

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
25<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AUTHORIZING THE DEPARTMENT OF FISH & WILDLIFE TO SUBMIT A CONTRACT APPLICATION TO THE USDOJ/BIA UNDER PUB. L. 93-638 SUBPART J FOR \$3,000,015 IN FUNDING FOR A FISH HATCHERY PROJECT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council that oversees the Division of Natural Resources and its subordinate departments, including the Department of Fish & Wildlife. 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee also has oversight authority over water, land, wildlife, and other environment-related matters. 2 N.N.C. § 500.
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council authorized to act on behalf of the Navajo Nation in reviewing and approving contracts with the United States Department of Interior/Bureau of Indian Affairs ("BIA") for the implementation of projects and receipt of federal funds under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638 Subpart J. 2 N.N.C. § 701(A)(12).

SECTION TWO. FINDINGS

- A. The Navajo Nation Department of Fish & Wildlife ("DFW") submitted a proposal to BIA for a modernization project for the Navajo Nation's fish hatchery located in Toadlena, Navajo Nation (New Mexico). DFW requested federal funds in the amount of \$3,000,015 for the hatchery upgrade project. EXHIBIT A. The project will allow DFW to better meet the needs of anglers at many lakes across the Navajo Nation, to decrease fish mortality, and increase revenue from licensing, among other benefits. EXHIBIT A.
- B. BIA has indicated that the BIA's Navajo Regional Office has received the \$3,000,015 for the Navajo Nation, for DFW's proposed fish hatchery project. EXHIBIT B. BIA has informed the Navajo Nation that a tribal resolution, a Subpart J

construction contract application, a scope of work, a project budget, and a project schedule, are needed in order for BIA to proceed with the contract and prepare the funding award. EXHIBIT B.

- C. As required, DFW has prepared a scope of work for the hatchery upgrade project (attached as EXHIBIT C), a project budget (EXHIBIT D), and a project schedule (EXHIBIT E).
- D. BIA has provided the Subpart J construction contract application for the Navajo Nation's approval and execution by the Navajo Nation President. EXHIBIT F.
- E. The contract application and related documents have been sent through the Navajo Nation's "Section 164 Review" process. The Executive Director of the Division of Natural Resources, the Office of Management and Budget, the Office of the Controller, and the Office of the Attorney General, have all deemed the documents "sufficient." EXHIBIT G.
- F. Given the BIA funding source, and the benefits to the DFW and the Nation People, the Navajo Nation finds that approving the application to BIA for the \$3,000,015 for the upgrade to the Nation's fish hatchery facilities is in the best interest of the Navajo Nation.

**SECTION THREE. AUTHORIZING THE DEPARTMENT OF FISH & WILDLIFE TO SUBMIT A CONTRACT APPLICATION TO THE USDOJ/BIA UNDER PUB. L. 93-638 SUBPART J FOR \$3,000,015 IN FUNDING FOR A FISH HATCHERY PROJECT**

- A. The Navajo Nation hereby approves the project proposal, scope of work, project budget, and project schedule prepared by the Department of Fish & Wildlife for the Navajo Nation's fish hatchery project, as shown in the attached EXHIBITS A, C, D, and E.
- B. The Department of Fish & Wildlife is hereby authorized to submit, on behalf of the Navajo Nation, an application to the U.S. Department of the Interior - Bureau of Indian Affairs, under the attached EXHIBIT F, for a construction contract under Pub. L. 93-638 Subpart J, in order to receive \$3,000,015 for the upgrade to the Nation's fish hatchery facilities.
- C. The President of the Navajo Nation is hereby authorized to execute, on behalf of the Navajo Nation, the construction contract application under EXHIBIT F, and to take all further actions as necessary for the Navajo Nation to enter into such contract and receive the allocated \$3,000,015 for Nation's fish hatchery project.

**SECTION FOUR. EFFECTIVE DATE**

This Action shall become effective pursuant to 2 N.N.C. § 701(A)(12) and 2 N.N.C. § 221(C).

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25<sup>th</sup> 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 18 in Favor, and 00 Opposed, on this 9<sup>th</sup> day of March 2023.



Honorable Crystalyne Curley, Chairwoman  
Naabik'íyáti' Committee

3/10/23

Date

Motion: Honorable Vince R. James  
Second: Honorable George H. Tolth

Chairwoman Crystalyne Curley not voting

## **NAVAJO NATION FISH HATCHERY MODERNIZATION PROPOSAL**

### **NARRATIVE**

The Navajo Nation Department of Fish and Wildlife proposes upgrades to the Navajo Nation Fish Hatchery in Toadlena, NM. The Navajo Nation Fish Hatchery is the primary source for Rainbow Trout for recreational purposes on the Navajo Nation. The hatchery currently provides Rainbow Trout for recreational fishing at five Navajo Nation lakes (Wheatfield, Tsaile, Asaayi, Cutter, Berland). The 2021 survey of recreational anglers on the Navajo Nation indicated that the average angler makes 16 fishing trips per year on the Navajo Nation. Data collected also indicated that the average recreational angler fished 18 days a year on the Navajo Nation. Anglers on the Navajo Nation spent many hours participating in recreational fishing activities in 2021, 71% of anglers spent at least four hours fishing per trip on the Navajo Nation. Seventy-eight percent of recreational anglers on the Navajo Nation fished for Rainbow Trout in 2021 and 67% of anglers primarily targeted Rainbow Trout in 2021. There is a high demand from recreational anglers for harvestable Rainbow Trout on the Navajo Nation. One of the most important issues raised by anglers on the Navajo Nation was the need to stock a larger size Rainbow Trout. The fish hatchery currently produces six-inch Rainbow Trout for stocking. Upgrades to the operations and the hatchery facility would enable hatchery staff to raise larger size fish for stocking. Currently, there is likely high angling mortality for Rainbow Trout on the Navajo Nation. Anglers prefer to keep a larger size fish and release smaller fish which are susceptible to mortality from angling. A larger size fish would be more likely to be harvested by anglers, therefore reducing angling mortality. The Navajo Nation Department of Fish and Wildlife relies on revenue generated from the sales of fishing (9,115 permits sold in FY'21) and watercraft permits (316 in FY'21) on the Navajo Nation.

### **BENEFITS OF UPGRADING THE NAVAJO NATION FISH HATCHERY**

- Create a more enjoyable outdoor experience
- Increase size of Rainbow Trout raised at the hatchery
- Increase revenue from the sales of fishing license
- Increased opportunity for anglers
- Economic benefits to local communities
- Improved angler satisfaction
- Increase harvest rates of Rainbow Trout

### **CONCLUSION**

The Navajo Nation Department of Fish and Wildlife creates revenue through the sale of fishing and watercraft permits to both Navajo and Non-Navajo anglers. Rainbow Trout is the most popular sport fish species among recreational anglers on the Navajo Nation. The Navajo Nation Fish Hatchery located in Toadlena, NM is the primary source for Rainbow Trout on the Navajo Nation. Currently, the hatchery can raise six-inch Rainbow Trout for stocking. In order to decrease mortality from angling, meet the demand of recreational anglers on the Navajo Nation, and raise a larger size Rainbow Trout for stocking, the Navajo Nation Department of Fish and Wildlife proposes making upgrades to the Navajo Nation Fish Hatchery. The scope of work for this project is accompanying this proposal. The 2021 Navajo Nation Angler Survey is also included.

