

LEGISLATIVE SUMMARY SHEET

Tracking No. 0049-24

DATE: February 22, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A BUDGET MODIFICATION IN THE AMOUNT OF \$1,108,500 TO THE NAVAJO DEPARTMENT OF FISH AND WILDLIFE, BUSINESS UNIT 915008

PURPOSE: The purpose of the resolution is to approve a budget modification increasing Navajo Nation Department of Fish and Wildlife, Proprietary/Enterprise Fund Business Unit 915014, in the amount of \$1,108,500.

Final Authority: Budget and Finance Committee

Vote Required: Simple Majority

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

5-DAY BILL HOLD PERIOD AM/16/24
Website Posting Time/Date 7:50 PM; 3/1/24
Posting End Date: 3/6/24
Eligible for Action: 3/7/24

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0049-24

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT AND BUDGET AND
FINANCE COMMITTEES; APPROVING A BUDGET MODIFICATION IN THE
AMOUNT OF \$1,108,500 TO THE NAVAJO DEPARTMENT OF FISH AND
WILDLIFE, BUSINESS UNIT 915008

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Fish and Wildlife Department is within the Division of Natural Resources. The Resources and Development Committee serves as the oversight committee for the Division of Natural Resources. 2 N.N.C § 501 (C) (1).
- B. The Navajo Nation Department of Fish and Wildlife, Proprietary/Enterprise Fund, Fund Management Plan, which is included in **Exhibit C** indicates the legislative oversight and authority for the Fund is the Resources and Development Committee and the Budget and Finance Committee. **Exhibit C**, Section III, Legislative Oversight and Authority.
- C. A budget modification is an increase or decrease to an existing business unit budget in a previously approved budget. Budget modifications require oversight approval before

1 the modification can be processed. Navajo Nation Budget Instruction Manual, Fiscal
2 Year 2024, Section 12 (C)(3).

3
4 **SECTION TWO. FINDINGS**

5 A. The Navajo Nation Department of Fish and Wildlife Proprietary/Enterprise Fund, Fund
6 Management Plan, states that the purpose of the Fund is to “will facilitate the
7 Department to receive and expend revenue and fees collected from hunting, fishing and
8 other wildlife management activities and services provided to improve Department
9 capabilities in wildlife management, project planning and implementation,
10 infrastructure and development and operations.” **Exhibit C**, Section II.

11 B. The Navajo Nation Fish and Wildlife Department has requested a budget increase of
12 \$1,108,500 to Business Unit 915008. Budget forms supporting this request are
13 included in **Exhibit A**.

14 C. The Executive Branch Section 164 Review is attached as **Exhibit B**.

15
16 **SECTION THREE. APPROVAL**

17 The Navajo Nation hereby approves the budget modification increasing Navajo Nation
18 Department of Fish and Wildlife, Proprietary/Enterprise Fund Business Unit 915014, in
19 the amount of \$1,108,500, in accordance with **Exhibit A**.

20
21 **SECTION FOUR. DIRECTIVE TO THE OFFICE OF THE CONTROLLER**

22 The Office of the Controller is directed to make the modifications to the Navajo Nation
23 Department of Fish and Wildlife, Proprietary/Enterprise Fund, Business Unit 915008, in
24 accordance with the budget documents contained in **Exhibit A**.

PART I Business Unit No.: 915008		Program Title: Fish and Wildlife Enterprise		Division/Branch: DNR/NNDFW	
Prepared By: Jeffrey Cole		Phone No.: 928-871-6595		Email Address: jcole@nndfw.org	

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
Proprietary Enterprise Fund		10/2/23 - 9/30/24	1,108,500.00	100%	2001	Personnel Expenses	9	277,544			277,544.00
					3000	Travel Expenses		270,527			270,527.00
					3500	Meeting Expenses					0.00
					4000	Supplies		189,476			189,476.00
					5000	Lease and Rental					0.00
					5500	Communications and Utilities		8,100			8,100.00
					6000	Repairs and Maintenance					0.00
					6500	Contractual Services	9	70,000			70,000.00
					7000	Special Transactions		9,353			9,353.00
					8000	Public Assistance					0.00
					9000	Capital Outlay			1,108,500		1,108,500.00
					9500	Matching Funds	1				0.00
					9500	Indirect Cost	6				0.00
TOTAL:					TOTAL				\$825,000.00	1,108,500.00	1,933,500.00

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Vehicles Budgeted:		0	5

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY:	Gloria M. Tom, Dept. Mgr. III	APPROVED BY:	W. Mike Halona, Division Director
	Program Manager's Printed Name		Division Director / Branch Chief's Printed Name
	<i>Gloria M. Tom</i> 11/17/2023		<i>Robert O. Allen</i> 11/20/23
	Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date



