

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; STRONGLY ADVISING THAT THE INDIAN HEALTH SERVICE, OFFICE OF ENVIRONMENTAL HEALTH, STREAMLINE DELIVERY OF SANITATION SERVICES

WHEREAS:

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A). The committee, among other duties and responsibilities, exercises oversight authority over such matters as water, the environment and public utilities. 2 N.N.C. § 500(C).
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among other responsibilities, the committee oversees all education and health-related activities of the Navajo Nation. 2 N.N.C. § 401(C)(2).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council 2 N.N.C. § 700(A). The committee, among other responsibilities, "coordinate[s] all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation." 2 N.N.C. § 701(A)(4).
- D. The Indian Health Service, Office of Environmental Health, hereafter referred to as IHS, has the responsibility through Public Law 86-121 to provide sanitary facilities including but not limited to indoor plumbing, piped water services, cisterns systems, wastewater domestic sewer lines, and septic tank and drain field systems to federally recognized Native American and Alaskan Native tribes, including the Navajo Nation and its people.
- E. The IHS provides typical feedback to customers once a customer is funded on a project, and the average timeline to complete construction is five (5) years. This typical time frame is far too lengthy for people to wait for sanitary services and life sustaining potable water supply. Further, the COVID-19 pandemic crisis revealed and reemphasized the substantial

amount of Navajo homes that still do not have these basic services.

- F. The response to COVID-19 by the IHS Headquarters of installing transitional watering points was very much appreciated. However, the Sanitation Deficiency System (SDS) is substantially outdated.
- G. The IHS 121 program is also unacceptably underfunded to meet the needs on the Navajo Nation. The unmet need as of December 2020 on Navajo Nation was \$535 million and increasing by \$15.5 million per year. See attached **Exhibit A**, letter dated December 23, 2020 from NAIHS to President Jonathan Nez, *Navajo Area IHS Sanitation Deficiency System (SDS) List - FY 2021*.

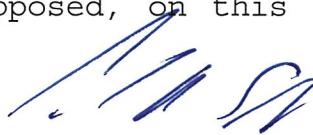
NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby strongly advises that the Indian Health Service, Office of Environmental Health, streamline delivery of its sanitation services and make the process of delivering these critical services much more efficient. More particularly:

- A. The IHS program must reevaluate the funding level to systematically address the substantial unmet needs on the Navajo Nation and create a dedicated timeline to accomplish these objectives.
- B. The IHS must update the data and bring current the Sanitation Deficiency System for homes lacking service on the Navajo Nation.
- C. The IHS must provide proper and sufficient resources to the Navajo Area Indian Health Services, its Office of Environmental Health program, so that the program can timely execute the needed projects within the Navajo Nation.
- D. The IHS must also review and make effective the rules, regulations and criteria for the work required and funded.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 20 in Favor, and 00 Opposed, on this 15th day of April 2021.



Honorable Carl R. Slater, Chairman Pro Tem
Naabik'íyáti' Committee

4/21/21

Date

Motion: Honorable Pernell Halona

Second: Honorable Herman M. Daniels, Jr.

Chairman Pro Tem Carl R. Slater not voting



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Navajo Area
Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515-9020

December 23, 2020

Honorable Jonathan Nez, President
The Navajo Nation
P.O. Box 7440
Window Rock, Arizona 86515

EXHIBIT

A

SUPPLYJUSTICE.COM

RE: Navajo Area IHS Sanitation Deficiency System (SDS) List – FY 2021

Dear Honorable President Nez:

Attached please find the most current Indian Health Service (IHS) Sanitation Deficiency System (SDS) report for domestic water, waste water and solid waste unmet needs for existing Navajo homes. The SDS is mandated by Public Law 94-437, the Indian Health Care Improvement Act, as amended. Although we update this list annually and submit it to our Headquarters office for inclusion into the national list, it may be amended at any time, and we seek and welcome your comments for the purpose of thoroughness. This Navajo SDS list was reviewed and updated during the 2020 calendar year, and was officially made part of the IHS Headquarters record on December 2, 2020.

The first page of the report is a summary of the identified reportable and eligible sanitation deficiencies for the Navajo Nation. The following five pages of the report is a one-line listing of the 374 reportable sanitation facilities projects, in priority order, that are necessary to correct these sanitation deficiencies. The funding priority is based on several scoring factors, with the dominant factors being the deficiency levels and the cost per home of each project.

The total estimated cost of all reportable projects is approximately \$535 million, an increase of \$15.5 million from the previous year. The total cost of projects that are economically feasible for IHS funding is approximately \$166 million. Although the Navajo Area IHS, one of twelve IHS Areas nationally, secures approximately 20% of all the Public Law 86-121 funding by Congress for these projects, at the current level of funding it will take approximately 6 years to fund the feasible projects.

In preparing this SDS list we have worked with the local Chapters, the Navajo Tribal Utility Authority, and the Nation's Department of Water Resources. Should your office wish to comment or add to this list, or would like more detailed information on individual projects, please contact CAPT Rachael Brown, Director, Division of Sanitation Facilities Construction, at (928) 871-5851.