Project	Cost
Navajo Nation Fish Hatchery Modernization	\$3,015,000



## **Subpart J Contract – NAVAJO NATION FISH HATCHERY MODERNIZATION PROPOSAL**

### **I. OVERVIEW**

#### **PURPOSE**

Contract services including planning, design, engineering, and construction of the Navajo Nation Fish Hatchery Modernization project.

#### **LOCATION**

The proposed project is located within the Toadlena/Two Grey Hills Chapter of the Navajo Nation, in Toadlena, NM

All work will be done inside the existing Navajo Nation Fish Hatchery property.

#### **BACKGROUND AND NEED FOR THE PROJECT**

The Navajo Nation Fish Hatchery is the primary source for Rainbow Trout for recreational purposes on the Navajo Nation. The hatchery currently provides Rainbow Trout for recreational fishing at five Navajo Nation lakes (Wheatfield, Tsaile, Asaayi, Cutter, Berland). The 2021 survey of recreational anglers on the Navajo Nation indicated that the average angler makes 16 fishing trips per year on the Navajo Nation. Data collected also indicated that the average recreational angler fished 18 days a year on the Navajo Nation. Anglers on the Navajo Nation spent many hours participating in recreational fishing activities in 2021, 71% of anglers spent at least four hours fishing per trip on the Navajo Nation. Seventy-eight percent of recreational anglers on the Navajo Nation fished for Rainbow Trout in 2021 and 67% of anglers primarily targeted Rainbow Trout in 2021. There is a high demand from recreational anglers for harvestable Rainbow Trout on the Navajo Nation. One of the most important issues raised by anglers on the Navajo Nation was the need to stock a larger size Rainbow Trout. The fish hatchery currently produces six-inch Rainbow Trout for stocking. Upgrades to the operations and the hatchery facility would enable hatchery staff to raise larger size fish for stocking. Currently, there is likely high angling mortality for Rainbow Trout on the Navajo Nation. Anglers prefer to keep a larger size fish and release smaller fish which are susceptible to mortality from angling. A larger size fish would be more likely to be harvested by anglers, therefore reducing angling mortality.

The Navajo Nation Department of Fish and Wildlife relies on revenue generated from the sales of fishing (9,115 permits sold in FY'21) and watercraft permits (316 in FY '21) on the Navajo Nation.

## BENEFITS OF UPGRADING THE NAVAJO NATION FISH HATCHERY

- Create a more enjoyable outdoor experience
- Increase size of Rainbow Trout raised at the hatchery
- Increase revenue from the sales of fishing license
- Increased opportunity for anglers
- Economic benefits to local communities
- Improved angler satisfaction
- Increase harvest rates of Rainbow Trout
- Improved working environment for employees

## II. SCOPE OF WORK

### Task 1 – Data Collection and Review

- Conduct Geotechnical investigations for planning and design. Perform geotechnical field investigations to determine loading capacities for structural design.
- Field locate subsurface utility: Coordinate with utility companies to locate existing underground utilities in the field and provide surface markings of buried utilities that may be recorded during subsequent survey activities. Relocate project alignment stakes, as needed.

### Task 2 –Conceptual Design Report

The Contractor will develop a conceptual report (Professional Engineering Report) with Tetra Tech to incorporate the NNDFW's preferred design.

Deliverable:

Conceptual Report that includes the following:

- Tetra Tech (aquaculture engineers) will estimate sizes of proposed equipment and prepare descriptions of system improvements.
- Aquatic Consultants (Contractor) will advise on any preferences for equipment manufacturers, material types, and construction methods.

### **Task 3 –Final Design**

Following completion of the Conceptual Design and written acceptance approval of the proposed facility owner, the contractor shall develop final designs.

- Preparing design documents at 30, 60, and 100 percent design levels as follows:
  - 30 percent design level: Tetra Tech will prepare 30% design documents for submittal to Aquatic Consultants and Navajo Nation for review. A virtual project startup meeting will initiate the project and discuss project communication, project overview, and site data needs. Site data needs will be discussed, and we anticipate some additional information will be needed including the following:
    - Confirm water flow rate at incubation and start tanks
    - Review site sketch with influent and effluent pipe sizes and discuss potential changes
    - Photos of well and spring system components where modifications or connections will be made
    - Electrical power information including service size, distribution and panel locations, photos of electrical panels with doors open, and 1-year utility demand records
    - Site topographic survey
    - Geotechnical data

Drawings will be prepared for items that do not rely on site data. After site data is collected the 30% design level drawings will be finalized. Drawings will include flow schematics and design criteria for the project. Other 30% design documents will include a specification table of contents and an equipment list. Calculations will be prepared that support the design documents but will not be included as a submittal.

- 60 percent design level: Tetra Tech will prepare 60% design documents for submittal and review by Aquatic Consultants and Navajo Nation. A design coordination meeting will be held to review comments from the 30% design. The design will be advanced based on input from review comments, additional data collected, and additional analysis performed. The design will involve civil, architectural, structural, mechanical, and electrical systems. Geotechnical data will be utilized to design the foundation for the Pre-engineered metal building. Design development documents will include drawings, quantities, and specifications.

Once BIA, in consultation with Navajo Nation, provides written approval of the deliverables, the 60% design level will be considered complete and the Contractor may proceed to the next step.

- 100 percent design level: Tetra Tech will prepare design documents to 100% level for submittal and review by Aquatic Consultants and Navajo Nation. Construction documents will include drawings, quantities, and specifications. Comments from 60% design will be incorporated and a design coordination meeting will be held. At this design level, if building permits are required, Aquatic Consultants will submit the documents for building permit approval. During each design phase, design documents will be reviewed by Aquatic Consultants for constructability and changes will be reviewed with



Tetra Tech. Final construction documents will be prepared suitable for Aquatic Consultants to construct the project.

- The Contractor shall provide the BIA with an electronic version of the final design documents for the Navajo Nation Fish Hatchery Modernization Project. The final design documents shall incorporate the comments from the 60 percent design review, and include the following deliverables under this task:
- Final Plans with Professional Engineer stamped drawings, and specifications.
- Final project construction schedule.

#### **Task 4 – Identification of Code Requirements**

After visiting with the Navajo Nation Office of Capital Projects the following is a list of requirements for construction on this project:

- Emergency and exit lighting requirements
- ADA accessibility
- Meet or exceed current International, State and Local Building Codes (Where applicable)
- Meet or exceed current Fire Codes
- Meet or exceed current Plumbing Codes
- Meet or exceed current Electrical Codes
- Install Panic Bars on inside of human doors
- Permits- Where required by outside agencies and Utility companies.

#### **Task 5 – Project Management:**

The Contractor shall perform project and budget management throughout the duration of the project and organize and attend periodic project meetings as needed. Periodic project meetings shall be held monthly, at a minimum, with more frequent meetings scheduled as needed during key points in the design and construction process. Note that these meetings are in addition; and the 30 and 60 percent design review meetings (Task 3).

