**LEGISLATIVE SUMMARY SHEET**
**Tracking No.** 0055-21

**DATE:** March 25, 2021

**TITLE OF RESOLUTION:** AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $833,333.00 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT; APPROVING AND ADOPTING THE ROUTE 8070 ROAD IMPROVEMENT PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

**PURPOSE:** The purpose of this resolution is for the Navajo Nation to allocate $833,333.00 in Sihasin funds to the Navajo Division of Transportation for the Route 8070 Road Improvement Project.

5-DAY BILL HOLD PERIOD: YSRedhorse
Website Posting Time/Date: 03-25-21 7:50 pm
Posting End Date: 03-30-2021
Eligible for Action: 03-31-2021

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
**24th NAVAJO NATION COUNCIL – Third Year, 2021**
INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0055-21

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $833,333.00 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT; APPROVING AND ADOPTING THE ROUTE 8070 ROAD IMPROVEMENT PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Resources and Development Committee is the oversight committee for the Navajo Nation Division of Transportation. 2 N.N.C. §501 (C)(1).
B. The Budget and Finance Committee is empowered to "appropriate, allocate, cancel, re-appropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources. 2 N.N.C. § 301(B)(3).
C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

E. The Navajo Nation Code, at 12 N.N.C. § 2502, as amended by CJA-03-18, provides the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

§ 2502 Purpose

A. The purposes of this Fund are to provide financial support and/or financing for:

1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and

2. Education opportunities for members of the Navajo Nation.

B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 NNC § 1310(F) or TCDCJY-77-99.

C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.

F. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

G. The Síhasin Fund provides that "Fund Principal and Income shall not be expended except pursuant to a Fund Expenditure Plan consistent with the purposes set forth in § 2502 of this Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council." 12 N.N.C. § 2505(A).

**SECTION TWO. FINDINGS**

A. The Route 8070 Road Improvement Project ("Project") is a $1,495,960 project, as detailed in the Project Abstract provided by the Navajo Division of Transportation, attached as **Exhibit A**.

B. The Rock Point Chapter originally applied for Síhasin funds on March 8, 2018, requesting the total amount of $1,495,960 for the Project. The Rock Point Chapter's application for services and proposal for the Project are attached as **Exhibit B**.

C. On April 17, 2018 the Navajo Nation Council adopted Resolution No. CAP-35-18, approving $833,333.00 in Síhasin funding for the Project. The Project was designated Project No. D-42 in Exhibit D to Resolution No. CAP-35-18, as shown in the attached **Exhibit C**. Resolution No. CAP-35-18 is incorporated herein by reference.

D. On May 7, 2018 Navajo Nation President Russell Begaye line-item vetoed Project No. D-42, thereby negating the Council's approval of $833,333.00 in Síhasin funds for the Project. **Exhibit D**.

E. On February 9, 2021, the Rock Point Chapter adopted Resolution No. RPC-2021-09, requesting that the Navajo Nation restore the $833,333.00 in Síhasin funding for the Project. **Exhibit E**.

F. In Resolution No. RPC-2018-17, dated April 16, 2018, the Rock Point Chapter approved an allocation of $30,000 in Chapter funds for environmental assessment work for the Project. **Exhibit F**. As of March 23, 2021, the $30,000 amount remains in the appropriate Chapter account, for expenditure on this Project. **Exhibit G**.

G. The Rock Point Community School, the Rock Point Senior Center, the Navajo Lutheran Mission, and the Red Mesa Unified School District No. 27, all have indicated their support for the Project. **Exhibit H**.

H. The Navajo Division of Transportation ("NDOT") will complete the design plans, environmental clearances, permitting, and construction procurement for the Project. NDOT will also provide construction management for the Project.

I. The allocation of the $833,333.00 for this Project meets the criteria for Sihasin expenditures because this Project involves "infrastructure" such as "transportation" as mentioned in 12 N.N.C. § 2502(A)(1).

J. The allocation of the $833,333.00 for this Project meets the preference for leveraging Sihasin funds, as mentioned in 12 N.N.C. § 2502(C), because $30,000 in Chapter funds have been allocated for this Project.

**SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLAN**

A. The Navajo Nation hereby approves and adopts the Route 8070 Road Improvement Project Expenditure Plan, as shown in **Exhibit A**.

B. The Navajo Nation hereby approves and adopts funding for the Route 8070 Road Improvement Project Expenditure Plan in the amount of $833,333.00 from the Navajo Nation Síhasin Fund, in accordance with 12 N.N.C. § 2505(A).

C. The Síhasin Funds allocated for the Route 8070 Road Improvement Project Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

**SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN ADMINISTRATION**

The Navajo Nation Council hereby approves administration of the Route 8070 Road Improvement Project Expenditure Plan as follows:

A. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $833,333.00 will be Síhasin Fund Principal or Income or a combination of both.

B. The Síhasin funding for the Route 8070 Road Improvement Project will be distributed to the Navajo Division of Transportation within ten (10) days after the effective date of this legislation. The Navajo Division of Transportation shall be responsible for administering the Project, in accordance with the Route 8070 Road Improvement Project Expenditure Plan described in **Exhibit A**.

C. The Síhasin funds allocated for the Route 8070 Road Improvement Project shall be used solely to design, plan, and/or construct the Project as described in **Exhibit A**. Any and all cost-savings shall be returned to the Síhasin Fund once the project is completed.

D. The funds allocated for the Project shall not lapse on an annual basis pursuant to 12 N.N.C. §820(N), however, any funds not spent or encumbered within thirty-six (36) months of the date funds are made available to the Navajo Division of Transportation shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee of the Navajo Nation Council and approved by the Naabik'íyáti' Committee.

E. The Project shall be carried out by the Navajo Division of Transportation, and maintenance and repairs for the Project shall be performed by the Bureau of Indian Affairs and/or the Navajo Division of Transportation.

**SECTION FIVE. DIRECTIVES**

The Navajo Division of Transportation shall report the status of the Route 8070 Road Improvement Project to the Resources and Development Committee, and to the Naabik'íyáti' Committee, on a quarterly basis.

**SECTION SIX. EFFECTIVE DATE**

This legislation and the Route 8070 Road Improvement Project Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

**SECTION SEVEN. SAVING CLAUSE**

Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

EXHIBIT
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# NAVAJO DIVISION OF TRANSPORTATION

N41 Proposed Road Improvement



## ABSTRACT

This document provides information on the need and purpose of the 8.0 miles of proposed dirt road improvement within the Rock Point area and the estimates associated with the project.

# Navajo Division of Transportation
# Project Description

Route: N8070

Location: Rock Point

Chapter: Rock Point

County: Apache

Business Unit Number:

Programmed Amount:

Length: 8.0 miles

Roadway Width: 20'

Average Daily Traffic: 381

ADT Year: 2021

Functional Classification: 5

Surface Type: Dirt

School Bus Route: Yes

Maintained By: NDOT

Ownership: BIA

Type of Project: Grade, Drain, Gravel, and Stabilize

Expected Construction Date: N/A

Estimated Construction Duration: 6 mos.

Contact: Marco Sells

## Purpose and Need:

Navajo Route 8070 provides access for residents in the southwest Rock Point, AZ area to the Rock Point community and US Highway 191. The route also is used as a connection to the Rough Rock community. The route is designated as a school bus route. During rain and snow the route becomes impassable due to many drainage crossings along the route. School buses and emergency medical units have trouble accessing residents in the area.

## Scope of Work:

The project scope consists of grading, drainage improvements, graveling, and stabilizing the roadway. There are sections of the route where storm water pools within the roadway, causing the roadway to become flooded during major storm events. Current existing irrigation and storm drain culverts have been buried beneath the roadway or have been damaged due to exposure. The project has compliance forms for archaeological and biological resources.

## Estimated Cost:

| DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---|---|---|---|---|
| Subgrade Preparation | 8 | Miles | $ 12,000.00 | $ 96,000.00 |
| Culverts/Drainage | 8 | Miles | $ 3,500.00 | $ 28,000.00 |
| Gravel | 8 | Miles | $ 120,000.00 | $ 960,000.00 |
| Stabilizer | 8 | Miles | $ 11,000.00 | $ 88,000.00 |
| Construction Staking | 8 | Miles | $ 2,500.00 | $ 20,000.00 |
| | | | Subtotal: | **$ 1,192,000.00** |
| | | | Clearances(including H&H): | $ 95,360.00 |
| | | | Mobilization: | $ 35,760.00 |
| | | | Traffic Control: | $ 17,880.00 |
| | | | Contingency: | $ 119,200.00 |
| | | | Roadway design: | $ 35,760.00 |
| | | | Total: | **$ 1,495,960.00** |



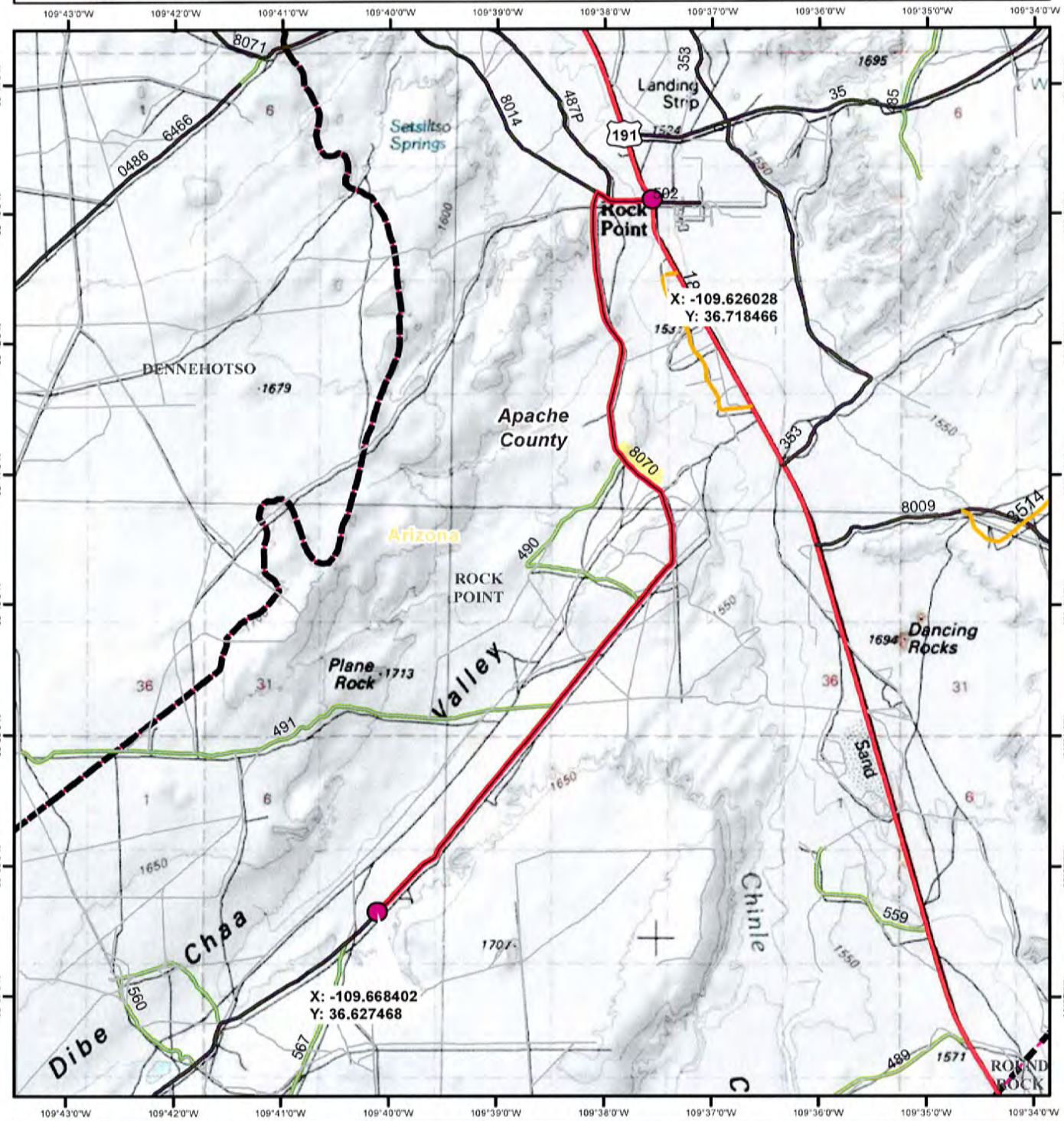




March 25, 2021

# ROUTE 8070 STRIP MAP

NAVAJO D.O.T.




