### LEGISLATIVE SUMMARY SHEET Tracking No. <u>Ooll-22</u>

**DATE:** January 10, 2022

TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

**PURPOSE:** This resolution, if approved, will approve the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also approve the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

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

| 1  | - Hadon Iyasi p  | Thence     |
|----|--|------------|
| 1  | PROPOSED NAVAJO NATION COUNCIL RESOLUTION Navajo Nation                                      | on Council |
| 2  | 24th NAVAJO NATION COUNCIL Fourth Year, 2022   |            |
| 3  |  |            |
| 4  | INTRODUCED BY  |            |
| 5  | 11 27 -  |            |
| 6  |  |            |
| 7  | (Prime Sponsor)  |            |
| 8  |  |            |
| 9  | TRACKING NO. <u>0016-22</u>  |            |
| 10 |  |            |
| 11 | AN ACTION  |            |
| 12 | RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'                                      |            |
| 13 | COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR                                 |            |
| 14 | A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO                                   |            |
| 15 | NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING  |            |
| 16 | COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN                                 |            |
| 17 | CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND                                     |            |
| 18 | URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF                                    |            |
| 19 | THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO                                    |            |
| 20 | EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025  |            |
| 21 |  |            |
| 22 | BE IT ENACTED:   |            |
| 23 | SECTION ONE. AUTHORITY   |            |
| 24 | A. The Resources and Development Committee ("RDC") is established as a standing              |            |
| 25 | committee of the Navajo Nation Council with oversight over housing for the purposes of       |            |
| 26 | establishing policies and legislation appropriate to the housing needs of the Navajo Nation. |            |
| 27 | 2 N.N.C. §§ 500 (A) and 500 (C)(3).  |            |
| 28 | B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council      |            |
| 29 | standing committee and is empowered to coordinate all federal programs with the Navajo       |            |
| 30 |  |            |

- Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700 (A), 701 (A)(4), 701 (A)(6), and 701 (A)(4).
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that require final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

### **SECTION TWO. FINDINGS**

- A. Resolution CJA-13-00, approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the National Environmental Protection Act (NEPA) in carrying out the United States Housing and Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. The Board of Commissioners of the Navajo Housing Authority through Resolution NHA-4970-2020, attached as **Exhibit A**, requests approval of extension of the limited waiver of sovereign immunity.
- B. There have been four similar resolutions granting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See* CAP-21-05; CAP-15-10; CJA-03-14 and CO-57-17.
- C. The HUD Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in Federal District Court regarding compliance with the NEPA, in carrying out the grants.
- D. It is within the best interest of the Navajo Housing Authority to authorize the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and authorizing the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

### 

# SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED WAIVER OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN FORM 7015.15 THROUGH SEPTEMBER 30, 2025

The Navajo Nation hereby authorizes the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

RESOLUTION NHA-4970-2020

### RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Navajo Nation Council to Amend Resolution CO-5717 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity
Allowing the Navajo Nation to be Sued in Federal District Court Regarding
Compliance with the National Environmental Protection Act (NEPA) in
Carrying Out HUD Grants and Authorizing the President of the Navajo
Nation to Sign Form 7015.15 Through September 30, 2025

### WHEREAS:

- Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and
- Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and
- 3. The Navajo Nation Council enacted resolution CO-57-17 on October 5, 2017, entitled "Relating to Resources and Development, NAABIK'İYÁTI' Committees and Navajo Nation Council; Amending Resolution CJA-03-14 Extending The Time For A Limited Waiver of Sovereign Immunity To Allow The Navajo Nation To Be Sued In Federal District Court For Compliance With The National Environmental Protection Act To Carry Out The United States Department Of Housing and Urban Development Grants and Authorizing The President Of The Navajo Nation To Be The Certifying Tribal Official To Execute Form 7015.15 Through September 30, 2025", hereto attached as Exhibit "A"; and
- 4. The NHA Board of Commissioners on June 10, 2017 adopted Resolution NHA-4733-2017 entitled "Recommending to the Navajo Nation Council to Amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021" hereto attached as Exhibit "B"; and

- 5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Protection Act in Carrying out HUD grants, and
- 6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts; and
- 7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and
- 8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008, and Approving an Effective Date Retroactive to October 1, 2004; and
- 9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and Approving an Effective Date Retroactive to October 1, 2008, and
- 10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and
- 11. Pursuant to CO-57-17 the Navajo Nation Council approved an amendment to Resolution CJA-03-14 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 30, 2021; and
- 12. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and
- 13. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and
- 14. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