In addition, the contractor shall prepare periodic progress reports and submit these to the BIA AOTR on a quarterly basis. These reports shall fully describe the work completed during the previous report, schedule with critical path that includes all current and upcoming construction activities, and shall include details regarding the remaining project budget and percentage of work completed.

#### **Task 6 –Perform Construction Services**

The Contractor shall perform construction project management and construction services.

- **Construction Project Management Services**

These services will include various construction project management tasks:

- Weekly construction summaries
- Drone Progress videos distributed weekly once construction activities commence.
- Site Safety

### **Task 7 - Construction Materials**

Procure aquaculture rearing components including the following

- Four 53' x 4' Fiberglass Raceways (4,100 gallons per Tank)
- CO2 Strippers for Inlet Water Sources
- 3' x 4' Moving Bed Biofilm Reactor (MBBR) Chamber
- Oxygen Generator and Storage Tank Capacity= 2 SCFM at 50 PSI
- Backup Oxygen Cylinders Capacity = 220 CU FT.
- Diffuser Hose Set on Base of Raceway
- Duty and Standby Blowers
- Blower Control Panel
- Tube Course Bubble Diffuser Set on Base of Raceway
- Air System Controls and Alarms
- Flow Alarms
- Custom Fish Screens Throughout
- Quiescent Zones with Waste Drains
- Concrete Retaining Wall between building levels
- Electric Boiler with Recirculation Pump for Side Stream Heating Each Raceway
- 12' Wide Rollup Doors for Vehicle Access
- Internal Wall for Feed Storage
- Sound Enclosers for Mechanical

### **Rearing Building**

ACI along with Tetra Tech will design, engineer, and build the approximately 40' by 120' (4,800 sq/ft) indoor rearing facility. The concrete will be approximately 12" thick to accommodate the large raceways and loaded stocking trucks that enter the building.

The building will be insulated with spray foam and painted. All plumbing in the building will be run in concrete utility trenches with metal grates over the top to facilitate easy access for future repairs.

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

**Site Drainage and Waste Pond**

ACI will grade the site so runoff flows away from the building. ACI will also construct a solid waste pond that will settle solids coming from the rearing building. The waste pond will be designed to be cleaned with equipment.

**Backup Power**

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

**Site Revegetation**

ACI will provide a site revegetation plan for approval by the NNDFW. ACI will subcontract the revegetation to Hydra Aquatic Inc.

**III. PROJECT SCHEDULE**

The phase for planning and design for the Navajo Nation Fish Hatchery Modernization project is scheduled to be completed 11/1/2022 to 3/30/2023.

The phase for construction project management and construction for the Navajo Nation Fish Hatchery Modernization project is scheduled to be completed 3/1/2023 to 12/31/2023.

The actual schedule will be provided at Notice to Proceed stage.

**IV. BUDGET**

The total cost estimate for Navajo Nation Fish Hatchery Modernization Project shall be \$3,015,000. Please see Table 2 for the breakdown (attached).

**V. ATTACHMENTS**

FIGURE 1: Project Location Map

FIGURE 2: Project Lay-out Map

TABLE 1: Planning Project Budget Break-down and Cost Justification

TABLE 2: Planning Project Schedule

Figure 1: Project Location



An aerial photograph showing a large, rectangular building, identified by a label as a '40'x120' HATCHERY BUILDING'. The building is oriented vertically in the center of the frame. A dashed line points from the text label to the building. The surrounding area is a mix of open land and some vegetation, with a road or path visible on the left side.



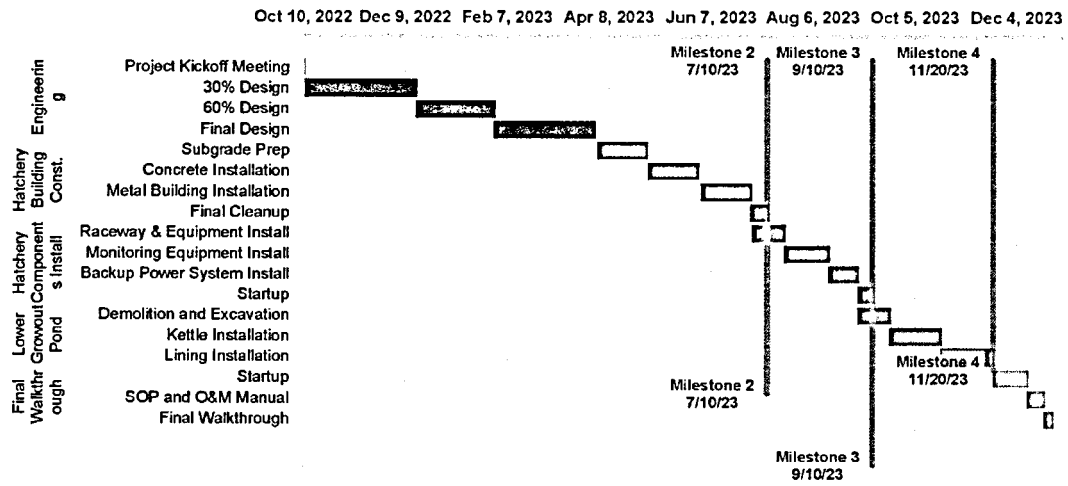
TABLE 1: Planning Project Budget Break-down and Cost Justification

**Project Cost**

Project Engineering.....	\$300,000
Hatchery Building Construction and Equipment Installation.....	\$2,200,000
Harvest Kettle and Growout Pond Lining.....	\$500,000
Navajo Nation Gross Receipts Tax 6% (on labor fee of \$250,000) .....	<u>\$15,000</u>
Total Including Tax. ....	<u>\$3,015,000</u>

TABLE 2: Planning Project Schedule

PROJECT TIMELINE





United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87305

October 5, 2022

Honorable Jonathan Nez  
President, Navajo Nation  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

The Bureau of Indian Affairs (BIA), Navajo Regional Office (NRO), received \$3,000,015 for the Navajo Nation's (Nation) Hatchery Modernization Project. Although, the Nation provided a Fish Hatchery Modernization Project Proposal to our Central Office for the funded amount, the proposal describes activities that align with a Subpart J Construction Contract instead of the Nation's non-construction Contract No. A21AV00002, Fish and Wildlife Program. The Subpart J Construction Contract will be fixed price.

The Nation will need to submit the following documents for a Subpart J Construction Contract:

- need →
1. Tribal Resolution
  2. Application for a Construction Contract
  3. Scope of Work
  4. Budget
  5. Project Schedule

Enclosed are Subpart J Construction information for the Nation's reference. Please submit your Subpart J Construction Project proposal package to BIA, NRO.

Should you have questions or concerns regarding this letter, Ms. Jeanette Quintero, Indian Self-Determination Officer can be reached at via email [jeanette.quintero@bia.gov](mailto:jeanette.quintero@bia.gov) or Dr. Calvert L. Curley, Branch Manager, Branch of Natural Resources at [calvert.curley@bia.gov](mailto:calvert.curley@bia.gov).