Coordinates
Tribal Roads
BIA Roads
US Highways
Interstates
County Roads
Agency
Reservation Line
State Boundary
Chapter
County Boundary

Route 8070
Length: 8.0 miles
Ownership: BIA
Date: 06/18/2013

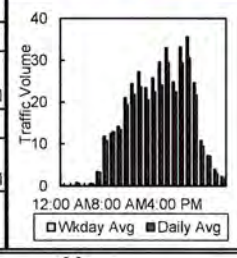
0 0.5
Miles

# NAVAJO DIVISION OF TRANSPORTATION
## TRIBAL TRANSPORTATION PLANNING PROGRAM
## ANNUAL AVERAGE DAILY TRAFFIC (AADT) REPORT

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Agency:** | N35 - Chinle | **Class:** | 5 | **Mile Post:** | 16.70 | **AADT Mon-Yr:** | Mar-21 | **ATR Location Coordinates** |
| **Reservation:** | 780 | **County:** | 001 - Apache | **Surface Type:** | 1 - Earth Road | **Start Date:** | 3/3/2021 | 36.718244, -109.631597 |
| **Route:** | **8070** | **State:** | 04 - Arizona | **Roadway Width (ft.):** | 18.0 | **Start Time:** | 12:00 AM | |
| **Section:** | 15 | **Chapter:** | Rock Point | | | **End Date:** | 3/9/2021 | |
| **Data File:** | N8070_MP016-7.rdf | | | ***Seasonal Factor:** | **1.160** | **End Time:** | 12:00 AM | |

**Location:** 0.3 miles west of SR191 on N8070

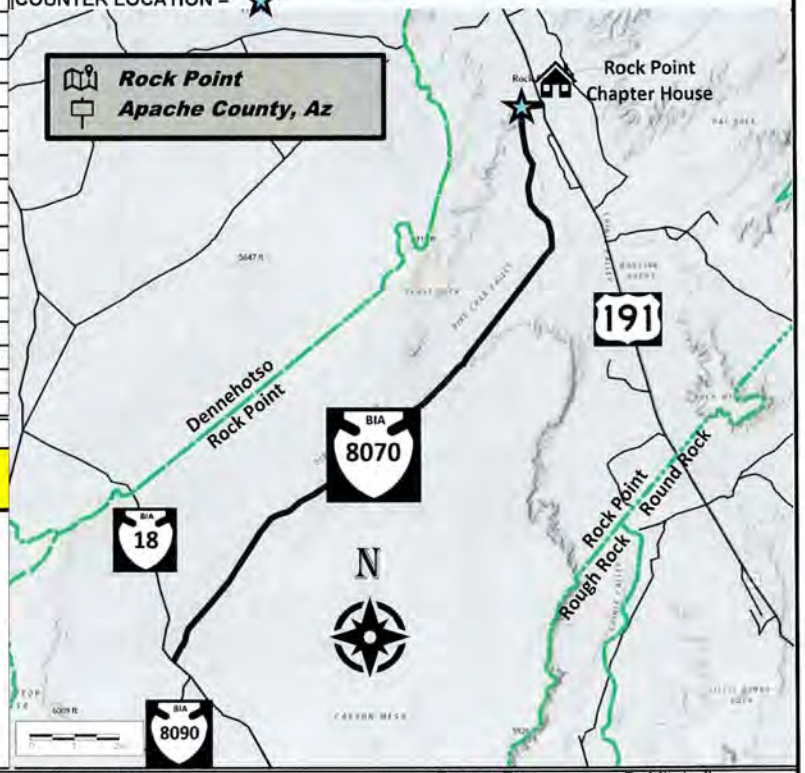
| DATE<br>START TIME \ DAY | 7<br>Sun | 8<br>Mon | 9<br>Tue | 3<br>Wed | 4<br>Thu | 5<br>Fri | 6<br>Sat | Wkdy Avg. | Daily Avg. |
|---|---|---|---|---|---|---|---|---|---|
| 12:00 AM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| 1:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2:00 AM | 0 | 0 | 2 | 1 | 0 | 1 | 0 | 1 | 1 |
| 3:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4:00 AM | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 1 |
| 5:00 AM | 3 | 2 | 4 | 5 | 3 | 3 | 3 | 3 | 3 |
| 6:00 AM | 6 | 2 | 14 | 10 | 18 | 15 | 10 | 12 | 11 |
| 7:00 AM | 8 | 6 | 16 | 13 | 12 | 15 | 20 | 12 | 13 |
| 8:00 AM | 8 | 9 | 16 | 17 | 15 | 14 | 15 | 14 | 13 |
| 9:00 AM | 10 | 18 | 23 | 20 | 20 | 24 | 20 | 21 | 19 |
| 10:00 AM | 10 | 26 | 24 | 28 | 20 | 24 | 21 | 24 | 22 |
| 11:00 AM | 6 | 32 | 27 | 27 | 25 | 25 | 23 | 27 | 24 |
| 12:00 PM | 8 | 41 | 19 | 19 | 18 | 20 | 19 | 23 | 21 |
| 1:00 PM | 8 | 29 | 26 | 25 | 25 | 24 | 20 | 26 | 22 |
| 2:00 PM | 6 | 36 | 28 | 25 | 29 | 30 | 15 | 30 | 24 |
| 3:00 PM | 20 | 27 | 35 | 35 | 34 | 34 | 21 | 33 | 29 |
| 4:00 PM | 10 | 34 | 23 | 22 | 20 | 25 | 23 | 25 | 22 |
| 5:00 PM | 20 | 44 | 36 | 31 | 25 | 30 | 20 | 33 | 29 |
| 6:00 PM | 12 | 50 | 30 | 33 | 30 | 35 | 24 | 36 | 31 |
| 7:00 PM | 11 | 20 | 26 | 27 | 24 | 26 | 18 | 25 | 22 |
| 8:00 PM | 6 | 20 | 8 | 9 | 10 | 7 | 6 | 11 | 9 |
| 9:00 PM | 7 | 5 | 7 | 9 | 8 | 7 | 6 | 7 | 7 |
| 10:00 PM | 1 | 8 | 2 | 2 | 2 | 6 | 1 | 4 | 3 |
| 11:00 PM | 2 | 4 | 2 | 1 | 2 | 2 | 0 | 2 | 2 |
| **TOTALS** | 162 | 414 | 368 | 360 | 340 | 369 | 286 | 370 | 328 |
| Daily Factors | *2.0273* | *0.7933* | *0.8925* | *0.9123* | *0.9660* | *0.8901* | *1.1484* | **429** | **381** |
| *Seven-day Total:* | | *2,299* | | | **Adjusted ADT, AADT:** | | | | |
| **% TRKS** | ** | ** | ** | ** | ** | ** | ** | | |
| **AM** | | | | | | | | | |
| PEAK CT | 10 | 32 | 27 | 28 | 25 | 25 | 23 | | |
| PEAK HR | 9:00 AM | 11:00 AM | 11:00 AM | 10:00 AM | 11:00 AM | 11:00 AM | 11:00 AM | | |
| **PM** | | | | | | | | | |
| PEAK CT | 20 | 50 | 36 | 35 | 34 | 35 | 24 | | |
| PEAK HR | 3:00 PM | 6:00 PM | 5:00 PM | 3:00 PM | 3:00 PM | 6:00 PM | 6:00 PM | | |
| **YEAR** | 2026 | | 2031 | | 2036 | | 2041 | | |
| **FADT (02%)** | 421 | | 464 | | 513 | | 566 | | |




**COMMENTS:**

1.) * - Seasonal factors obtain from 2018 ADOT Traffic Year Group R2-7 North
2.) % TRKS = Percent Trucks (** - No Truck Study Performed).
3.) Counter location map is copied from either ArcGIS Map, Google Map or TOPO Map.
4.) AADT = Raw ADT x Seasonal Factor.
5.) Daily Factor = 7 day avg. / daily total.
6.) ATR = Automatic Traffic Recorder

**COUNTER LOCATION =**




**Counter Type:** Gamma **Number:** 3709 **Battery Volt:** 6.3v **Hose layout:** 11 **Report By:** B_Mitchell

EXHIBIT
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# THE NAVAJO NATION
## Capital Projects Management Department
## Division of Community Development

## *APPLICATION FOR SERVICES*

**TODAY'S DATE:** 03/08/2018

**AGENCY:** Chinle

**TYPE OF PROJECT:**

- ☐ Chapter House
- ☐ Multi-Purpose
- ☐ Senior Center
- ☐ Preschool
- ☐ NN Facilities
- ☐ Powerline Ext.
- ☐ Sewer Lagoon
- ☐ Waterline
- ☐ Sewerline
- ☐ Housewiring
- ☐ Bathroom Addition
- ☒ Other: Road Improvement BIA 8070

*RECEIVED DATE:* _____

☐ Approved: _____

☐ Disapproved: _____

ASSIGNED TO: _____

*OFFICE USE ONLY*

**PURPOSE:**

Rock Point Chapter hereby request for technical assistance
SPONSORSHIP/CHAPTER/DEPARTMENT/PROGRAM

for the following areas:

- ☒ Project Evaluation
- ☒ Schematic Design
- ☒ Cost Estimation
- ☒ Construction Drawings
- ☒ Specification Development
- ☐ Design Development
- ☐ Contract Development
- ☐ Negotiation
- ☐ Evaluation of Contract Proposals
- ☐ Meeting Attendance
- ☐ Inspection
- ☐ Other _____

**MAILING ADDRESS:**

Rock Point Chapter
NAME OF ORGANIZATION

Charlene Kirk, Community Services Coordinator
CONTACT PERSON/TITLE

P.O. Box 190
ADDRESS

Rock Point — AZ — 86545
CITY — STATE — ZIP CODE

PHONE: (928) 659-4350/ 4351 FAX NUMBER: (928) 659-4356

E-MAIL ADDRESS: rockpoint@navajochapters.org

**CHECKLIST OF PROJECT REQUIREMENTS:**

Do you have the following?

Funding Appropriations

Source: ☐ CP/TIF ☐ AML ☐ NAAA ☐ Gaming Business Unit: _____

Source: ☐ CP/TIF ☐ AML ☐ NAAA ☐ Gaming Business Unit: _____

Source: ☐ CP/TIF ☐ AML ☐ NAAA ☐ Gaming Business Unit: _____

- ☐ Land Withdrawal/Land Designation
- ☒ Chapter Approval/Resolution
- ☐ Environmental Review/Compliance
- ☐ Off. of Environmental Health (IHS) Assessment
- ☐ Cultural Resource Compliance Form (Archaeology)
- ☐ Biological Clearance Form (Endangered Species)
- ☐ Easement/Right-of-Way
- ☐ Land Use
- ☒ Cost Estimate
- ☐ Geotechnical Survey
- ☐ Site Analysis
- ☒ Scope of Work/Background Information
- ☐ Utility Assessment
- ☒ Other: Supporting Letters
- ☐ Building Data
- ☐ Square Foot (Size)
- ☐ Electrical Service Cost
- ☐ Project Budget
- ☐ Feasibility Studies

**PLEASE ATTACH A DETAILED LETTER FOR SERVICES REQUESTED AND A CHAPTER RESOLUTION THAT INDICATES THE NEED AND PRIORITY OF THE PROPOSED PROJECT AND IN ACCORDANCE WITH THE LOCAL LAND-USE PLAN AND SEND TO:**

**Capital Projects Management Department, Post Office Box 610, Window Rock, Arizona 86515**

**PROPOSAL TITLE**

**ROCK POINT CHAPTER**
**BIA ROUTE 8070**

**AMOUNT OF FUNDS REQUESTED: $1,495,960.00**

**FY 2018 - SIIHASIN FUND**

**SUBMITTED TO:**

**22ND Navajo Nation Council**
**Nelson S. Begay**
**Window Rock, Arizona 86515**

**SUBMITTED BY:**

**Charlene L. Kirk, CSC**
**Rock Point Chapter**
**P.O. Box 190**
**Rock Point, Arizona 86545-0190**
**(928)659-4350/4351**
**rockpoint@navajochapters.org**

**March 8, 2018**

## INTRODUCTION

The Rock Point Chapter is located in the north central part of the Navajo Nation in the northeastern Arizona. The Chapter is situated in the Apache County of the State of Arizona. Under the Bureau of Indian Affairs, Rock Point Chapter is part of the Shiprock Northern Agency and Grazing District #9.

The Arizona State Highway 191 goes through the community. The first phase of the road construction of the Bureau of Indian Affairs Route N35 is complete. Rock Point Chapter is situated fifty (50) miles north of Chinle, Arizona; seventy-eight (78) miles southeast of Shiprock, New Mexico; one hundred (100) miles north of Window Rock, Arizona; and sixty (60) miles east of Kayenta, Arizona. Round Rock Chapter, Rough Rock Chapter, Dennehotso Chapter, Mexican Water Chapter, and Sweetwater Chapter surround Rock Point Chapter.
According to the United States Census 2000 count, Rock Point Chapter has a population of 2,500+. Rock Point Chapter has 900 registered voters, according to the Navajo Nation Election Registrars Log. It is reported that within Rock Point Chapter, 26.4% of the people have high school degrees and 24.3% of the people of Bachelor's degree. 24.3% of the people have less than a 9th grade level education.

The Rock Point Chapter government was recognized and certified as the Rock Point Chapter within the Navajo Nation Tribal Government. The Chapter was certified by the Navajo Nation Tribal Council on May 3, 1979. The current Chapter Officials and Navajo Nation Council Delegates are:

| | |
|---|---|
| Jennie M. Harvey | Chapter President |
| Janice J. Jim | Chapter Vice President |
| Nancy J. Harvey | Chapter Secretary/Treasurer |
| Nelson Begay | 21st Navajo Nation Council |

Presently, these people plan to oversee, initiate, and direct local program activities in the areas of community development, educational services, and natural resources. They serve as spokesperson for Chapter Projects that concern Rock Point Chapter residents.

**NEEDS**

Rock Point community is growing and developing; the current population, according to the 2000 Census is 2,500. With this growth rate and currently with the conditions of existing roads due to some weather changes (winter/rain) the roads need to be open (passable) at all times; by upgrading these roads to gravel road system. Current road system is roads that were built by BIA years ago and condition to some of the community roads does not meet the safety and environmental standard. During the past years, BIA and Apache County Roads Departments did some improvement to some of the concern areas, however, due to the ever-casting demands; the standards are not being met.