**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

FY 2024

PART I. Business Unit No.: 915008 Program Title: Fish and Wildlife Enterprise Division/Branch: Natural Resources/Executive					
Prepared By: Jeffrey Cole		Phone No.: 928-871-6595		Email Address: jcole@mndfw.org	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
Proprietary Enterprise Fund		10/1/23-9/30/24	1,108,500	100%	
					PART III. BUDGET SUMMARY
					Fund Type Code
					(A) NNC Approved Original Budget
					(B) Proposed Budget
					(C) Difference or Total
2001 Personnel Expenses					9 271,542,566 272,586.00
3000 Travel Expenses					9 ✓ 270,527 270,527.00
3500 Meeting Expenses					
4000 Supplies					9 181,225,401 225,101.00
5000 Lease and Rental					
5500 Communications and Utilities					9 ✓ 8,100 8,100.00
6000 Repairs and Maintenance					
6500 Contractual Services					9 ✓ 70,000 70,000.00
7000 Special Transactions					9 9,353,666 8,886.00
8000 Public Assistance					
9000 Capital Outlay					9 1,108,500 1,108,500.00
9500 Matching Funds					
9500 Indirect Cost					
TOTAL					825,000 1,108,500 1,933,500.00
					PART IV. POSITIONS AND VEHICLES
					(D)
					(E)
Total # of Positions Budgeted:					0 0
Total # of Vehicles Budgeted:					0 5
TOTAL:					1,108,500 100%
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY:		Gloria M. Tom, Dept. Manager III	APPROVED BY: W Mike Halona, Division Director		
Program Manager's Printed Name		Signature	Division Director / Branch Chief's Printed Name		
Program Manager's Signature and Date		Signature 11/1/2023	Division Director / Branch Chief's Signature and Date 03 Nov 23		

PART I. PROGRAM INFORMATION:		Fish and Wildlife Enterprise							
Business Unit No.:	Program Name/Title:	1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal		Goal		Goal		Goal	
PART II. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Measure: Number of Fish Hatchery Rearing Facilities Design and Build Contracts Approved.									
To approve one (1) Fish Hatchery Rearing Facility design and Build Contract.		NA	1	NA	NA	NA			
2. Program Performance Measure: Number of Fish Hatchery Rearing Facilities Constructed.									
To construct one (1) Fish Hatchery Rearing Facility.		NA	NA	NA	NA	1			
3. Program Performance Measure: Number of vehicles purchased for Management and Law Enforcement Programs.									
To purchase five (5) vehicles for Management and Law Enforcement Programs.		NA	NA	5	NA	NA			
4. Program Performance Measure:									
5. Program Performance Measure:									
PART III. CONCURRENCE/APPROVAL:									
Gloria M. Tom, Dept. Manager III Program Manager's Printed Name 12/22/2023 10/31/23		W. Mike Habona, Division Director Division Director/Branch Chief's Printed Name 03 Nov 23							
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date							

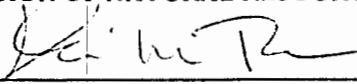


DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáadi Nitsáhákees

MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : 
Gloria M. Tom, Department Manager III
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES


DATE : November 14, 2023

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel beginning Wednesday, November 15, 2023 to Sunday, November 19, 2023. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective at 8:00 a.m. on Wednesday, November 15, 2023. This delegation shall end at 5:00 p.m. on Sunday, November 19, 2023.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT

 11/15/2023
David Mikesic, Zoologist
Department of Fish and Wildlife

cc: DFWL File

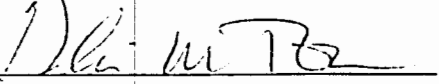


DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : 
Gloria M. Tom, Department Manager III
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

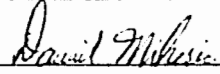
DATE : October 31, 2023

SUBJECT : **DELEGATION OF AUTHORITY**

I will be on leave beginning Wednesday, November 01, 2023 to Thursday, November 09, 2023. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective at 8:00 a.m. on Wednesday, November 01, 2023. This delegation shall end at 5:00 p.m. on Thursday, November 09, 2023.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT

 10/31/2023
David Mikesic, Zoologist
Department of Fish and Wildlife

cc: DFWL File



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

Memorandum:

To: 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government
Robert Willie

From: Robert Willie, Accounting Manager
Office of the Controller

Date: November 26, 2023

Subject: 0164-021683- 915008 Supplemental Funding -Fish and Wildlife

The Fish and Wildlife unaudited balance sheet and income statement are attached, Exhibit A.

- 1) The Fish and Wildlife program has generated \$4,582 of revenue as of October 31, 2023. There are \$13,495 of expenditures and a net loss of \$8,913.
- 2) The unappropriated fund balance as of October 31, 2023 is \$1,443,610.
- 3) The Fish and Wildlife program budgeted \$825,000 during the FY 24 budget period. The program is requesting to access an additional \$1,108,500. This would leave an amount of \$335,109.81 of fund balance remaining.

If you should have any questions, you can contact me at Tribal extension X6496.



THE NAVAJO NATION
Fish Wildlife Enterprise
Combining Balance Sheet
October 31, 2023 (Unaudited)

EXHIBIT "A"

Assets			
Current Assets:			
Cash and cash equivalents	\$	2,640,662	
Investments		-	
Receivables:			
Accounts Receivable		498,504	
Advances Receivable		-	
Total Current Assets		3,139,166	
Long Term Assets:			
Investments		-	
Plant, Property & Equipment		108,965	
Receivables			
Total Long Term Assets		<u>108,965</u>	
Total Assets	\$	<u><u>3,248,131</u></u>	
Liabilities and Fund Balances			
Liabilities:			
Accounts Payable	\$	(3,405)	
Accruals		(848,276)	
Other Liabilities			
Total Liabilities		<u>(851,681)</u>	
Fund Balances:			
Unreserved		(1,443,610)	(1)
Committed		(811,044)	
Assigned		(141,795)	
Total Fund Balances		<u>(2,396,449)</u>	
Total Liabilities and fund balances	\$	<u><u>(3,248,131)</u></u>	