### RESOLUTION NHA-4970-2020 July 31, 2020 Page | 3

15. It is in the best interest of the Navajo Housing Authority to approve this resolution.

### NOW, THEREFORE, BE IT RESOLVED THAT:

NHA BOARD OF COMMISSIONERS

- A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2025.
- B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

### **CERTIFICATION**

| Commissioner Frankie Lee , NHA-4970-2020 be adopted and this was seconded               | moved that the foregoing Resolution by Commissioner Kerrie Begaye |
|---|---|
| Same was passed by the following vote:  |   |
| AYES:3 NAYS:0   | ABSTAINED:0   |
| The Secretary, thereupon, declared sai NHA-4970-2020 was adopted this 31st day of July, | d motion carried and said Resolution 2020.                        |
|   |   |
|   | Derrith Watehman-Moore, Chairperson                               |
|   | NHA BOARD OF COMMISSIONERS  |
| ATTEST:   |   |
| Vanis Q   |   |

RESPECTIVE CHIEF:

LEGAL REVIEW: Folia Silva Jay

CHIEF EXECUTIVE OFFICER:

### RESOLUTION OF THE NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - THIRD YEAR, 2017

#### AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

#### BE IT ENACTED:

#### SECTION ONE. AUTHORITY

- A. The Resources and Development Committee (RDC) is established as a standing committee of the Navajo Nation Council with oversight over housing for the purposes of establishing policies and legislation appropriate to the housing needs of the Navajo Nation. 2 N.N.C. §§ 500(A) and 500(C)(3) (2012); See also CJA-03-13.
- B. The Navajo Nation established the Naabik'lyáti' Committee as a Navajo Nation Tempoil standing committee and is empowered to coordinate all tederal programs, (i.e. U.S. Department of Housing and Urban Development (NUD)), with the Navajo Nation government to provide efficient services to Navajo members. 7 N.N.C. \$\$ 700(A), 101(A)(4), 701(A)(6), and 701(A)(4) 1012.
- C. The Navago Nation Council established the Naabok' yatt' Committee as a Navago Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik' yati' Committee. 2 N.N.C. \$9 164(A)(9), 700(A) (2012); See also CO-45-11.
- D. Enactments of positive law must be reviewed and approved by resolution by the Navano Nation Council, 2 N.N.C. § 164(A); See also CO-45-12.

### SECTION TWO. FINDINGS

- A. Resolution old-19-60, approved a limited valver of sovereign immunity allowing the Navaj: Nation to be seed in Federal District Court regarding compliance with the National Environmental Profession Act (NEPA) in carrying out the United States Housing and Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form /OlS.15 for HUB funded projects through Fiscal Year 2004. Resolution of the Board of Commissioners of the Navajo Housing Authority is attached as Exhibit A.
- B. There have been three mimilar resolutions quanting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign form 7015.15. See CAP-21-05; CAP-15-10; and CJA-03-14.
- C. The HUD Environmental Review requirements require an authorized tribal orticial to execute HUD Form 7015.15 "Request for Funds and Jertification," consenting to suit in Federal District Court regarding compliance with the NEFA, in carrying out the grants. Form 7015.15 is attached as Exhibit B.
- D. It is within the best interest of the Navajo Rousing Authority to authorize the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out ROD grants and authorizing the Navajo Nation President to sign Form 7015.15 through September 30, 2021.

### SECTION THREE. APPROVING AND AUTHORIZING

The Navago Nation horaby approves and authorizes the extension of a limited walver of sovereign immunity to allow the Navago Nation to be sued in Federal District Court regarding compliance with NEPA in carrying our HUD grants and also authorizes the Navago Nation President to rogo Form 1015.15 through September 30, 2021.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 17 in Favor and 01 Opposed, this  $5^{TS}$  day of October, 2017.

