

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0244-26

SPONSOR: Dr. Andy Nez

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council;
Approving and Adopting the 2026 Navajo Nation Hazard Mitigation Plan as the
Tribal Mitigation Plan of the Navajo Nation Under the Robert T. Stafford Disaster
Relief and Emergency Assistance Act**

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0244-26

DATE: October 19, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE 2026 NAVAJO NATION HAZARD MITIGATION PLAN AS THE TRIBAL MITIGATION PLAN OF THE NAVAJO NATION UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

PURPOSE: This legislation, if approved, would approve and adopt the 2026 Navajo Nation Hazard Mitigation Plan as the Tribal Mitigation Plan of the Navajo Nation so that FEMA can complete its approval of the plan and the Navajo Nation can remain eligible for non-emergency federal disaster assistance and FEMA mitigation grants.

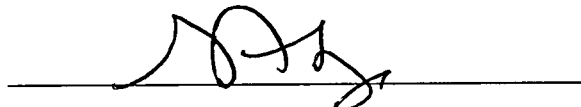
FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Simple Majority Vote

This written summary does not address amendments as may be proposed before the Navajo Nation Council.
The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced By:



Primary Sponsor

Tracking No. 0244-26

AN ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION
COUNCIL; APPROVING AND ADOPTING THE 2026 NAVAJO NATION
HAZARD MITIGATION PLAN AS THE TRIBAL MITIGATION PLAN
OF THE NAVAJO NATION UNDER THE ROBERT T. STAFFORD
DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation, all powers not delegated are reserved to the Navajo Nation Council, and the Navajo Nation Council may consider legislation regarding an emergency matter. 2 N.N.C. §§ 102(A), 102(B), and 164(A)(16).
- B. “Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. § 164(A)(16).

SECTION TWO. FINDINGS

- A. The Law and Order Committee exercises legislative oversight over emergency management and serves as the oversight committee for the Division of Public Safety. 2 N.N.C. §§ 600(C) and 601(C)(1).
- B. The Navajo Nation Commission on Emergency Management, in conjunction with the Navajo Department of Emergency Management, coordinates emergency and disaster relief services by the Navajo Nation and non-tribal entities and assists, on behalf of the Navajo Nation, in seeking assistance from the federal government. 2 N.N.C. §§ 883(A) and 884(B)(2).
- C. The Disaster Mitigation Act of 2000, Pub. L. No. 106-390, amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") to require State, local, and Indian tribal governments to develop and submit for federal approval a mitigation plan that describes actions to mitigate the hazards, risks, and vulnerabilities identified in the plan and establishes a strategy to implement those actions. 42 U.S.C. § 5165.
- D. Under the regulations of the Federal Emergency Management Agency ("FEMA"), an Indian tribal government that applies to FEMA as a recipient must have an approved Tribal Mitigation Plan in order to receive non-emergency Stafford Act assistance and FEMA mitigation grants, and it must review, revise, and resubmit its plan for approval within five (5) years to remain eligible for that assistance. 44 C.F.R. § 201.7(a)(1) and (d)(3).
- E. Non-emergency Stafford Act assistance includes Public Assistance for the repair, restoration, and replacement of public facilities damaged by a major disaster and funding under the Hazard Mitigation Grant Program. 42 U.S.C. §§ 5170c and 5172.
- F. A Tribal Mitigation Plan must be formally adopted by the governing body of the Indian tribal government before FEMA will grant final approval of the plan. 44 C.F.R. § 201.7(c)(5). The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- G. The Navajo Nation first developed a Hazard Mitigation Plan in 2005. The 2005 plan was adopted by the Public Safety Committee of the Navajo Nation Council and by

1 the Commission on Emergency Management, through Resolution No.
2 CEM-06-09-28, with the concurrence of the President of the Navajo Nation. The plan
3 was updated in 2010 and again in 2018, and FEMA approved the 2018 update in
4 April 2019.

