as Exhibit A.
- C. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute and effectuate the Contract, Annual Funding Agreement and Scope of Work, provided the terms and conditions in such documents are substantially similar to those approved by this resolution.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 18th day of July 2020.


Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

July 19, 2020
Date

Motion: Honorable Wilson Stewart, Jr.
Second: Honorable Eugenia Charles-Newton

Chairman Seth Damon not voting



United States Department of the Interior

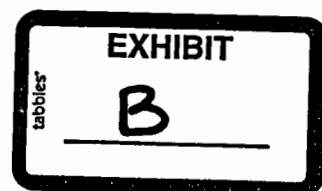
BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 6, 2023



Dave Zeller, Chief Executive Officer
Navajo Agricultural Products Industry
Post Office Box 1318
Farmington, New Mexico 87499-1318

Dear Mr. Zeller:

In accordance, with 25 CFR, Part § 900.15(b) and §900.32, the Bureau of Indian Affairs (BIA), Navajo Regional Office (NRO) has reviewed all the documents, Navajo Agricultural Products Industry (NAPI) submitted with its Public Law (Pub. L.) Calendar Year (CY) 2024 Successor Annual Funding Agreement (SAFA) proposal for the continuation of the Operation & Maintenance, On-Farm Development, Agricultural Testing, Research and Laboratory and Water Quality Monitoring Programs under Pub. L. 93-638 Contract No. A21AV00158.

The BIA NRO has the following comments and recommendations:

1. Tribal Resolution - As part of the submitted documents the resolution was reviewed and BIA NRO continues to remind NAPI to amend the resolution, to change the referenced citations from 25 U.S.C. §450 et seq. to 25 U.S.C. 5301 et seq. in the header, Section One B on page 1 and Section Three A and B on page 3. The change is to reflect the renumbering of 25 U.S.C. 450 to 25 U.S.C. 5301. In addition, the resolution amendment needs to remove Bureau of Reclamation (BOR) after Department of the Interior in Section 3.
2. Annual Funding Agreement (AFA)
 - a. Page 10. B-3. Contract Amount. The BIA NRO recommends NAPI to revise Attachment 1 referenced amount for Operations, Maintenance and Replacement (OM&R) from \$7,500,000.00 to \$5,500,000.00. An explanation is provided below under 3. b. Exhibit B. Proposed Budget for CY 2024 Operation and Maintenance.
3. AFA Attachment 1. Scope of Work (SOW) for OM&R
 - a. Page 16. 1.5 ELECTRICAL SYSTEM. The BIA NRO request clarification on the Electric Agreement Contract No. 87-SLC-0014-WAPA versus the prior year Electric Agreement Contract No. 10-SLC-0649-WAPA. What is the difference?
 - b. EXHIBIT B. Proposed Budget for Calendar Year 2024 OM&R. The proposed overall CY 2024 budget amount of \$7,492,172.00 for OM&R is substantially more than the anticipated Fiscal Year (FY) 2024 funding level of \$5,500,000.00, a difference of \$1,999,172.00. Therefore, BIA NRO request NAPI to resubmit a proposed budget for the CY 2024 OM&R activities at the FY 2023 funding level of \$5,500,000.00 and to adjust the SOW accordingly.

BIA NRO may further request NAPI to provide an adjusted budget should the final award amount differ from the anticipated amount.

In the event, NAPI does not submit a revised CY 2024 proposed OM&R budget for the anticipated amount of \$5,500,000.00 amount, then NAPI's CY 2024 SAFA will be subject to partial declination. For guidance and reference purposes, amounts exceeding available funding are subject to partial declination pursuant to 25 CFR Subpart E – Declination Procedures.

- c. EXHIBIT E Work Schedules Figure 1. The BIA NRO recommends NAPI to update its reference month/year in the Figure 1 Graph.

Please provide a response to NRO BIA's comments and recommendations by November 17, 2023. BIA NRO is available to meet and discuss the comments and recommendations at your earliest convenience, if needed.

Should you have any questions please contact Rudy Keedah, Branch Chief, Branch of Engineering at rudy.keedah@bia.gov or Jeanette Quintero, Indian Self-Determination Officer at jeanette.quintero@bia.gov.

Sincerely,

Angela M. Arviso
Acting Regional Director

cc: Lionel Haskie, Director of Operations-638/Government Relations, NAPI
Rick Gilbreath, Technical Services/On Farm Development Manager, NAPI
Dineh John, Agricultural Testing and Research Laboratory Manager, NAPI
Andreana Harrison, Program Analyst, NAPI
Rudy Keedah, Branch Chief, Branch of Engineering, BIA, Navajo
Jeanette Quintero, Indian Self-Determination Officer, BIA, Navajo

Naabik'iyáti' Committee
Special Meeting
January 5, 2024 - 8:00 am
NDOT Conference Room

VT # 004

Action Item: New Business item A - Consent Agenda: Legislation 0276-23, 0274-23 and 0277-23

Motion: Vince R. James

Second: Brenda Jesus

All Delegates:	Yea	Nay	Excused	By Committee:	Yea	Nay	TOTAL
Steven R. Arviso			Excused	Budget & Finance:			3 0
Lomardo Aseret	Yea			Shaandiin Parrish (c)	Yea		
Helena Nez Begay	Yea			Carl R. Slater (vc)	Yea		
Norman M. Begay				Lomardo Aseret	Yea		
Eugenia Charles-Newton			Excused	Norman M. Begay			
Shawna Ann Claw			Excused	Amber Kanazbah Crotty			
Amber Kanazbah Crotty			Excused	Seth Damon			
Crystalnye Curley				Health, Edu. & Human Serv.:			3 0
Seth Damon				Vince R. James (c)	Yea		
Herman M. Daniels, Jr.			Excused	Germaine Simonson (vc)	Yea		
Vince R. James	Yea			Helena Nez Begay	Yea		
Brenda Jesus	Yea			Dr. Andy Nez			
Casey Allen Johnson	Yea			George H. Tolth			
Dr. Andy Nez			Excused	Curtis Yanito			
Rickie Nez	Yea			Resources & Development:			3 0
Nathan Notah	Yea			Brenda Jesus (c)	Yea		
Shaandiin Parrish	Yea			Casey Allen Johnson (vc)	Yea		
Germaine Simonson	Yea			Shawna Ann Claw			
Danny Simpson				Rickie Nez	Yea		
Carl R. Slater	Yea			Danny Simpson			
George H. Tolth				Otto Tso			
Otto Tso				Law & Order:			2 0
Curtis Yanito				Eugenia Charles-Newton (c)			
Cherilyn Yazzie	Yea			Cherilyn Yazzie (vc)	Yea		
				Steven R. Arviso			
				Herman M. Daniels, Jr.			
				Nathan Notah	Yea		
Grand Total:	11	0	6	Presiding Chairperson: *			0 0
Not Voting:	6			Speaker Crystalnye Curley			

* The Presiding Chairperson shall only vote in the event of a tie vote by the regular voting members except when the resolution requires a two-third (2/3) majority vote, then the presiding Chairperson may vote on the matter regardless of a tie vote.