> A pool & LoRenzo C. Bates, Speaker

Navajo Nation Council

/0-/2-/7 Date

Motion: Honorable Benjamin L. Bennett

Second: Honorable Edmund Yazzie

Speaker Bates not voting

RESOLUTION NHA-4733-2017

### RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

#### WHEREAS:

- Pursuant to 6 N.N.C. Sections 605, and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and
- Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and
- The Navajo Nation Council enacted resolution CJA-03-14on lanuary 30, 2014, entitled "Relating to Resources and Development NAABIK IYATI Committees" Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017, hereto attached as Exhibit "A"; and
- 4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled "Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form "015 15 Through Fiscal Year 2017" hereto attached as Exhibit "B"; and

RESOLUTION NHA-4733-2017 June 16, 2017 Page | Z

- 5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and
- 6. Pursuant to the Navajo Nation Sovereign Immunity Act. 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and
- 7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and
- 8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and
- Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and
- 10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and
- 11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and
- 12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and
- 13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and
- 14. It is in the best interest of the Navajo Housing Authority to approve this resolution:

### NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

RESOLUTION NHA-4733-2017 June 10, 2017 Page | 3

Sovereign Immunity Act, 1 N.N.C. Section 354 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants; and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

### CERTIFICATION

| Commissioner<br>NHA-4733-2017 be a          | Detrith Watchma<br>dopted and this was | n-Moore<br>seconded  | moved tha<br>I by Commission | t the foregoir<br>er <u>Sean McCat</u> | g Resolution         |
|---|--|--|------------------------------|--|----------------------|
| Same was pass                               | sed by the following                   | vote:  |                              |  |                      |
| AYES  | NAYS:                                  | Andrew Alle Standardson programme approximation of the standard of the standar | ABSTAINED                    | ): 0                                   |                      |
| The Secretary, thereu was adopted this 10th |  |  | carried and said             | Resolution NB                          | <u> 1A-4733-2017</u> |
|   |  |  | 150                          | )<br>                                  |                      |
|   |  |  | Kris Beecher,                | Chairperson                            | ISSIONERS            |

Scan McCube, Secretary/Treasurer

NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:

CHIEF EXECUTIVE OFFICER:

EXHIBIT A-6



### Part 2. Environmental Certification (to he completed by responsible entity)

With reference to the above Program Astivity(lee)/Project(s), i, the undereigned officer of the responsible entity, cartily that:

- The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
- The responsible entity has assumed responsibility for and compiled with and will continue to comply with, the National Environmental Policy Act of 1969, as generated, and the environmental procedures, permit requirements and statutory obligations of the laws chief in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
- The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Mistoric Preservation Officer, Indian tribes and Native Hawaitsn organizations, and the public.
- 4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request. I have found that the proposal did did not require the preparation and distermination of an environmental impact statement.
- 5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached capy (copies) or evidence of posting and mailing procedure
- The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part S8.
- 7. In accordance with 24 CFR 38 71(b), the responsible entity will advise the recipient (if different from the responsible enalty) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity. I also certify that:

- E. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply so the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
- I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entay.

| Signature of Certifying Officer of the Responsible Entity                     | Title of Cerdiying Officer  |
|---|---|
|   | President of the Navajo Nation  |
|   | Date signed   |
| ×   |   |
| Address of Certifying Officer   | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1   |
| Navajo Nation, P.O. 9000 Window Rock, Auzona 85515                            |   |
| Part 3. To be completed when the Recipient is not the Res                     | ponsible Enthy  |
| The recipient respects the release of funds for the programs a                | ad activities identified in Part 1 and agrees to abide by the special I review and to advise the responsible entity of any proposed change in |
| Signature of Authorizon Officer of the Recipiens                              | Title of Authorized Offices   |
|   | Chief Executive Officer Navajo Housing Authority  |
|   | Dale signed   |
| X   | i   |
| Warning: NUD will product to the claims and statements, Convessor, 3728, 3822 | i may result in eraminal and/or civil penythes. (16 U.S.C. 1001, 1015, 1012; 31 U.S.C.  |
|   |   |
|   |   |

Previous collierus are posolete

tonn HUD-7015,15 (1/99)

EXHIBIT "B"

### Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development Office of Community Planning and Development OMB No. 2506-0087 (exp. 67/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the relicase of funds, and requesting the authority to use such funds, for HUO programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to everage 36 menutes per response, including the time for reviewing metructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a parson is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

| 1. Program Tide(5)  | 2. HUQ/State Identification Number   | 3. Recipient Identification Numb |
|---|--|----------------------------------|
| ndian Housing Block Grant 55IH0402810 (oppleanal  |  | (dbasusi)                        |
| 4. CMB Catalog Number(s)  5. For information about this request: contact (name 6 phone number)  CEO, NHA (928)871-2600  | 5. Name and address of responsible entity  Navajo Nation P.O. Box 9000 Window Rock, Arizona 85515  |                                  |
| HUD or State Agency and office unit to receive recoest HUD Northern Plains Office of Native American Programs 1670 Broadway, 22nd Fl. Denver, Colorado 90202-4801 | 7 Name and address of recipient (if different than responsible antity) 8 Navajo Housing Authority P.O. Box 4980 Window Rock, Arizona 86515 |                                  |
| The recipient(s) of excisuance under the program(s) listed above grant conditions governing the use of the essistance for the follow                              | requests the release of funds and<br>ving  | removal of environmental         |
| Program Activey(les)/Project Name(e)  | 10: Location (Sheet eddress city, co-  | unty. Sholes                     |
|   | · ·  |                                  |