Sincerely,

Roselyn Tso -S
Digitally signed by Roselyn
Tso -S
Date: 2020.12.22 16:27:50
.07'00'

Roselyn Tso
Area Director, Navajo Area
Indian Health Service

xc: Myron Lizer, Vice President, Navajo Nation
Seth Damon, Speaker, Navajo Nation Council
Rickie Nez, Chairperson, Resources and Development Committee, Navajo Nation
Daniel E. Tso, Chairperson, Health, Education and Human Services Committee, Navajo Nation
Rex Kontz, Deputy General Manager, NTUA, Navajo Nation
Brett Grubbs, General Manager, NECA, Navajo Nation
Rudy Shebala, Executive Director, Division of Natural Resources, Navajo Nation
Pearl Yellowman, Executive Director, Division of Community Development, Navajo Nation
Patrick Dalgai, CDBG Program, Community Housing Infrastructure Department, Navajo Nation
James Adakai, Capital Projects Managmt Dept, Div. of Community Development, Navajo Nation
Jason John, Director, Department of Water Resources, Navajo Nation
Najam H. Tariq, Director Tech. Constn. & Ops., Department of Water Resources, Navajo Nation
Ronnie Ben, Acting Director, Navajo Nation EPA
Yolanda Barney, Public Water Systems Supervision Program, Navajo Nation EPA
Tomas Torres, Director, Water Division, EPA Region 9 (WTR-1)
Nancy Sockabasin, Tribal Drinking Water Team, EPA Region 9 (WTR-4)
Emmanuelle Rapicavoli, Tribal Drinking Water Team, EPA Region 9 (WTR-4)
Director, OEHE, NAIHS
Director, DSFC, NAIHS
District Engineers, DSFC, NAIHS; Ft. Defiance, Tuba City, Shiprock, Gallup Districts
File: C971.51 SDS

Printed: 12/17/2020 08:21AM
(Mountain)

STARS

SDS SUMMARY (1 PAGE) — DRAFT
Area: NA
GENERAL AREA INFORMATION

Number of Projects:	
Total Data Base:	374
Current Agency Funding Plan:	160
Total Project Costs (Eligible):	
Total Data Base:	\$535,580,490
Current Agency Funding Plan:	\$165,706,620
Estimated Number of Homes Without Potable Water (Reportable homes)	3,458
Estimated Number of Homes at Deficiency Levels 4 and 5	3,548
Estimated Number of Homes at Deficiency Levels 2 through 5	23,891
Estimated Number of Homes at Deficiency Levels 1 through 5	42,840
Estimated Number of Homes at Deficiency Levels 0 through 5	56,664
Number of Communities in Deficiency Profile	172

DEFICIENCY LEVEL INFORMATION

DEFICIENCY LEVEL	0	1	2	3	4	5
Homes	13,824	18,949	17,216	3,127	1,901	1,647
Percent Eligible Homes	57.86	79.31	72.06	13.09	7.96	6.89
Number of Projects		3	45	20	186	120
Estimated Cost (Eligible):						
Total Data Base:	\$3,410,000	\$71,082,980	\$31,795,559	\$326,860,820	\$102,431,131	
Curr. Funding Plan:		\$64,316,931	\$30,282,551	\$9,015,019	\$62,092,119	

TYPE OF SERVICE INFORMATION

TYPE OF SERVICE	WATER	SEWER	SOLID WASTE	O & M
Homes at IDL 0	22,219	21,082	35,275	N/A
Homes at IDL 1	22,692	19,477	21,214	N/A
Homes at IDL 2	8,242	11,460	0	N/A
Homes at IDL 3	53	2,908	175	N/A
Homes at IDL 4	1,811	90	N/A	N/A
Homes at IDL 5	1,647	1,647	N/A	N/A
Homes at IDL 2 - 5	11,753	16,105	175	N/A
Percent of Eligible Homes	49.19	67.41	0.73	N/A
Estimated Costs (Eligible):				
Total Data Base:	\$438,565,279	\$96,602,211	\$413,000	\$0
Curr. Funding Plan:	\$83,098,255	\$82,195,365	\$413,000	\$0

Report Criteria

Dataset: Snapshot – 2021 - IHS National (#19910
12/02/2020 03:58 Hawasly Ramsey)
Area(s) : NA
Funded? No
Reportable? Yes
Funding : Eligible
Project Tier : All

NAVAJO NATION

956

4/15/2021

Naa'bik'iyati' Committee Special Meeting

11:50:00 AM

Amd# to Amd#	Consent Agenda: Legislations	PASSED
MOT Halona, P	0270-19; 0042-21; 0045-21;	
SEC Daniels	0058-21; 0070-21; 0072-21; 0055-21; 0063-21 and 0035-21	

Yea : 20 Nays : 0 Excused : 1 Not Voting : 2

Yea : 20

Begay, E	Freeland, M	Smith	Tso, O
Begay, P	Halona, P	Stewart, W	Walker, T
Brown	Henio, J	Tso, C	Wauneka, E
Crotty	James, V	Tso, D	Yazzie
Daniels	Nez, R	Tso, E	Yellowhair

Nay : 0

Excused : 1

Damon

Not Voting : 2

Charles-Newton Begay, K

Presiding Speaker: Slater, C