THE NAVAJO NATION
Combining Statement of Revenues, Expenditures and Changes in Fund Balance
October 31, 2023 (Unaudited)

Revenues:			
Interest & Dividends			
Net Change in Investments			
Other Revenue		<u>(4,582)</u>	
Total Revenue		(4,582)	
Expenditures:			
Total Expenditures		<u>13,495</u>	
Excess (deficit) of revenues over expenditures		8,913	
Transfers		-	
Net change in fund balances	\$	<u><u>8,913</u></u>	

(1) - Unappropriated Balance Available

**Enterprise Funds, Internal Service Funds, Proprietary Funds
Revenue Projection FY 2024**



Account		FY 2024 RECOMM. LIMITS	
Number	Program/Title		
901001	Nav Nation Code Enterprise Fund	EF	1,000
907001	Home Loan Program	EF	450,000
907002	Personal Loan Program	EF	420,000 (1)
910005	Karigan Professional Office	EF	300,000 (1)
912001	Employee Housing Program	EF	950,000 (1)
914001	Veterans Loan Program	EF	15,000
915001	Park and Recreation	EF	10,000,000
915003	Ranch & Eastern Land Mgmt	EF	300,000
915008	Fish & Wildlife Enterprise	EF	935,000 ✓
915009	Livestock Custody Fund	EF	200,000
915010	Fourth of July Celebration	EF	-
915011	Annual Navajo Nation Fair Fund	EF	600,000
915013	Veterinary Medical Sales	EF	172,000
915014	Colorado Ranch Fund	EF	750,000
807001	Office Supply Center	ISF	200,000
812002	Air Transportation	ISF	-
812003	Fleet Management	ISF	11,000,000
812004	Duplicating Services	ISF	600,000
812009	Property & Casualty/RM ...	ISF	12,761,606
812016	Employee Benefit Program	ISF	840,000
812017	Group Health Self-Insurance	ISF	51,000,000
812018	Navajo Transit System	ISF	-
109006	Office of NN Library	GF	600
114003	Navajo Nation TV & Film	GF	45,000
114006	Staff Development and Training	GF	30,000
114018	Office of Background Investigation	GF	20,000
115017	HPD-NN Museum	GF	190,000
115026	Animal Control	GF	24,000
117010	Day Care-Chinle	GF	5,000
117011	Day Care-Fl Defiance	GF	36,000
117012	Day Care-Shiprock	GF	5,000
120001	Nav Nation Gaming Regulatory	GF	240,000
121002	Nav Dept. Of Highway Safety	GF	24,000
N01307	NN Fire and Rescue-Twin Arrows	GF	75,500
507010	DPS-Special Revenue Gaming	SRF	732,000
509010	Sales Tax Scholarship Dist	SRF	4,118,434
516002	Sales Tax-Fire and Rescue	SRF	8,236,867

GRAND TOTAL: 105,277,007

EF- ENTERPRISE FUND
ISF- INTERNAL SERVICE FUND
SRF - SPECIAL REVENUE FUND
GF- GENERAL FUND

(1) These programs will be utilizing their fund balances to cover their budgets for the upcoming year.

Prepared by

Lydon Davis, Principal Accountant

Approved by

Sean McCabe, Controller

DATE: 8/23/2023




DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáadi Nitsáhákees

Memorandum:

To: Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife



From: Robert Willie, Accounting Manager
Office of the Controller

Date: October 19, 2023

Subject: Fish and Wildlife Financials-August 2023

The Fish and Wildlife unaudited balance sheet and income statement are attached, Exhibit A.

- 1) The Fish and Wildlife program has generated \$899,970 of revenue as of September 30, 2023. There are \$690,728 of expenditures and a net revenue of \$209,242.
- 2) The unappropriated fund balance as of September 30, 2023 is \$2,321,887.

If you should have any questions, you can contact me at Tribal extension X6496.



THE NAVAJO NATION
Fish Wildlife Enterprise
Combining Balance Sheet
September 30, 2023 (Unaudited)

EXHIBIT "A"

Assets			
Current Assets:			
Cash and cash equivalents	\$	2,876,926	
Investments		-	
Receivables:			
Accounts Receivable		-	
Advances Receivable		-	
Total Current Assets		2,876,926	
Long Term Assets:			
Investments		-	
Plant, Property & Equipment		123,083	
Receivables		12,977	
Total Long Term Assets		136,060	
Total Assets	\$	<u>3,012,986</u>	
Liabilities and Fund Balances			
Liabilities:			
Accounts Payable	\$	(3,938)	
Accruals		242,474	
Other Liabilities		(564,709)	
Total Liabilities		<u>(326,173)</u>	
Fund Balances:			
Unreserved		(2,321,887)	(1)
Committed		(370,638)	
Assigned		5,712	
Total Fund Balances		<u>(2,686,813)</u>	
Total Liabilities and fund balances	\$	<u>(3,012,986)</u>	

THE NAVAJO NATION
Combining Statement of Revenues, Expenditures and Changes in Fund Balance
September 30, 2023 (Unaudited)

Revenues:		
Interest & Dividends		
Net Change in Investments		
Other Revenue	<u>(899,970)</u>	
Total Revenue	(899,970)	
Expenditures:		
Total Expenditures	<u>690,728</u>	
Excess (deficit) of revenues over expenditures	(209,242)	
Transfers	<u>-</u>	
Net change in fund balances	\$ <u>(209,242.19)</u>	

