TITLE: An Action Relating to the Naabik’íyáti’ Committee; Requesting the United States ("U.S.") Senate and U.S. Department of Interior, Bureau of Indian Affairs ("BIA"), and U.S. Congress to Immediately Direct and Fund the BIA to Remove and Clean-up Dilapidated and Abandoned BIA-Owned Buildings and Infrastructure on the Former Shiprock Administrative Reserve Property in Preparation of Future Community Economic Development

Date posted: July 21, 2021 at 8:35PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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DATE: July 19, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK’IYATI’ COMMITTEE; REQUESTING THE UNITED STATES (“U.S.”) SENATE AND U.S. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS (“BIA”), AND U.S. CONGRESS TO IMMEDIATELY DIRECT AND FUND THE BIA TO REMOVE AND CLEAN-UP DILAPIDATED AND ABANDONED BIA-OWNED BUILDINGS AND INFRASTRUCTURE ON THE FORMER SHIPROCK ADMINISTRATIVE RESERVE PROPERTY IN PREPARATION OF FUTURE COMMUNITY ECONOMIC DEVELOPMENT

PURPOSE: An action related to the Naabik’iyati’ Committee, requesting the United States (“U.S.”) Senate, U.S. Department of Interior, Bureau of Indian Affairs (“BIA”), and U.S. Congress to immediately direct and fund the BIA to remove and clean-up dilapidated and abandoned BIA-owned buildings and infrastructure on the former Shiprock Administrative Reserve property in preparation of future community economic development.

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

[Signature]

(Prime Sponsor)

TRACKING NO. 0118-21

AN ACTION RELATING TO THE NAAKIK’IYÁTI’ COMMITTEE;
REQUESTING THE UNITED STATES (“U.S.”) SENATE AND U.S.
DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS (“BIA”), AND
U.S. CONGRESS TO IMMEDIATELY DIRECT AND FUND THE BIA TO
REMOVE AND CLEAN-UP DILAPIDATED AND ABANDONED BIA-OWNED
BUILDINGS AND INFRASTRUCTURE ON THE FORMER SHIPROCK
ADMINISTRATIVE RESERVE PROPERTY IN PREPARATION OF FUTURE
COMMUNITY ECONOMIC DEVELOPMENT

BE IT ENACTED:

SECTION ONE. AUTHORITY:

A. The Navajo Nation Council is the governing body of the Navajo Nation, empowered to
promulgate policy and enact laws of the Navajo Nation. 2 N.N.C. §§ 102 (A) and 164
(A).

B. The Naabik’íyáti’ Committee is a standing committee of the Navajo Nation Council
with the enumerated authority to “review and continually monitor the programs and
activities of federal and state departments and to assist development of such
programs designed to serve the Navajo People and the Navajo Nation through
intergovernmental relationships between the Navajo Nation and such departments.”
2 N.N.C. §701 (A)(7).

SECTION TWO. FINDINGS

A. In 1903, the BIA developed approximately forty (40) acres of tribal trust land in Shiprock, New Mexico near the intersection of U.S. Highway 491 and U.S. Highway 64, and became known as the Shiprock Administrative Reserve (SAR). Over the years BIA constructed a hospital, a school, administrative facilities, office buildings, service buildings, warehouses, and residential quarters. Currently, the BIA has vacated and abandoned most of the buildings and the unused structures are now boarded-up.

B. The BIA has acknowledged the current dilapidated state of its buildings and structures on the SAR property, including environmental hazards and unsafe conditions, such as structural damage, water damage, and pest/insect infestation, among others, and has undertaken its legal responsibility to remediate a portion of the property and demolish some of the buildings and structures on it.

C. Specifically, the BIA Navajo Regional Office has taken and completed the following actions:

1. In March 2018, BIA completed the American Society for Testing and Materials (ASTM) Environmental Site Assessment (ESA) Phase 1 on the 37.8-acre SAR site and the fifty-one (51) buildings and structures located on the said property; and

2. In November 2018, BIA completed the ASTM ESA Phase II on 7.3 acres in the north portion of the SAR which contained five (5) buildings, and BIA abated the environmental hazards and removed those buildings. See letter authored by BIA Navajo Regional Director, Bartholomew Stevens, dated September 24, 2020, as Exhibit A.

D. There are currently forty (40) buildings on the SAR that need to be assessed under the ASTM ESA Phase II prior to any abatement or demolition; BIA informed Shiprock Chapter President, Duane Yazzie, that its Branch of Transportation and
Natural Resources division uses some of these buildings, the Bureau of Indian
Education also uses seven (7) buildings for storage areas. See letter authored by BIA
Navajo Regional Director, Bartholomew Stevens, dated September 24, 2020, as
Exhibit A.

