

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0037-24_

SPONSOR: Otto Tso

**TITLE: An Action Relating to the Resources and Development Committee;
Approving a Surface Use Lease for Tuba City Regional Healthcare Corporation for
Construction of a Sewage Lagoon for the New Echo Cliffs Health Center and
Associated Facilities**

Date posted: February 05, 2024 at 7:51PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0037-24

DATE: February 2, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A SURFACE USE LEASE FOR TUBA CITY REGIONAL HEALTHCARE CORPORATION FOR CONSTRUCTION OF A SEWAGE LAGOON FOR THE NEW ECHO CLIFFS HEALTH CENTER AND ASSOCIATED FACILITIES

PURPOSE: The purpose of the resolution is to approve the Lease to the Tuba City Regional Health Care Corporation for the Echo Cliffs Health Center Sewage Lagoon, for 30 acres, more or less, of Navajo Nation Trust Land.

Final Authority: Resources and Development Committee

Vote Required: Simple Majority

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.

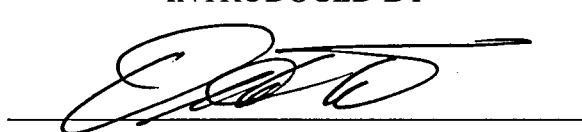
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Posting End Date: 02/10/24

Eligible for Action: 02/11/24

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0037-24

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A SURFACE USE LEASE FOR TUBA CITY REGIONAL
HEALTHCARE CORPORATION FOR CONSTRUCTION OF A SEWAGE LAGOON
FOR THE NEW ECHO CLIFFS HEALTH CENTER AND ASSOCIATED
FACILITIES

BE IT ENACTED

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A).
- B. The Resources and Development Committee of the Navajo Nation Council has authority to give final approval of non-mineral leases, permits on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C. § 501(B)(2).

SECTION TWO. FINDINGS

- 1 A. Tuba City Regional Health Care Corporation (“TCRHCC”) seeks approval for surface
2 use leases from the Navajo Nation covering 100 acres of Navajo Nation tribal trust
3 lands for construction and operation of Echo Cliffs Health Care Facility (“EHC”),
4 formerly titled the Bodaway Gap Health Center, including staff quarters and related
5 infrastructure. TCRHCC, at the direction of the Navajo Division of Natural Resources,
6 has separated its 100-acre Lease request into three separate leases to ease the process:
7 1. Echo Cliffs Health Center; 2. Ninety-two (92) staff housing units; and 3. sewage
8 lagoon.
- 9 B. This resolution will approve a Lease for the EHC Sewage Lagoon. The Lease is
10 attached hereto as **Exhibit A**.
- 11 C. Pursuant to TCRHCC’s Title V Self-Governance Compact (“Compact”) and associated
12 Funding Agreement under the ISDEAA, TCRHCC operates the former Navajo Area
13 Tuba City Indian Medical Center in Tuba City, Navajo Nation, Arizona and multiple
14 satellite facilities and clinics, including mobile clinics, providing services to Indian
15 Health Service beneficiaries in TCRHCC’s service area within the Western Navajo
16 Agency and Coconino County, including the Cameron, Bodaway/Gap, Coalmine
17 Canyon, Kaibeto, LeChee, Coppermine, Tonalea, and To’Nanees’Dizi Chapters of the
18 Navajo Nation, the Hopi Village of Moenkopi, and the San Juan Southern Paiute Tribe.
- 19 D. In furtherance of TCRHCC’s responsibilities as a Tribal Organization under the
20 ISDEAA, and pursuant to its ISDEAA Compact with United States Department of
21 Health and Human Services (“HHS”), Indian Health Services (“IHS”), TCRHCC
22 entered into a Title V Construction Project Agreement, Contract No. DES-22-0056 (the
23 “TVCPA”) with the IHS for the design phase of the new EHC and associated
24 facilities, including staff quarters and related infrastructure.
- 25 E. TCRHCC and IHS have amended and modified the TVCPA by Modification No. 1 to
26 incorporate the construction phase of the Project.
- 27 F. The certified site survey for the Sewage Lagoon, plat, and legal description, for 30 acres
28 is attached as **Exhibit B**.
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- 1 G. TCRHCC is also requesting preauthorization in the Lease to enter into an ISDEAA
2 Section 105(l) lease for the Leased Premises with IHS as a sublease of the Lease,
3 pursuant to the ISDEAA and its implementing regulations at 25 C.F.R. § 900.69 et seq.
4 Section 105(l) of the ISDEAA requires IHS, upon TCRHCC's request, to enter into a
5 lease with the TCRHCC for facilities that TCRHCC owns or leases and is using to carry
6 out federal programs, services, functions, and activities (PSFAs) under its ISDEAA
7 compact with IHS. Authorizing language for a Section 105(l) lease is found at Section
8 13(B) of the proposed Lease and has been previously reviewed and approved by the
9 Navajo Nation Department of Justice for two other leases submitted by TCRHCC.
- 10 H. In accordance with 16 N.N.C. § 2334 (F), TCRHCC is requesting that the rent be
11 waived or that only nominal rental be charged because TCRHCC is a non-profit
12 corporation and the Lease is to support TCRHCC's provision of healthcare services to
13 Navajo Nation tribal members.
- 14 I. The Environmental Assessment including the Biological Resource Clearance Form and
15 Cultural Resources Clearance Forms are attached as **Exhibit C**.
- 16 J. On July 25, 2023, the TCRHCC Board of Directors passed Resolution No. TCRHCC
17 06-07-2023, attached as **Exhibit D**, requesting a surface use lease for TCRHCC from
18 the Navajo Nation for the new ECHC, Associated Staff Housing, and Sewage Lagoon.
- 19 K. Resolutions of the Bodaway Gap, Coppermine, and LeChee Chapters, and of the
20 To'Nanees'Dizi Local Government, supporting development and withdrawal of the 44-
21 acre tract for the ECHC, 26 acre tract for staff housing units, and 30 acre tract for
22 sewage lagoon (total of 100 acres), are attached as composite **Exhibit E**.
- 23 L. The land user consent forms executed by the local Grazing Official are attached as
24 **Exhibit F**.
- 25 M. The Lease was reviewed by the Navajo Nation Department of Justice, and the
26 Executive Official Review Document is attached as **Exhibit G**.
- 27 N. It is in the best interest of the Navajo Chapters, surrounding communities, and the
28 Navajo people to approve the Lease for the Sewage Lagoon.
- 29

1 **SECTION THREE. APPROVAL**

2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the Lease to the Tuba City Regional Health Care Corporation for the Echo
4 Cliffs Health Center Sewage Lagoon and associated facilities, for 30 acres, more or
5 less, of Navajo Nation Trust Land, attached hereto as **Exhibit A**. The location is more
6 particularly described on the survey maps attached as **Exhibit B**.

7 B. The Resources and Development Committee of the Navajo Nation Council hereby
8 approves waiver of rental fees pursuant to 16 N.N.C. § 2334 (F) to support TCRHCC’s
9 provision of healthcare services to Navajo Nation tribal members.

10 C. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute
11 any and all documents necessary to implement the intent and purpose of this resolution.

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