11 Program Assistly/Project Description

Previous additions are obsolete

form HUD-7016.18 (1/86)

EXHIBIT "B"

| Signature of Certifying Officer of the Responsible Entity  Title of Certifying Officer  President of the Navajo Nation  Date eigned  X  Address of Certifying Officer  Navajo Nation, P.O. 9000 Window Rock, Arteons 3651S  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Navajo Housing Authority  Date signed  | Part 2. Environmental Certification (to be completed by responsible  | entity)   |  |  |  |
|--|--|---|--|--|--|
| to the project(s) namical above.  The responsible entity has assumed responsibility for and complied with and will continue to comply with, the Mational Environmental Policy Act of 1969, as emercicled, and the servironmental procedures, permit requirements and stantacy obligations of the laws cited in 24 CFR 58.5, and biss agrees to comply with the authorities in 24 CFR 58.6 and spylicable State and found have.  The responsible entity has exempted responsibility for and complied with and will continue to comply with Section 106 of the National Theorem.  After considering the type and degree of environmental effects detendified by the environmental seview completed for the proposed project described in Part 1 of this request, I have found that the proposal bid. I did not [2] equire the prespective and dissentiation of an environmental impact statemental.  The responsible entity has dissentinated and/or published in the manner prescribed by 26 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the answhed copy (capies) or evidence of positing and mailing procedures.  The responsible entity has dissentinated and/or published in the manner prescribed by 26 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.71 (b), the responsible antity will not/use the recipient (if different from the responsible will not request the recipient (if different from the responsible willy) of any special environmental conditions that mass be eithered to in carrying out the project.  As the duly designated certifying official of the responsible easity, also certify that:  I am authorized to and do concent to assume the status of Federal official under the National Environmental Folicy Act of 1969 and each provision of the designated to the 24 CFR 58.5 its of FNEPA-related authorities insofer as the provisions of these laws and activities identified in Part 1 and agrees to abide by the special conditions, procedure and requirements of the environmental review decision makin | With reference to the above Program Activity(les)/Project(s), i, the   | undersigned officer of the responsible entity, certify that:  |  |  |  |
| Environmental Policy Act of 1969, es singuidod, and the servirounsental procedures, permit requirements and stantary obligations of the laws cide in 34 CFR 58.5; and also agrees to comply with the authorities of 24 CFR 58.6 and applicable State and local laws.  3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations of CFR 580, including consultation with the State Historic Preservation Officer, Indian ribts and historic Heavening organizations, and the public of Complete Preservation Officer, Indian ribts and Policy Heavening and the title proposal did of the CFR 58.43 preparation and dissemination of an environmental impact statement.  5. The responsible entity that disseminated and/or published in the manuse prescribed by 16 CFR 58.43 and 58.55 a notice to the public in accordance with 26 CFR 58.73 and as evidenced by the stached copy (copies) or evidence of posting and mailing procedure.  6. The dates for all sentings and regulatory time puriods for review, comment or other action are in compliance with procedures and requirements of 24 CFR 88.71(b), the responsible entity will advise the recipient (if different from the responsible willty) of any special acvisoramental conditions that must be adhered to in carrying out the pecific.  As the duly designated cartifying official of the responsible entity, I also certify that:  2. I am sutherized to and do concent to assume the status of Federal official under the National Environmental Policy Act of 1569 and each provision of law designated is the 24 CFR 58.1 test of NEPA related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental terview decision-making and action that these beam externed the responsibilities, in my expective as certified to the responsible entity.  Signature of Certifying Officer  Navejo Nation, P.O. 9000 Window Rock, Arteonia 88615  The of Authorized O |  | environmental raview, decision-making and action pertaining   |  |  |  |
| Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian in this and Maltive Hawains or againstations, and the public.  4. After considering the type and degree of environmental effects identified by the environmental aview completed for the proposed project described in Part 1 of this request, I have found that the proposal did I did not I require the preparation and dissemination of an environmental impact statement.  5. The responsible entity has disseminated ancidor published in the manner prescribed by 26 CFR 56.48, 3 and 58.55 a notice to the public in accordance with 26 CFR 58.79 and as evidence of by the accidence only (copies) or evidence of posting and malting procedure.  6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR 26.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.  As the duly designated curtifying official of the responsible entity, I also certify that:  I am anthorized to and do content to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities interfer as the provisions of these laws upply to the HUD responsibilities for environmental review, decision-anxiety and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, an behalf of the recipiest personally, the jurisdiction of the Pederal courts for the enforcement of all these responsibilities, in my capacity as actifying officer of the responsible entity.  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures the release of funds for the programs a | Environmental Policy Act of 1969, as amended, and the environment of the laws cited in 24 CFR 58.5; and also agrees to comply with the complete of the laws of the | The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National<br>Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations<br>of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local |  |  |  |