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.10.05  
16:15:18 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosures

cc: Cordell Shortey, Contracting Officer, Contracts and Grants Section, OMB, Navajo Nation  
Gloria Tom, Department Manager, Fish and Wildlife, Navajo Nation  
Jeffery Cole, Wildlife Manager, Fish and Wildlife Management Program, Navajo Nation  
Jeanette Quintero, ISDO, Branch of Indian Self-Determination, BIA, Navajo  
Calvert L. Curley, Branch Manager, Branch of Natural Resources, BIA, Navajo



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# NAVAJO NATION

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## Navajo Nation Fish Hatchery Modernization Design/Build Scope of Work

*February 2022*



**Aquatic Consultants**  
The Lake & Stream Experts

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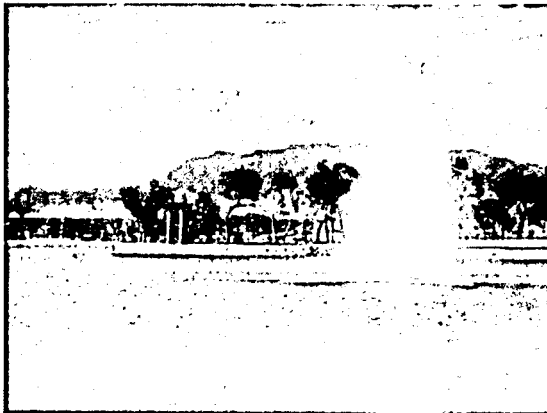
AquaticConsultants

## SECTION I

# SPECIALIZED DESIGN AND TECHNICAL COMPETENCE

### ***Aquatic Consultants' Mission***

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



### ***Aquatic Consultants' Qualifications***

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

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

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

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

**Name:** Aquatic Consultants Inc.

**Address:** 4421 Irving Blvd NW  
Albuquerque, NM 87114

**Tel:** 505-890-5753

**Established:** 1998

**Employees:** 12

**Technical Discipline:** Fisheries Science



## SECTION II

### Scope of Work

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

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

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

Construction components will include the following:

#### ***Project Communication***

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

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

#### ***Site Safety***

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

#### ***Mobilization***

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

#### ***Materials Acquisition***

ACI will acquire all necessary materials to complete the project.

#### **Rearing Building**

ACI along with Tetra Tech will design, engineer, and build the approximately 40' by 120' (4,800 sq/ft) indoor rearing facility. The advantages of the indoor rearing facility will be no predation on fish, maintaining constant water temperature year-round (55 degrees), and an improved working environment for hatchery staff.

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



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## SECTION II

### **Scope of Work**

approximately 12" thick to accommodate the large raceways and loaded stocking trucks that enter the building.

The building will be insulated with spray foam and painted. All plumbing in the building will be run in concrete utility trenches with metal grates over the top to facilitate easy access for future repairs.

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

#### ***Middle Growout Pond***

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

#### ***Lower Growout Pond***

The existing lower growout pond will be renovated. ACI will remove the existing liner and regrade the pond to accommodate a new concrete harvest kettle. The pond will then be relined with the liner being mechanically attached to the new harvest kettle. A concrete ramp will be installed from the top of the pond to the harvest kettle. This will allow a live haul tank to be driven down the pond slope to speed harvest. This new harvest kettle will facilitate harvest, decrease fish stress, and almost eliminate harvest mortality.



## SECTION II

# Scope of Work



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### ***Rearing Components***

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

- 1) Four 53' x 4' Fiberglass Raceways  
(4,100 gallons per Tank)
- 2) CO2 Strippers for Inlet Water Sources
- 3) 3' x 4' Moving Bed Biofilm Reactor (MBBR) Chamber
- 4) Oxygen Generator and Storage Tank Capacity = 2 SCFM at 50 PSI
- 5) Backup Oxygen Cylinders Capacity = 220 CU FT.
- 6) Diffuser Hose Set on Base of Raceway
- 7) Duty and Standby Blowers
- 8) Blower Control Panel
- 9) Tube Course Bubble Diffuser Set on Base of Raceway
- 10) Air System Controls and Alarms
- 11) Flow Alarms
- 12) Custom Fish Screens Throughout
- 13) Quiescent Zones with Waste Drains
- 14) Concrete Retaining Wall between building levels
- 15) Electric Boiler with Recirculation Pump for Side Stream Heating Each Raceway
- 16) 12' Wide Rollup Doors for Vehicle Access
- 17) Internal Wall for Feed Storage
- 18) Sound Enclosers for Mechanical

### ***Site Drainage and Waste Pond***

ACI will grade the site so runoff flows away from the building. ACI will also construct was solid waste pond that will settle solids coming from the rearing building. The waste pond will be designed to be cleaned with equipment.

### ***Backup Power***

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

### ***Site Revegetation***

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

### **General Components**

#### ***Project Finishing and Clean-up***

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

#### ***Project Close-out***

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

SECTION III

**Project Timing and Costs**



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**Project Costs**

ACI has provided the following costs based on the conceptual plans provided. Pricing will be adjusted based on the final plans and materials pricing at time of construction.

**Estimated Timeline:**

Project Engineering..... 4 Months  
Hatchery Building Construction and Equipment Installation..... 6 Months  
Harvest Kettle and Growout Pond Lining.....6 Weeks

**Project Cost**

Project Engineering.....\$300,000  
Hatchery Building Construction and Equipment Installation.....\$2,200,000  
Harvest Kettle and Growout Pond Lining.....\$500,000  
Navajo Nation Gross Receipts Tax 6% (on labor fee of \$250,000) .....\$15,000  
Total Including Tax. ....\$3,015,000

## SECTION IV

# GENERAL ASSUMPTIONS



Aquatic Consultants

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

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



PART I. Business Unit No.: <u>111</u>		New		Program Title: <u>Fish and Wildlife Management</u>		Division/Branch: <u>DNR</u>	
Prepared By: <u>J. Cole</u>		Phone No.: <u>X-6595</u>		Email Address: <u>jcole@nndfw.org</u>			

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY		Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
Bureau of Indian Affairs		1/1/23-12/31/23	\$ 3,000,015.00	100.00						
					2001 Personnel Expenses					
					3000 Travel Expenses					
					3500 Meeting Expenses					
					4000 Supplies					
					5000 Lease and Rental					
					5500 Communications and Utilities					
					6000 Repairs and Maintenance					
					6500 Contractual Services		6	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00
					7000 Special Transactions					
					8000 Public Assistance					
					9000 Capital Outlay		6	\$ 2,700,015.00	\$ 2,700,015.00	\$ 2,700,015.00
					9500 Matching Funds					
					9500 Indirect Cost					
					TOTAL			\$0.00	\$ 3,000,015.00	\$ 3,000,015.00

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

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

SUBMITTED BY:	Gloria M. Tom, Dept. Manager III	APPROVED BY:	Bidiah Becker, Executive Director, DNR
	Program Manager's Printed Name		Division Director / Branch Chief's Printed Name
<u>Gloria M. Tom</u>	<u>11/3/22</u>	<u>Bidiah Becker</u>	<u>AN/2022</u>
	Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date



THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:		Fish and Wildlife Management							
Business Unit No.:	New	Program Name/Title:							
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> Resolution Number: RDCO-79-16 To conserve, protect, enhance and restore fish, wildlife, plants, and their habitat, through aggressive programs for the spiritual, cultural and material benefit present and future generations; operate and maintain Zoological and Botanical Park; enforce animal control laws and regulations and provide animal control services within the Navajo Nation.									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
Number of RFP for Design and Construction of Fish Rearing Facility									
Program Performance Measure/Objective:									
To draft 1 RFP for Design and Engineering of fish hatchery facility		1							
2. Goal Statement:									
Number of Contracts approved by the President									
Program Performance Measure/Objective:									
To have 1 contract approved by the President of the Navajo Nation				1					
3. Goal Statement:									
Number of Fish Rearing Facilities constructed									
Program Performance Measure/Objective:									
To Construct 1 fish rearing facility								1	
4. Goal Statement:									
Number of Nursery Buildings Constructed at the Fish Hatchery									
Program Performance Measure/Objective:									
To construct 1 Nursery building at the Fish Hatchery								1	
5. Goal Statement:									
Number of Inspections Passed for the new buildings									
Program Performance Measure/Objective:									
To pass 2 inspections for the new buildings constructed								2	
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
Program Manager's Printed Name Gloria M. Tom, Department Manager III <i>Gloria M. Tom</i> 11/3/22		Division Director/Branch Chief's Printed Name Bidtah Becker, Executive Director, DNR <i>B. Becker</i> 4 Nov 2022							
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date							

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Business Unit No.: _____ New	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(U)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6500	CONTRACTUAL SERVICES		
6810	Architecture Design Design and Engineering of Fish Hatchery Rearing and Nursery Buildings	\$ 300,000.00	\$ 300,000.00
9000	CAPITAL OUTLAY		
9010	Land Improvements Harvest Kettle and Grow-out Pond Lining	\$ 500,000.00	\$ 500,000.00
9020	Infrastructure		
9050	Building Fish Hatchery Rearing Facility and Nursery Building	\$2,200,015.00	\$ 2,200,015.00
TOTAL		\$3,000,015.00	\$ 3,000,015.00

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

Page \_\_\_\_ of \_\_\_\_  
**PROJECT FORM**

<b>PART I. Business Unit No.: New</b>										<b>PART II. Project Information</b>	
Project Title: Navajo Nation Fish Hatchery Modernization										Project Type:	
Project Description Nursery and Fish Rearing Buildings										Planned Start Date:	
										Planned End Date:	
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification										Project Manager:	

	FY 2023																														
PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.												Expected Completion Date if project exceeds 8 FY Qtrs.																		
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date						
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	
Project Design																															
30%																															
60%																															
Final Design																															
Subgrade Prep																															
Concrete Installation																															
Metal Building Installation																															
Final Cleanup																															
Raceway and Equipment Install																															
Monitoring Equipment Install																															
Backup Power System Install																															
Startup																															
Lower Pond																															
Demolition and Excavation																															
Kettle Installation																															
Lining Installation																															
Startup																															
SOP and O and M Manual																															
Final Walkthrough																															
<b>PART V. Expected Quarterly Expenditures</b>																															
	\$ 100,000.00			\$ 100,000.00			\$ 100,000.00			\$ 100,000.00			\$ 1,350,000.00			\$ 1,350,015.00			\$ 1,350,015.00			\$ 1,350,015.00			\$ 3,000,015.00			<b>PROJECT TOTAL</b>			

## **Application for a Construction Project Pursuant to Public Law (Pub.L.93-638) Sec. 900.125**

- (a) The full name, address, and telephone number of the Indian tribe or tribal organization applying for the contract:

Tribe: Navajo Nation  
Address: Box 1480 Window Rock, AZ 86515

Telephone No.: 928-871-6595  
Fax No. 928-871-7069

In addition to the above, the Indian Tribe or tribal organization submitting the construction proposal, or a construction contract proposal shall provide description of the following standards under which they propose to operate the contract:

### **Program Standards**

- (1) The use of licensed and qualified architects:

Professional, licensed aquaculture engineers will design the fish hatchery for the purpose of raising rainbow trout. Professional, licensed architects and engineers will be hired to design the fish rearing facility and nursery building to meet or exceed National Building Codes, Fire Codes, Plumbing Codes and Electrical Codes.

- (2) Applicable health and safety standards:

Meet or exceed current National Building Codes, Fire Codes, Plumbing Codes and electrical Codes will ensure that the building is designed and built in a safe manner. Emergency and Exit lighting will be installed for safe building ingress and egress. Panic bars will be installed on all exit doors for quick egress. The fish rearing and nursery building will be built in accordance with ADA requirements.

- (3) Adherence to applicable Federal, State, local or tribal building codes and engineering standards:

Fish Rearing and Nursery buildings will Meet or exceed current National Building Codes, Fire Codes, Plumbing Codes and Electrical Codes.

- (4) Structural Integrity: Fish rearing facility will be built upon the site where upper pond was filled in. The filling of the pond will be done using soils tested and approved by a licensed Geotechnical Engineering Firm. As the site is filled,

compaction will be tested by the Geotechnical Engineer. National Building Codes will be followed for design of the building.

(5) **Accountability, of funds:**

Design and Build of the Fish Hatchery Facilities will be done in accordance with the Navajo Nation Procurement Act and Navajo Business Opportunity Act. All expenses will be properly accounted for and copies of all documents will be maintained by the Department of Fish and Wildlife and will be available for inspection by the BIA, upon request.

(6) **Adequate competition for subcontracting under tribal or other applicable law (including its procurement management system standards):**

A Request for Proposals will be published in the Navajo Times in order to select a qualified contractor for design and construction of the facility. A professional Service Contract will be drafted for approval by the Navajo Nation President. The Contract will be reviewed by the Navajo Nation Business Regulatory Department, the Division of Natural Resources, Department of Justice, OMB and Office of the Controller prior to the President Approving the Contract.

(7) **The commencement, performance, and completion of the contract:**

**Project Management:**

The Contractor shall perform project and budget management throughout the duration of the project and organize and attend periodic project meetings as needed. Periodic project meetings shall be held monthly, at a minimum, with more frequent meetings scheduled as needed during key points in the design and construction process. Note that these meetings are in addition; and the 30 and 60 percent design review meetings (Task 3).

In addition, the contractor shall prepare periodic progress reports and submit these to the BIA AOTR on a quarterly basis. These reports shall fully describe the work completed during the previous report, schedule with critical path that includes all current and upcoming construction activities, and shall include details regarding the remaining project budget and percentage of work completed.

(8) **Adherence to project, plans and specification (including any applicable Federal construction guidelines and manuals and the Secretary will accept tribal proposals for alternative which are consistent with or exceed Federal guidelines or manuals applicable to construction programs).**

**Construction Project Management Services**

These services will include various construction project management tasks:

- Weekly construction summaries
- Drone Progress videos distributed weekly once construction activities commence.

