

LEGISLATIVE SUMMARY SHEET

Tracking No. 0085-23

DATE: April 14, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE APPOINTMENT BY THE NAABIK'ÍYÁTI' COMMITTEE OF SELECT MEMBERS OF THE 25TH NAVAJO NATION COUNCIL TO THE NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION PROJECT

PURPOSE: This resolution, if approved, will approve and appointment select members of the 25th Navajo Nation Council to the Naabik'íyáti' Committee's Negotiation Subcommittee for the Completion of the Navajo Indian Irrigation Project.

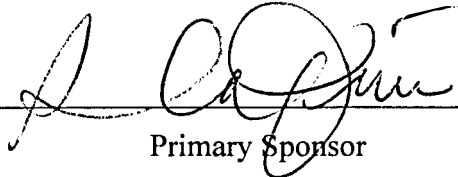
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 10:04 PM; 04-20-23
Posting End Date: 04-25-23
Eligible for Action: 04-26-23

Resources & Development Committee
Thence
Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL — 1st Year, 2023

INTRODUCED BY


Primary Sponsor

TRACKING NO. 0085-23

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
COMMITTEES; APPROVING THE APPOINTMENT BY THE NAABIK'ÍYÁTI'
COMMITTEE OF SELECT MEMBERS OF THE 25TH NAVAJO NATION
COUNCIL TO THE NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION
SUBCOMMITTEE FOR THE COMPLETION OF THE
NAVAJO INDIAN IRRIGATION PROJECT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council exercising oversight authority over water, land, grazing and environment. 2 N.N.C. § 500 (C).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700.

SECTION TWO. FINDINGS

- 1 A. The Naabik'íyáti' Committee of the Navajo Nation Council established the Negotiation
2 Subcommittee for the Completion of the Navajo Nation Indian Irrigation Project
3 (NIIP) April 13, 2017 through Resolution NABIAP-38-17. *See Exhibit A.*
4 B. The Subcommittee is composed of five (5) members of Council, one from each of the
5 Standing Committees appointed by, and serving at the pleasure of the Naabik'íyáti'
6 Committee. *See Exhibit A.*
7 C. The Subcommittee is to negotiate with the United States to develop a Memorandum
8 of Agreement regarding the funding and completion of the NIIP, advocate for funding
9 and management of the NIIP, advocate for funding for NIIP under the Water
10 Infrastructure Improvements for the Nation Act and lobby in the interest of NIIP.
11

12 **SECTION THREE. NAABIK'ÍYÁTI' COMMITTEE APPOINTMENT OF SELECT**
13 **MEMBERS OF THE 25TH NAVAJO NATION COUNCIL**

14 The Naabik'íyáti' Committee of the Navajo Nation Council hereby appoints the following
15 members of the Navajo Nation Council to the Negotiation Subcommittee for the
16 Completion of the Navajo Nation Indian Irrigation Project:

- 17 A. Hon. _____ from the Resources and Development Committee.
18 B. Hon. _____ from the Budget and Finance Committee.
19 C. Hon. _____ from the Law and Order Committee.
20 D. Hon. _____ from the Health, Education and Human Services
21 Committee.
22 E. Hon. _____ from the Naabik'íyáti' Committee.
23

24 **SECTION FOUR. SUBCOMMITTEE TERM**

25 The Naabik'íyáti' Committee's Negotiation Subcommittee for the Completion of the
26 Navajo Nation Indian Irrigation Project shall exist until its assigned tasks are completed
27 and shall report its recommendations to the Naabik'íyáti' Committee. 2 N.N.C. § 186
28
29
30



NABIAP-38-17

RESOLUTION OF THE
NAABIK'İYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND
NAABIK'İYATI' COMMITTEE; ESTABLISHING A NAABIK'İYATI' COMMITTEE
NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN
IRRIGATION PROJECT

Section One. Authority

- A. The Resources and Development Committee of the Navajo Nation Council is the legislative oversight authority for the Navajo Agricultural Products Industry. 2 N.N.C. § 500, 5 N.N.C. § 1604.
- B. The Navajo Nation Council established the Naabik'iyati' Committee as a standing committee authorized to coordinate with all committees and branches of the Navajo Nation the appearance and testimony before federal entities to provide the most efficient delivery of services to the Navajo Nation. 2 N.N.C. §§ 700 (A), 701 (A) (4).
- C. Each Committee may establish subcommittees consisting of committee members selected by the Committee; the subcommittee shall exist until its assigned tasks are completed and a report and recommendation is made to the Committee. 2 N.N.C. § 186.