(1) - Unappropriated Balance Available



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáadi Nitsáhákees

MEMORANDUM:

TO : Executive Branch Section 164 Reviewers

FROM : *Darlene Sam*
Darlene Sam, Senior Budget Analyst
Office of Management and Budget

DATE : November 16, 2023

SUBJECT : **Document No. 021683: 915008 Supplemental Funding (\$1,108,500)**

Pursuant to Executive Order No. 06-2023, the Office of Management and Budget (OMB) reviewed the proposed document and deems the document sufficient with the following comments:

1. The Fiscal Year 2024 approved budget for business unit no. 915008 is \$825,000.
2. On August 23, 2023 the Controller issued a revised Revenue Projection for business unit no. 915008 for \$935,000.00; an increase of \$110,000. A revised budget was never presented and approved during the FY 2024 budget process. Hence, the budget remains at \$825,000.
3. This proposed "supplemental funding" for \$1,108,500 seems to be a request to access the fund balance for BU#915008 for capital purchases (building and vehicles).
4. What is the correct funding level considering the above? The Controller's Office should advise, and issue a new FY 2024 funding level for BU#915008, if necessary.
5. Budget Forms: Correction need to be made to Budget Form 1, Part III, before proceeding to the next reviewer.

Any questions, contact OMB at 928.871.6029/6570.

CONCURRED:

Dominic Beyal
Dominic Beyal, Executive Director

Document No. 021683Date Issued: 10/31/2023**SECTION 164 REVIEW FORM**Title of Document: 915008 Supplemental Funding Contact Name: COLE, JEFFREY AProgram/Division: DIVISION OF NATURAL RESOURCESEmail: jcole@nndfw.org Phone Number: 9288716595

Check document category; only submit to category reviewers. OMB, OOC and OAG have 5 working days, except BRD has 2 working days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A)Division Director:  Date: 03 Nov 23 ☒ ☐☐ **Statement of Policy or Positive Law:** Sufficient Insufficient1. OAG: _____ Date: _____ ☐ ☐☒ **IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**

1. OMB:	<u>DBayle - See Memo</u>	Date:	<u>11-16-23</u>	<input type="checkbox"/>	<input type="checkbox"/>
2. OOC:	<u>Graw - See memo</u>	Date:	<u>11-27-23</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. OAG:	<u>Vin Blum</u>	Date:	<u>11-28-23</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 164(B)Division Director: _____ Date: _____ ☐ ☐☐ **Grant/Funding Agreement or amendment:**

1. OMB:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
2. OOC:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
3. OAG:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Subcontract/Contract expending or receiving funds or amendment:**

1. BRD:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
2. OMB:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
3. OOC:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
4. OAG:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:**1. OAG: _____ Date: _____ ☐ ☐☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**

1. OMB:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
2. OOC:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>
3. OAG:	_____	Date:	_____	<input type="checkbox"/>	<input type="checkbox"/>

Office of the President/Vice President _____ Date: _____

NAVAJO NATION DEPARTMENT OF JUSTICE



DOCUMENT REVIEW REQUEST COVER SHEET

DOJ USE ONLY

November 28, 2023
DATE / TIME

NNDJ #: See HighQ

DOC #: 21683

UNIT: Natural Resources Unit

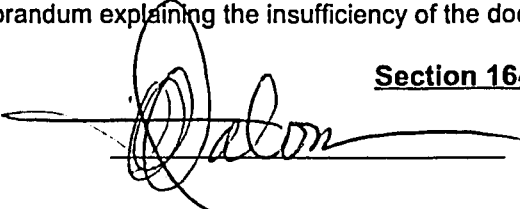
RESUBMITTAL: 1

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	November 28, 2023	DIVISION:	Division of Natural Resources
CONTACT NAME:	JEFFREY COLE		
PHONE NUMBER:	5058791838	E-MAIL:	jcole@nndfw.org
TITLE OF DOCUMENT: Account 915008 Budget Addition of \$1,108,500			
UNIT REVIEW			
DATE/TIME IN UNIT: November 28, 2023		REVIEWING ATTORNEY/ADVOCATE: Blackhat, Veronica	
DATE/TIME ATTORNEY REVIEW COMPLETE: {...}			
DATE/TIME OUT OF UNIT: See email transmitting completed document			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Legally Sufficient. SN 1:37pm 11/28/23			
LEGAL STATUS: Sufficient		SURNAMED BY: <i>NRU AAG</i> See Document Review signature sheet for date/time	

Document No. 021683Date Issued: 10/31/2023**SECTION 164 REVIEW FORM**Title of Document: 915008 Supplemental Funding Contact Name: COLE, JEFFREY AProgram/Division: DIVISION OF NATURAL RESOURCESEmail: jcole@nndfw.org Phone Number: 9288716595

Check document category: only submit to category reviewers. OMB, OOC and OAG have 5 working days, except BRD has 2 working days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A)Division Director:  Date: 03 Nov 23 ☒ ☐

☐ **Statement of Policy or Positive Law:** Sufficient Insufficient
1. OAG: _____ Date: _____ ☐ ☐

☒ **IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**
1. OMB: U. Byrd - See Memo Date: 11-16-23 ☐ ☐
2. OOC: U. Byrd - See Memo Date: 11-27-23 ☒ ☐
3. OAG: _____ Date: _____ ☐ ☐

