

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0021-21__

SPONSOR: Wilson Stewart, Jr.

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

Date posted: February 13, 2021 at 9:14PM

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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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 02-18-21
Eligible for Action: 02-19-21

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7 
8 TRACKING NO. 0021-21

9
10 AN ACTION
11 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
12 APPROVING THE AGRICULTURE INFRASTRUCTURE FUND
13 PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE
14 SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN
15 ENACTED BY C0-57-16 AND AMENDED BY CMY-54-18
16
17

18 BE IT ENACTED:
19

20 SECTION ONE. AUTHORITY

- 21 A. The Resources and Development Committee of the Navajo Nation Council is
22 authorized to exercise oversight authority over, among other things, water, land,
23 grazing, agriculture, livestock, wildlife, chapter activities, and economic and
24 community development. 2 N.N.C. § 500 (C).
25 B. The Navajo Nation Council mandated the Resource and Development Committee
26 to adopt an annual plan(s) for agriculture infrastructure projects to be funded
27 through the Agriculture Infrastructure Fund. CO-57-16, as amended, Section Four
28 (A) (6)(c).
29
30

1 **SECTION TWO. FINDINGS**

- 2 A. On November 3, 2016, the Navajo Nation Council passed Council Resolution
3 CO-57-16, attached as **Exhibit A**, adopting the Síhasin Fund Pasture Range and
4 Forage Expenditure Plan pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508; the
5 President of the Navajo Nation signed CO-57-16 on November 13, 2016.
- 6 B. Among other things, CO-57-16 reserved \$19,835,612.00 of Síhasin Funds to
7 guarantee the insurance premiums necessary for the Nation’s participation in the
8 USDOA’s Pasture, Rangeland, Forage Insurance Program for the 2017 and 2018
9 Crop Years. CO-57-16, Section Three, (C) (1). CO-57-16 was subsequently
10 amended by CMY-54-18, attached as **Exhibit B**, to extend the Síhasin Fund
11 reserve and guarantee for an additional five years through the end of the 2023
12 Crop Year.
- 13 C. CO-57-16, as amended, also requires that net insurance proceeds (aka: Indemnity
14 Payments) be deposited in an Agriculture Infrastructure Fund and used to fund
15 agriculture infrastructure projects on the Navajo Nation approved annually by the
16 Resources and Development Committee after certain conditions are met, e.g., the
17 Budget and Finance Committee enacts a fund management plan that, among other
18 things, ensures that the Síhasin Fund is reimbursed for any expenditures and that
19 annual amounts are reserved and accumulated to replace the Síhasin Fund
20 guarantee at the end of 2023. CO-57-16, Section Four (A) (6) (c).
- 21 D. CO-57-16, as amended, defines “agriculture infrastructure projects” as, “including
22 but not limited to, range, grazing and livestock; tribal ranches infrastructure;
23 farming and irrigation; agricultural water development; dams, reservoirs and
24 catchments; watershed planning for agriculture; agricultural complexes; drought
25 contingency plan (mitigation measures); area wide fencing; brand office and
26 Navajo Partitioned Lands and former Bennett Freeze Area projects, including
27 administration costs.” CO-57-16, Section Four (A)(5)(c).
- 28 E. CO-57-16 further establishes that agriculture infrastructure projects are to be
29 implemented in compliance with a fund management plan approved by the
30 Budget and Finance Committee. CO-57-16, Section Four (A) (6). The Budget and

1 Finance Committee adopted Resolution No. RDCAU-74-18, attached as **Exhibit**
2 **C**, enacting the Agriculture Infrastructure Fund, Fund Management Plan.

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

8 G. The U.S. Department of Health and Human Services declared a Public Health
9 Emergency related to the novel coronavirus ("COVID-19") outbreak on January
10 31, 2020; and the World Health Organization declared a global pandemic due to
11 COVID-19 on March 11, 2020.

12 H. The Navajo Nation Commission on Emergency Management, with the
13 concurrence of Navajo Nation President Jonathan Nez, declared a Public Health
14 State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19
15 in Resolution No. CEM 20-03-11. The Navajo Nation Department of Health has
16 subsequently issued numerous Public Health Emergency Orders. Public Health
17 Emergency Orders 2020-001 through 2021-02 ("Public Health Emergency
18 Orders") are incorporated by reference into this resolution.

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

27 J. Navajo communities have also faced heavy snowfall and frigid temperatures
28 during the 2020-2021 winter season, requiring Navajo Nation-wide emergency
29 protective and mitigation activities for all Chapter communities, such as
30

1 purchasing and supplying food, water, fuel, livestock feed, etc., to protect life,
2 health, livestock, and property of their members.

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

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

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

14
15 **SECTION THREE. APPROVAL OF AGRICULTURE INFRASTRUCTURE FUND**
16 **PROJECT PLAN FOR CROP YEAR 2021**

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

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

25
26 **SECTION FOUR. ADMINISTRATION OF AGRICULTURE INFRASTRUCTURE**
27 **FUND PROJECT PLAN FOR CROP YEAR 2021**

28 A. The Agriculture Infrastructure Fund Project Plan Project Plan for 2021 (2021
29 Plan), shall be administered pursuant to the Agriculture Infrastructure Fund, Fund
30

1 Management Plan (AIF-FMP) enacted by RDCAU-74-18 and attached as **Exhibit**
2 **C.**

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

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

14
15 **SECTION FIVE. AMENDMENTS**

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