TITLE: An Action Relating To The Resources And Development Committee; Approving The Agriculture Infrastructure Fund Project Plan For Crop Year 2021 Pursuant To The Síhasin Fund Pasture Range And Forage Expenditure Plan Enacted By CO-57-16 And Amended By CMY-54-18

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0021-21

DATE: February 12, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN ENACTED BY CO-57-16 AND AMENDED BY CMY-54-18

PURPOSE: If this legislation is approved, the 110 Navajo Nation Chapters will receive funding for hay, grain and livestock feed for distribution to ranchers and livestock owners through the Sihasin Fund Pasture Range and Forage Expenditure Plan.

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

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0021-21

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE AGRICULTURE INFRASTRUCTURE FUND
PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE
SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN
ENACTED BY CO-57-16 AND AMENDED BY CMY-54-18

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council is
authorized to exercise oversight authority over, among other things, water, land,
grazing, agriculture, livestock, wildlife, chapter activities, and economic and
community development. 2 N.N.C. § 500 (C).

B. The Navajo Nation Council mandated the Resource and Development Committee
to adopt an annual plan(s) for agriculture infrastructure projects to be funded
through the Agriculture Infrastructure Fund. CO-57-16, as amended, Section Four
(A) (6)(c).
SECTION TWO. FINDINGS

A. On November 3, 2016, the Navajo Nation Council passed Council Resolution CO-57-16, attached as Exhibit A, adopting the Sihasin Fund Pasture Range and Forage Expenditure Plan pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508; the President of the Navajo Nation signed CO-57-16 on November 13, 2016.

B. Among other things, CO-57-16 reserved $19,835,612.00 of Sihasin Funds to guarantee the insurance premiums necessary for the Nation’s participation in the USDOA’s Pasture, Rangeland, Forage Insurance Program for the 2017 and 2018 Crop Years. CO-57-16, Section Three, (C) (1). CO-57-16 was subsequently amended by CMY-54-18, attached as Exhibit B, to extend the Sihasin Fund reserve and guarantee for an additional five years through the end of the 2023 Crop Year.

C. CO-57-16, as amended, also requires that net insurance proceeds (aka: Indemnity Payments) be deposited in an Agriculture Infrastructure Fund and used to fund agriculture infrastructure projects on the Navajo Nation approved annually by the Resources and Development Committee after certain conditions are met, e.g., the Budget and Finance Committee enacts a fund management plan that, among other things, ensures that the Sihasin Fund is reimbursed for any expenditures and that annual amounts are reserved and accumulated to replace the Sihasin Fund guarantee at the end of 2023. CO-57-16, Section Four (A) (6) (c).

D. CO-57-16, as amended, defines “agriculture infrastructure projects” as, “including but not limited to, range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.” CO-57-16, Section Four (A)(5)(c).

E. CO-57-16 further establishes that agriculture infrastructure projects are to be implemented in compliance with a fund management plan approved by the Budget and Finance Committee. CO-57-16, Section Four (A) (6). The Budget and
Finance Committee adopted Resolution No. RDCAU-74-18, attached as Exhibit C, enacting the Agriculture Infrastructure Fund, Fund Management Plan.

F. As set forth in Exhibit D, the Navajo Nation Office of the Controller has provided an unaudited Income Statement and Balance Sheet for the Navajo Nation’s Agriculture Infrastructure Fund and identified the unreserved unappropriated balance of the Agriculture Infrastructure Fund as $27,934,495 of November 30, 2020.


I. COVID-19 is a highly contagious and potentially fatal respiratory virus that has severely impacted Navajo Nation communities and had a devastating impact upon the welfare of the Navajo People. Thousands of Navajos have experienced job loss resulting in severe financial hardship. The Navajo Nation Chapters have responded to the pandemic devastation by purchasing and providing essential items, such as food, water, fuel, and COVID-19 prevention equipment and supplies, for the health and well-being of needy individuals and families in their communities.

J. Navajo communities have also faced heavy snowfall and frigid temperatures during the 2020-2021 winter season, requiring Navajo Nation-wide emergency protective and mitigation activities for all Chapter communities, such as
purchasing and supplying food, water, fuel, livestock feed, etc., to protect life, health, livestock, and property of their members.

K. The livelihood of Navajo ranchers and livestock owners throughout the Navajo Nation has also been negatively affected by the pandemic and winter weather which has left many without the financial means to procure the hay, grain and livestock feed necessary to sustain operations.

L. The use of Agriculture Infrastructure Funds to procure hay, grain and livestock feed for Navajo ranchers and livestock owners is within the allowable purposes set forth in CO-57-16, Section Four (A)(5)(c).

M. The Navajo Nation has determined that it is in the best interest of Navajo communities and the Navajo populace to provide Navajo ranchers and livestock owners with hay, grain and livestock feed to assist in sustaining their ranching and livestock operations.

SECTION THREE. APPROVAL OF AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021

A. The Navajo Nation hereby approves four million dollars ($4,000,000) from the Agriculture Infrastructure Fund to be distributed to the 110 Navajo Nation Chapters, as set forth in Exhibit E, per the Appropriation Act, 12 N.N.C. § 820 (O), Distribution to Chapters 50/50 formula as the Agriculture Infrastructure Fund Project Plan for 2021 (2021 Plan).

B. The funds distributed to Chapters under the 2021 Plan shall only be used to procure hay, grain, and livestock feed for distribution to community members. No other uses of the 2021 Plan funds are allowable.

SECTION FOUR. ADMINISTRATION OF AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021

A. The Agriculture Infrastructure Fund Project Plan Project Plan for 2021 (2021 Plan), shall be administered pursuant to the Agriculture Infrastructure Fund, Fund
Management Plan (AIF-FMP) enacted by RDCAU-74-18 and attached as Exhibit C.

B. The Division of Community Development shall provide administrative oversight of the 2021 Plan and coordinate with the Division of Agriculture to ensure that the Chapter purchases are within allowable Agriculture Infrastructure Fund expenditures as set forth in CO-57-16, Section Two (V)(3), attached as Exhibit A.

C. Notwithstanding AIF-FMP, Section V (F) (1), the Office of the Controller shall not release funds to any Chapter until they have received a resolution from the respective Chapter identifying the quantity of hay, grain and/or livestock feed to be procured by the Chapter and the method or criteria to be used to determine the quantity of hay, grain, and/or livestock feed to be distributed to eligible Chapter members.

SECTION FIVE. AMENDMENTS

The Agriculture Infrastructure Fund Project Plan for Crop Year 2021, adopted herein as Exhibit C, can be amended by the Resources and Development Committee from time to time as necessary to fulfill the mandates of CO-57-16 upon the recommendation of the Division of Natural Resources and Department of Agriculture.