5 H. More than five (5) years have passed since FEMA approved the 2018 update, and
6 the continued eligibility of the Navajo Nation for non-emergency Stafford Act
7 assistance as a recipient therefore depends on FEMA's approval of an updated plan.
8 44 C.F.R. § 201.7(d)(3).

9 I. In March 2024, the Navajo Department of Emergency Management, within the
10 Division of Public Safety, convened the Navajo Nation Hazard Mitigation Planning
11 Committee to update the plan. The Planning Committee included representatives of
12 the Division of Public Safety, the Department of Health, the Division of Economic
13 Development, the Division of Transportation, the Division of Community
14 Development, the Division of Human Resources, the Navajo Nation Environmental
15 Protection Agency, the National Weather Service, the Bureau of Indian Affairs, the
16 Indian Health Service, and McKinley County, and it worked with FEMA mitigation
17 staff throughout the update.

18 J. The Navajo Department of Emergency Management held a public meeting on the
19 plan update on March 20, 2024, and between January and June 2024 it held public
20 meetings with twenty-one (21) chapters, each of which passed a resolution
21 supporting the Navajo Department of Emergency Management in the areas of
22 prevention, protection, mitigation, response, and recovery.

23 K. The updated plan, entitled the 2026 Navajo Nation Hazard Mitigation Plan ("2026
24 Plan"), was submitted to FEMA on November 25, 2024, and was revised and
25 resubmitted following FEMA review on December 12, 2024, March 10, 2025, and
26 thereafter. The 2026 Plan is attached as **Exhibit A**.

27 L. The 2026 Plan uses a Calculated Priority Risk Index to rank the natural and human-
28 caused hazards facing the Navajo Nation and focuses its mitigation strategy on the
29 five (5) highest-ranked hazards, which are wildfires, snowstorms and extreme cold,
30 extreme heat, flooding and flash floods, and drought. The goal of the 2026 Plan is to

1 reduce or eliminate the risk to human life, property, and natural resources of the
2 Navajo Nation, and the plan was prepared to reflect the traditional and cultural values
3 of the Navajo People.

4 M. The Navajo Nation continues to experience these hazards. In response, the
5 Commission on Emergency Management issued Resolution No. CEM 25-006,
6 declaring a state of emergency due to the Oak Ridge Fire; Resolution No. CEM
7 25-010, declaring a localized state of emergency for Western Navajo Agency
8 chapters impacted by severe thunderstorms and tornado damage; Resolution No.
9 CEM 26-001, declaring a state of emergency for the impacts of severe winter
10 snowstorms and snow melt across the Navajo Nation; and Resolution No. CEM
11 26-003, declaring a drought emergency.

12 N. The 2026 Plan provides that the Navajo Department of Emergency Management will
13 monitor, evaluate, and update the plan through a Plan Maintenance committee that
14 meets on a bi-annual schedule, that significant changes will be recommended to the
15 appropriate committees of the Navajo Nation Council, and that every five (5) years
16 modifications to the plan will be recommended to the Navajo Nation Council for
17 formal adoption.

18 O. The 2026 Plan includes the assurance required by 44 C.F.R. § 201.7(c)(6) that the
19 Navajo Nation will comply with all applicable federal statutes and regulations in
20 effect for the periods during which it receives grant funding.

21 P. The 2026 Plan was reviewed as a statement of policy under 2 N.N.C. § 164(A) as
22 Document No. 26-9658. The Director of the Division of Public Safety signed the
23 review on October 6, 2026, and the Navajo Nation Department of Justice determined
24 the 2026 Plan to be legally sufficient on October 8, 2026.

25 Q. The Navajo Nation has recently experienced severe flooding. In response, the
26 Commission on Emergency Management issued Resolution No. CEM 25-011,
27 declaring a localized state of emergency for the Birdsprings and Dennehotso
28 Chapters due to severe flooding resulting from the remnants of Hurricanes Priscilla
29 and Raymond, and Resolution No. CEM 26-004, declaring an emergency due to
30 severe monsoon storms, flash flooding, and road infrastructure damage across the

1 Navajo Nation. Federal reimbursement for the repair of damage of this kind may be
2 subject to upcoming due dates, and the Navajo Nation's eligibility for that
3 reimbursement may depend on its having an approved Tribal Mitigation Plan in
4 place.