| project described in Pert 1 of this request, I have found that the proposal did did not version and dissemination of an environmental impact solement.  5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.  6. The dates for all statutory and regulatory time periods for review, comment or other section are in compliance with procedures and requirements of 24 CFR Part 58.  7. In accordance with 24 CFR 58.71 (b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.  As the duly designated certifying official of the responsible entity, I also certify that:  8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Folicy Act of 1969 and each provision of law designated in the 24 CFR 58.5 its of RNEAr-related authorities insoftm as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal Courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.  Signature of Certifying Officer  Nevejo Nation, P.O. 9000 Window Rock. Antenna 88615  Fart 3. To be completed when the Recipient is not the Responsible Entity.  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the antivorumental review and to advise the responsible entity of any proposed change in the scope of the project or any change in carvironment and environment and conductor of the Reci | Historic Preservation Act, and its implementing regulations 36 CF<br>Officer, Indian tribes and Native Hawatian organizations, and the   | R 800, including consultation with the State Historic Preservation public.  |  |  |  |
| dissemination of an environmental impact statement.  The responsible entity has disseminated and/or published in the manner prescribed by 26 CFR 38.43 and 58.55 a notice to the public in accordance with 24 CFR 38.70 and as evidenced by the atrached copy (copies) or evidence of posting and mailing procedure.  The dates for all stantory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR 38.71 (b), the responsible entity will advise the recipient (if different from the responsible unity) of any special environmental conditions that must be adhered to in carrying out the project.  As the duly designated cartifying official of the responsible entity, I also certify that:  I am enthorized to end do consent to assume the sature of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 34 CFR 58.5 list of NEPA-related authorities insofter as the provisions of these laws uply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  I am enthorized to and do accept, on behalf of the recipiesat personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as cartifying officer of the responsibilitient of the Pederal courts for the enforcement of all these responsibilities, in my capacity as cartifying officer of the responsibility and action that have been assumed by the special conditions, procedures and requirements of the environmental conditions in accordance with 24 CFR 58.71(b).  The of Certifying Officer  Navejo Nation  Date signed  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental conditions in accordance with 24 CFR 58.71(b).  The recipient requests the release of funds for the programs and activities identified in  | 4. After considering the type and degree of environmental effects idea   | ntified by the environmental review completed for the proposed  |  |  |  |
| in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedures.  The dates for all stantages and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR 58.71 (b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.  As the duly designated certifying official of the responsible entity, I also certify that:  E. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of they designated be the 24 CFR 58.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental teview, decision-making and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, on behalf of the recipiesat personally, the jurisdiction of the Federal court for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.  Signature of Certifying Officer  Newejo Nation  Date signed  Title of Certifying Officer  President of the Navajo Nation  Date signed  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible cuttly of any proposed change in the scope of the project or any change in conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  The of Authorized Officer of the Recipient of the subject of the recipient of the recipien | dissemination of an environmental impact statement.  |   |  |  |  |
| requirements of 24 CFR Part 58.  In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.  As the duly designated certifying official of the responsible entity, I also certify that:  I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated is the 24 CFR 58.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  I am authorized to and do accept, on behalf of the recipiest personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsibile entity.  Signature of Certifying Officer of the Responsible Entity  Title of Certifying Officer  Newsjo Nation, P.O. 9000 Window Rock, Arteona 88515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental inview and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 5 | in accordance with 24 CFR 58.70 and as evidenced by the attached   | d copy (copies) or evidence of posting and mailing procedure.   |  |  |  |
| As the duly designated curtifying official of the responsible entity, I also pertify that:  8. I am authorized to and do consent to assume the sature of Pederal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, on behalf of the recipiest personally, the jurisdiction of the Federal coarts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.  Signature of Certifying Officer of the Responsible Entity  Title of Certifying Officer  President of the Navajo Nation  Gate signed  X  Address of Certifying Officer of the Recipiest is not title Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental conditions, procedures and requirements of the environmental conditions, procedures and requirements of the environmental conditions in accordance with 24 CFR 58.71(b).  Title of Authorized Officer of the Recipient  Werning: HUD will prosecute false claims and stallarments. Connection may result in criminal and/or cwill persures. (18 U.E.C. 1001, 1010, 1012, 31 U.S.C. 3726, 3802)  | requirements of 24 CFR Part 58.  |   |  |  |  |
| E. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated is the 24 CFR 58.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, on behalf of the recipiesat personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.  Signature of Cartifying Officer President of the Navajo Nation  Date signed  X  Address of Certifying Officer  Navajo Nation, P.C. 9000 Window Rock, Arizona 86515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental accordance with 26 CFR 58.7(b).  Signature of Authorized Officer of the Recipient  Werning: this will prosecute false claims and etalements. Connection may result in cremest and/or onel persultes. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3720, 3802)  | <ol> <li>In accordance with 24 CFR 58.71(b), the responsible entity will at<br/>any special environmental conditions that must be adhered to in or</li> </ol>  | ivise the recipient (if different from the responsible entity) of<br>arrying out the project.   |  |  |  |