Section Two. Findings

- A. Navajo Agricultural Products Industry is an enterprise of the Navajo Nation charged with operating a commercial farm on land held in trust by the United States for the Navajo Nation under federal legislation authorizing the Navajo Indian Irrigation Project (NIIP). 5 N.N.C. § 1602; Public Law 87-483, signed on June 13, 1962, amended by Public Law 91-416 on September 25, 1970; NIIP authorized by Acts of Congress approved April 11, 1956 (70 Stat. 105); June 13, 1962 (76 Stat. 96); and August 4, 1977 (91 Stat. 565).
- B. The Navajo Agricultural Products Industry (NAPI) was originally established primarily to plan, develop, and

promote the use of agricultural, water and related resources for the use of Navajo Agricultural Products Industry and the Navajo Indian Irrigation Project resulting in a profit to Navajo Agricultural Products Industry and to prevent waste of valuable resources. See CJY-60-01.

- C. Public Law 87-483 passed by Congress on June 13, 1962 authorized "the Secretary of the Interior to construct, operate, and maintain the Navajo Indian Irrigation Project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River Storage Project, and for other purposes." The authorization was amended September 25, 1970, by Public Law 91-416. To date the construction of the San Juan-Chama Project is completed while construction of the Navajo Indian Irrigation Project is only approximately 70% complete.
- D. The Bureau of Indian Affairs, Navajo Area Office, and Farmington Construction Office have overall responsibility for the development of the NIIP, but in 2002 the Bureau of Indian Affairs supported a reduction of NIIP funding from \$24 million to \$12 million per year under the reasoning that such temporary funding reduction was necessitated by the costs of the United States war in Afghanistan.
- E. The reduction of funding from \$24 million to \$12 million has not been temporary, but has continued in each funding year from Federal Fiscal Year 2002 through Federal Fiscal Year 2010.
- F. The lack of funding for NIIP has delayed and prevented the development of NAPI Block 9, which limits NAPI to cultivation of only 73,000 of the 110,630 acres authorized by the federal legislation.
- G. The Navajo Nation authorized NAPI to contract under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq. (P.L. 93-638, as amended) to include the remaining construction of the NIIP and to otherwise support Navajo Agricultural Products Industry's efforts to develop Blocks 9, 10, and 11 of the Navajo Indian Irrigation Project at the sole cost and expense of the United States. See NABID-82-15.
- H. The Navajo Agricultural Products Industry Board of Directors recommends the re-establishment of a subcommittee to advocate for the completion of the NIIP, advocate for funding for the

operation and management of the NIIP, advocate for funding for NIIP under the Water Infrastructure Improvements for the Nation Act (S. 612, 2016) and lobby in the interest of the NIIP. NAPI Board of Directors Resolution, BDMA-09-17 attached as Exhibit A.

Section Three. Establishing the Naabik'iyáti' NIIP Negotiation Subcommittee

- A. The Navajo Nation establishes the Naabik'iyáti' NIIP Negotiation Subcommittee to negotiate with the United States to develop a Memorandum of Agreement regarding the funding and completion of the NIIP, advocate for funding for the operation and management of the NIIP, advocate for funding for NIIP under the Water Infrastructure Improvements for the Nation Act and lobby in the interest of the NIIP.
- B. The Naabik'iyáti' NIIP Negotiation Subcommittee shall consist of five (5) members who are from the Navajo Nation Council Standing Committees. The Naabik'iyáti' Committee shall appoint the subcommittee members. The appointed Delegates serve at the pleasure of the Naabik'iyáti' Committee. The Naabik'iyáti' Committee appoints the following delegates to the subcommittee:
 1. Steven Begay, Health, Education and Human Services Committee
 2. Benjamin Bennett, Resources and Development Committee
 3. Kee Allen Begay, Law and Order Committee
 4. Leonard Tsosie, Budget and Finance Committee
 5. LoRenzo C. Bates, Naabik'iyáti' Committee

Section Four. Subcommittee Term

The Naabik'iyáti' NIIP Negotiation Subcommittee shall exist until their assigned tasks are completed and shall report their recommendations to the Naabik'iyáti' Committee. 2 N.N.C. § 186.


Section Five. Directives

- A. The Speaker's Chief of Staff shall assign one policy analyst to assist the Naabik'iyáti' NIIP Negotiation Subcommittee.
- B. The Legislative Services' Executive Director shall assign two Office of Legislative Services staffers to assist the Naabik'iyáti' NIIP Negotiation Subcommittee.

