

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 3<sup>th</sup> day of August 2022.

A handwritten signature in black ink, appearing to read 'Rickie Nez', is positioned above the printed name.

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**

Business Unit Number	Program Title	FY 2022 General Fund Budget	FY 2023								Total
			Proposed General Fund Budget	Indirect Cost Fund	Personnel Lapse Fund	External Funds Cash Match	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	
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	
118024/111003	Pesticides Enforcement	30,995				23,333			210,000	233,333	
118024/111005	Public Water Systems	203,667				203,667			611,000	814,667	
118024/111006	Underground Injection C	39,758				40,049			120,149	160,198	
118024/111009	Air Quality Program	12,505				10,526			200,000	210,526	
118024/111015	Water Quality/NPDES	50,000				56,579			1,075,000	1,131,579	
118024/111018	Indoor Radon Program	60,000				60,000			90,000	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	













# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

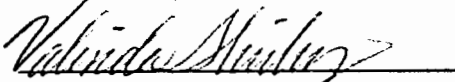
## NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

P.O. Box 339, Window Rock, AZ 86515

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

### Memorandum

To: The 24<sup>th</sup> Navajo 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 (NNEPA) 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 Enforcement Department	111014	300,297	295,000
Resource Conservation Recovery Program	111011	349,327	71,200

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 clean-up 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 [valinda.shirley@navajo-nsn.gov](mailto:valinda.shirley@navajo-nsn.gov) 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.*

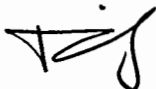
Date: August 03, 2022 – Regular Meeting (Teleconference)  
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

**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*



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Honorable Rickie Nez, *Chairperson*  
Resources and Development Committee

Rodney L. Fahe  
Rodney L. Fahe, *Legislative Advisor*  
Office of Legislative Services