| and each provision of law designated is the 24 CFR S8.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.  9. I am authorized to and do accept, on behalf of the recipiesal personality, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.  Bignature of Certifying Officer President of the Navajo Nation  Date signed  X  Address of Certifying Officer  Navejo Nation, P.C. 9000 Window Rock, Artzona 88515  Perri 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Navejo Housing Authority  Date signed  W  Weenshing: HUD will presecute felos claims and statisments. Conviction may result in criminal and/or owli pensions. (18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 1722, 3802)  |  |   |  |  |  |
| Signature of Certifying Officer of the Responsible Entity  Title of Certifying Officer  President of the Navajo Nation  Date eigned  X  Address of Certifying Officer  Navejo Nation, P.O. 9000 Window Rock, Artzona 88615  Part 3. To be completed when the Recipient is not like Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Navejo Housing Authority  Date signed  X  Weening: HUD will presecute felies claims and stalements. Conviction may result in eminest anarier dwill persures. (16 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)   | and each provision of law designated in the 24 CFR S&S list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible   |   |  |  |  |
| President of the Navajo Nation  Date signed  X  Address of Cerifying Officer  Navejo Nation, P.C. 9000 Window Rock, Arizona 88515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Chief Executive Officer  Navejo Housing Authority  Date signed  X  Weening: HUD will prosecure felse cisims and statisments. Conviction may result in entities and persance. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)   | 9. Lem authorized to and do accept, on behalf of the recipisat personally, the jurisdiction of the Federal courts for the enforcement  |   |  |  |  |
| Address of Certifying Officer  Nevejo Nation, P.O. 9000 Window Rock, Arteona 86515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Chief Executive Officer  Nevejo Housing Authority  Date signed  X  Werning: HIJO will prosecute felse claims and statisments. Conviction may result in criminal audior dwill persulted. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)   | Signature of Certifying Officer of the Responsible Entity  | Title of Certifying Officer   |  |  |  |
| Address of Certifying Officer  Nevejo Nation, P.C. 9000 Window Rock, Arteons 36515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer Chief Executive Officer Navajo Housing Authority  Date signed  K.  Werning: HUD will preserve felse claims and statements. Conviction may result in criminal and/or owll persultes. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)  |  | President of the Navajo Nation  |  |  |  |
| Navajo Nation, P.O. 9000 Window Rock, Arizona 88515  Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 3 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer Chief Executive Officer Navajo Housing Authority  Date signed  X  Weening: HUD will prosecure false claims and statements. Conviction may result in criminal analog over persented (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)  |  | Date signed   |  |  |  |
| Part 3. To be completed when the Recipient is not the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer Chief Executive Officer Navajo Housing Authority  Date signed  **Navajo Housing Authority**  Weening: HIJD will prosecuse felse claims and statements. Correction may result in criminal ansier dwill persones. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)  | x  |   |  |  |  |
| Part 3. To be completed when the Recipient is set the Responsible Entity  The recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Chief Executive Officer  Navajo Housing Authority  Date signed  X  Werning: HIJD will prosecuse felose claims and statements. Conviction may result in criminal and/or owll personnes. (18 U.S.C. 1001, 1012; 31 U.S.C. 3729, 3802)  | Address of Certifying Officer  | ,   |  |  |  |
| The recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in cavirummental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Chief Executive Officer  Navejo Housing Authority  Date signed  Werning: HUD will prosecuse felse cisims and etaisments. Conviction may result in criminal and/or own persons. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)  | Nevejo Nation, P.O. 9000 Window Reck, Arteons 86515  |   |  |  |  |
| The recipient requests the release of funds for the programs and activities identified in Part I and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in cavirummental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Recipient  Title of Authorized Officer  Chief Executive Officer  Navejo Housing Authority  Date signed  Werning: HUD will prosecuse felse cisims and etaisments. Conviction may result in criminal and/or own persons. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)  | Part 3. To be completed when the Recipical is not the Responsible  | Early   |  |  |  |
| conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).  Signature of Authorized Officer of the Reciptent  Title of Authorized Officer  Chief Executive Officer  Navejo Housing Authority  Date signed  X  Weening: HUD will prosecute felse cisims and statements. Convection may result in criminal analyst own persons. (18 U.S.C. 1001, 1012; 31 U.S.C. 3729, 3802)  | The recipient requests the release of funds for the programs and activi  | ties identified in Part I and agrees to abide by the special  |  |  |  |
| Signature of Authorized Officer of the Recipient  Title of Authorized Officer Chief Executive Officer Navejo Housing Authority  Date signed  X  Weeming: HillD will presecute false claims and statements. Conviction may result in criminal analist dwill persones. (18 U.S.C. 1001, 1010, 1612; 31 U.S.C. 3729, 3602)  | conditions, procedures and requirements of the environmental review  | and to advise the responsible entity of any proposed change in  |  |  |  |
| Chief Executive Officer Navajo Housing Authority  Date signed  Werning: HiUD will presecute felse claims and statements. Conviction may result in criminal analysis owill personal. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)   |  |   |  |  |  |
| Navejo Housing Authority  Date signed  Werning: HUD will prosecure false distinct and statements. Conviction may result in criminal analyst olds personal. (18 U.S.C. 1001, 1012; 31 U.S.C. 3729, 3802)  | Collinations in Language minimum of man competitions   |   |  |  |  |
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| 3729, 3802)  | x  |   |  |  |  |
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|  | Previous editions are obaciete   | form HUD-7015.18 (1/88)   |  |  |  |