The Rock Point Chapter does get some funding from the Navajo Nation but can do very little of road project and has worked closely with BIA and Apache County roads to meet the needs. Such funding would positively promote sounded services for our community development, elderly populations and overall.

**MAINTENANCE AND OPERATION**

The Rock Point Chapter will assume the responsibility of the operation and maintenance in conjunction with the local governmental entities (BIA and Apache County Roads). The upkeep of the maintenance will be through an agreement with all said entities. This project was determined feasible by the said chapter and by resolution. Most of the road systems mentioned is that the roads build by BIA and are already disturbed. The legal description of the land withdrawal process should be on file with the Navajo Nation Office of Land Administration. All

archeological clearance should be on file with the appropriate programs of the Navajo Nation, BIA or NDOT. However, these routes mentioned are already disturbed. The Rock Point Chapter, Bureau of Indian Affairs, Navajo Department of Transportation and Apache County Roads will conduct all necessary studies, design and other pertinent engineering and designing.

**NEED DESCRIPTION**

The Rock Point Chapter has identified an urgent need for a better road system (year around with passable roads) for its community and all that entail to transportation. Better road system to the area would benefit to the students and elders' transportation needs; bus routes, emergency responses and better transportation traveling to the public and other social services needs to the public.

**PROJECT SUMMARY**

The Rock Point Chapter has determined the total project cost (not including operating) to be estimated at $1,495,960.00. The amount request will not resolve all the demands and construction of the said project request. Some of the items and variable consideration which helped to determine the project cost includes the existing roads already in place and has been maintained by the BIA and Apache County Roads Departments. Further, to upgrade the existing roads already in place and being used. The project will provide continuous services to the public and will be kept informed on all activities that need to take place. The Administration and staff will work closely with the other Tribal and Federal entities in providing quality services. The project is being proposed to be economical and cost effective: The roads have been disturbed and withdrawn.

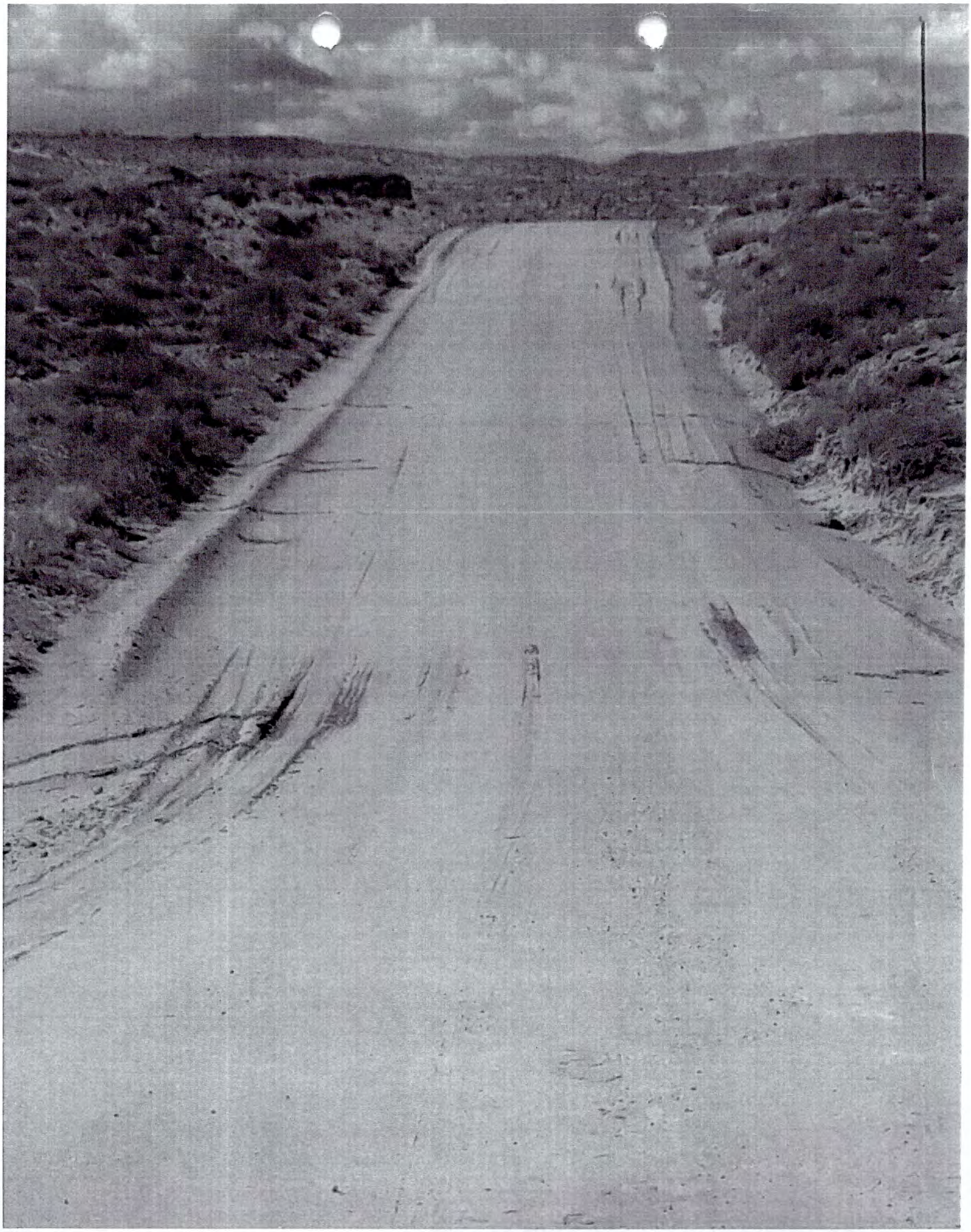
BUDGET JUSTIFICATION

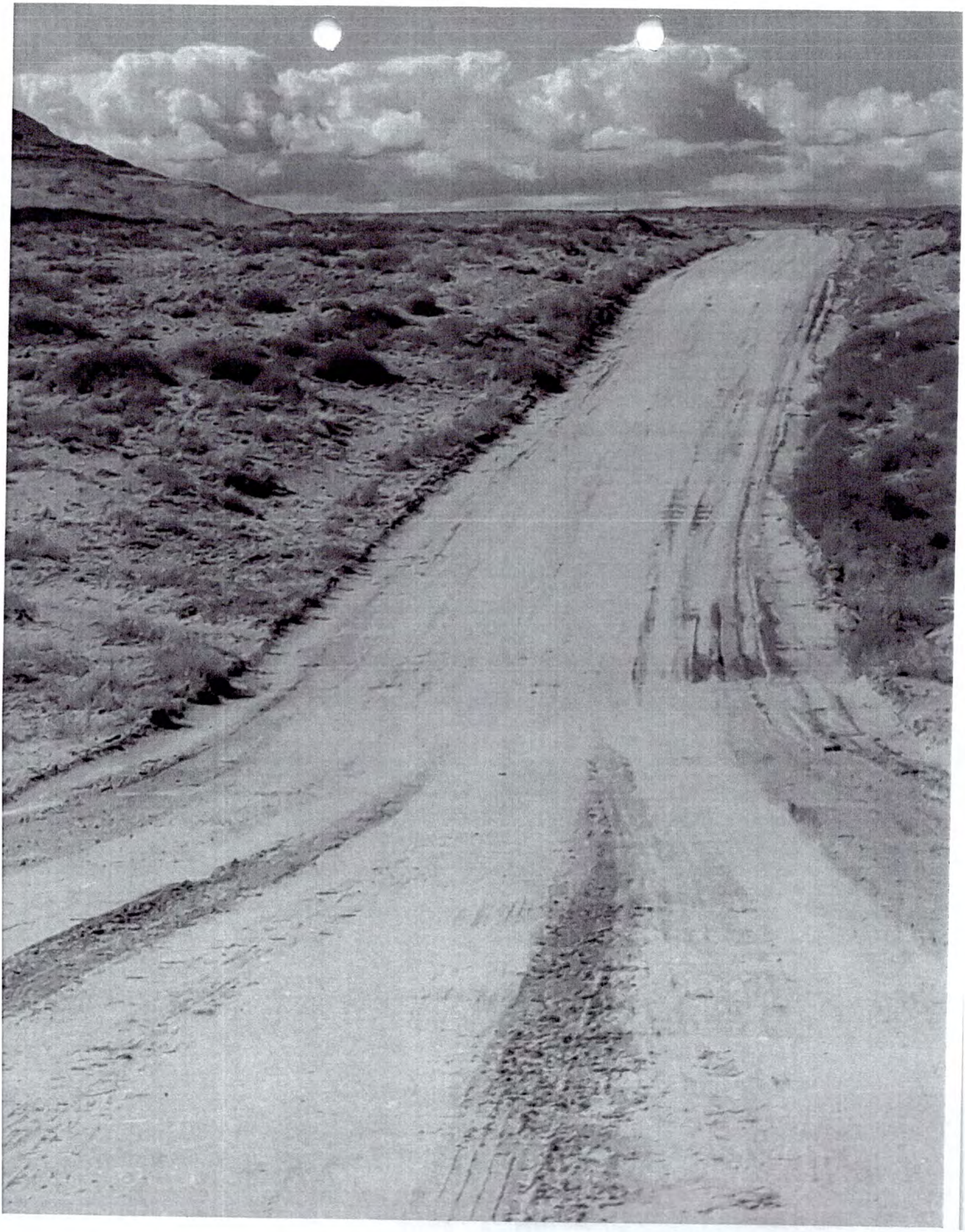
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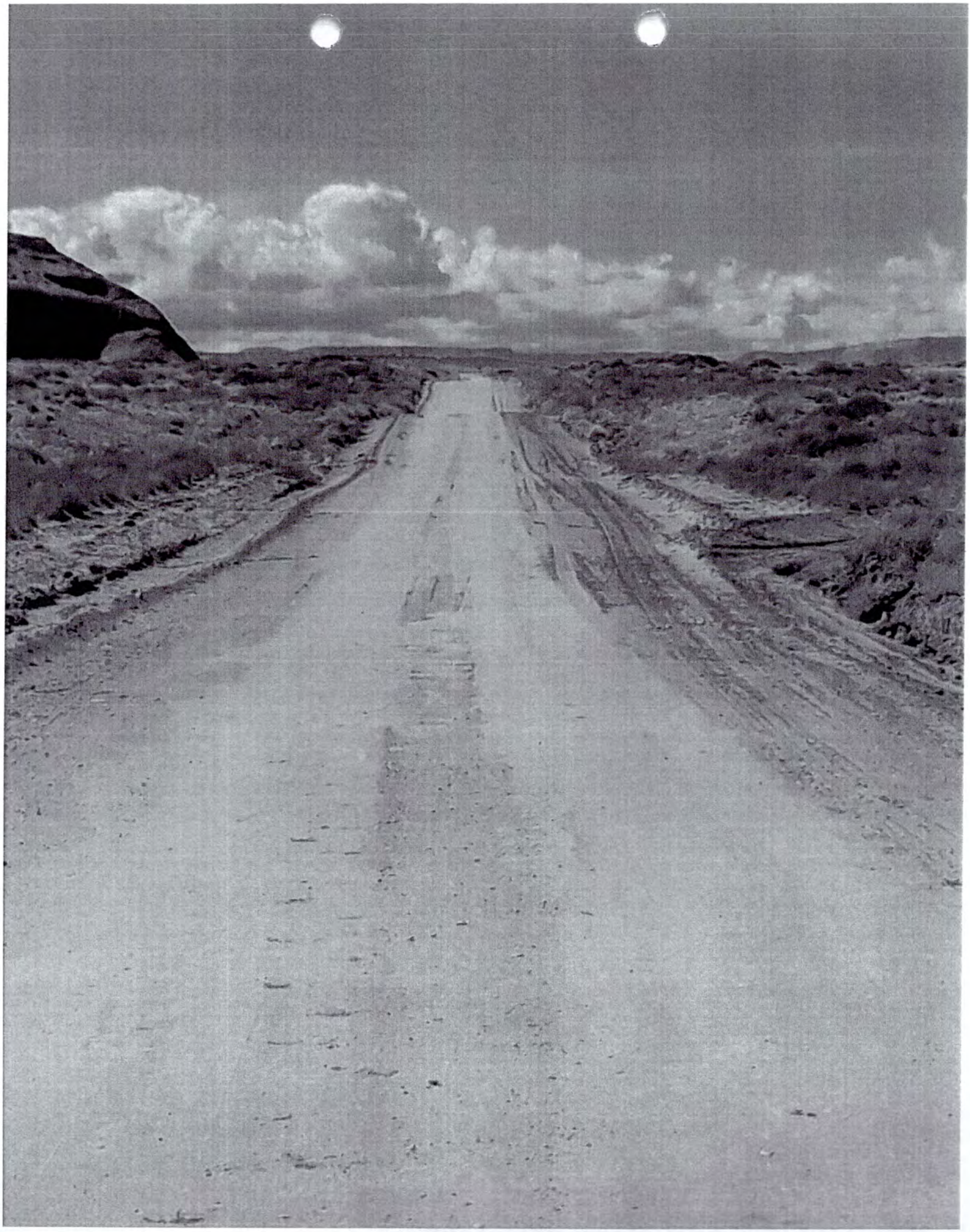
## N8070 Gravel and Stabizer Application Planning Esitmate

