RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE OF THE 24th NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY AND RELATED MATTERS, TO BE INCLUDED IN THE NAVAJO NATION'S FY2023 COMPREHENSIVE BUDGET

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee ("RDC") is a standing committee of the Navajo Nation Council with oversight authority over the Navajo Environmental Protection Agency ("NEPA"). 2 N.N.C. § 500(A); 2 N.N.C. § 501(C)(1).
- B. Each Oversight Committee, including the RDC, shall review and make recommendations regarding the programs under its oversight responsibility, regarding the Navajo Nation's Comprehensive Budget for the upcoming Fiscal Year. 12 N.N.C. § 840(A).

SECTION TWO. FINDINGS

- A. In accordance with 12 N.N.C. § 840(A), the RDC held hearings and took relevant testimony regarding the FY2023 Budget for the NEPA.
- B. During these budget meetings, the RDC reviewed and considered the FY2023 Budget for NEPA, as proposed by the Branch Chiefs and as requested by NEPA, and as commented upon by members of the public.

SECTION THREE. APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY AND RELATED MATTERS

- A. The Resources and Development Committee hereby approves the FY2023 Budget for the Navajo Environmental Protection Agency, as detailed in the "Fund Type Budget Summary" attached hereto as Exhibit A.
- B. The RDC hereby approves certain revisions to the Branch Chiefs' proposed FY2023 Budget amount for NEPA, as shown in Columns D

- and E in the "General Fund Comparative Summary" attached hereto as Exhibit B.
- C. The RDC recommends the changes to the General Fund Budget described in Exhibit C.
- D. The RDC recommends certain Conditions of Appropriation and Legislative Concerns, as listed in Exhibit D.
- E. The RDC recommends that certain Unmet Needs for NEPA be included in the FY2023 Comprehensive Budget, as explained in Exhibit E.
- F. The RDC hereby recommends that the Budget and Finance Committee approve NEPA's FY2023 Budget and all Committee recommendations, as set forth in Exhibits A E.
- G. As necessary and appropriate, the RDC hereby authorizes the RDC Chair and Vice-Chair to negotiate the RDC's recommendations herein with the Budget and Finance Committee.

SECTION FOUR. RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE CARRYOVERS FOR THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY

- A. The Resources and Development Committee recommends the carryover of \$295,000 or unexpended balance for the Criminal Enforcement Department # 111014.
- B. The Resources and Development Committee recommends the carryover of \$71,200 or unexpended balance for the Resources Conservation Recovery Program #111011.

SECTION FIVE. EFFECTIVE DATE

This Act shall become effective as provided in 2 N.N.C. § 189(A).

SECTION SIX. SAVING CLAUSE

· If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources and Development Committee at a duly called meeting in Window Rock, Arizona (Navajo Nation), at which a quorum was present and that the same was passed by a vote of 05 in Favor, and 00 Opposed, on this 3th day of August 2022.

Honorable Rickie Nez, Chairman Resources and Development Committee

Motion: Honorable Mark A. Freeland

Second: Honorable Herman M. Daniels, Jr.

