

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0038-24_

SPONSOR: Otto Tso

**TITLE: An Action Relating to the Resource and Development Committee;
Approving a Surface Use Lease for Tuba City Regional Healthcare Corporation for
Construction of the Ninety-Two Staff Housing Units For The New Echo Cliffs
Health Center Facility**

Date posted: February 05, 2024 at 7:54PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0058-24

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 THE NINETY-TWO STAFF HOUSING UNITS FOR THE NEW ECHO CLIFFS HEALTH CENTER FACILITY

PURPOSE: The purpose of the resolution is to approve the Lease for the Echo Cliffs Health Center's ninety-two (92) staff housing units, for 26 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.

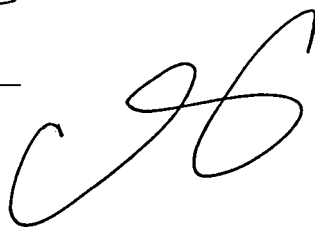
5-DAY BILL HOLD PERIOD Alfred M. Keitt
Website Posting Time/Date _____
Posting End Date: 02/10/24
Eligible for Action: 02/11/24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)



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8 TRACKING NO. 0038-24

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11 AN ACTION
12 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
13 APPROVING A SURFACE USE LEASE FOR TUBA CITY REGIONAL
14 HEALTHCARE CORPORATION FOR CONSTRUCTION OF THE NINETY-TWO
15 STAFF HOUSING UNITS FOR THE NEW ECHO CLIFFS HEALTH CENTER
16 FACILITY

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18 **BE IT ENACTED**

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20 **SECTION ONE. AUTHORITY**

- 21 A. The Resources and Development Committee is a standing committee of the Navajo
22 Nation Council. 2 N.N.C. § 500(A).
23 B. The Resources and Development Committee of the Navajo Nation Council has
24 authority to give final approval of non-mineral leases, permits on Navajo Nation lands
25 and unrestricted (fee) land. This authority shall include subleases, modifications,
26 assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C.
27 § 501(B)(2).

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29 **SECTION TWO. FINDINGS**
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- 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 (“ECHC”),
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 ninety-two (92) staff housing units. The
10 Lease is attached hereto as **Exhibit A**.
- 11 C. Pursuant to TCRHCC’s Title V Self-Governance Compact (“Compact”) and associated
12 Funding Agreement under the Indian Self Determination and Education Assistance Act
13 (“ISDEAA”), TCRHCC operates the former Navajo Area Tuba City Indian Medical
14 Center in Tuba City, Navajo Nation, Arizona and multiple satellite facilities and clinics,
15 including mobile clinics, providing services to Indian Health Service beneficiaries in
16 TCRHCC’s service area within the Western Navajo Agency and Coconino County,
17 including the Cameron, Bodaway/Gap, Coalmine Canyon, Kaibeto, LeChee,
18 Coppermine, Tonalea, and To’Nanees’Dizi Chapters of the Navajo Nation, the Hopi
19 Village of Moenkopi, and the San Juan Southern Paiute Tribe.
- 20 D. In furtherance of TCRHCC’s responsibilities as a Tribal Organization under the
21 ISDEAA, and pursuant to its ISDEAA Compact with United States Department of
22 Health and Human Services (“HHS”), Indian Health Services (“IHS”), TCRHCC
23 entered into a Title V Construction Project Agreement, Contract No. DES-22-0056 (the
24 “TVCPA”) with the IHS for the design phase of the new ECHC and associated
25 facilities, including staff quarters and related infrastructure.
- 26 E. TCRHCC and IHS have amended and modified the TVCPA by Modification No. 1 to
27 incorporate the construction phase of the Project.
- 28 F. Staff housing units under the proposed lease will be for approximately ninety-two (92)
29 units. The certified site survey, plat, and legal description of the 26 acres for staff living
30 units for the ECHC, is attached as **Exhibit B**.

- 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 under its ISDEAA compact
7 with IHS. Authorizing language for a Section 105(l) lease is found at Section 13(B) of
8 the proposed Lease and has been previously reviewed and approved by the Navajo
9 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 Le Chee 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 ninety-two (92) staff housing units.

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30 **SECTION THREE. APPROVAL**

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- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Lease to the Tuba City Regional Health care Corporation for the Echo Cliffs Health Center’s ninety-two (92) staff housing units, for 26 acres, more or less, of Navajo Nation Trust Land, attached hereto as **Exhibit A**. The location is more particularly described on the survey maps attached as **Exhibit B**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of rental fees pursuant to 16 N.N.C. § 2334 (F) to support TCRHCC’s provision of healthcare services to Navajo Nation tribal members.
- C. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to implement the intent and purpose of this resolution.