Section 164(B)Division Director: _____ Date: _____ ☐ ☐

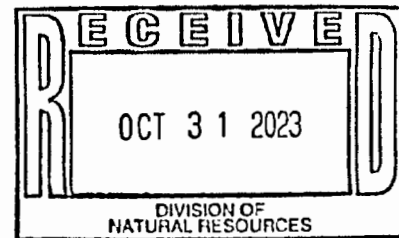
☐ **Grant/Funding Agreement or amendment:**
1. OMB: _____ Date: _____ ☐ ☐
2. OOC: _____ Date: _____ ☐ ☐
3. OAG: _____ Date: _____ ☐ ☐

☐ **Subcontract/Contract expending or receiving funds or amendment:**
1. BRD: _____ Date: _____ ☐ ☐
2. OMB: _____ Date: _____ ☐ ☐
3. OOC: _____ Date: _____ ☐ ☐
4. OAG: _____ Date: _____ ☐ ☐

☐ **Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:**
1. OAG: _____ Date: _____ ☐ ☐

☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**
1. OMB: _____ Date: _____ ☐ ☐
2. OOC: _____ Date: _____ ☐ ☐
3. OAG: _____ Date: _____ ☐ ☐

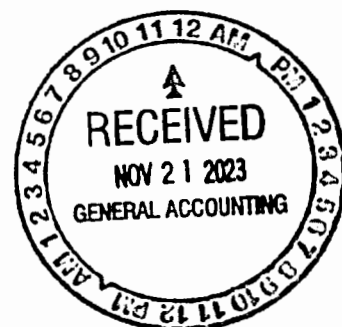
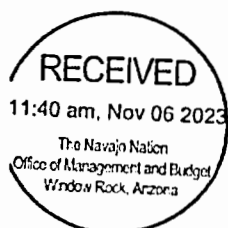
Office of the President/Vice President _____ Date: _____

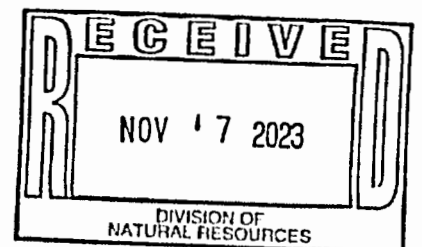


OFFICE OF MANAGEMENT AND BUDGET
WINDOW ROCK, ARIZONA

NOV 20 2023

RECEIVED







The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

October 1, 2023

MEMORANDUM

TO : ALL CONCERNED

FROM: 
W. Mike Halona, Division Executive Director
Division of Natural Resources

SUBJECT: FY 2024 Standing Delegation of Authority – DNR Division Director

Please be advised of the personnel listed below, will be delegated for the Navajo Nation Division of Natural Resources in my absence from the office.

1. I. Harlan Charley, Deputy Division Director
2. Robert Allan, Principal Attorney

The delegation will cover day-to-day operations and shall be responsible for the administration and management of the Division of Natural Resources and supervising all personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

Thank you in advance for your cooperation. If you have any questions, I can be reached by email at w.mike.halona@navajo-nsn.gov or please call the office at (928) 871-6593.

ACKNOWLEDGEMENT:


I. Harlan Charley, Deputy Division Director
Division of Natural Resources


Robert Allan, Principal Attorney
Division of Natural Resources

xc: Distribution

NAVAJO NATION

Navajo Nation Fish Hatchery Modernization Design/Build Scope of Work

June 15, 2023



Aquatic Consultants
The Lake & Stream Experts

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Aquatic Consultants

SECTION I

SPECIALIZED DESIGN AND TECHNICAL COMPETENCE

Aquatic Consultants' Mission

The goal of Aquatic Consultants Inc. (ACI) is to help customers realize the maximum benefit of their water resources, based on their vision. We do this by offering a staff of career fisheries biologists and construction specialists that possess a level of expertise never before available in the West and by backing our programs with ongoing support. We are a service company, dedicated to long-term relationships with our customers. We strive to be known as the premier fisheries consultant firm in the western United States



Aquatic Consultants' Qualifications

ACI is a full-service water resource management company with extensive experience in fisheries management, lake design and construction, river restoration design and construction, and fish production

facility planning and construction. Our president, Paul Cassidy, established ACI in 1998 to provide New Mexico landowners with technical assistance in water resource management. Today, ACI services clients in five western states and provides private ranches, golf courses, resorts, Indian tribes, and municipalities with a multitude of fisheries design, construction, operations, and management services.

Since its inception, ACI has stressed the importance of exceeding clients' expectations. This requires a high degree of professionalism from its employees and consultants, including a commitment to completing projects on time and within budget. Our large number of repeat customers reflects our success in this area. ACI believes it is important to understand thoroughly the objectives of each and every client. Thus, our clients are an integral component of the planning and design phase of every project.

We offer you a unique group of specialists consisting of an integrated team of architects, engineers, and specialized consultants. The principals of our company are directly involved in every project, which has proven invaluable in the planning and design of numerous projects throughout the western United States. Each member of our biology team holds a degree in fisheries science, and each has several years of experience in all aspects of water quality, trophy sport fish management, and fisheries survey design. **The overall experience of our team and our commitment to customer service ensures that ACI will exceed your expectations on this project.**

Name: Aquatic Consultants Inc.

