

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0240-24_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Approving and Authorizing the Department of Fish & Wildlife to Submit a Construction Project Application to the United States Department of Interior, Bureau of Indian Affairs, Under Pub. L. 93-638 "Subpart J", for the Wheatfields Lake Recreation Area

Date posted: November 06, 2024 at 5:55PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0240-24

DATE: October 30, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING AND AUTHORIZING THE DEPARTMENT OF FISH & WILDLIFE TO SUBMIT A CONSTRUCTION PROJECT APPLICATION TO THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, UNDER PUB. L. 93-638 "SUBPART J", FOR THE WHEATFIELDS LAKE RECREATION AREA

PURPOSE: The purpose of this legislation is to approve the Department of Fish & Wildlife's proposal for the design and engineering costs totaling \$617,615 for the Wheatfields Lake Recreation Area and to approve and authorize Fish & Wildlife to submit a Construction Project Application to the United States, Bureau of Indian Affairs, under Public Law 93-638 "Subpart J" for the Wheatfields Lake Recreation Area.

Final Authority: Naabik'íyáti Committee

Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

OLC No. 24-480-1

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 11-11-24
Eligible for Action: 11-12-24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL—Second Year, 2024
3 INTRODUCED BY

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6 Primary Sponsor

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8 TRACKING NO. 0240-24

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
12 COMMITTEES; APPROVING AND AUTHORIZING THE DEPARTMENT OF
13 FISH & WILDLIFE TO SUBMIT A CONSTRUCTION PROJECT APPLICATION
14 TO THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF INDIAN
15 AFFAIRS, UNDER PUB. L. 93-638 "SUBPART J", FOR THE WHEATFIELDS
16 LAKE RECREATION AREA

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18 **BE IT ENACTED:**

19 **SECTION ONE. AUTHORITY**

- 20 A. The Resources and Development Committee is a standing committee of the
21 Navajo Nation Council with oversight authority over water, land, wildlife, and
22 other environmental matters. 2 N.N.C. § 500(A) and (C).
23 B. The Resources and Development Committee also oversees the Division of Natural
24 Resources and its departments, including the Department of Fish & Wildlife. 2
25 N.N.C. § 501(C)(1).
26 C. The Naabik'iyáti Committee of the Navajo Nation Council is authorized to
27 approve contracts between the Navajo Nation and the United States Department
28 of Interior for the implementation of the Indian Self-Determination and Education
29 Assistance Act, 25 U.S.C. § 5301 et seq. (P.L. 93-638, as amended). 2 N.N.C. §
30 701(A)(11).

1 **SECTION TWO. FINDINGS**

2 A. The Navajo Nation Department of Fish & Wildlife (“Fish & Wildlife”) submitted
3 a proposal to the Bureau of Indian Affairs (“BIA”) for the Wheatfields Lake
4 Recreation Area. Fish & Wildlife is seeking \$617,615 for the design and
5 engineering of the Wheatfields Lake Recreation Area. Fish & Wildlife’s proposal
6 is attached as **Exhibit A**.

7 B. In a letter dated June 4, 2024, BIA recommended that Fish & Wildlife enter into a
8 “Subpart J Construction Contract” in accordance with 25 C.F.R. Part 900 –
9 Subpart J (Construction). The BIA noted that all of the proposed activities of the
10 proposal (conceptual design, final design, engineering and architecture) can be
11 covered under a Subpart J Construction Contract and that having a Subpart J
12 Construction Contract would be beneficial to the Navajo Nation if the Navajo
13 Nation receives additional funding related to the Wheatfield Lake Recreation
14 Area from BIA in the future. BIA’s June 4, 2024 letter is attached as **Exhibit B**.

15 C. The regulations found at 25 C.F.R. Part 900 are prepared, issued, and maintained
16 jointly by the Secretary of Health and Human Services and the Secretary of the
17 Interior related to the Indian Self-Determination and Education Assistance Act. 25
18 U.S.C. § 5301 et seq. (P.L. 93-638, as amended). 25 C.F.R. § 900.2(a). As noted
19 above, 25 C.F.R. Part 900 – Subpart J relates to Construction Contracts.

20 D. Fish & Wildlife’s Application for a Construction Project for the Wheatfields Lake
21 Recreation Area, submitted in accordance with 25 C.F.R. § 900.125, is attached as
22 **Exhibit C**.

23 E. The 164 Review Form Document Number 023045 is attached as **Exhibit D**.

24 F. Given the potential benefits of the Wheatfields Lake Recreation Area to Fish &
25 Wildlife and the Navajo people, it is in the best interest of the Navajo Nation to
26 approve the proposal for the Wheatfields Lake Recreation Area and to approve
27 and authorize the submittal of Fish & Wildlife’s Application for a Construction
28 Project to BIA.

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1 **SECTION THREE. APPROVAL**

2 A. The Navajo Nation hereby approves the proposal for the Wheatfields Lake
3 Recreation Area attached as **Exhibit A**.

4 B. The Navajo Nation hereby approves and authorizes the submittal of Fish &
5 Wildlife's Application for a Construction Project attached as **Exhibit C** to the
6 BIA.

7 C. The President of the Navajo Nation is hereby authorized to execute, on behalf
8 of the Navajo Nation, the application contained in **Exhibit C**, and to take all
9 further actions as necessary for the Navajo Nation to enter into such a contract
10 and receive the allocated \$617,615 for the Wheatfields Lake Recreation Area.

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