EXHIBIT C-2

### 23rd Navajo Nation Council Special Session

Thursday, October 5, 2017

Legislation DZZ9-17 (Main Motion)

Motion: Benjamin Bennett Second: Edmund Yazzie

### ALL DELEGATES:

| ALL DELEGATES:       | Yea         | Nay     |
|----------------------|-------------|---------|
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| BATES, LoRenzo C.    | 1865 AN     |         |
| BEGAY, Kee Allen Jr. |             |         |
| BEGAY, Norman M.     |             |         |
| BEGAY, Steven        | her i       |         |
| BEGAYE, Nelson       | 0/4         |         |
| BENNETT, Benjamin L  |             | 7       |
| BROWN, Nathaniel     | XV.         | 116     |
| CHEE, Tom T.         | No.         |         |
| CROTTY, Amber K.     | 100         |         |
| DAMON, Seth          | <b>经</b>    | N.      |
| DANIELS, Herman      |             | 7       |
| FILFRED, Davis       | 45          |         |
| HALE, Ionathan L     | W.          | 4:      |
| JACK, Lee Sr.        | N/A         | G       |
| PERRY, Jonathan      |             | ļķ.     |
| PETE, Leonard H.     | No.         | 7       |
| PHELPS, Walter       |             |         |
| SHEPHERD, Alton Joe  |             |         |
| SUM, Tuchoney Ir.    |             |         |
| SMITH, Raymond Jr    | 新发生         |         |
| TSO, Otto            | 的差          |         |
| TSOSIE, Leonard      | <b>V</b>    | V       |
| WITHERSPOON, Dwight  | <b>N</b>    |         |
| YAZZIE, Edmund       | <b>李德</b> 斯 |         |