- Site Safety

(9) The use of proper materials and workmanship:

Procure aquaculture rearing components including the following

- Four 53' x 4' Fiberglass Raceways (4,100 gallons per Tank)
- CO2 Strippers for Inlet Water Sources
- 3' x 4' Moving Bed Biofilm Reactor (MBBR) Chamber
- Oxygen Generator and Storage Tank Capacity= 2 SCFM at 50 PSI
- Backup Oxygen Cylinders Capacity = 220 CU FT.
- Diffuser Hose Set on Base of Raceway
- Duty and Standby Blowers
- Blower Control Panel
- Tube Course Bubble Diffuser Set on Base of Raceway
- Air System Controls and Alarms
- Flow Alarms
- Custom Fish Screens Throughout
- Quiescent Zones with Waste Drains
- Concrete Retaining Wall between building levels
- Electric or Gas Boiler with Recirculation Pump for Side Stream Heating Each Raceway
- 12' Wide Rollup Doors for Vehicle Access
- Internal Wall for Feed Storage
- Sound Enclosers for Mechanical

(10) Necessary inspection and testing:

Site preparation for building will require soils testing and compaction testing.

(11) With respect to the self-determination contract between the Indian tribe or tribal organization and Federal government, **a process for changes, modifications, stop work, and termination of the work when warranted:**

Any amendment requests will be done formally through the Navajo Nation Office of Management and Budget.

### Required Statements

(b) In addition to provision regarding the program standards listed above or the assurances listed in paragraph (c), the Indian tribe or tribal organization shall also include in its construction contract proposal the following:

- (1) In the case of a contract for design activities, this statement, *"Construction documents produced as part of this contract will be produced in accordance with*

*the Program of Requirements (POR) and/or Scope of Work," and the POR and/or Scope of Work shall be attached to the contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.*

- (2) In the case of contract for construction activities, this statement, *"The facility will be built in accordance with the construction documents produced as a part of design activities. The project documents, including plans and specifications are hereby incorporated into this contract through this reference."* If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.
- (3) Proposed methods to accommodate the responsibilities of the Secretary provided in Sec. 900.131:
- (4) Proposed methods to accommodate the responsibilities of the Indian tribe or tribal organization provided in Sec. 900.130 unless otherwise addressed in paragraph (a) of this section and minimum staff qualifications proposed by the Indian tribe or tribal organization:
- (5) A contract budget as described in Sec. 900.127: (Please attach)
- (6) A period of performance for the conduct of all activities to be contracted:
- (7) A payment schedule as described in Sec. 900.132:
- (8) A statement indicating whether or not the Indian tribe or tribal organization has or plans to have a Construction Management Service contract related to this project:
- (9) Current (unrevoked) authorized resolutions in accordance with Sec. 900.8(d) from all Indian tribes benefiting from the contract proposal: Please attach the current (unrevoked) authorized resolution to the application.
- (10) Any responsibilities, in addition to the Federal responsibilities listed in Sec. 900.131, which the Indian tribe or tribal organization proposes the Federal government perform to assist with the completion of the scope of work:

#### **ASSURANCES**

- (c) The Indian tribe or tribal organization will provide the following assurances in its contract proposal.
  - (1) If the Indian tribe or tribal organization elects not to take title (pursuant to Subject J) to Federal property used in carrying out the contract. *"The Indian tribe or tribal organization will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and*

*instruction from the awarding agency. The Indian tribe or tribal organization will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project."*

- (2) *"The Indian tribe or tribal organization will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.)" which prohibits the use of lead based paint in construction or rehabilitation of residential structures.*
- (3) *"The Indian tribe or tribal organization will comply, or has already complied, with the requirements of Title II or III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646)," which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal participation in purchases.*
- (4) *"Except for work performed by tribal or tribal organization employees, the Indian tribe or tribal organization will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276c and 18 U.S.C. 874)," for Federally assisted construction subagreements.*
- (5) *"The Indian tribe or tribal organization will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234)," which requires recipients in a special flood hazard area in participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.*
- (6) *"The Indian tribe or tribal organization will comply with all applicable Federal environmental laws, regulations, and Executive Orders."*
- (7) *"The Indian tribe or tribal organization will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) related to protecting the components or potential components of the national wild and scenic rivers system."*
- (8) *"The Indian tribe or tribal organization will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended 16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)."*

#### **Good Faith Effort**

- (d) The Indian tribe or tribal organization and the Secretary will both make a good faith effort to identify any other Federal laws, Executive Orders, and regulations applicable to the contract, share them with the other party, and refer to them in the construction contract. The parties will make a good faith effort to identify tribal laws, ordinances, and resolutions, which may affect either party in the performance of the contract.



Each agency may provide or the Indian tribe or tribal organization may request Federal construction guidelines and manuals for construction by the Indian tribe or tribal organization in the preparation of its contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards, the Secretary shall accept the tribally proposed standards.

### **CERTIFICATIONS**

The Indian tribe or tribal organization hereby certifies to the following, and these certifications will be included in the terms and conditions of any contract resultant from this application.

1. "Construction documents produced as part of this contract will be produced in accordance with the Program or Requirements and/or Scope of Work."
2. "That the tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) proposed in this application are consistent with or exceed applicable Federal Standards."
3. "That the facility will be built in accordance with the construction documents, including plans and specifications, are hereby incorporated in this contract through this reference."

Signature:

Title: President

Date:

**Application for a Construction Project  
Pursuant to Public Law (Pub.L.93-638)  
Sec. 900.125**

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Signature:

Title: President

Date:

**Application for a Construction Project  
Pursuant to Public Law (Pub.L.93-638)  
Sec. 900.125**

- (a) The full name, address, and telephone number of the Indian tribe or tribal organization applying for the contract:

Tribe: Navajo Nation  
Address: Box 1480 Window Rock, AZ 86515

Telephone No.: 928-871-6595  
Fax No. 928-871-7069

In addition to the above, the Indian Tribe or tribal organization submitting the construction proposal, or a construction contract proposal shall provide description of the following standards under which they propose to operate the contract:

**Program Standards**

- (1) The use of licensed and qualified architects:

Professional, licensed aquaculture engineers will design the fish hatchery for the purpose of raising rainbow trout. Professional, licensed architects and engineers will be hired to design the fish rearing facility and nursery building to meet or exceed National Building Codes, Fire Codes, Plumbing Codes and Electrical Codes.

- (2) Applicable health and safety standards:

Meet or exceed current National Building Codes, Fire Codes, Plumbing Codes and electrical Codes will ensure that the building is designed and built in a safe manner. Emergency and Exit lighting will be installed for safe building ingress and egress. Panic bars will be installed on all exit doors for quick egress. The fish rearing and nursery building will be built in accordance with ADA requirements.

- (3) Adherence to applicable Federal, State, local or tribal building codes and engineering standards:

Fish Rearing and Nursery buildings will Meet or exceed current National Building Codes, Fire Codes, Plumbing Codes and Electrical Codes.

- (4) Structural Integrity: Fish rearing facility will be built upon the site where upper pond was filled in. The filling of the pond will be done using soils tested and approved by a licensed Geotechnical Engineering Firm. As the site is filled,



compaction will be tested by the Geotechnical Engineer. National Building Codes will be followed for design of the building.

(5) **Accountability, of funds:**

Design and Build of the Fish Hatchery Facilities will be done in accordance with the Navajo Nation Procurement Act and Navajo Business Opportunity Act. All expenses will be properly accounted for and copies of all documents will be maintained by the Department of Fish and Wildlife and will be available for inspection by the BIA, upon request.