E. The BIA owns thirteen (13) residential quarters on the SAR which are unoccupied
and boarded-up, and that two (2) residential quarters are utilized by Navajo Nation
programs.

F. In August 2020, the BIA Branch of Environmental Management developed a Scope
of Work and Government Cost Estimate to conduct the ASTM ESA Phase II for the
remaining buildings on the SAR, and BIA identified funding for this work to be
completed in Fiscal Year (FY) 2020, the scope of which includes the survey and
sampling of each building and property, and identifying the environmental hazards
to be removed in ESA Phase III (abatement and demolition); the abatement cost will
be determined by the amount of hazards to be removed.

G. The ASTM ESA Phase III will address the abatement of the environmental hazards
and complete the demolition of the forty (40) buildings remaining on the SAR in
accordance with 40 Code of Federal Regulations (CFR) § 281 requirements; BIA
plans to complete this work in two (2) phases (abatement and demolition) at the
projected costs:

- Abatement costs: $1,133,679.00
- Demolition costs: $2,042,125.00
- Historical survey costs: $150,000.00

TOTAL $3,325,804.00

H. The BIA Navajo Regional Office stated that they need funding of approximately
$3,325,804.00 to complete the ATSM Phase III work on the SAR.

I. The Shiprock Community, Shiprock Chapter, and Shiprock Community Development
Corporation has worked for many years to develop the SAR property for much
needed economic development projects, including the River Vision, a
comprehensive tourist destination venue consisting of a hotel, a visitor’s center, a
museum, art galleries, arts and crafts shops, an outdoor amphitheater for performing arts, open markets, and traditional native food vendors.

J. Other development plans in coordinated proximity include a contiguous walking plaza, an RV park with river-related recreational activities such as boating, tubing, and fishing; walking, running and biking trails can also be developed along the river shoreline and throughout the entire grounds and future plans could include a sports complex, a bowling alley and additional sectors of the river frontage could be developed to host shops, markets with a traditional flair and restaurants that offer different native cuisine and American menus.

K. The River Vision economic development venture and/or other economic development projects on the former SAR property will provide the Shiprock community an economic stimulus boost and will create much needed jobs for the community.

L. In support of the Shiprock community, the U.S. Department of Agriculture has retained the services of Indigenous Design Studio + Architecture (IDS+A), a one-hundred percent (100%) Navajo woman owned and operated architectural firm located in Albuquerque, New Mexico, to develop the Shiprock River Vision Master Plan for the SAR property site.

M. Before the former SAR property can be developed for economic opportunities for the Shiprock Community, the BIA must meet its legal and trust responsibilities to the Navajo citizens in Shiprock and complete the ASTM ESA Phase III of the former SAR property.

N. The dangerous and abandoned BIA buildings and structures on the former Shiprock Agency Reserve represent a public health hazard, an unattractive nuisance, and a danger to community members, including children and youth, and further impedes tribal job creation and economic development and requires immediate action by the BIA to demolish, remove, and clean up the associated environmental hazards.

O. On April 15, 2021, the Shiprock Chapter duly elected officers passed Resolution 04-15-21-039-SHIP entitled, “Requesting the Regional Bureau of Indian Affairs and
the Federal Bureau of Interior to Allocate Funds for the Demolition of the Former
Shiprock Administrative Reserve Area,” attached as Exhibit B.

P. In the circumstances of the COVID-19 Pandemic National Public Health
Emergency, the Shiprock Community Development Corporation efforts to bring
jobs, economic development, and infrastructure is a high priority to restart the
Shiprock economy and “Build Back Better” under the Biden Administration’s Jobs
and Infrastructure Plans.

SECTION THREE: APPROVING NAVAJO NATION CALLING UPON THE U.S.
SENATE, THE SECRETARY OF INTERIOR, AND THE U.S. CONGRESS TO
MAKE FUNDING AVAILABLE FOR THE ABATEMENT AND DEMOLITION OF
BIA OWNED BUILDINGS AND STRUCTURES ON THE SAR PROPERTY.

A. Navajo Nation hereby respectfully requests Honorable Deb Haaland, Secretary of
the U.S. Department of Interior, to immediately make funds available for the Navajo
BIA Regional Office to complete the ATSM ESA Phase III abatement of
environmental hazards and demolition of the remaining buildings and structures on
the former SAR property.

B. The Navajo Nation hereby respectfully calls upon our United States Senators from
New Mexico, Martin Heinrich and Ben Ray Lujan, our New Mexico House
Delegation and Congress to secure funding in the FY 2022 Interior Appropriations
bill or other legislative measure directing the BIA to complete the ATSM ESA
Phase III abatement of environmental hazards and demolition and removal of the
remaining buildings and structures on the former SAR property and/or to secure
language in any such legislative measures to direct the BIA to immediately
undertake and accomplish this work.