GRAND TOTAL

CERTIFICATION:

Honorable LoRenzo C. Bates

Speaker

RESOLUTION NHA-4733-2017

### RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

#### WHEREAS:

- 1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and
- 2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and
- 3. The Navajo Nation Council enacted resolution CJA-03-14on January 30, 2014, entitled "Relating to Resources and Development, NAABIK'IYATI' Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017", hereto attached as Exhibit "A"; and
- 4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled "Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017" hereto attached as Exhibit "B"; and

- 5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and
- 6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and
- 7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and
- 8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and
- 9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and
- 10. Pursuant to CIA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and
- 11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and
- 12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and
- 13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and
- 14. It is in the best interest of the Navajo Housing Authority to approve this resolution.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

RESOLUTION NHA-4733-2017 June 10, 2017 Page | 3

Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

### CERTIFICATION

|                   |                 | Watchman-Moore I this was seconded  |                            |                        |                  |
|-------------------|-----------------|-------------------------------------|----------------------------|------------------------|------------------|
| Same was          | s passed by the | following vote:                     |                            |                        |                  |
| AYES :_           | 3               | NAYS: 0                             | ABSTAINED                  | ; 0                    |                  |
| The Secretary, ti |                 | ared said motion one, <u>2017</u> . | carried and said           | Resolution NHA-        | <u>4733-2017</u> |
|                   |                 |                                     | Kris Beecher,<br>NHA BOARI | Chairperson OF COMMISS | ————<br>IONERS   |

Sean McCabe, Secretary/Treasurer

NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:

CHIEF EXECUTIVE OFFICER:



### MEMORANDUM

TO:

Honorable Mark Freeland

Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,

Nageezi, Crownpoint Chapters

FROM:

Mariana Kaln

Mariana Kahn, Attorney Office of Legislative Counsel

DATE:

January 13, 2022

SUBJECT:

A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER

30, 2025

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient as to formatting. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

# THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0016-22\_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to Resources and Development and Naabik'íyáti'
Committees and Navajo Nation Council; Extending the Time for a Limited Waiver
of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District
Court Regarding Compliance with the National Environmental Protection Act in
Carrying Out the United States Department of Housing and Urban Development
Grants and Authorizing the President of the Navajo Nation to be the Certifying
Tribal Official to Execute Form 7015.15 through September 30, 2025

Date posted: January 21, 2022 at 6:22PM

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.: 0016-22** 

**SPONSOR:** Honorable Mark A. Freeland

TITLE: An Action Relating to Resources and Development and Naabik'íyáti' Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

Posted: <u>January 21, 2022 at 6:22 PM</u>

5 DAY Comment Period Ended: <u>January 26, 2022</u>

**Digital Comments received:** 

| Comments Supporting      | None |
|--------------------------|------|
| <b>Comments Opposing</b> | None |
| Comments/Recommendations | None |

VSRedwrse
Legislative Tracking Secretary
Office of Legislative Services

January 28, 2022; 9:00 AM Date/Time

### RESOURCES AND DEVELOPMENT COMMITTEE 24th NAVAJO NATION COUNCIL

### **FOURTH YEAR 2022**

### **COMMITTEE REPORT**

Mr. Speaker,

The RESOURCES AND DEVELOPMENT COMMITTEE to whom has been assigned:

LEGISLATION #0016-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'İYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025. Sponsor: Honorable Mark A. Freeland

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Naabik'íyáti' Committee.

Respectfully submitted,

1

Rickie Nez, Chairperson

Resources and Development Committee of

the 24th Navajo Nation Council

Date: February 9, 2022 – Regular Meeting ((In-Person and Teleconference)

Location: Tsaile/Wheatfields Chapter House -- Tsaile, Arizona 86556

Resources and Development Committee also called in via teleconference

from their location within the boundary of the Navajo Nation.

### **Main Motion:**

M: Wilson C. Stewart, Jr. 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

(NOTE: VOTE TALLY attached hereto)

### RESOURCES AND DEVELOPMENT COMMITTEE 24th NAVAJO NATION COUNCIL

### **FOURTH YEAR 2022**

### ROLL CALL VOTE TALLY SHEET

LEGISLATION #0016-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'İYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025. Sponsor: Honorable Mark A. Freeland

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Tsaile/Wheatfields Chapter House -- Tsaile, Arizona 86556

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M: Wilson C. Stewart, Jr.

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, Legislative Advisor

Office of Legislative Services

Redney L. Toke