Address: 4421 Irving Blvd NW
Albuquerque, NM 87114

Tel: 505-890-5753

Established: 1998

Employees: 12

Technical Discipline: Fisheries Science

SECTION II

Scope of Work



Aquatic Consultants

ACI has worked with the aquaculture engineers at Tetra Tech to develop the conceptual design of what will be an indoor rearing facility at the Navajo Nation Fish Hatchery. ACI provided Tetra Tech with pertinent data about the current rearing program, water quality, and facility infrastructure. ACI facilitated a meeting with Tetra Tech, ACI, and the hatchery staff to talk about operating history, confirm the production program, biological design criteria, and fish culture practices. ACI, hatchery staff, and Tetra Tech, examined two other production scenarios prior to settling on the conceptual design presented.

ACI also provided Tetra Tech with confirmed water flow rates from the well and spring. Additionally, ACI provided the following:

- Water flow rates at each rearing system (incubation, start tanks, and growout ponds).
- Dimensional measurements (length, width, depth), volumes, and numbers of each rearing component
- Dimensions of water supply tanks and influent and effluent pipe sizes
- A site plan drawing on aerial map of pipe locations
- Electrical power information including service size, distribution, and panel locations

Construction components will include the following:

Project Communication

Effective communication is key to the success of every project. It helps keep minor problems from becoming difficult situations. ACI's Project Manager will complete weekly construction summaries. This summary will be distributed every Monday throughout the length of the project, via e-mail, and include the past week's project progress, as well as, the upcoming week project plan.

ACI's project manager will also maintain drone video of work progress. This drone video will be shared with the owners to update project progress.

Site Safety

Safety is first and foremost on all ACI's projects. *ACI personnel will not compromise safety protocol under any circumstances.*

Mobilization

ACI will mobilize all necessary equipment and personnel to complete the project.

Materials Acquisition

ACI will acquire all necessary materials to complete the project.

Hatchery Building

The current middle growout pond will be filled and compacted to Tetra tech specifications. Pond filling will be to 95% compaction and every lift tested by a geo-technical engineer. This is where the new building will be located.

ACI along with Tetra Tech will design, engineer, and build the approximately 52' by 124' (6,488 sq/ft) indoor rearing facility. The advantages of the indoor rearing facility will be no predation on fish, maintaining constant water temperature year-round (55 degrees), and an improved working environment for hatchery staff.

SECTION II

Scope of Work



Aquatic Consultants

The building will be insulated metal with an insulated metal roof. Tetra Tech will design in windows to maximize natural light. The building will be climate controlled with HVAC.

Where practical plumbing in the building will be run in concrete utility trenches with metal grates over the top to facilitate easy access for future repairs.

Tetra Tech will engineer the slab, building, and provide architectural plans, elevations, and details. They will also design site demolition, grading, erosion control, and restoration. Additionally, they will provide site piping outside the building envelope. Tetra Tech will provide design for backup power (generator and ATS) and building power systems as well. ACI will construct the building according to Tetra Tech specifications.

Mechanical Building

Tetra Tech will engineer the slab, building, and provide architectural plans, elevations, and details for the approximately 28'x19' (532 sq/ft) building. They will also design site demolition, grading, erosion control, and restoration. Additionally, they will provide site piping plan for outside the building envelope.



The building will be insulated metal with an insulated metal roof. Tetra Tech will design in windows to maximize natural light. The building will be climate controlled with HVAC.

Rearing Components

Although the design is conceptual, the following components will be included in the new rearing building. Keep in mind that components may be added, and the locations of the components could change in final design.

- 1) Four 53' x 6' Concrete Raceways
- 2) CO2 Strippers for Inlet Water Sources
- 3) 3' x 4' Moving Bed Biofilm Reactor (MBBR) Chamber
- 4) Oxygen Generator and Storage Tank Capacity = 2 SCFM at 50 PSI
- 5) Backup Oxygen Cylinders Capacity = 220 CU FT.
- 6) Diffuser Hose Set on Base of Raceway
- 7) Duty and Standby Blowers
- 8) Blower Control Panel
- 9) Tube Course Bubble Diffuser Set on Base of Raceway
- 10) Air System Controls and Alarms



Aquatic Consultants

SECTION II

Scope of Work

- 11) Flow Alarms
- 12) Custom Fish Screens Throughout
- 13) Quiescent Zones with Waste Drains
- 14) Concrete Retaining Wall between building levels
- 15) 12' Wide Rollup Doors for Vehicle Access

Site Drainage

ACI will work with Tetra Tech to design a site drainage plan that ensures all drainage is directed away from and around the new buildings.

Backup Power

ACI will install backup power to the facility based on the specifications provided by the engineers.

Site Revegetation

ACI will provide a site revegetation plan for approval by the Navajo Nation Fish and Wildlife Department. ACI will subcontract the revegetation to Hydra Aquatic Inc.

General Components

Project Finishing and Clean-up

Upon completion of construction activities, all project materials will be removed, and areas disturbed by construction will be cleaned.

Project Close-out

Upon substantial completion of the project, ACI will conduct a final walk-through to ensure the owner that ACI has completed the project according to the approved design.

SECTION III

Project Timing and Costs



Aquatic Consultants

Project Costs

ACI has provided the following costs based on the conceptual plans provided.