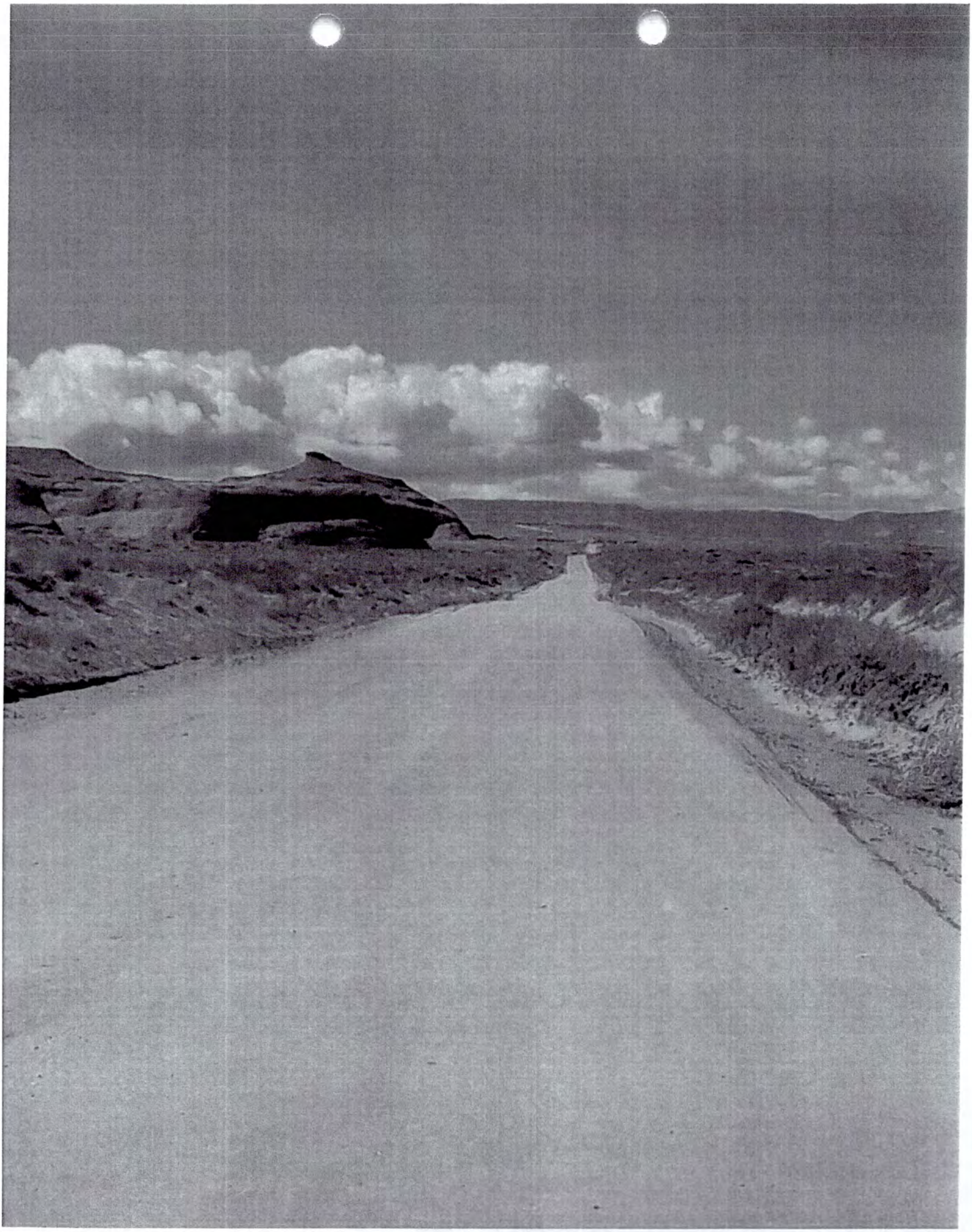
| DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---|---|---|---|---|
| Subgrade Preparation | 8 | Miles | $ 12,000.00 | $ 96,000.00 |
| Culverts/Drainage | 8 | Miles | $ 3,500.00 | $ 28,000.00 |
| Gravel | 8 | Miles | $ 120,000.00 | $ 960,000.00 |
| Stabilizer | 8 | Miles | $ 11,000.00 | $ 88,000.00 |
| Construction Staking | 8 | Miles | $ 2,500.00 | $ 20,000.00 |
| | | | Subtotal: | **$ 1,192,000.00** |
| | | | Clearances(including H&H): | $ 95,360.00 |
| | | | Mobilization: | $ 35,760.00 |
| | | | Traffic Control: | $ 17,880.00 |
| | | | Contingency: | $ 119,200.00 |
| | | | Roadway design: | $ 35,760.00 |
| | | | Total: | **$ 1,495,960.00** |