The Navajo Nation Fund Type Budget Summary

| | | | | | | Ę | FY 2023 | | | | |
|----------------------------|--------------------------------------|-----------------------------------|------------------------------------|-----------------------|-------------------------|---------------------------------|---------------------|-------------------|------------------------------|------------------------------|------------|
| Business Unit Number | Program Title | FY 2022 General Fund Budget | Proposed General Fund Budget | Indirect Cost Fund | Personnel Lapse Fund | External Funds Cash Match | Proprietary Fund | Fiduciary Fund | Special Revenue Fund - | Special Revenue Fund - | Total |
| 111001 | NNEPA - Administration | 218,399 | 239,397 | 106,728 | 4,999 | | | | | 8,093,953 | 8,445,077 |
| 111002 | Air & Toxics Department | 112,680 | 112,680 | | 2,604 | | | | | | 115,284 |
| 111004 | Surface&GWP Dept | 218,781 | 193,938 | | 5,269 | | | | | | 199,207 |
| 111010 | Waste Reg&Compl Dept | 107,205 | 107,205 | | 2,903 | | | | | | 110,108 |
| 111011 | Res Conserv & Rec Pgm | 349,327 | 332,237 | | 6,678 | | | | | | 338,915 |
| 111014 | Criminal Enforcmt Dept | 300,297 | 289,514 | | 6,106 | | | | | | 295,620 |
| 111016 | Radon Program | 37,974 | 37,974 | | 943 | | | | | | 38,917 |
| 511001 | Leaking Underground | 400,000 | | | | | | | 800,000 | 244,072 | 1,044,072 |
| 511002 | Underground Storage | 280,000 | | | | | | | 280,000 | 150,000 | 430,000 |
| 511003 | Underground Injection C | 300,000 | | | | | | | 300,000 | | 300,000 |
| 511004 | AQ Operating Permit | 937,390 | | | | | | | 1,100,000 | | 1,100,000 |
| 511005 | Public Water Systems | 300,000 | | | | | | | 300,000 | | 300,000 |
| 511006 | Clean Water | 16,004 | | | | | | | 16,028 | | 16,028 |
| 511007 | Hazardous Substance | 1,500,000 | | | | | | | 1,500,000 | 321,345 | 1,821,345 |
| 18024/111003 | 18024/11003 Pesticides Enforcement | 30,995 | | | | 23,333 | | | | 210,000 | 233,333 |
| 18024/111005 | 18024/111009 Public Water Systems | 203,667 | | | | 203,667 | | | | 611,000 | 814,667 |
| 18024/111006 | 18024/111006 Underground Injection C | 39,758 | | | | 40,049 | | | | 120,149 | 160,198 |
| 18024/111009 | 18024/111009 Air Quality Program | 12,505 | | | | 10,526 | | | | 200,000 | 210,526 |
| 18024/111015 | 18024/111015 Water Quality/NPDES | 50,000 | | | | 56,579 | | | | 1,075,000 | 1,131,579 |
| 18024/111018 | 18024/111018 Indoor Radon Program | 000'09 | | | | 000'09 | | | | 000'06 | 150,000 |
| 118024 | NM RAID | 5,000 | | | | 0 | | | | 0 | 0 |
| | Total: | 5,479,982 | 1,312,945 | 106,728 | 29,502 | 394,154 | 0 | 0 | 4,296,028 | 11,115,519 | 17,254,876 |

Fiscal Year 2023

The Navajo Nation General Fund Comparative Summary

| ental Protection Agency | (E) Plus or Minus \$ Difference | (Column D - Column C) | | | | | | | | | | | | | 0 |
|---|---|-----------------------|-----------------------|-------------------------|--|--|---|---------------------------------|---------------|--|--|---|--|--|-----------|
| Navajo Nation Environmental Protection Agency | (D) Oversight Committee's Recommended FY 2023 General | Fund Budget | | | | | | | | | | | | The second secon | 0 |
| Division/Office: | (C) Branch Chief's Proposed FY 2023 | General Fund Budget | 239,397 | 112,680 | 193,938 | 107,205 | 332,237 | 289,514 | 37,974 | | | | | The state of the s | 1,312,945 |
| Executive | (8) | Program Title | NN EPA Administration | Air & Toxics Department | Surface & Ground Water Protection Dept | Waste & Regulatory Compliance Department | Resources Conservation & Recovery Program | Criminal Enforcement Department | Radon Program | | | | | | TOTAL: |
| Branch: _ | (A) Business Unit | Number | 111001 | 111002 | 111004 | 111010 | 111011 | 111014 | 111016 F | | | : | | | |

EXHIBIT C

The Navajo Nation Recommended Changes to the General Fund Budget

Fiscal Year 2023

Executive

Branch:

Division/Office:

ce: Navajo Nation Environmental Protection Agency

Explanation of Oversight Committee Recommended Changes to the Fiscal Year 2023 General Fund Budget (Increase or Decrease \$ Amount) Waste Regulatory Compl Dept Resources Conservation Pgm Criminal Enforcement Dept Surface & Grndwater Dept Air & Toxics Department **Program Title** NN EPA Administration Radon Program **Business Unit** 111016 Number 111002 111004 111014 111001 111011 111010

EXHIBIT D

Recommended Conditions of Appropriations and Legislative Concerns The Navajo Nation

FIscal Year 2023

Brief Narrative of Recommended Condition of Appropriation (COA) or Legislative Concern (LC) Navajo Nation Environmental Protection Agency Division/Office: Program Title Executive Branch: Business Unit Number **EXHIBIT E**

The Navajo Nation Recommended Unmet Needs Budgets

Branch: Executive

Fiscal Year 2023

Division/Office:

Navajo Nation Environmental Protection Agency

| Explanation of Recommended UNMET NEEDS to the FY 2023 General Fund Budget | Requesting funds to pay a contractor to help us prepare competitive grant applications for BIL Grant opportunities. | Travel and supply expenses to respond to illegal dump reports from across the Nation. | Travel expenses for Criminal Enforcement officers to respond to environmental violations, spills, and other public emergencies. | Track & Maintain oil and gas emmissions from wells, create and maintain a database, community outreach $\&$ education. | | | | | |
|---|---|---|---|--|--|--|--|--|---------|
| Amount of Unmet Need | 50,000 | 11,614 | 17,299 | 142,063 | | | | | 220,976 |
| Program Title | NN EPA Administration | Resource Conservation & Recvry | Criminal Enforcement Dept | Minor Source Permit Program | | | | | TOTAL: |
| Business Unit Number | 111001 | 1110111 | 111014 | NEW | | | | | |



THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY P.O. Box 339, Window Rock, AZ 86515

Tel. (928) 871-7692 · Fax. (928) 871-7996

Memorandum

To:

The 24th Navaio Nation Council

From: /

Valinda Shirley, Executive Director

Navajo Nation Environmental Protection Agency

Date:

July 28, 2022

Re:

For the Fiscal Year 2023, the Navajo Nation EPA Requests to Carry-over General Funds from Business Units 111014 Criminal Enforcement Department and 111011 Resource Conservation and Recovery Program into the Object Code 6500 Contractual Services of 111011 Resource Conservation and Recovery Program for Illegal Dump Abatement and Prevention

The Navajo Nation Environmental Protection Agency (NN EPA) would like to request for carry-over of any unspent Fiscal Year 2022 general funds in object codes 2001, 3000, 4000, 6500, and 7000 for the business units 111014 Criminal Enforcement Department and 111011 Resource Conservation and Recovery Program. The carry-over funds can be re-allocated to the object code 6500 contractual services of the business unit 111011 Resource Conservation and Recovery Program.

| Program Name | Business Unit Number | Budget Numbers (Original) | Carry-over Amounts |
|------------------|----------------------|---------------------------|--------------------|
| Criminal | 111014 | 300,297 | 295,000 |
| Enforcement | 1 | | |
| Department | | | |
| Resource | 111011 | 349,327 | 71,200 |
| Conservation | | | |
| Recovery Program | | | |

Currently, the NNEPA does not have funds to address solid waste clean-up at open dumps on the Navajo Nation. This is due to the minimal appropriation of funds to the NNEPA from the Navajo Nation Council (NNC). If the NNC appropriates additional funds towards the Executive Branch (i.e. NNEPA) to focus on solid waste clean-up, some illegal open dump sites on the Navajo Nation can be addressed.

Although it is unorthodox for the NNEPA, as a regulatory agency, to be taking on a role involving cleanup of illegal dump sites on the Navajo Nation, the NNEPA is willing to add this clean-up activity in 2023, if the RDC can approve a carry-over of funds from FY 2022 into FY 2023, from the Environmental Enforcement Department budget, which will have an unexpended balance of funds at the end of FY 2022. The NNEPA will be making this carry-over request to the Resources Development Committee (RDC). The NNEPA understands the importance of clean-up of illegal dump sites, and shares the perspective of the general public that solid waste is a significant issue.

Please contact me at <u>valinda.shirley@navajo-nsn.gov</u> and 928-551-0650 if additional information is required. -Ahxehee'

CC

Paulson Chago, Chief of Staff Navajo Nation

RESOURCES AND DEVELOPMENT COMMITTEE 24th NAVAJO NATION COUNCIL

FOURTH YEAR 2022

ROLL CALL VOTE TALLY SHEET

LEGISLATION #0128-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY AND RELATED MATTERS, TO BE INCLUDED IN THE NAVAJO NATION'S FY2023 COMPREHENSIVE BUDGET. Sponsor: Honorable Rickie Nez Co-Sponsors: Honorable Mark A. Freeland and Wilson C. Stewart, Jr.

Date:

August 03, 2022 – Regular Meeting (Teleconference)

Location:

Resources and Development Committee also called in via teleconference

from their location within the boundary of the Navajo Nation.

Amendment #1:

M: Wilson C. Stewart, Jr.

S: Herman M. Daniels

V: 4-0-1 (CNV)

In Favor: Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.

Opposition: None Excuse: None

Not Voting: Rickie Nez, Chairperson

Main Motion:

M: Mark A. Freeland

S: Herman M. Daniels

V: 5-0-1 (CNV)

In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland;

Wilson C. Stewart, Jr. Opposition: None Excuse: None

Not Voting: Rickie Nez, Chairperson

Honorable Rickie Nez, Chairperson

Resources and Development Committee

Rodney L. Tahe
Rodney L. Pahe, Legislative Advisor
Office of Legislative Services