- C. The Naabik'iyáti' Committee directs the Department Water Resources and other Navajo Nation Departments or Programs, as deemed necessary by the Negotiation Subcommittee, to serve as technical support for the Negotiation Subcommittee.
- D. The Speaker shall determine a Subcommittee budget and identify the funds.
- E. Subcommittee shall submit reports to Naabik'iyáti' Committee on a quarterly basis

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd 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 11 in favor and 01 oppose, this 13th day of April, 2017.



Honorable Jonathan L. Hale, Pro Tem Chairperson
Naabik'iyáti' Committee

Motion: Honorable Benjamin Bennett
Second: Honorable Otto Tso



BDMA-09-17

**RESOLUTION OF THE
NAVAJO AGRICULTURAL PRODUCTS INDUSTRY
BOARD OF DIRECTORS**

Requesting that the Speaker of the Navajo Nation Council Reestablish a Subcommittee of the Navajo Indian Irrigation Project.

WHEREAS:

1. The Navajo Agricultural Products Industry ("NAPI") is a wholly owned enterprise of the Navajo Nation charged with operating and managing a commercial farm on land held in trust by the United States for the Navajo Nation under legislation authorizing the Navajo Indian Irrigation Project ("NIIP"); and

2. Pursuant to the Plan of Operation, the NAPI Board of Directors is delegated authority and responsibility for the management, direction and operation of NAPI; to direct officers of NAPI in the execution of their duties; and to perform such acts as are necessary, proper and lawful to accomplish the purposes of NAPI; and

3. In furtherance of its farming and related activities and of the federal and Navajo policy favoring Navajo Nation self-determination, NAPI contracts with the United States under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, to perform federal responsibilities related to the NIIP; and

4. NAPI manages 72,000 acres of commercial farm lands known as the Navajo Indian Irrigation Project ("NIIP"); and

5. The Navajo Nation Council previously established an Intergovernmental Relations Committee Subcommittee on the NIIP Memorandum of Agreement that was to be developed regarding the funding and completion of the NIIP; and

6. The Subcommittee on the NIIP Memorandum of Agreement has since been disbanded; and

7. The NAPI Board of Directors now finds that it is necessary and in the best interest of NAPI and the Navajo Nation that a subcommittee regarding the NIIP be reestablished for the purposes of: 1) advocating for funding for the completion of the NIIP, 2) advocating for funding for operations and management of the NIIP, 3) advocating for funding for the NIIP under the Water Infrastructure Improvements for the Nation Act, and 4) lobbying in the interest of the NIIP.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The NAPI Board of Directors hereby requests that the Speaker of the Navajo Nation Council establish a subcommittee of the Navajo Nation Council for purposes of: 1) advocating for funding for the completion of the NIIP, 2) advocating for funding for operations and management of the NIIP, 3) advocating for funding for the NIIP under the Water Infrastructure Improvements for the Nation Act, and 4) lobbying in the interest of the NIIP.

2. The NAPI Board of Directors hereby directs the Chief Executive Officer and staff to take all actions necessary to carry out the purpose and intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Navajo Agricultural Products Industry Board of Directors at a regularly called meeting at which a quorum was present at the Navajo Agricultural Products Industry Main Office near Farmington, New Mexico, and that the same was passed by vote of 3 in favor, 0 opposed, and 0 abstained, this 10th day of March, 2017.

Motion: Peter Deswood, III
Second: Veronica D. Tso


Lorenzo J. Begay, Chairperson
NAPI Board of Directors

NAVAJO NATION

Naa'bik'iyati Committee

6/13/2019
05:14:41 PM

Amd# to Amd#
MOT Halona, P
SEC Freeland, M

Legislation 0091-19: Approving
the Appointment by the
Naabikiyati Committee of Select
Members of the 24th Navajo...

PASSED

Yea : 17

Nay : 0

Excused : 5

Not Voting : 1

Yea : 17

Begay, E
Begay, P
BeGaye, N
Brown
Charles-Newton

Crotty
Daniels
Freeland, M
Halona, P

Henio, J
Nez, R
Smith
Tso, D

Tso, E
Tso, O
Wauneka, E
Yellowhair

Nay : 0

Excused : 5

Begay, K
James, V

Stewart, W

Tso, C

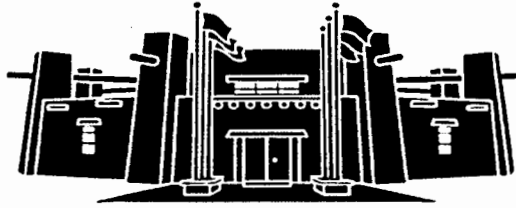
Walker, T

Not Voting : 1

Yazzie

Presiding Chair: Damon

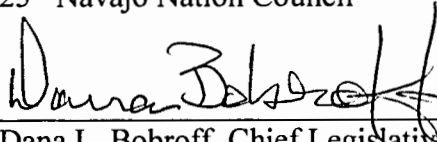
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax No.: (928) 871-7576



Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Hon. Brenda Jesus, Council Delegate
25th Navajo Nation Council

FROM: 
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: April 14, 2023

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE
APPOINTMENT BY THE NAABIK'ÍYÁTI' COMMITTEE OF SELECT
MEMBERS OF THE 25TH NAVAJO NATION COUNCIL TO THE
NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION SUBCOMMITTEE
FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION
PROJECT**

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 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: _0085-23_

SPONSOR: Brenda Jesus

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Approving the Appointment by the Naabik'iyáti' Committee of Select Members of the 25th Navajo Nation Council to the Naabik'iyáti' Committee's Negotiation Subcommittee for the Completion of the Navajo Indian Irrigation Project

Date posted: April 20, 2023 10:04 PM

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.: 0085-23

SPONSOR: Honorable Brenda Jesus

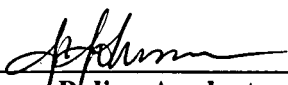
TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Approving the Appointment by the Naabik'iyáti' Committee of Select Members of the 25th Navajo Nation Council to the Naabik'iyáti' Committee's Negotiation Subcommittee for the Completion of the Navajo Indian Irrigation Project

Posted: April 20, 2023 at 9:53 PM

5 DAY Comment Period Ended: April 25, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Ernest and Edwina Diswood



**Policy Analyst
Office of Legislative Services**

April 26, 2023; 8:50 AM

Date/Time

April 24th, 2023

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

RE: Comments are for NN Legislation 0085-23.

To Whom It May Concern:

As members of Tiis Tsoh Sikaad (Burnham) Chapter who reside within the NIIP Block 10 project area we respectfully submit these comments for the NIIP Subcommittee and members selections.

1. We firmly believe the Member selection and appointments to the NIIP subcommittee is not needed as the prior NIIP Subcommittee failed their duties to obtain completion of the NIIP Project. This function can be fulfilled by the Resource Development Committee. The NIIP Subcommittee is only another expenditure of decreasing Navajo Nation funds with little if any returns. Plus there is a serious need to determine the economic viability of NAPI as construction and input cost continue to escalate for the NAPI Enterprise.
2. Currently, based on NAPI's past reports to the Resource Development Committee and the NIIP Subcommittee it appears that NAPI profit is between 80 to 90 dollars per acre and NAPI's report that the BIA is evaluating NAPI having to pay a water assessment fee of nearly 80 dollars per acre. NAPI's own statement was that BIA water assessment fee would place them in the red by approximately 3.5 million dollars. RDC must determine if NAPI will remain economically viable into the future, especially in light of the NIIP construction budget potentially remaining inadequate.
3. Members of the RDC must make a determination of how to deal with the residents of Block 9, 10 and 11. These areas remain encumbered and will require the Navajo Nation to compensation and relocate these residents as per the 1970 amendment to the 1960s NIIP legislation. This needs to be done within the next two years as compensation and relocation cost will continue to increase, for example a 1970 dollar today requires 7 dollars due to inflation. The NIIP Subcommittee has no authority to deal with this issue.
4. These issues above were brought to the attention of the Navajo Nation 24th Resource Development Committee and the NIIP Subcommittee but resulted in no resolution. If the decision is made to continue with the NIIP Subcommittee then no former 24th Navajo Nation Council Delegates should not be considered for the NIIP Subcommittee as they have proven incapable of being decisive and have failed to address the issues of the residents in these blocks and the pumping cost associated with a lift of approximately 800 feet. The pumping cost for block 9 was estimated per former Speaker Lorenzo Bates to be between \$200 to \$400 per acre. This cost will increase as it will require a lift of approximately 800 feet on to the top of Moncisco Mesa.
5. Again, if the NIIP Subcommittee will be continued then members must have the education, knowledge and skills to "think outside the box" to work on alternatives scenarios to store and

utilize the water rights of the Navajo Nation which are currently flowing pass the Navajo Nation. These alternatives will need to include methods or decisions that will fulfill the originally intent of providing farmlands to the individual Navajo Producers.

6. It is unknown if Honorable Danny Simpson is a current NAPI Board Member. Even if Honorable Danny Simpson is no longer a NAPI Board Member the question of a "conflict of interest" remains, so he should not be considered for appointment to the NIIP Subcommittee if it is decided to continue this subcommittee.

Respectfully,

Ernest and Edwina Diswood,
P.O. Box
Kirtland, New Mexico 87417