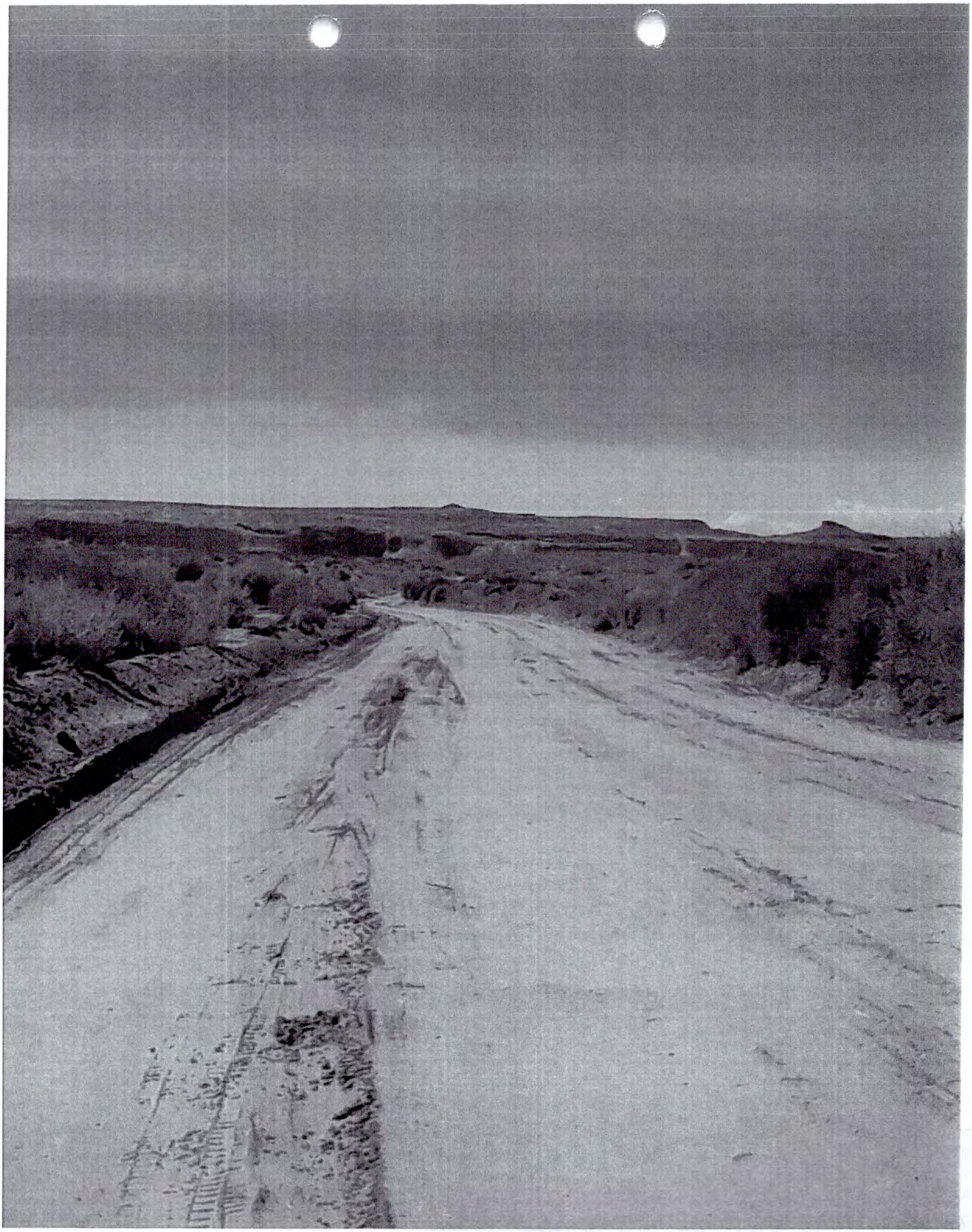


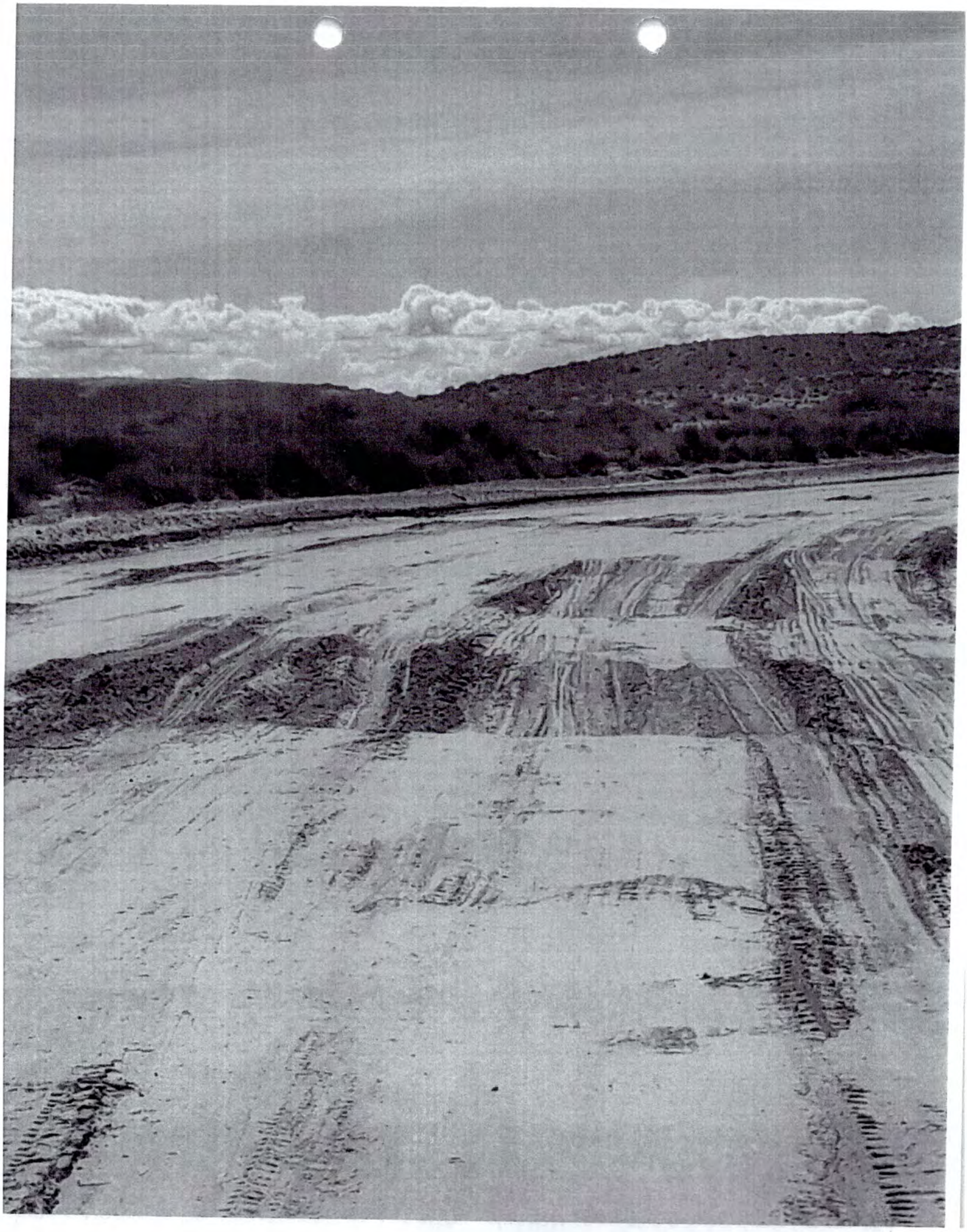


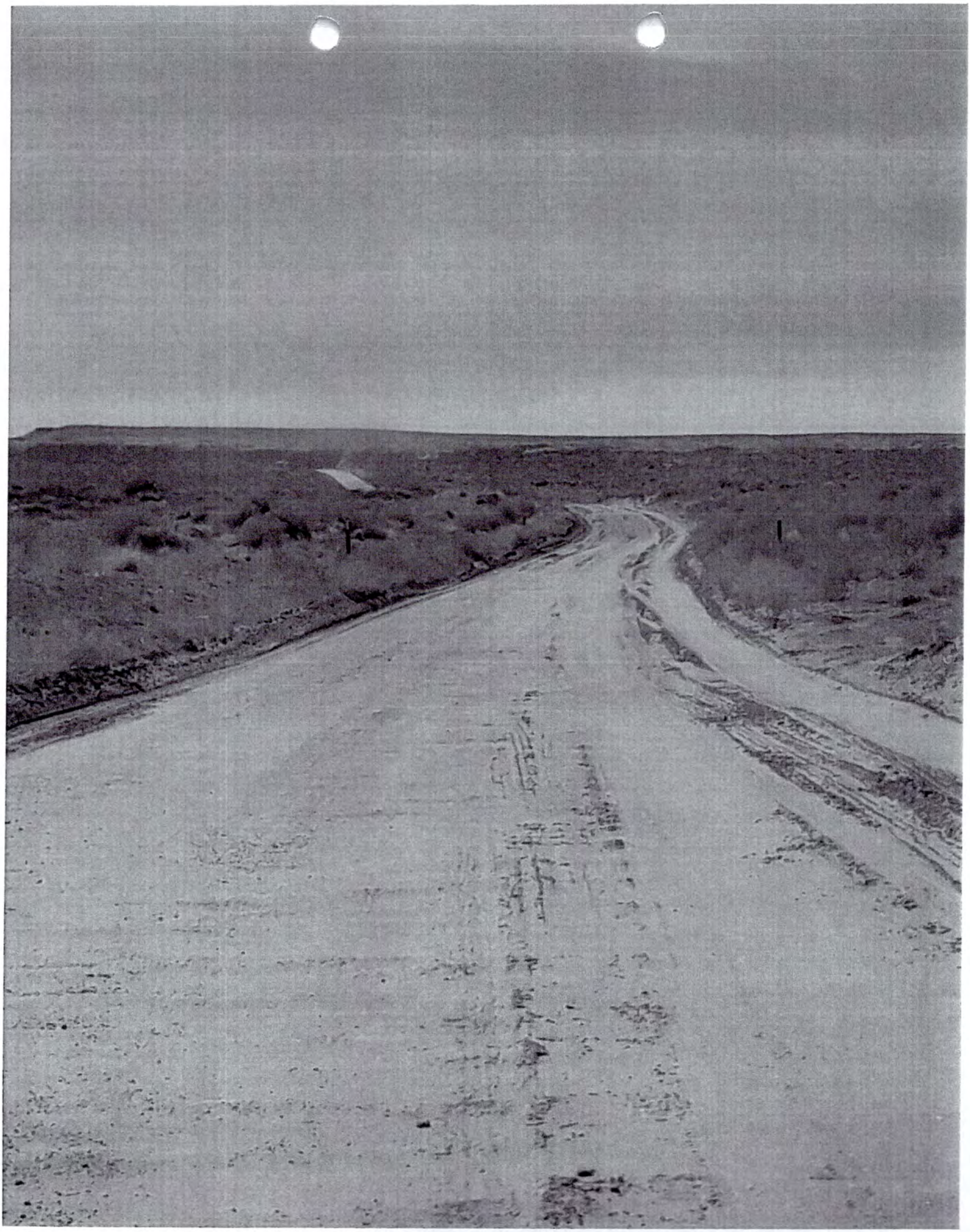


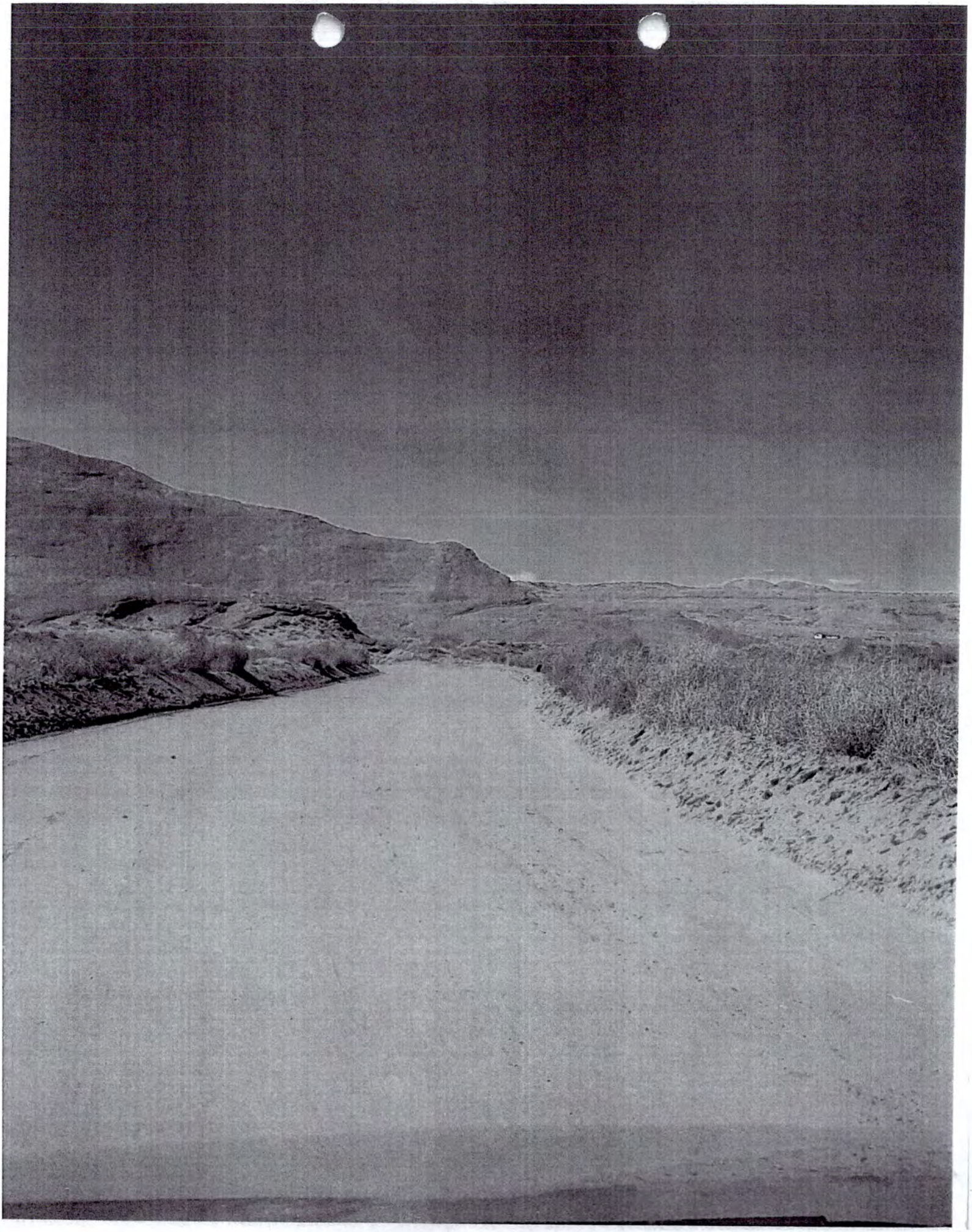














CAP-35-18

EXHIBIT: D

## SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN

| NO. | CHAPTER | PROJECT DESCRIPTION | PROJECT TYPE (Pre-Design, Design, Design/Construction) | PROJECT DURATION | YEAR 1 FUNDING | YEAR 2 FUNDING | YEAR 3 FUNDING | MATCHING FUNDS (LEVERAGE) | SIHASIN FUNDS REQUESTED |
|---|---|---|---|---|---|---|---|---|---|
| 24 | Bahastlah (Twin Lakes) | Caterpillar 140M3 AWD Motor Grader | Major Equipment | 2-4 months | $238,091.16 | $0.00 | $0.00 | $20,000.00 | $238,091.16 |
| 25 | Bahastlah (Twin Lakes) | New Warehouse | Design/Construction | 8-12 months | $0.00 | $328,242.33 | $0.00 | $0.00 | $328,242.33 |
| 26 | Bahastlah (Twin Lakes) | Road Maintenance | Desgin/Construction | 8-12 months | $0.00 | $69,000.00 | $0.00 | $35,000.00 | $69,000.00 |
| 27 | Naschitti | New Chapter Truck | Major Equipment | 2-4 months | $73,333.33 | $0.00 | $0.00 | $0.00 | $73,333.33 |
| 28 | Naschitti | New Warehouse | Design/Construction | 12 months | $0.00 | $376,000.00 | $0.00 | $36,000.00 | $376,000.00 |
| 29 | Naschitti | 966M XE Wheel Loader | Major Equipment | 2-4 months | $231,000.00 | $0.00 | $0.00 | $0.00 | $231,000.00 |
| 30 | Naschitti | Backhoe | Major Equipment | 2-4 months | $103,000.00 | $0.00 | $0.00 | $0.00 | $103,000.00 |
| 31 | Naschitti | Cemetery Expansion Project | Design/Construction | 12 months | $50,000.00 | $0.00 | $0.00 | $0.00 | $50,000.00 |
| 32 | Mexican Springs | Deer Springs Road | Design/Construction | 12-18 months | $667,000.00 | $0.00 | $0.00 | $0.00 | $667,000.00 |
| 33 | Mexican Springs | Road Maintenance, Culverts & Bridges | Desgin/Construction | 12-18 months | $121,333.34 | $0.00 | $0.00 | $0.00 | $121,333.34 |
| 34 | Mexican Springs | Massey Ferguson 2706E | Major Equipment | 2-4 months | $45,000.00 | $0.00 | $0.00 | $0.00 | $45,000.00 |
| 35 | Round Rock | Road Improvement-Apache Cty. 590 | Pre-Design/Design | 18-24 months | $50,000.00 | $60,000.00 | $228,533.94 | $0.00 | $338,533.94 |
| 36 | Round Rock | Road Improvement Apache Co. 492 | Design/Construction | 18-24 months | $50,000.00 | $60,000.00 | $351,153.69 | $0.00 | $461,153.69 |
| 37 | Round Rock | Signage Proposal | Design/Construction | 6-8 months | $33,198.50 | $0.00 | $0.00 | $0.00 | $33,198.50 |
| 38 | Tsaile/Wheatfields | Fencing of Tract | Design/Construction | 6-8 months | $220,000.00 | $0.00 | $0.00 | $0.00 | $220,000.00 |
| 39 | Tsaile/Wheatfields | Senior Center Rehabilitation of Facility | Design/Construction | 6-8 months | $0.00 | $48,255.00 | $319,000.00 | $0.00 | $367,255.00 |
| 40 | Tsaile/Wheatfields | Cemetery | Design/Construction | 6-8 months | $20,032.12 | $0.00 | $0.00 | $0.00 | $20,032.12 |
| 41 | Tsaile/Wheatfields | Chapter Tract Master Plan | Design/Construction | 18-24 months | $35,000.00 | $0.00 | $0.00 | $0.00 | $35,000.00 |
| 42 | Rock Point | BIA Road Route 8070 | Design/Construction | 12-16 months | $46,100.00 | $143,250.00 | $643,983.00 | $0.00 | $833,333.00 |
| 43 | Rough Rock | Senior Center | Construction | 12 months | $245,333.33 | $0.00 | $0.00 | $0.00 | $245,333.33 |
| 44 | Lukachukai | Chapter Fencing | Design/Construction | 12-18 months | $482,903.33 | $0.00 | $0.00 | $20,000.00 | $482,903.33 |
| 45 | Lukachukai | Chapter Agriculture Building | Construction | 6-8 months | $0.00 | $70,000.00 | $0.00 | $0.00 | $70,000.00 |
| 46 | Lukachukai | Chapter Equipment | Major Equipment | 4-6 months | $144,000.00 | $0.00 | $0.00 | $0.00 | $144,000.00 |
| 47 | Lukachukai | Chapter Equipment Manlift | Major Equipment | 6-8 months | $39,500.00 | $0.00 | $0.00 | $0.00 | $39,500.00 |



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THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

**MEMORANDUM**

**TO:** Honorable LoRenzo Bates, Speaker
Navajo Nation Council

**FROM:** Russell Begaye, *President*
**THE NAVAJO NATION**

**DATE:** May 7, 2018

**SUBJECT:** **Resolution No. CAP-35-18: RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SISHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN PURSUANT TO CD-68-14, AS AMENDED BY CJA-03-18 AND 12 N.N.C. 2501-2508, AS AMENDED; WAIVING 12 N.N.C. 810 (F), 820(I) AND (M) AND 860(C) RELATING TO THE CAPITAL BUDGET AND CAPITAL IMPROVEMENT PROCESS**

Pursuant to 2 N.N.C. 1005 (C)(10), action for Resolution No. CAP-35-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164 (A)(17).

After review of **Resolution No. CAP-35-18,** I hereby exercise my line-veto to:

1. **Section Three. Approval and Adoption of Expenditure Plan.**
2. **Section Four. Approval and Adoption of Expenditure Plan Administration.**
3. **EXHIBIT D. SISHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN**

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**

b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

After consultation with the impacted Divisions, I have decided to exercise my line-item veto authority. The justification and details for use of the President's line-item veto is set forth below.

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**

b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

First, the 110 Chapters have millions in unexpended dollars and should expend these fund for the many uses and projects on this Sihasin project listing. There are still many people that need water and electricity and these dollars should be priority for these funds. Second, the two projects vetoed are Bureau of Indian Affairs (BIA) projects and should remain under the BIA funding. Third, I support these appropriations as they also fulfill our four (4) pillars for Veterans, Youth and Elders, Jobs and Infrastructure.

I am pleased to sign this legislation into law as it will stimulate our economy by creating much needed jobs and bringing in infrastructure for our People.

Therefore, I will exercise my line-item veto authority to only two (2) items.