5 R. FEMA Region 9 has informed the Navajo Department of Emergency Management
6 that formal adoption of the 2026 Plan by the governing body of the Navajo Nation is
7 needed to complete FEMA's approval.

8 S. The 2026 Fall Session of the Navajo Nation Council begins on October 19, 2026.
9 The ordinary legislative process, which requires a five (5) day public comment period
10 and consideration by the Law and Order Committee and the Naabik'iyáti'
11 Committee, may not be completed before potential due dates for federal
12 reimbursement, and the next regular session of the Navajo Nation Council does not
13 begin until January 25, 2027. 2 N.N.C. §§ 162(A) and 164(A)(7) through (9).

14 T. This matter satisfies the requirements for emergency legislation. Without an adopted
15 and approved Tribal Mitigation Plan, the Navajo Nation risks losing federal disaster
16 relief assistance for which it may be eligible under the Stafford Act, including
17 reimbursement for recent flood damage, and it will remain without access to non-
18 emergency Stafford Act assistance and FEMA mitigation grants for future disasters
19 until an updated plan is approved. Only the Navajo Nation Council, as the governing
20 body of the Navajo Nation, can provide the formal adoption that 44 C.F.R. §
21 201.7(c)(5) requires. This matter arises from a pressing public need and requires final
22 action by the Navajo Nation Council. 2 N.N.C. § 164(A)(16).

23 24 **SECTION THREE. APPROVAL AND ADOPTION OF THE 2026 NAVAJO** 25 **NATION HAZARD MITIGATION PLAN**

26 A. The Navajo Nation Council hereby approves and adopts the 2026 Navajo Nation
27 Hazard Mitigation Plan, attached as **Exhibit A**, as the Tribal Mitigation Plan of the
28 Navajo Nation under 42 U.S.C. § 5165 and 44 C.F.R. § 201.7.

29 B. This Action constitutes the formal adoption of the 2026 Plan by the governing body
30 of the Navajo Nation for purposes of 44 C.F.R. § 201.7(c)(5).

- 1 C. The Navajo Nation Council affirms the assurance in the 2026 Plan that the Navajo
2 Nation will comply with all applicable federal statutes and regulations in effect for
3 the periods during which it receives grant funding, and that the Navajo Nation will
4 amend the 2026 Plan whenever necessary to reflect changes in Navajo Nation or
5 federal law. 44 C.F.R. § 201.7(c)(6).
- 6 D. Upon its approval by FEMA, the 2026 Plan shall supersede the Navajo Nation
7 Hazard Mitigation Plan approved by FEMA in April 2019.
- 8 E. The Law and Order Committee may approve revisions that FEMA requires as a
9 condition of its final approval of the 2026 Plan and amendments recommended
10 through the plan maintenance process described in the 2026 Plan, provided that each
11 five (5) year update of the plan shall be presented to the Navajo Nation Council for
12 formal adoption.
- 13 F. Nothing in this Action shall be construed to waive the sovereign immunity of the
14 Navajo Nation or to appropriate any funds of the Navajo Nation.
- 15

16 **SECTION FOUR. DIRECTIVES**

- 17 A. The Office of the Speaker shall transmit a certified copy of this Action to the
18 President of the Navajo Nation; the Executive Director of the Division of Public
19 Safety; the Navajo Department of Emergency Management; and the Navajo Nation
20 Commission on Emergency Management.
- 21 B. The Navajo Department of Emergency Management shall submit the certified copy
22 of this Action, together with the 2026 Plan, to FEMA Region 9 without delay.
- 23 C. The Navajo Department of Emergency Management shall report to the Law and
24 Order Committee on the implementation of the 2026 Plan at least once each year.
- 25

26 **SECTION FIVE. EFFECTIVE DATE**

27 This Action shall become effective upon certification by the Speaker of the Navajo Nation
28 Council pursuant to 2 N.N.C. § 221(C).

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