

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0074-22_

SPONSOR: Pernell Halona

TITLE: An Action Relating to Resources and Development Committee and the Naabik'iyáti' Committee; Opposing the United States Secretary of the Interior's Efforts to Assess Operations and Maintenance User Fees on the Navajo Agricultural Products Industry (NAPI) and Water Users for the Navajo Indian Irrigation Project (NIIP)

Date posted: April 06, 2022 at 4:52PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0074-22

DATE: April 4, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE UNITED STATES SECRETARY OF THE INTERIOR'S EFFORTS TO ASSESS OPERATIONS AND MAINTENANCE USER FEES ON THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY (NAPI) AND WATER USERS FOR THE NAVAJO INDIAN IRRIGATION PROJECT (NIIP)

PURPOSE: The purpose of this legislation it to oppose the United States Secretary of the Interior's efforts to assess Operation and Maintenance user fees on NAPI and water users of Navajo Indian Irrigation Project (NIIP).

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: April 11-22
Website Posting Time/Date: _____
Posting End Date: 04-11-22
Eligible for Action: 04-12-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____
6 (Sponsor)



7
8 TRACKING NO. 0074-22

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10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND THE
12 NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE UNITED STATES
13 SECRETARY OF THE INTERIOR'S EFFORTS TO ASSESS OPERATIONS
14 AND MAINTENANCE USER FEES ON THE NAVAJO AGRICULTURAL
15 PRODUCTS INDUSTRY (NAPI) AND WATER USERS FOR THE NAVAJO
16 INDIAN IRRIGATION PROJECT (NIIP)

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Resources and Development Committee is the oversight committee for the
22 Navajo Agricultural Products Industry, Inc. 5 N.N.C. § 500; 5 N.N.C. § 1604.
23 B. The Navajo Nation Council established the Naabik'iyáti' Committee as a standing
24 committee authorized to coordinate with all committees and branches of the Navajo
25 Nation the appearance and testimony before federal entities to provide the most
26 efficient delivery of services to the Navajo Nation. 2 N.N.C. §§700 (A), 701 (A)(4).

27
28 SECTION TWO. FINDINGS

- 29 A. The Navajo Nation Council's Naabik'iyáti' Committee through resolution NABIAP-
30 38-17 established the Navajo Indian Irrigation Project Negotiation Subcommittee to

1 negotiate with the United States to develop a Memorandum of Agreement regarding
2 the funding and completion of the Navajo Indian Irrigation Project (NIIP), advocate
3 for funding for the operation and management of the NIIP, advocate for funding for
4 NIIP under the Water Infrastructure Improvements for the Nation Act and lobby in
5 the interest of the NIIP. Resolution NABIAP-38-17 is attached as **Exhibit 1**.

6 B. The Navajo Agricultural Products Industry (NAPI) is a wholly owned enterprise of
7 the Navajo Nation charged with operating and managing a commercial farm on land
8 held in trust by the United States for the Navajo Nation under an Act of Congress
9 enacted in 1962 authorizing the Navajo Indian Irrigation Project.

10 C. The NIIP is an irrigated agriculture project in northwest New Mexico located on
11 Navajo tribal lands just south of the city of Farmington.

12 D. On October 1, 1985, the Bureau of Reclamation transferred responsibility of the
13 operations and maintenance (O&M) for the NIIP to NAPI under the Indian Self-
14 Determination and Education Assistance Act, Indian Self-Determination Act, P.L. 93-
15 638 as amended.

16 E. Navajo Agricultural Products Industry Management reports that it has incurred a total
17 loss of \$4.3 million for paying the O&M shortfall from 2013 to the present. See
18 **Exhibit 2**, NAPI Board of Directors Resolution, BDD-31-21, paragraph 20.

19 F. On January 23, 2020, the NAPI Board approved Resolution No. BDJA-02-20, which
20 outlined the history, purpose and intent of seeking reimbursement of the O&M
21 shortfall for the NIIP and proposed that the Navajo Nation petition the Secretary of
22 Interior to seek reimbursement of the O&M shortfall of \$4.4 million from 2013 to the
23 present. See **Exhibit 2**, NAPI Board of Directors Resolution, BDD-31-21, paragraph
24 21.

25 G. During a Navajo Indian Irrigation Project Negotiation Subcommittee Work Session
26 on September 26, 2020, the BIA Regional Director confirmed BIA's position on the
27 O&M user fee rates and responsibilities and BIA's intention to assess rates against
28 NAPI and its users." See **Exhibit 2**, NAPI Board of Directors Resolution, BDD-31-
29 21, paragraph 27.

30

1 H. The Navajo Agricultural Products Industry Board of Directors requests and
2 recommends that the NIIP Negotiation Subcommittee oppose the United States
3 Secretary of the Interior's efforts to assess operations and maintenance user fees on
4 the Navajo Agricultural Products Enterprise (NAPI) and water users for the Navajo
5 Indian Irrigation Project (NIIP). The NAPI Board of Directors Resolution, BDD-31-
6 21 is attached as **Exhibit 2**.

7 I. It is in the best interests of the Navajo Nation that Navajo Indian Irrigation Project
8 Negotiation Subcommittee oppose the United States Secretary of the Interior's efforts
9 to assess O&M user fees on NAPI and water users of NIIP.

10
11 **SECTION THREE. OPPOSING THE UNITED STATES SECRETARY OF THE**
12 **INTERIOR'S EFFORTS TO ASSESS O&M USER FEES ON NAPI AND WATER**
13 **USERS OF NAVAJO INDIAN IRRIGATION PROJECT (NIIP)**

14 The Navajo Indian Irrigation Project Negotiation Subcommittee of the Naabik'iyáti'
15 Committee of the Navajo Nation Council opposes the United States Secretary of the
16 Interior's efforts to assess Operation and Maintenance user fees on NAPI and water
17 users of Navajo Indian Irrigation Project (NIIP).