**GRAZING REPRESENTATIVE**
Reeder Descheny, District 9 Grazing Rep.

**COUNCIL DELEGATE**
Carl Slater, Council Delegate

# ROCK POINT CHAPTER
## NAVAJO NATION
P.O. Box 190
Rock Point, Arizona 86545
Ph.: (928) 659-4350/ 51
Fax: (928) 659-4356
Email: rockpoint@navajochapters.org

**CHAPTER OFFICIALS**
Patterson Yazzie, President
Janice L. Jim, Vice-President
Nancy J. Harvey, Secretary-Treasu

**ADMINISTRATION**
Charlene Kirk, Community Services Coordinator
Vacant, Accounts Maintenance Specialist

EXHIBIT
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**RPC-2021-09**

# RESOLUTION OF ROCK POINT CHAPTER

**SUPPORTING, APPROVING AND REAFFIRMING THE REQUEST TO THE NAVAJO NATION COUNCIL, NAVAJO NATION PRESIDENT NEZ AND VICE PRESIDENT LIZER TO RESTORE THE ROCK POINT CHAPTER'S SIIHAASIN ALLOCATION IN THE AMOUNT OF $833,333.33 FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT.**

**WHEREAS:**

1. Rock Point Chapter is a duly certified Chapter of the Navajo Nation, established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government, vested with the authority to plan and implement projects in the best interests of the community, IAW 26 N.N.C., Section 103 (D); and

2. Pursuant to the Navajo Nation Council Resolution CAP-34-98, the Rock Point Chapter is a certified Navajo Nation Chapter Government and is delegated governmental authority and the responsibility to plan and implement projects for community improvements; to review, recommend, advocate, protect and preserve the general interest and welfare, safety and education and/or support matters pertaining to its constituents and to address and attempt to resolve the needs and concerns of the Rock Point Chapter; and

3. The Rock Point Chapter, at its March 5, 2018 Regular Chapter Meeting, was informed of Navajo Nation Council's proposal to allocate $4.1 million to each Council Delegates Districts to utilize for chapters projects; and

4. The Rock Point Chapter acknowledged its share of $833,333.33 and approved its Infrastructure Capital Improvement Plan with Route 8070 as the top priority project for fiscal year 2018, and;

5. The Rock Point Chapter, on March 8, 2018 submitted a funding proposal for Route 8070 to be funded by the proposed $1.4 million per Delegate District Siihaasin expenditure plan in the amount of $1,495,960.00 to the Navajo Nation; and

6. The Rock Point Chapter, approved resolution RPC-2018-17, dated April 16, 2018 to do a matching fund in the amount of $30,000.00 to complete the environmental assessments estimate cost for road improvement on 8070; and

7. The Rock Point Chapter has constantly for many years requested road maintenance and fundings for road improvement on 8070 due to the extreme hardship experienced especially during inclement weather not only by the residents, but also other neighboring communities,

e.g., Rough Rock, Black Mesa, Chilchinbeto, local school buses, medical transportations; and

8. On April 17, 2018, the Navajo Nation Council passed CAP-35-18, which included Rock Point Chapter's funding request for $833,333.33 for the 8070 road improvement project within the allocation for District #11, former Navajo Nation Council Speaker LoRenzo C. Bates transmitted CAP-35-18 to former President Begaye on April 27, 2018; and

9. On May 7, 2018, former President Russell Begaye signed into law CAP-35-18, former President Begaye utilized his line-item veto authority for the 8070 road improvement project and the chapter was denied any benefit from CAP-35-18 and the Siihaasin funding made available to all other Navajo Nation Chapter.

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

1. The Rock Point Chapter hereby fully REAFFIRMS its request to the Navajo Nation Council, Navajo Nation President Nez and Vice-President Lizer to restore Rock Point Chapter's $833,333.33 Chapter Siihaasin Fund and CAP-35-18 allocation for the Route 8070 road improvement project.

## CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Rock Point Chapter at a duly called meeting at Rock Point, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 9 in favor, 0 opposed, 4 abstained, this 8th day of February 2021.

Patterson Yazzie, Chapter President

Janice Jim, Chapter Vice-President

Nancy J. Harvey, Chapter Secretary/Treasurer

Carl Slater, Navajo Nation Council Delegate

Reeder Descheny, Chapter Grazing Representative

1st Motion: Clarence C. Begay

2nd Motion: Bobby Yazzie

GRAZING REPRESENTATIVE
Reeder Descheny, District 9 Grazing Rep.

COUNCIL DELEGATE
Nelson Begaye, Council Delegate

ROCK POINT CHAPTER
NAVAJO NATION
P.O. Box 190
Rock Point, Arizona 86545
Ph.: (928) 659-4350/ 51
Fax: (928) 659-4356
Email: rockpoint@navajochapters.org

CHAPTER OFFICIAL
Jennie M. Harvey, President
Janice L. Jim, Vice-President
Nancy J. Harvey, Secretary-Treasurer

ADMINISTRATION
Charlene Kirk, Community Services Coordinator
Darion Littleben, Accounts Maintenance Specialist

EXHIBIT
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RPC-2018-17

# RESOLUTION OF ROCK POINT CHAPTER

**SUPPORTING AND APPROVING BUDGET TRANSFERS IN THE AMOUNT OF $30,000.00 (TRANSFER $10,000.00 FROM FUND 25-6812: INFRASTRUCTURE – HOUSING WIRING TO FUND 25-6599: ENVIRONMENTAL ASSESSMENTS; $11,000.00 FROM FUND 25-6357: PURCHASE CULVERTS TO FUND 25-6599: ENVIRONMENTAL ASSESSMENT; $9,000.00 FROM FUND 25-6807: CHAPTER RENOVATION TO FUND 25-6599: ENVIRONMENTAL ASSESSMENT). TRANSFER OF FUNDS IS FOR ROAD #8070 FEASIBILITY STUDIES AS A MATCHING FUND FROM THE CHAPTER.**

**WHEREAS**:

1. Pursuant to the Navajo Nation Council Resolution CAP-34-98, the Rock Point Chapter is a certified Navajo Nation Chapter Government and is delegated governmental authority and the responsibility to plan and implement projects for community improvements; to review, recommend, advocate, protect and preserve the general interest and welfare, safety and education and/or support matters pertaining to its constituents and to address and attempt to resolve the needs and concerns of the Rock Point Chapter; and

2. Pursuant to 26 N.N.C., Section 1(B) Rock Point Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local/regional agencies for appropriate action(s); and

3. The Rock Point Chapter has the authority to do transfers and budget revisions from its identified operating budget with different line items that are earmarked to be utilized for Chapter operation and activities which eventually benefits the community membership; and

4. The Rock Point Chapter Administration finds this transfers/budget revisions necessary to continue its daily operation without delay in delivering services to the community and other entities; and

5. The Rock Point Chapter finds it necessary to revise and transfer its operating budget to meet the environmental assessments estimate cost for road improvement on #8070; the $30,000.00 would be the Chapter's matching fund towards the $1,495,960.00 (a minus of $859,333.00) proposal to Sihaasin allocation for special projects.

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

1. The Rock Point Chapter hereby fully supports and approves to do budget transfers in the amount of $30,000.00 (transfer $10,000.00 from Fund 25-6812: Infrastructure- house wiring to Fund 25-6599: Environmental Assessments; $11,000.00 from Fund 25-6357: Purchase culverts to Fund 25-6599: Environmental Assessment: $9,000.00 from Fund 25-6807: Chapter renovation to Fund 25-6599: Environmental Assessment.)

2. Transfer of funds is for #8070 feasibility studies as a matching fund from the Chapter.

## CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Rock Point Chapter at a duly called meeting at Rock Point, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 16 in favor, 0 opposed, 2 abstained, this 16th day of April 2018.

Jennie Harvey

Jennie Harvey, Chapter President

Janice Jim, Chapter Vice-President

Nancy J. Harvey

Nancy J. Harvey, Chapter Secretary/Treasurer

Nelson Begaye, Navajo Nation Council

Reeder Descheny, Chapter Grazing Representative

1st Motion: Roger Tsosie

2nd Motion: Anita Tsosie

Rock Point Chapter
P O Box 190
Rock Point, AZ 86545
928-659-4350/4351
928-659-4356 (Fax)

# BUDGET REVISION REQUEST FORM

April 2, 2018
Date

**TO:** Rock Point Chapter

**FROM:** Charlene L. Kirk, CSC/ Darion Littleben, AMS

P O Box 190 Rock Point, Arizona 86545

928-659-4350/4351

## TRANSFER REQUESTED

| FROM OBJECT ACCOUNT | AMOUNT | TO OBJECT ACCOUNT | AMOUNT |
|---|---|---|---|
| 25-6812: Infras.- Housewiring | $10,000.00 | 25-6599: Environmental Assessment | $10,000.00 |
| 25-6357: Purchase- Culverts | $11,000.00 | 25-6599: Environmental Assessment | $11,000.00 |
| 25-6807: Chapter Renovation | $9,000.00 | 25-6599: Environmental Assessment | $9,000.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | $30,000.00 | TOTAL | $30,000.00 |

JUSTIFICATION: (Must be detailed and complete)

Charlene Kirk
Community Services Coordinator

**CONCURRED BY:**

Nancy J Harvey
Chapter Secretary/ Treasurer

Janice Harvey
Chapter President

RPC-2018-17
Chapter Resolution No.




**Rock Point Chapter**
Detail Budget/Actual Transactions - Summary Budget To Actual
25 - NN 180,000 CIP
From 10/1/2020 Through 9/30/2021

| GL Code | GL Title | Catego... Code | Progra... Code | Actual | Revised Budget | Available Budget | |
|---|---|---|---|---|---|---|---|
| | | | | 0.00 | 0.00 | 0.00 | Opening Balance |
| 6603 | Other Professional Fees | 99 | 99 | 0.00 | 30,000.00 | 30,000.00 | |
| | | Balance 25 - NN 180,000 CIP | | 0.00 | 30,000.00 | 30,000.00 | |

Ts Nitsaa Deez'áhí Diné E ólta'
Rock Point Community School ◆ P.O. Box 560 Highway / 191 ◆ Rock Point, Arizon
Phone: (928) 659-4221 ◆ Fax: (928) 659-4235

"Secondary School"

EXHIBIT
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March 12, 2018

To Whom It May Concern:

Greetings! I am writing this letter of support on behalf of Rock Point Community School. I understand that there is an initiative to put in a stoplight in the intersection of Highway 191 and the road leading to Rock Point Community School. The school is in great support. It will help keep our students and members of Rock Point Community safe.

The intersection of Hwy 191 and Rock Point Community School has proven dangerous. I have lived in the Rock Point Community for three years. Within those three years, there have been two deaths near that intersection. It is clear that reducing the speed limit is not enough. We are seeking a permanent solution to prevent any more injuries or loss of life. We have several students who walk to school and need to cross the highway to get here. Currently, there are no stoplights or crosswalks in place. Furthermore, several cars travel through the area at high speeds. A traffic light would slow traffic and create a safer situation for our students to come to school.

Additionally, after school traffic gets jammed at the stop sign waiting for a break in traffic to turn safely either right or left onto Hwy 191. It can be difficult if cars are speeding through the area. This also creates a dangerous situation. Having a traffic light in this area would provide a safe break in traffic to allow cars to pull out of the school road onto the highway.

It is imperative that we keep our students and community members safe. Putting in a traffic light at the intersection near our school would greatly assist in this endeavor. We do not have to wait until another fatality occurs to react. Let's be proactive in creating a safer community for Rock Point.

Sincerely,

Emily Niu
Secondary School Principal
928-659-4221 ext. 300
Rock Point Community School
P.O. Box 560
Rock point, AZ 86545
emily.niu@rpcsaz.org

# Tsé Nitsaa Deez'áhí Diné Bi'ólta'

## Rock Point Community School

PO Box 560 Highway 191 Rock Point, Arizona 86545 Phone: (928) 659-4221 Fax: (928) 659-4235


March 9, 2018

**LETTER OF SUPPORT**

To Whom It May Concern,

This is formal Letter of Support for the Rock Point Chapter House in their endeavors to improve Road 8070, Road 8014, Road 353, and Road N35. The routes identified are current school bus routes utilized on a daily basis. The bus runs twice a day on these roads. The busses begin running at 5:00 a.m. for morning pick up. Students spend the day in school and are returned home at 3:30 p.m. Another bus will run each day for the Afterschool Program and Athletics. These busses run on all the regular route at 5:30 until all the students have returned home.

Rock Point Community School serves fourteen (14) students on Road 8070, 12 on Road 8014, 63 on Road 353 and 34 on Road N35. These dirt roads are sometimes impassable but usually have deep washboards that damage our school busses. To date, the school has spent an estimated amount of $18,000 on bus repair due to the conditions of roads. Additionally, our school tractor has been used numerous times to improve roads so busses can safely transport students.

The lack of maintaining these roads have caused damages to Rock Point Community School's busses including the breakdown of brake systems, air brake systems, and multiple shock replacements. Two busses have had their brake brackets replaced twice. Cross over mirror brackets have been broken and replaced multiple times on the busses due to the constant shaking when on dirt roads riddled with washboards. Wires on the bus also become damaged because of the constant rubbing against the frames of busses causing it's electronics to become intermittent and ground out. These have to be replaced in order for bus to function and be safe for student transportation. The base of the heaters rub against the floor board and walls of the bus causing the heater tube to tilt and crack. Four busses have had the heater core replaced in this year alone. Not only have the lack of road maintenance cause damage to busses, it also delays pick up and drop off times. For example, the Rough Rock road where 14 students live, the busses generally travel at 3 to 5 miles per hour to safely get students to school and home.

Therefore, Rock Point Community School fully and wholeheartedly supports Rock Point Chapter's undertaking to improve the communities' roads. This effort is much appreciated by the Rock Point Community School.

If you have any questions or need additional information, please contact me at (928) 659-4221 ext. 101 or via email at Deana.Dugi@rpcsaz.org.