(6) **Adequate competition for subcontracting under tribal or other applicable law (including its procurement management system standards):**

A Request for Proposals will be published in the Navajo Times in order to select a qualified contractor for design and construction of the facility. A professional Service Contract will be drafted for approval by the Navajo Nation President. The Contract will be reviewed by the Navajo Nation Business Regulatory Department, the Division of Natural Resources, Department of Justice, OMB and Office of the Controller prior to the President Approving the Contract.

(7) **The commencement, performance, and completion of the contract:**

**Project Management:**

The Contractor shall perform project and budget management throughout the duration of the project and organize and attend periodic project meetings as needed. Periodic project meetings shall be held monthly, at a minimum, with more frequent meetings scheduled as needed during key points in the design and construction process. Note that these meetings are in addition; and the 30 and 60 percent design review meetings (Task 3).

In addition, the contractor shall prepare periodic progress reports and submit these to the BIA AOTR on a quarterly basis. These reports shall fully describe the work completed during the previous report, schedule with critical path that includes all current and upcoming construction activities, and shall include details regarding the remaining project budget and percentage of work completed.

(8) **Adherence to project, plans and specification (including any applicable Federal construction guidelines and manuals and the Secretary will accept tribal proposals for alternative which are consistent with or exceed Federal guidelines or manuals applicable to construction programs).**

**Construction Project Management Services**

These services will include various construction project management tasks:

- Weekly construction summaries
- Drone Progress videos distributed weekly once construction activities commence.

- Site Safety

(9) The use of proper materials and workmanship:

Procure aquaculture rearing components including the following

- Four 53' x 4' Fiberglass Raceways (4,100 gallons per Tank)
- CO2 Strippers for Inlet Water Sources
- 3' x 4' Moving Bed Biofilm Reactor (MBBR) Chamber
- Oxygen Generator and Storage Tank Capacity= 2 SCFM at 50 PSI
- Backup Oxygen Cylinders Capacity = 220 CU FT.
- Diffuser Hose Set on Base of Raceway
- Duty and Standby Blowers
- Blower Control Panel
- Tube Course Bubble Diffuser Set on Base of Raceway
- Air System Controls and Alarms
- Flow Alarms
- Custom Fish Screens Throughout
- Quiescent Zones with Waste Drains
- Concrete Retaining Wall between building levels
- Electric or Gas Boiler with Recirculation Pump for Side Stream Heating Each Raceway
- 12' Wide Rollup Doors for Vehicle Access
- Internal Wall for Feed Storage
- Sound Enclosers for Mechanical

(10) Necessary inspection and testing:

Site preparation for building will require soils testing and compaction testing.

(11) With respect to the self-determination contract between the Indian tribe or tribal organization and Federal government, **a process for changes, modifications, stop work, and termination of the work when warranted:**

Any amendment requests will be done formally through the Navajo Nation Office of Management and Budget.

### Required Statements

(b) In addition to provision regarding the program standards listed above or the assurances listed in paragraph (c), the Indian tribe or tribal organization shall also include in its construction contract proposal the following:

- (1) In the case of a contract for design activities, this statement, *"Construction documents produced as part of this contract will be produced in accordance with*

*the Program of Requirements (POR) and/or Scope of Work," and the POR and/or Scope of Work shall be attached to the contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.*

- (2) In the case of contract for construction activities, this statement, *"The facility will be built in accordance with the construction documents produced as a part of design activities. The project documents, including plans and specifications are hereby incorporated into this contract through this reference."* If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.
- (3) Proposed methods to accommodate the responsibilities of the Secretary provided in Sec. 900.131:
- (4) Proposed methods to accommodate the responsibilities of the Indian tribe or tribal organization provided in Sec. 900.130 unless otherwise addressed in paragraph (a) of this section and minimum staff qualifications proposed by the Indian tribe or tribal organization:
- (5) A contract budget as described in Sec. 900.127: (Please attach)
- (6) A period of performance for the conduct of all activities to be contracted:
- (7) A payment schedule as described in Sec. 900.132:
- (8) A statement indicating whether or not the Indian tribe or tribal organization has or plans to have a Construction Management Service contract related to this project:
- (9) Current (unrevoked) authorized resolutions in accordance with Sec. 900.8(d) from all Indian tribes benefiting from the contract proposal: Please attach the current (unrevoked) authorized resolution to the application.
- (10) Any responsibilities, in addition to the Federal responsibilities listed in Sec. 900.131, which the Indian tribe or tribal organization proposes the Federal government perform to assist with the completion of the scope of work:

#### **ASSURANCES**

- (c) The Indian tribe or tribal organization will provide the following assurances in its contract proposal.
  - (1) If the Indian tribe or tribal organization elects not to take title (pursuant to Subject J) to Federal property used in carrying out the contract. *"The Indian tribe or tribal organization will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and*

*instruction from the awarding agency. The Indian tribe or tribal organization will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project."*

- (2) *"The Indian tribe or tribal organization will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.)" which prohibits the use of lead based paint in construction or rehabilitation of residential structures.*
- (3) *"The Indian tribe or tribal organization will comply, or has already complied, with the requirements of Title II or III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646)," which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal participation in purchases.*
- (4) *"Except for work performed by tribal or tribal organization employees, the Indian tribe or tribal organization will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276c and 18 U.S.C. 874)," for Federally assisted construction subagreements.*
- (5) *"The Indian tribe or tribal organization will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234)," which requires recipients in a special flood hazard area in participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.*
- (6) *"The Indian tribe or tribal organization will comply with all applicable Federal environmental laws, regulations, and Executive Orders."*
- (7) *"The Indian tribe or tribal organization will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) related to protecting the components or potential components of the national wild and scenic rivers system."*
- (8) *"The Indian tribe or tribal organization will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended 16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)."*

#### **Good Faith Effort**

- (d) The Indian tribe or tribal organization and the Secretary will both make a good faith effort to identify any other Federal laws, Executive Orders, and regulations applicable to the contract, share them with the other party, and refer to them in the construction contract. The parties will make a good faith effort to identify tribal laws, ordinances, and resolutions, which may affect either party in the performance of the contract.

Each agency may provide or the Indian tribe or tribal organization may request Federal construction guidelines and manuals for construction by the Indian tribe or tribal organization in the preparation of its contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards, the Secretary shall accept the tribally proposed standards.

### **CERTIFICATIONS**

The Indian tribe or tribal organization hereby certifies to the following, and these certifications will be included in the terms and conditions of any contract resultant from this application.

1. "Construction documents produced as part of this contract will be produced in accordance with the Program or Requirements and/or Scope of Work."
2. "That the tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) proposed in this application are consistent with or exceed applicable Federal Standards."
3. "That the facility will be built in accordance with the construction documents, including plans and specifications, are hereby incorporated in this contract through this reference."