Estimated Timeline:

Project Engineering.....	4 Months
Hatchery Building Construction and Equipment Installation	9 Months
Detached Mechanical Building.....	2 Months

Project Cost

Project Engineering.....	\$300,000
Hatchery Building Construction and Equipment Installation	\$2,669,994
Detached Mechanical Building	\$685,015
Project Bond (if required)	\$113,506
Navajo Nation Gross Receipts Tax 6% (on labor fee of \$250,000)	<u>\$15,000</u>
Total Including Tax.....	\$3,783,515

SECTION IV GENERAL ASSUMPTIONS

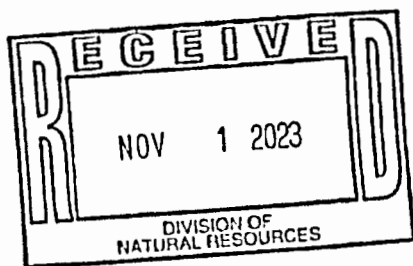


Aquatic Consultants

ACI provides all-inclusive, turn-key projects to our clients. As a result, change orders are not typically necessary, unless the owner requests something that was not originally discussed. There are certain things that are out of our control that we like to make you aware of early in our process:

1. ACI assumes that there are no environmental issues with regards to the project site.
2. ACI reserves the right to make field modifications based on site conditions at the time of construction.
3. ACI assumes that any excess material can be blended in on site.
4. ACI will not be held responsible for damage to unforeseen underground utilities including, but not limited to, water lines, irrigation lines, gas lines, sewage lines, electrical lines, or TV cable.
5. ACI will not be held responsible for short- or long-term damage to existing trees, turf, or landscaping within the project site.
6. ACI is a design/build firm in a very specialized field, and as such, the designs produced by ACI are proprietary information. ACI claims the copyright and retains the ownership of any plans and work product and any reproduction, reuse, or alteration by any method, in whole or part, is prohibited unless authorized in writing by ACI.







RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
20TH NAVAJO NATION COUNCIL - FOURTH YEAR 2006

Legislation 0059-06
Sponsored by Curron Hannon, Council Delegate

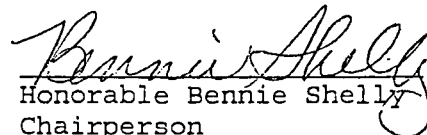
AN ACTION
RELATING TO RESOURCES AND FINANCE, APPROVING THE NAVAJO NATION
DIVISION OF NATURAL RESOURCES, DEPARTMENT OF FISH AND WILDLIFE
ENTERPRISE FUND MANAGEMENT PLAN.

BE IT ENACTED:

1. The Budget and Finance Committee, in accord with 23 N.N.C.§506, approves the Navajo Nation Division of Natural Resources, Department of Fish and Wildlife Enterprise Fund Management Plan, attached hereto as Exhibit A.
2. The Navajo Nation Division of Natural Resources, Department of Fish and Wildlife is hereby directed to submit to the Resources Committee and the Budget and Finance Committee for recommendation to the Navajo Nation Council the annual budget for the Division of Natural Resources, Department of Fish and Wildlife Enterprise Fund, in accord with the Budget Instructions and Policies Manual for each Navajo Nation fiscal year.
3. The Controller of the Navajo Nation shall establish an account for the Division of Natural Resources, Department of Fish and Wildlife Enterprise Fund and manage the account in accord with the Division of Natural Resources, Department of Fish and Wildlife Enterprise Fund Management Plan, attached hereto as Exhibit A, and the eligibility criteria for the expenditure of revenues generated by programs and departments, as set forth in Resolution BFN-187-03.

C E R T I F I C A T I O N

I hereby certify the foregoing legislation was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 05 in favor and 00 opposed, this 6th of March, 2006.


Honorable Bennie Shelly
Chairperson
Budget & Finance Committee

Motion: Richard T. Begaye
Second: Jerry Bodie

BFM-07-06
Legislation 0059-06

**NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
PROPRIETARY/ENTERPRISE FUND
FUND MANAGEMENT PLAN**

I. Establishment

The Department of Fish and Wildlife proprietary/enterprise fund is hereby established within the Division Natural Resources of the Executive Branch. The Enterprise Fund is for use by the Department of Fish and Wildlife in carrying out its mandated responsibilities to manage, conserve and protect the Navajo Nation's fish, wildlife and plant resources and their habitats.

II. Purpose

The Navajo Nation Department of Fish and Wildlife Proprietary/Enterprise Fund will facilitate the Department to receive and expend revenues and fees collected from hunting, fishing and other wildlife management activities and services provided to improve Department capabilities in wildlife management, project planning and implementation, infrastructure development and operations.

III. Legislative Oversight and Authority

- A. Pursuant to 2 NNC §695 (B) (14), the Resources Committee of the Navajo Nation Council is the oversight committee for the Division of Natural Resources within which the Department of Fish and Wildlife is established. The Government Services Committee, pursuant to GSCF-3-94 approved the Plan of Operation for the Department.
- B. The Budget and Finance Committee of the Navajo Nation Council has the authority to coordinate, oversee and regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation, pursuant to 2 NNC §372.