Tsé Nitsaa Deez'áhí
Diné Bi'ólta'

HIGHWAY 191
ROCK POINT, ARIZONA 86545
TELEPHONE (928) 659 – 4221
Fax (928) 659 - 4235

RESOLUTION OF ROCK POINT COMMUNITY SCHOOL, INC.

**REQUESTING THE NAVAJO NATION DEPARTMENT OF TRANSPORTATION AND THE TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE TO FUND ROCK POINT CHAPTER'S PROJECT UTILIZING THE FUEL EXCISE TAX FUNDS FOR AN ARCHEOLOGICAL, BIOLOGICAL AND ENVIRONMENTAL ASSESSMENT STUDY CONDUCTED TO IMPROVE THE COMMUNITY'S RURAL PUBLIC ROAD BIA ROUTE #N8070 AND #N8090.**

**WHERE AS:**

1. Rock Point Community School Board, Inc. is a "Contract School" operating under the auspices of P.L. 93-638, Indian Self-Determination, Education Assistance Act sanctioned by the Navajo tribal Council chartered by the state of Arizona to provide K-12 education services for Rock Point Community School.

2. Rock Point Community School is accredited and in good standing by the Navajo Nation North Central Association.

3. Rock Point Community School works closely with all the business entities within the Rock Point Community as well as Rock Point Chapter, parents and community members.

4. Rock Point Community sits in an area mostly of clay, the roads get really bad in rainy seasons, and it gets complicated for the school to do their bus runs on these routes and constantly experience expensive bus repairs, which leads to attendance problems for students.

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

The Rock Point Community School Board requests the Navajo Nation Department of Transportation and the Transportation and Community Development Committee to fund Rock Point Chapter's project utilizing the Fuel Excise Tax Funds for an archeological, and biological environmental assessment study conducted to improve the community's public roads; BIA Route #N8070 and #N8090.

## CERTIFICATION

We hereby certify that the foregoing resolution was approved by the Rock Point Community School Board at a duly called meeting at Rock Point Community School with a quorum present, and it was approved by 5 in favor votes, 0 opposed, 0 abstained and 1 absent on Friday, November 04, 2005.

Jacqueline Stillman, Board President

Martha Saggboy, Board Vice President

Ellen Judy, Board Secretary

James M. Begay, Board Member

James W. Begay Jr., Board Member

Ramon Begay, Board Member

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

# MEMORANDUM

**To :** Rock Point Chapter
LGS Chinle Agency
Ms. Charlene Kirk, CSC

**From :**

Francine Harrison, Senior Center Supervisor
Many Farms/Round Rock/Rock Point Senior Center(s)
Email: francine.harrison@nndoh.org
Email: fharrison.mfsccp@yahoo.com

**Date :** March 9, 2018

**Subject:** **ROCK POINT COMMUNITY ROADS**

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Please accept this memo as a supplication document for Rock Point Chapter Roads. Currently, Rock Point Senior Center's daily Home Delivery and Transportation Services are rendured to clients on the following routes: BIA Route # 8070, 8014, N353, N35 and 8009, 8008. Be advised, it is of the utmost importance these routes are maintained and upgraded on a regular routine basis for emergency purposes as well as the preventive maintenance – the daily wear and tear on the tribal vehicle our program utilizes. Rock Point Senior Center serves approximately (189) active and (72) non active senior citizens this includes the disable members within the community; and for these reasons it is imperative the roads are a priority within the community needs.

I look forward to your collaboration in this request and if you should have any additional questions, please feel free to contact me. Thank you.

xc: file chrono

*NDOH/NAAA-Chinle Agency*
*P.O. Box 1050*
*Many Farms, Arizona 86538*
*Phone: (928) 781-6996 Fax: (928) 781-3621*

Navajo Lutheran Mission

Tel: 928-659-4201
One Mission Lane, Rock Point, AZ 86545

February 16, 2018

To whom it may concern:

As Executive Director of the Navajo Lutheran Mission in Rock Point, AZ, I am writing in support of Mr. Terry White's initiatives for road improvement and changes in the Rock Point Community.

The Mission is an active organization with 25 employees, 35 students and 2 buses accessing and leaving the campus every day. Tachiinii Nursing Services, Inc. is located on our campus and their staff and clientele generate additional traffic. House of Prayer, our campus church, has 30-40 guests at Hozho' Café (10:30 a.m. – 12:30 M-F), along with Sunday morning and evening activities where local vehicles slow to pull off Highway 191 on to the right-of-way parking adjacent to the highway. In 2017, the Mission hosted 357 guests who are unfamiliar with local traffic, yet become our responsibility while they visit our campus.

There is no possible way to enter or leave the Navajo Lutheran Mission campus without approaching Highway 191 from a stopped, perpendicular position.

Because the Mission campus runs parallel to Highway 191 for nearly 1000 feet, we are acutely aware of the dangers of speeding vehicles as they pass through town. The AZDOT fencing is the only barrier between the busy highway and our student playground. The noise generated by Jake brakes and noisy large trucks is disruptive, rattling the windows in the church and school.

The Mission is located on the southwest corner of the major crossroad identified in Mr. White's diagram. The acceleration of traffic passing that intersection can be heard, even though the changing speed limit signs are more than a half mile away. The safety of our school buses and traffic generated by our teachers, staff, guests or residents traveling to and from the approved access county road are seriously at risk. Our bus drivers regularly report the risks of moving from a stopped position into oncoming high-speed traffic or returning to school with no designated turn lanes. The placement of school bus stop warning signs located both north and south of town come just after a curve with no sight line and provide too late a warning for high speed traffic.

Navajo Lutheran Mission respectfully requests that AZDOT provide to the Rock Point community the same safety standards and services that are evident in other surrounding communities. The population or traffic data for Red Mesa, for example, cannot be significantly higher than Rock Point, both are on a major AZDOT maintained highway, yet Red Mesa has a flashing speed warning sign. We, too, would value the safety benefits of painted crosswalks, turning lanes and warning lighting.

The residents of Rock Point cannot navigate from their homes, to school or work without interfacing with uncontrolled traffic on Highway 191. Your attention to this matter will be greatly appreciated by all.

Sincerely,
Kate Adelman, Executive Director and Pastor
development@nelm.org 928-659-4201/office

RESOLUTION OF RED MESA UNIFIED SCHOOL DISTRICT NO. 27

**SUPPORTING AND REQUESTING THE NAVAJO NATION DEPARTMENT OF TRANSPORTATION AND THE TRANSPORTATION & COMMUNITY DEVELOPMENT COMMITTEE TO FUND ROCK POINT CHAPTER'S PROJECT UTILIZING THE FUEL EXCISE TAX FUND FOR AN ARCHEOLOGICAL, BIOLOGICAL, AND ENVIRONMENTAL ASSESSMENT STUDY CONDUCTED TO IMPROVE THE COMMUNITY'S RURAL PUBLIC ROADS, NAMELY BIA ROUTE #N8070, #N8090 AND BIA ROUTE #N353**

**WHEREAS:**

1. The Red Mesa Unified School District No. 27 is a public school district located in Teec Nos Pos, Navajo Nation, Arizona; and, the members of the Governing Board of the Red Mesa Unified School District No. 27 are duly elected members from the communities served by the District and are responsible for overseeing the operations of the District and for providing quality educational programs for Native American children; however, because of the poor road conditions in and around the District, it is often not possible for student to attend school on a regular basis; among the roads used by the District to transport students to and from school every day are the above referenced Routes #N8070/#N8090 and #N353; and

2. Pursuant to the Navajo Nation Council Resolution CAP-34-98, the Rock Point Chapter is a certified Navajo Nation Chapter Government and is delegated governmental authority with the responsibility to plan and implement projects for community improvements; to review, recommend, advocate, and/or support matters pertaining to its constituents; and to address and attempt to resolve the needs and concerns of the Rock Point Chapter; and

3. Pursuant to 2 N.N.C. Sections 420 and 421(D), the Transportation and Community Development Committee is established and continued as a standing committee of the Navajo Nation Council for the purpose of promoting, reviewing, coordinating, and approving projects to be financed by funds designed for capital improvements; and

4. Pursuant to Navajo Nation Council Resolution CJY-56-01, the Navajo Nation Council approved the Navajo Nation Road Fund Management Plan with the purpose of using the funds for the development, construction and maintenance of transportation projects that have been included in the current short-term construction plans by federal government agencies and programs, state or county highway maintenance programs; and

5. Pursuant to TCDCJA-02-03, the Transportation and Community Development Committee has approved and adopted the Fuel Excise Tax Revenue Fund Policies and Procedures; and

6. Red Mesa Unified School District works closely with all business and governmental entities within the surrounding chapters such as Rock Point Chapter; and

7. Red Mesa Unified School District utilizes the above mentioned routes during school hours and fully understands that these two routes and in major need of major road improvements; and

8. Rock Point Chapter has reviewed the Fuel Excise Tax Revenue Fund Policies and Procedures and made a priority listing of the community roads that need improvement; and

9. Before such activities of road improvements are to take place, an archeological, biological, and environmental assessment is required.

**NOW THEREFORE, BE IT RESOLVED THAT**

The Red Mesa Unified School District No. 27 hereby fully supports and respectfully requests the Navajo Nation Department of Transportation and the Transportation and Community Development Committee to fund Rock Point Chapter's project utilizing the Fuel Excise Tax Fund for an archeological, biological, environmental assessment study conducted to improve the community's public road BIA Route #N8070/#N8090 and BIA Route #N353.

CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Governing Board of the Red Mesa Unified School District at a duly called meeting at Red Mesa, Navajo Nation, Arizona at which a quorum was present and that the same was passed by a vote of 5 aye, 0 nay, 0 abstained, this 13th day of December 2005.

1. Motion: Martha Saggboy

2. Motion: Clifford Sagg

Board President

Board Clerk

Board Member

Board Member

Board Member

*Office of Legislative Counsel*
*Telephone: (928) 871-7166*
*Fax # (928) 871-7576*

*Honorable Seth Damon*
*Speaker*
*24th Navajo Nation Council*

**MEMORANDUM**

**TO** : Honorable Carl Slater, Delegate
24th Navajo Nation Council

**FROM** : Luralene D. Tapahe
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

**DATE** : March 25, 2021

**SUBJECT** : AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $833,333.00 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT; APPROVING AND ADOPTING THE ROUTE 8070 ROAD IMPROVEMENT PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

**THE NAVAJO NATION**
**LEGISLATIVE BRANCH**
**INTERNET PUBLIC REVIEW PUBLICATION**

**LEGISLATION NO: _0055-21__** **SPONSOR: Carl Slater**

**TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Allocating $833,333.00 in Síhasin Funds to the Navajo Division of Transportation for the Route 8070 Road Improvement Project; Approving and Adopting the Route 8070 Road Improvement Project Expenditure Plan Pursuant to 12 N.N.C §§ 2501 - 2508**

***Date posted*: March 25, 2021 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.:** 0055-21

**SPONSOR:** Honorable Carl Slater

**TITLE:** An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Allocating $833,333.00 in Síhasin Funds to the Navajo Division of Transportation for the Route 8070 Road Improvement Project; Approving and Adopting the Route 8070 Road Improvement Project Expenditure Plan Pursuant to 12 N.N.C §§ 2501 - 2508

**Posted:** March 25, 2021 at 03:11 PM

**5 DAY Comment Period Ended:** March 30, 2021

**Digital Comments received:**

| | |
|---|---|
| **Comments Supporting** | *None* |
| **Comments Opposing** | *None* |
| **Comments/Recommendations** | **1.) Navajo Division of Transportation** |

Vanessa Rose
**Legislative Tracking Secretary**
**Office of Legislative Services**
March 31, 2021 11:45AM
**Date/Time**

NAVAJO DIVISION OF TRANSPORTATION
POST OFFICE BOX 4620, WINDOW ROCK, AZ 86515
TEL: 505-371-8300/8301 FAX: 505-371-8399

Jonathan Nez
President

Myron Lizer
Vice-President

## Legislation 0055-21

N8070 has NEPA compliances:

a. **HPD-07-939** – A Cultural Resource Inventory of the Proposed Improvement of 16.7 Miles of N8070/8090 Road Near Rock Point, Apache County, Arizona
   i. **N8070 (Rock Point) archaeology survey of 8 miles: Nine archaeology sites need update surveys for avoidance; and,**
   ii. N8090 (Rough Rock) archaeology survey of 15 miles beginning from N59 South

   Both N routes (BIA owner) need updated surveys to determine any critical changes in 'Eligibility'

b. **Find of No Significant Impact (FONSI) to EA-09-045 was issued on October 12, 2011 for the 'Proposed Improvements to 17.3 miles of Navajo Route 8070 (N8070), in the Rock Point Chapter, Apache County, Arizona.** The project will affect approximately 629.09 acres (254.59 Hectares) of Navajo Tribal Trust land. A FONSI has been determined for the proposed action. It will not have a significant impact on the quality of the natural and human environment. (Harrilene Yazzie, Regional NEPA Coordinator)

# CULTURAL RESOURCES COMPLIANCE FORM

THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

Received
JAN 2008
NDOT
Admin.
W/R

ROUTING: COPIES TO
AZ SHPO
REAL PROPERTY MGT/330
XX DCD3

NNHPD NO. HPD-07-939
OTHER PROJECT NO.
DCD3-06-097

**PROJECT TITLE:** A Cultural Resource Inventory for the Proposed Improvement of 16.7 Miles of N8070/8090 Road Near Rock Point, Apache County, Arizona

**LEAD AGENCY:** BIA/NR

**SPONSORS:** Navajo Department of Transportation, PO Box 4620, Window Rock, Arizona 86515
Rock Point Chapter, PO Box 190, Rock Point, Arizona 86545

**PROJECT DESCRIPTION:** The proposed undertaking will involve the construction of 16.7 miles of paved road over an existing dirt road. The right-of-way is 150-ft wide. Proposed construction activities include Grading & backfilling within the right-of-way, installation of culverts, & paving the road surface. The area of effect is 304-acres. Ground disturbance will be intensive and extensive with th e use of heavy equipment.

