

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0027-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Resources and Development and Naabik'iyáti' Committees; Authorizing the Department of Fish and Wildlife to Submit a Contract Application to the USDOI/BIA Under P.L. 93-638 Subpart J for \$3,000,015 in Funding for a Fish Hatchery Project

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0027-23

Date: February 14, 2023

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

Purpose of this Legislation:


to authorize the Department of Fish & Wildlife to submit a construction contract application under PL 93-638 Subpart J to BIA for \$3,000,0015 in funds for a fish hatchery upgrade project.

OLC No. 23-051-1

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 02-27-23
Eligible for Action: 02-28-23

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4 
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6 (Prime Sponsor)

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8 Tracking No. 0027-23
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10 AN ACTION
11 RELATING TO THE RESOURCES & DEVELOPMENT
12 AND NAABIK'ÍYÁTI' COMMITTEES; AUTHORIZING THE
13 DEPARTMENT OF FISH & WILDLIFE TO SUBMIT A CONTRACT
14 APPLICATION TO THE USDO/I/BIA UNDER P.L. 93-638 SUBPART J
15 FOR \$3,000,015 IN FUNDING FOR A FISH HATCHERY PROJECT
16

17 **BE IT ENACTED:**

18
19 **SECTION ONE. AUTHORITY**

- 20 A. The Resources & Development Committee is a standing committee of the Navajo Nation
21 Council that oversees the Division of Natural Resources and its subordinate departments,
22 including the Department of Fish & Wildlife. 2 N.N.C. §501(C)(1).
23 B. The Resources & Development Committee also has oversight authority over water, land,
24 wildlife, and other environment-related matters. 2 N.N.C. §500.
25 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
26 authorized to act on behalf of the Navajo Nation in reviewing and approving contracts with
27 the United States Department of Interior/Bureau of Indian Affairs ("BIA") for the
28 implementation of projects and receipt of federal funds under the Indian Self-
29 Determination and Education Assistance Act, P.L. 93-638 Subpart J. 2 N.N.C.
30 §701(A)(12).

1 **SECTION TWO. FINDINGS**

2 A. The Navajo Nation Department of Fish & Wildlife (“DFW”) submitted a proposal to BIA
3 for a modernization project for the Navajo Nation’s fish hatchery located in Toadlena,
4 Navajo Nation (New Mexico). DFW requested federal funds in the amount of \$3,000,015
5 for the hatchery upgrade project. **EXHIBIT A.** The project will allow DFW to better meet
6 the needs of anglers at many lakes across the Navajo Nation, to decrease fish mortality, and
7 increase revenue from licensing, among other benefits. **EXHIBIT A.**

8 B. BIA has indicated that the BIA’s Navajo Regional Office has received the \$3,000,015 for
9 the Navajo Nation, for DFW’s proposed fish hatchery project. **EXHIBIT B.** BIA has
10 informed the Navajo Nation that a tribal resolution, a Subpart J construction contract
11 application, a scope of work, a project budget, and a project schedule, are needed in order
12 for BIA to proceed with the contract and prepare the funding award. **EXHIBIT B.**

13 C. As required, DFW has prepared a scope of work for the hatchery upgrade project (attached
14 as **EXHIBIT C**), a project budget (**EXHIBIT D**), and a project schedule (**EXHIBIT E**).

15 D. BIA has provided the Subpart J construction contract application for the Navajo Nation’s
16 approval and execution by the Navajo Nation President. **EXHIBIT F.**

17 E. The contract application and related documents have been sent through the Navajo
18 Nation’s “Section 164 Review” process. The Executive Director of the Division of Natural
19 Resources, the Office of Management and Budget, the Office of the Controller, and the
20 Office of the Attorney General, have all deemed the documents “sufficient.” **EXHIBIT G.**

21 F. Given the BIA funding source, and the benefits to the DFW and the Nation People, the
22 Navajo Nation finds that approving the application to BIA for the \$3,000,015 for the
23 upgrade to the Nation’s fish hatchery facilities is in the best interest of the Navajo Nation.
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25 **SECTION THREE. AUTHORIZING THE DEPARTMENT OF FISH & WILDLIFE**
26 **TO SUBMIT A CONTRACT APPLICATION TO THE**
27 **USDOJ/BIA UNDER P.L. 93-638 SUBPART J FOR \$3,000,015 IN**
28 **FUNDING FOR A FISH HATCHERY PROJECT**

29 A. The Navajo Nation hereby approves the project proposal, scope of work, project budget, and
30 project schedule prepared by the Department of Fish & Wildlife for the Navajo Nation’s fish

1 hatchery project, as shown in the attached **EXHIBITS A, C, D, and E.**

2 B. The Department of Fish & Wildlife is hereby authorized to submit, on behalf of the Navajo
3 Nation, an application to the U.S. Department of the Interior - Bureau of Indian Affairs,
4 under the attached **EXHIBIT F**, for a construction contract under P.L. 93-638 Subpart J, in
5 order to receive \$3,000,015 for the upgrade to the Nation's fish hatchery facilities.

6 C. The President of the Navajo Nation is hereby authorized to execute, on behalf of the
7 Navajo Nation, the construction contract application under **EXHIBIT F**, and to take all
8 further actions as necessary for the Navajo Nation to enter into such contract and receive
9 the allocated \$3,000,015 for Nation's fish hatchery project.

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11 **SECTION FOUR. EFFECTIVE DATE**

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