IV. Administration

- A. Department of Fish and Wildlife

The Department of Fish and Wildlife shall:

- 1. Collect and deposit all hunting, fishing and related revenues/fees; and
- 2. Prepare an annual budget and expenditure plan for recommendation to the Navajo Nation Council;
- 3. Provide hunting and fishing opportunities and other outdoor recreation activities to the general public; and provide wildlife management/data management services to the general public; and

4. Periodically review and update user fees, permit fees and fees charged for services, pursuant to RCJN-118-93.

B. Office of the Controller

The Controller of the Navajo Nation or designee shall:

1. Establish an enterprise fund account for the Navajo Nation Department of Fish and Wildlife Enterprise Fund to address the collection of revenues and fees collected from hunting, fishing and other wildlife management activities and services provided; and
2. Review and regulate expenditures from the Department of Fish and Wildlife to ensure compliance with Navajo Nation laws and policies relative to the enterprise fund account;
3. Maintain an accurate accounting of all transactions in accordance with generally accepted accounting principles and Navajo Nation policies and procedures; and
4. Provide the Director of the Department of Fish and Wildlife a monthly report detailing revenues deposited/received, expenditures and open commitments.

V. Sources of Revenues

Permit fee recommendations are made by the Department of Fish and Wildlife to the Executive Director, Division of Natural Resources, pursuant to RCJN-118-93, where the Resources Committee of the Navajo Nation Council delegated this responsibility to the Division of Natural Resources, for final approval. Permit fee recommendations are based upon market value of the resource, comparable local market values, product demand, departmental operational needs and willingness to pay. The Department distinguishes between Navajos and non-Navajos and sets permit fees according to these categories. Pursuant to RCJN-118-93, Navajo big game permit fees will increase no more than 15% annually, except upon the approval of the Resources Committee of the Navajo Nation Council. There are no limits placed upon increasing non-Navajo big game permit fees. Pursuant to RCAP-82-95, Navajo fishing and small game permit fees may not increase more than 25% annually and non-Navajo fishing and small game permit fees may not increase more than 50% annually without approval by the Resources Committee of the Navajo Nation council.

VI. Annual Budget/Expenditure Plan

Expenditures from this account shall include salaries, payroll taxes, fringe benefits, vehicle, per diem and other travel expenses such as helicopter and fixed wing needs for wildlife and habitat surveys, radio telemetry and habitat enhancement projects, supplies and materials, equipment rental, utilities and

communication expenses, repairs and maintenance, contractual services, matching funds and capital expenditures.

Expenditures from the Enterprise Fund shall be made in accordance with established Navajo Nation budget policies and procedures.

On an annual basis, an amount will be determined as expenditure to be applied to the construction a new office building.

VII. Accounting, Revenue Intake and Expenditure Control

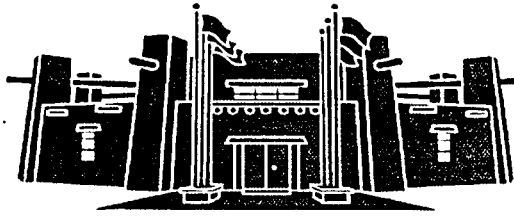
- A. All books of account for the Department of Fish and Wildlife Enterprise Fund shall be maintained by the Office of the Controller in accordance with generally accepted accounting principles and Navajo Nation policies.
- B. All revenues shall be accepted in the form of bank or cashier's checks, bank or United States Postal Service money orders, and Navajo Nation internal payment documents. No cash or personal checks will be accepted as payment.
- C. All revenues received shall be deposited in appropriate depository accounts on a daily basis, if practicable. In no case shall the deposit be delayed past the close of business on the next business day following the receipt of revenue.
- D. All expenditures shall be made by Navajo Nation check and processed in accord with Navajo Nation policies.

VIII. Audits and Reports

- A. The books of account for the Department of Fish and Wildlife Enterprise Fund shall be subject to periodic audit in conjunction with the annual Navajo Nation audit.
- B. The Director of Department of Fish and Wildlife shall make quarterly written reports to the Navajo Nation Council on the status of the Department of the Fish and Wildlife Enterprise Fund.
- C. The Department of Fish and Wildlife shall report at least annually on the use of the fund revenues to the Resources Committee of the Navajo Nation Council. All fees, charges, and revenue projections will be subject to periodic review at least annually. This periodic review will include the participation of the Controller to review the fees, charges and projected revenue, historical cost data, level of service, demand, and forecasting methods.

IX. Amendments

This fund management plan may be amended from time to time by the Budget and Finance Committee of the Navajo Nation Council upon recommendation of the Resources Committee of the Navajo Nation Council, as deemed appropriate.



MEMORANDUM

TO: Honorable Shawna Ann Claw
Chinle Chapter

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: February 22, 2024

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A BUDGET MODIFICATION IN THE AMOUNT OF \$1,108,500 TO THE NAVAJO DEPARTMENT OF FISH AND WILDLIFE, BUSINESS UNIT 915008

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Please ensure that this particular resolution request is precisely what you want.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. 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. In addition, it should be noted that "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).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0049-24_

SPONSOR: Shawna Ann Claw

TITLE: An Action Relating to the Resources and Development and Budget and Finance Committees: Approving a Budget Modification in the amount of \$1,108,500 to the Navajo Department of Fish and Wildlife, Business Unit 915008

Date posted: March 01, 2024 at 7:50PM

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.: 0049-24

SPONSOR: Honorable Shawna Ann Claw


TITLE: An Action Relating to the Resources and Development and Budget and Finance Committees: Approving a Budget Modification in the amount of \$1,108,500 to the Navajo Department of Fish and Wildlife, Business Unit 915008

Posted: March 01, 2024 at 7:50 PM

5 DAY Comment Period Ended: March 06, 2024

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

March 7, 2024; 7:55 AM
Date/Time