**LAND STATUS:** Tribal Trust

**CHAPTER:** Rock Point

**LOCATION:** Unplatted & Projected T38N, R25E; T37N, R25E; T36N, R24E; Rock Point, Dancing Rocks, Rock Point SW & White Point Quadrangles, Apache County, Arizona G&SRPM&B

**PROJECT ARCHAEOLOGIST:** Lenora Etsitty, Roger Walkenhorst, Olsen John & Julius Tulley

**NAVAJO ANTIQUITIES PERMIT NO.:** NTC

**DATE INSPECTED: June 06, 2006 to June 8, 2006**

**DATE OF REPORT:** June 20, 2007

**TOTAL ACREAGE INSPECTED: 607.0-ac**

**METHOD OF INVESTIGATION:** Class III pedestrian inventory with transects spaced 15 m apart.

| | |
|---|---|
| LIST OF CULTURAL RESOURCES FOUND: | (9) Sites (AZ-I-19-16, AZ-I-19-17, AZ-I-19-18, AZ-I-30-5, AZ-I-30-6, AZ-I-30-7, AZ-I-30-8, AZ-I-31-2, AZ-E-6-1); (1) In-Use Site (IUS); (16) Isolated Occurrences (IO A-P) |
| LIST OF ELIGIBLE PROPERTIES: | (9) Sites (AZ-I-19-16, AZ-I-19-17, AZ-I-19-18, AZ-I-30-5, AZ-I-30-6, AZ-I-30-7, AZ-I-30-8, AZ-I-31-2, AZ-E-6-1) |
| LIST OF NON-ELIGIBLE PROPERTIES: | (1) IUS & (16) IO A-P |
| LIST OF ARCHAEOLOGICAL RESOURCES: | (8) Sites (AZ-I-19-16, AZ-I-19-17, AZ-I-19-18, AZ-I-30-5, AZ-I-30-6, AZ-I-30-7, AZ-I-30-8, AZ-E-6-1) |

**EFFECT/CONDITIONS OF COMPLIANCE: The proposed undertaking as planned will have *a no adverse effect* on historic properties identified provided that the following conditions are met.**

***Site AZ-I-19-17:***
Realign road to avoid the site.

***Site AZ-I-30-6:***
1. Site will be avoided by rerouting the road centerline.
2. If site cannot be avoided, the features within the road shall be monitored.

# United States Department of the Interior

**Bureau of Indian Affairs**
**Navajo Region**
**P. O. Box 1060**
**Gallup, New Mexico 87305**

TAKE PRIDE IN AMERICA

RECEIVED
OCT 17 2011
NAVAJO NATION
PRESIDENT VICE PRESIDENT

**MC: 620 Division of Environmental, Cultural & Safety Management**

OCT 12 2011

The Honorable Ben Shelly

President, the Navajo Nation

Attention: Jovonna Frank, Environmental Technician, Navajo Department of Transportation

Dear President Shelly:

The Environmental Assessment (EA), **EA-09-045** for the proposed Improvements to 17.3 Miles of Navajo Route 8070 (N8070), in the Rock Point Chapter, Apache County, Arizona, has been reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. The project will affect approximately 629.09 acres (254.59 Hectares) of Navajo Tribal Trust land. A Finding of No Significant Impact (FONSI) has been determined for the proposed action. It will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the road improvement project is not required.

If you have questions, you may contact Ms. Harrilene J.Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

RECEIVED
OCT 25 2011
H.P.D.
ROADS SECTION

Sincerely,

RECEIVED
OCT 25 2011
H.P.D.
CRCS

Regional Director, Navajo

Enclosure

cc: Jovonna Frank, Environmental Technician, The Navajo Nation, DOT, P.O. Box 4620, Window Rock, AZ 86515

**FINDING OF NO SIGNIFICANT IMPACT**
**ENVIRONMENTAL ASSESSMENT, EA-09-045**
**IMPROVEMENTS TO 17.3 MILES OF NAVAJO ROUTE 8070 (N8070) IN THE ROCK POINT CHAPTER, APACHE COUNTY, ARIZONA**

**NAVAJO DIVISION OF TRANSPORTATION AND APACHE COUNTY BOARD OF SUPERVISORS**

**Location: Rock Point, Dancing Rocks, Rock Point SW & White Point, AZ, Quadrangles, USGS 7.5-Minute Series Maps**
**BOP: SE¼, NE¼, Section 10, T38N, R25E, G&SRPM&B**
**EOP: SE¼, SE¼, Section 8, T36N, R24E, G&SRPM&B**

**Rock Point Chapter, Apache County, Arizona**

The proposed action is approval of a right-of-way (ROW) grant by the Bureau of Indian Affairs (BIA) for improvements to 17.3 miles of Navajo Route 8070 (N8070) in the Rock Point Chapter, Apache County, Arizona. Proposed improvements will consist of cutting, filling/backfilling and grading; installation and/or replacement of drainage culverts; and, gravelling the road surface. The roadway to be improved is 17.3 miles long and 300 feet wide encompassing approximately 629.09 acres (254.59 hectares) of Navajo Tribal Trust land. The project is sponsored by the Navajo Nation Department of Transportation, P.O. Box 4620, Window Rock, Arizona 86515 and the Apache County Board of Supervisors.

The environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment, and the mitigation measures specified in the document, it is determined that the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited, and environmental issues relative to the proposed project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.

2. The EA disclosed the environmental consequences of the proposed action and two potentially viable alternatives including the "no action" alternative.

3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Nation Department of Fish and Wildlife (NNDFW), Natural Heritage Program (NHP). The NNDFW provided a list of species of concern known to occur within one mile and three miles of the project site and with the potential to occur on the *Rock Point, Dancing Rocks, Rock Point SW and the White Point, AZ,* USGS, 7.5-Minute Quadrangles containing the project boundaries (November 28, 2006, NNDFW Memorandum to Navajo Department of Transportation). Biological surveys of the proposed project were conducted during the period from March to June, 2008. Species observed during the surveys included Golden eagle, Ravens, Juncos and Song birds (EA-Appendix B-Biological Evaluation Report). The NNDFW issued

Biological Resources Compliance Form (BRCF), NNDF&WL Review No.021809C, recommending conditional approval of the proposed project (EA-Appendix C-BRCF). The operator shall comply with the avoidance/mitigation measures cited in the BRCF.

4. Potential impacts to flood plains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990 respectively. The Navajo Nation Department of Water Resources (NNDWR), Water Management Branch was consulted regarding floodplains. A floodplain study has been conducted in the immediate area near the north end of the route. The operator is responsible for floodplain determinations and resulting actions. A map was provided for review of the approximate boundaries of the 100-year flood plain as delineated y Morrison-Maierly, Inc. June 1977 (EA-Appendix J-November 3, 2006, Letter from NNDWR, Floodplain Section). There are no wetlands located within the existing right-of-way (EA-Appendix H-October 31, 2006, Consultation Letter from the Navajo Nation Environmental Protection Agency (NNEPA), Water Quality/NNPDES Program).

5. Agriculture – there are no prime or unique farmlands in the project area (EA, Part 3.4.d.). There are no farms in the project area (EA, Part 3.9.c.).

6. CWA Compliance – the NNEPA, Water Quality Program was consulted regarding the proposed improvements. The Water Quality Program stated that if the proposed improvements include replacement of old culverts with new or additional culverts, Sections 404 and 401 of the Clean Water Act needs to be addressed before any construction begins. If the land disturbance is equal to or greater than one acre, a storm water pollution prevention plan is required (October 31, 2006, letter from the NNEPA, Water Quality Program).

7. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation, and 36 CFR 800.9 (b), an archaeological survey was conducted on the project site by the Navajo Nation Department of Community Development (DCD). The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF), NNHPD No.HPD-07-939 indicating that the undertaking will not have an adverse effect on historic properties provided that conditions cited in the CRCF are followed (EA, Appendix D-CRCF).

In the event of a discovery [discovery means any previously unidentified or incorrectly identified cultural resources including, but not limited to, archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified.

8. RCRA, Subtitle C, Hazardous Waste – there are no known hazardous waste sites on or near the proposed project area (EA, Part 3.8.a.). The NNEPA, Superfund Program provided a letter stating that it is not aware of any sites having toxic materials in the area (EA, Appendix I, November 1, 2006, Letter). The operator shall comply with the Navajo Nation Hazardous Waste Management Plan-1996 which outlines responsibilities and procedures for identifying, handling, transporting, storing and disposing of hazardous waste during construction activities (EA, Part 4.7).

9. RCRA, Subtitle D, Non-Hazardous Solid Waste – there are no known solid waste landfills within or near the project area. Rock Point Chapter contracts the collection and disposal of solid waste (EA, Part 3.8.b.). Trash generated during road construction activities shall be disposed at permitted landfills (EA, Part 4.7).

10. RCRA, Subtitle I-Underground Storage Tanks – there are no known underground storage tanks, abandoned or existing, within or immediately adjacent to Navajo Route 8070 (EA, Part 3.8.c.).

11. Air Resources – during construction, some deterioration of air quality can be expected due to the operation of construction equipment combined with slower traffic speeds associated with construction zones (EA, Part 4.3). The operator shall water down impacted areas during construction activities. The operator shall use Best Management Practices to avoid or reduce adverse impacts to the environment (Appendix G-Best Management Practices).

12. Noise – noise impacts from the proposed project will be from heavy equipment operations. To mitigate the noise impacts, heavy equipment shall operate during weekdays during daylight hours and shall be confined to the project area.

13. Noxious Weeds- noxious weeds may become established in disturbed areas within the proposed project area. The operator shall control and eradicate noxious/non-native weeds within the proposed project area during the life of the project. The operator may consult with the Navajo Nation Department of Agriculture regarding management and control of noxious weeds. The NNEPA, Pesticide Enforcement and Development Program may be contacted regarding pesticide/herbicide applicators.

14. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable. The contractor shall reclaim all disturbed areas within the right-of-way according to recommendations provided by the Navajo Nation Department of Agriculture (EA-Appendix F- Reclamation Plan).

15. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

The proposed action will result in an improved, safe, school bus route and public road, especially during inclement weather.

Regional NEPA Coordinator

10/11/11
Date

***Sites AZ-E-6-1, AZ-I-19-16, AZ-I-19-18, AZ-I-30-7, AZ-I-30-8, AZ-I-30-5, AZ-I-31-2:***
1. Site boundaries will be flagged by a qualified archaeologist prior to ground disturbing activities.
2. All construction activities will be confined to the existing road footprint.
3. The sites shall be temporarily fenced & an archaeologist shall monitor all ground disturbing activities within 50-ft of the site boundaries.
4. All future maintenance activities shall avoid the sites by a minimum of 50-ft from the site boundaries.

*Prior to any disturbance of any borrow area, material source area, staging area, outside of the area documented, NDOT/BIA shall ensure that the area evaluated for cultural resources might be affected by this undertaking. The evaluation shall take place in consultation with the Navajo Nation Historic Preservation Department.*

In the event of a discovery ["*discovery*" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: *Tamara Billie*
FINALIZED: November 27, 2007

Notification to
Proceed Recommended: Yes √ No ___
Conditions: Yes √ No ___

Alan S. Downer, Navajo Nation Historic Preservation Officer — 11.28.07 Date

Navajo Region Approval: Yes X No ___

Acting Regional Director — 12/19/07 Date

12/18/07

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

**THIRD YEAR 2021**

**(CONSENT AGENDA ITEM 3 –3)**
**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION # 0055-21:** AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'IYATI COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $833,333.00 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT; APPROVING AND ADOPTING THE ROUTE 8070 ROAD IMPROVEMENT PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Carl Slater*

Has had it under consideration as a consent agenda item and reports a DO PASS with no amendments

And thereafter the matter was referred to Budget and Finance Committee.

Respectfully submitted

Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: April 7, 2021 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

**(CONSENT AGENDA MOTION):**
**Motion**: Kee Allen Begay, Jr S: Herman M. Daniels 5-0-1 (CNV)
**In Favor**: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels, and Thomas Walker, Jr.
**Excuse**: NONE
**Not Voting:** Presiding Chairman Rickie Nez

(NOTE: VOTE TALLY attached hereto)

# RESOURCES AND DEVELOPMENT COMMITTEE
## 24th Navajo Nation Council

## THIRD YEAR 2021

**(CONSENT AGENDA ITEM 3 –3)**
**ROLL CALL**
**VOTE TALLY SHEET**

**LEGISLATION # 0055-21:** AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'IYATI COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $833,333.00 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE ROUTE 8070 ROAD IMPROVEMENT PROJECT; APPROVING AND ADOPTING THE ROUTE 8070 ROAD IMPROVEMENT PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Carl Slater*

Date: April 7, 2021 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

**(CONSENT AGENDA MOTION):**
**Motion**: Kee Allen Begay, Jr S: Herman M. Daniels 5-0-1 (CNV)
**In Favor**: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels, and Thomas Walker, Jr.
**Excuse**: NONE
**Not Voting:** Presiding Chairman Rickie Nez

Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services