Signature:

Title: President

Date:

Document No. 019706

Date Issued: 11/3/22

**EXHIBIT G**

**SECTION 164 REVIEW FORM**

Title of Document: App. to BIA for Fish Hatchery Construct

Contact Name: COLE, JEFFREY A

Program/Division: DIVISION OF NATURAL RESOURCES

Email: jcole@nndfw.org

Phone Number: 928-871-6595

Division Director Approval for 164A: *for Becker*

**Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days,** except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

**Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council**

☐ **Statement of Policy or Positive Law:** Sufficient Insufficient

1. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

**IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**

1. OMB: *CAH - sec memo* Date: *11/17/22* ☒ ☐  
2. OOC: *Valerie M. Hubbard* Date: *11/29/22* ☒ ☐  
3. OAG: *VB* Date: *12/14/22* ☒ ☐

**Section 164(B) Final approval rests with the President of the Navajo Nation**

☐ **Grant/Funding Agreement or amendment:**

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. BRD: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

# THE NAVAJO NATION

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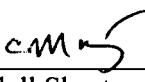
JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



November 17, 2022

## MEMORANDUM

TO : Gloria Tom, Department Manager III – DFW / DNR

FROM :   
Cordell Shortey, Contracting Officer – CGS /OMB

SUBJECT : Document Review No. 019706 – Fish Hatchery Modernization Project for \$3,000,015

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The attached subject document was reviewed pursuant to FY 2023 NN BIM and based on Executive Order (EO) No. 07-2013, The 164 REVIEW AND SIGNATURE PROCESS, which was issued by former President Ben Shelly on April 18, 2013.

The document was issued as SECTION 164(A) REVIEW by Mr. Jeffrey Cole on 11/3/22 and surnamed by Ms. Bidtah Becker. The document review is for Tribal Resolution for Subpart J Construction Project proposal package. While the document is “**Sufficient**”, be advised of the following comments:

1. The letter references the Nation provided a Fish Hatchery Modernization Project Proposal to BIA Central Office for the funded amount, however OMB CGS does not recall the proposal coming through our office.
2. Subpart J Contract should be attached all together without having to go through a 2<sup>nd</sup> review.

DFW / DNR needs to obtain full review on the document. Contact our office at 871-6033 if you have question.

Attachment

Cc: CGS file  
Bidtah Becker, Executive Director – DNR

A handwritten signature, likely of Bidtah Becker, is written in ink.

**Contracts and Grants Section / OMB**

**Document Review Check on Grant Application, Award or Modification**

(Fill in Spaces Highlighted Green that Apply)

**Document Review No.:** 019706 **Date of Review** 11/10/2022

**Sponsor - Title of Program / Division** Dept of Fish & Wildlife (DFW)/ DNR

☒ Application ☐ Award ☐ Mod. Branch Chief signature required? yes

Indicate Fund Source - federal, state, etc. Federal Title of Grant Fish Hatchery Modernization Project

Budget Amount \$ 30,000,015.00 Budget Period 1/1/2023 - 12/31/2023

**FY 2022 NN BIM Appendix L Sec. V. & VI. submit Grant Application; VII. accept Grant Award**

- A. Application - funding agency due date.** not indicated
- Reference Application e.g., SF-424, etc. Subpart J Construction Application
- 1 Grant Agreement, Terms & Conditions Yes
- 2 Scope of Work (SOW) specific to grant purpose. Yes - Attach
- 3 Budget - must be in funding agency format & NNBF 1-5 Attach - NNBF 1, 2, 4 & Proj Sch.
- Ensure each object code budgeted is justified, supported by calculation
- a. NNBF 3 supported by Personnel Office List of Employee Assignment Not Required
- b. Indicated FY & IDC rate used to budget recovery IDC funds Not Necessary
- Is budget on IDC recovery correct via IDC calculation checksheet
- c. Does grant require matching? Not Indicated
- If so ensure Form on Required Match on Contract/Grant is attached
- d. Is Subcontract budgeted separately Yes, Attach
- On lower right hand corner of each NNBF, initial & indicate date of review.***
- 4 If application / award is federal fund, indicate CFDA no.
- 5 Indicate DUNS no. used - Official NN is 009001702
- 6 SAMS
- B. Award, on application submitted by NN - § VII. A.**
- Document review no. on Application & Date
- Notice of Award (NOA) / Date (attach):
- Change to Appli. on Award, explain in **Comment** section below
- C. Award, funding for successor year on multi-year contract - § VII. B.**
- Term (Begin & End Date) of multi-year contract
- NOA / Date (attach):
- D. Sec. IV. C. Contract Modification, Form Summary of Change to Ext Grant Budget**
- Additional allocation to annual award e.g., CR funding on federal award.***
- Required NNBF 3 or 4 or both.
- NOA / Date (attach):
- E. Comments on significant points and issues and concerns.**
- Pursuant to BIA/NRO letter dated 10/05/2022 is a request to submit following documents for Subpart J Construction Contract and funding. Documents include: 1. Tribal Resolution, 2. application for Construction Contract, 3. SOW, 4. Budget and 5. Project Schedule. All documents are provided except for #1. Tribal Resolution. 2 through 5 docs are provided for review to devise a Tribal Resolution at Legislative level.
- F. Document is Sufficient or Insufficient:** Sufficient
- G. Review By / Date:** Lorena Atene, 11/10/2022
- Surname By / Date:** esm

Explain in memorandum significant points and issues/concerns noted in Section E. above on result of review.

*J. N. Williams - Additional Funding*





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
11/30/22 8:52 am
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 019706
SAS #:
UNIT: NRU

☐ RESUBMITTAL

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

### CLIENT TO COMPLETE

DATE OF REQUEST: 11/30/22	ENTITY/DIVISION: DNR
CONTACT NAME: J. Cole	DEPARTMENT: Fish + Wildlife
PHONE NUMBER: X-6595	E-MAIL: jcole@nndfw.org
TITLE OF DOCUMENT: App to BIA for Fish Hatchery Construction	

#10

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: Dec. 6, 2022 @ 3:05pm	REVIEWING ATTORNEY/ADVOCATE: MBN/CP CC:NP
DATE/TIME OUT OF UNIT: 12/14/22 @ 2:15pm lu	

legally sufficient DOJ ATTORNEY / ADVOCATE COMMENTS

Forward for surname.

REVIEWED BY: (PRINT) Michelle Beyer-Nakai	DATE / TIME 12/14/22 8:45	SURNAMED BY: (PRINT) [Signature]	DATE / TIME 12/14/22
DOJ Secretary Called: jcole	for Document Pick Up on 12/14/22 at 2:15	By: lu	
PICKED UP BY: (PRINT)	DATE / TIME:		

# NAVAJO NATION

41

Naa'bik'iyati' Committee Regular Meeting

3/9/2023

09:06:49 PM

Amd# to Amd#

New Business: Item D.

PASSED

MOT James, V

Legislation 0027-23: Authorizing

SEC Tolth, G

the Department of Fish and  
Wildlife to Submit a Contract...

Yeas : 18

Nays : 0

Excused : 2

Not Voting : 3

Yea : 18

Arviso, S

Crotty, A

Notah, N

Slater, C

Aseret, L

Daniels, H

Parrish, S

Tolth, G

Begay, H

James, V

Simonson, G

Tso, O

Charles-Newton, E

Nez, A

Simpson, D

Yanito, C

Claw, S

Nez, R

Nay : 0

Excused : 2

Jesus, B

Johnson, C

Not Voting : 3

Yazzie, C

Damon, S

Begay, N

Presiding Speaker: Curley, C