

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0137-24\_

SPONSOR: Brenda Jesus

**TITLE: An Action Relating to the Resources and Development Committee; Approving a Budget Revision Request from the Navajo Environmental Protection Agency (“NEPA”) to Move Funds from the Navajo Nation’s Hazardous Substances Fund to the Phase 2 Trustee Established Under the Phase 2 Settlement Agreement with the United States that Governs 46 Orphan Abandoned Uranium Mine Sites on the Navajo Nation**

*Date posted:* June 27, 2024 at 1:34PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0137-24

**DATE:** June 26, 2024

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A BUDGET REVISION REQUEST FROM THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY (“NEPA”) TO MOVE FUNDS FROM THE NAVAJO NATION’S HAZARDOUS SUBSTANCES FUND TO THE PHASE 2 TRUSTEE ESTABLISHED UNDER THE PHASE 2 SETTLEMENT AGREEMENT WITH THE UNITED STATES THAT GOVERNS 46 ORPHAN ABANDONED URANIUM MINE SITES ON THE NAVAJO NATION

**PURPOSE:** The purpose of the resolution is to approve the Navajo EPA’s Budget Revision Request of \$102,862.78 from the Phase 1 Trust account to the Phase 2 Trust account, to comply with the Phase 2 Settlement Agreement with the United States, which Agreement governs the continued cleanup of 46 orphan abandoned uranium sites on the Navajo Nation.

**Final Authority:** Resources and Development Committee

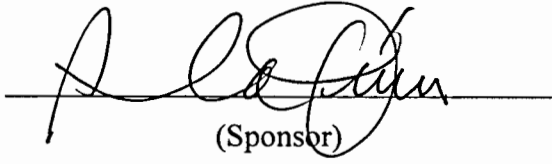
**Vote Required:** Two-thirds (2/3) vote of the full membership of the Committee

**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                       
Website Posting Time/Date                       
Posting End Date: 07-02-24  
Eligible for Action: 07-03-24

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL - Second Year 2024

3 Introduced by:

4   
5  
6 (Sponsor)

7  
8 Tracking No. 0137-24

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10 AN ACTION  
11 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;  
12 APPROVING A BUDGET REVISION REQUEST FROM THE NAVAJO  
13 ENVIRONMENTAL PROTECTION AGENCY (“NEPA”) TO MOVE FUNDS  
14 FROM THE NAVAJO NATION’S HAZARDOUS SUBSTANCES FUND  
15 TO THE PHASE 2 TRUSTEE ESTABLISHED UNDER THE PHASE 2  
16 SETTLEMENT AGREEMENT WITH THE UNITED STATES THAT GOVERNS  
17 46 ORPHAN ABANDONED URANIUM MINE SITES ON THE NAVAJO NATION  
18

19 BE IT ENACTED:

20  
21 SECTION ONE. AUTHORITY

22 A. The Resources & Development Committee is a standing committee of the Navajo Nation  
23 Council with oversight authority over matters concerning the environment, and over the  
24 Navajo Environmental Protection Agency. 2 N.N.C. §500(C), §501(C)(1).

25 B. The Navajo Nation’s Hazardous Substance Fund was established under 4 N.N.C. §2701 to  
26 fund the NEPA’s Superfund Program, which Program administers, implements, and enforces  
27 the Navajo Nation Comprehensive Environmental Response, Compensation, and Liability  
28 Act. The purpose of this Act is to clean up hazardous and contaminated sites across the  
29 Navajo Nation, to protect the public health, safety, and welfare, and to improve the natural  
30 environment.

1 C. The Resources and Development Committee was designated as the legislative oversight  
2 committee for the Hazardous Substance Fund. See Resolution No. BFJA-09-11.

3 D. The FY2024 Budget Instructions Manual, at Section 12(C) requires Oversight Committee  
4 approval for a budget reallocation that transfer funds from one Business Unit to another or  
5 that changes an existing Business Unit account by \$50,000 or more.

6  
7 **SECTION TWO. FINDINGS**

8 A. The Navajo Environmental Protection Agency (“NEPA”) is requesting approval of the  
9 transfer of \$102,862.78 in funds from Object Code 6960 - Subcontracted Services to Object  
10 Code 7310 - Contingencies & Losses. The relevant Budget Revision Request form, with  
11 proper signatures, is attached hereto as **EXHIBIT A**.

12 B. In 2015 and in 2016, the Navajo Nation and the United States entered into a Phase I and a  
13 Phase 2 Settlement Agreement, respectively, which documents govern a total of 46  
14 abandoned uranium sites on the Navajo Nation for which no responsible party can be held  
15 legally liable for cleanup - these sites are called “Orphan Sites.” The most recent agreement  
16 between the Parties pertaining to these Orphan Sites is Addendum 4 to the Phase 2 Settlement  
17 Agreement, attached hereto as **EXHIBIT B**.

18 C. The Environmental Department Manager for the Waste Regulatory Compliance Department  
19 of NEPA, Mr. Warren Roanhorse, has prepared a memorandum explaining that NEPA’s  
20 requested transfer comes from the requirement under the Phase 2 Settlement Agreement -  
21 Addendum 4 to move leftover funds from the Phase 1 Agreement cleanup activities to the  
22 Trust account established for the Phase 2 Agreement activities. Mr. Roanhorse states that the  
23 Phase 2 Trust will not be allocated additional federal money unless and until the remaining  
24 Phase 1 funds are transferred to the Phase 2 Trust. **EXHIBIT C**.

25 D. Further explanation about the transfer of funds is set forth in a letter from the U.S.  
26 Department of Justice, dated May 16, 2023. **EXHIBIT D**.

27 E. The Resources & Development Committee held a Work Session with the NEPA and the  
28 Phase 2 Trustee on April 28, 2023, during which the transfer of funds was explained.  
29 **EXHIBIT E**.

30 F. The Controller has indicated that sufficient funds are sitting in account number N01347 to

1 cover NEPA's requested Budget Revision. **EXHIBIT F.**

2 G. The request Budget Revision has been reviewed in the Section 164 Executive Review  
3 process, and found to be sufficient by the reviewers. **EXHIBIT G.**

4 H. Approving the transfer of funds will allow the extensive cleanup work and environmental  
5 remediation activities at the orphan uranium sites to continue. The Resources &  
6 Development Committee therefore finds it to be in the best interest of the Navajo Nation to  
7 approve the NEPA's Budget Revision Request of \$102,862.78 to the Phase 2 Trust.

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9 **SECTION TWO. APPROVAL AND DIRECTIVES**

10 A. The Resources & Development Committee hereby approves the NEPA's Budget Revision  
11 Request attached hereto as **EXHIBIT A** and directs the Office of Management and Budget  
12 to immediately process the requested funds transfer.

13 B. The Resources & Development Committee further authorizes the proper Navajo Nation staff  
14 and officials to take such further action as necessary and appropriate to effect the requested  
15 funds transfer to the Phase 2 Trust, in order to facilitate the Navajo Nation's compliance with  
16 its obligations under the Phase 2 Settlement Agreement.

17  
18 **SECTION THREE. EFFECTIVE DATE**

19 This Action shall become effective in accordance with 2 N.N.C. §500(C), 2 N.N.C. §501(C)(1),  
20 Resolution No. BFJA-09-11, and 2 N.N.C. §221(C).

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22 **SECTION FOUR. SAVING CLAUSE**

23 If any part of this Action is determined invalid by the Navajo Nation Supreme Court, or by a  
24 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the  
25 remainder of this Action shall be the law of the Navajo Nation.