

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- Second Year, 2024

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The Navajo Nation Department of Fish & Wildlife ("Fish & Wildlife") submitted a proposal to the Bureau of Indian Affairs ("BIA") for the Wheatfields Lake Recreation Area. Fish & Wildlife is seeking \$617,615 for the design and engineering of the Wheatfields Lake Recreation Area. Fish & Wildlife's proposal is attached as **Exhibit A**.
- B. In a letter dated June 4, 2024, BIA recommended that Fish & Wildlife enter into a "Subpart J Construction Contract" in accordance with 25 C.F.R. Part 900 - Subpart J (Construction). The BIA noted that all of the proposed activities of the proposal (conceptual design, final design, engineering and architecture) can be covered under a Subpart J Construction Contract and that having a Subpart J Construction Contract would be beneficial to the Navajo Nation if the Navajo Nation

receives additional funding related to the Wheatfield Lake Recreation Area from BIA in the future. BIA's June 4, 2024 letter is attached as **Exhibit B**.

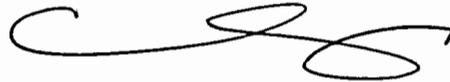
- C. The regulations found at 25 C.F.R. Part 900 are prepared, issued, and maintained jointly by the Secretary of Health and Human Services and the Secretary of the Interior related to the Indian Self-Determination and Education Assistance Act. 25 U.S.C. § 5301 et seq. (P.L. 93-638, as amended). 25 C.F.R. § 900.2(a). As noted above, 25 C.F.R. Part 900 - Subpart J relates to Construction Contracts.
- D. Fish & Wildlife's Application for a Construction Project for the Wheatfields Lake Recreation Area, submitted in accordance with 25 C.F.R. § 900.125, is attached as **Exhibit C**.
- E. The 164 Review Form Document Number 023045 is attached as **Exhibit D**.
- F. Given the potential benefits of the Wheatfields Lake Recreation Area to Fish & Wildlife and the Navajo people, it is in the best interest of the Navajo Nation to approve the proposal for the Wheatfields Lake Recreation Area and to approve and authorize the submittal of Fish & Wildlife's Application for a Construction Project to BIA.

SECTION THREE. APPROVAL

- A. The Navajo Nation hereby approves the proposal for the Wheatfields Lake Recreation Area attached as **Exhibit A**.
- B. The Navajo Nation hereby approves and authorizes the submittal of Fish & Wildlife's Application for a Construction Project attached as **Exhibit C** to the BIA.
- C. The President of the Navajo Nation is hereby authorized to execute, on behalf of the Navajo Nation, the application contained in **Exhibit C**, and to take all further actions as necessary for the Navajo Nation to enter into such a contract and receive the allocated \$617,615 for the Wheatfields Lake Recreation Area.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in Favor, and 00 Opposed, on this 26th day of November 2024.



Honorable Crystalyne Curley, Chairwoman
Naabik'íyáti' Committee

12/3/2024

Date

Motion: Honorable Rickie Nez
Second: Honorable Shawna Ann Claw

Chairwoman Crystalyne Curley not voting



Subpart J Contract – Wheatfields Lake Recreation Area Proposal

I. OVERVIEW

PURPOSE

Contract services include planning, design and engineering of Wheatfields Lake Recreation Area.

LOCATION

The proposed project is located within the Tsaile/Wheatfields Chapter of the Navajo Nation, in Wheatfields, Arizona.

All work will be done within Wheatfields Lake Recreation Area.

BACKGROUND AND NEED FOR THE PROJECT

Wheatfields Lake was constructed in 1962 as a multi-use reservoir that would provide the Navajo Community with outdoor recreational uses, including fishing, camping, hiking, boating, picnicking, and sight-seeing. In December 1985, the Tsaile/Wheatfields Chapter passed a resolution recommending a withdrawal of approximately 135 acres of land at Wheatfields Lake for the recreational park. The purpose of the resolution was to withdraw lands to define the boundaries of the recreational park and to apply regulations as necessary to protect both the site's environment and natural resources. At present, no land management policies are in place to restrict the use of off-road vehicles and ATV motorcycles.

Wheatfields Lake is the most popular of three fishing lakes for rainbow trout on the reservation. Approximately 35,000 to 40,000 rainbow trout are stocked into the lake each year. The summer months have the highest fishing pressure. Anglers typically travel from all areas of the Four Corners to fish, camp, and picnic at this popular destination.

BENEFITS OF WHEAFIELDS LAKE ECREATION AREA DEVELOPMENT

- Create a more enjoyable outdoor experience
- Improve the roads and parking areas to withstand all weather conditions
- Provide ADA access to all facilities
- Provide campground and day-use sheltered picnic tables, fire pit/grills and trash receptacles
- Economic benefits to local communities
- Improved recreation-user satisfaction
- Improve year-round recreation area access

II. SCOPE OF WORK

Task 1 - Topographic Aerial Survey

The engineer will provide topographic aerial survey for the following areas (see graphic below for complete area):

- Bubbling Springs Day-Use Area
- White Cone Day-Use Area
- Horse Spring Campground
- Palisade Creek Campground



Topographic features include the following:

- Survey all visible drainage features, swales, washes, ditches, gutters/valley gutters, culverts/inverts, etc.
- Survey shots along drainage features and locations of geometric changes to cross section, changes in longitudinal slope, etc.
- Survey of existing pipe/culvert inverts (upstream and downstream), note pipe material and condition.

Task 2 - Existing Conditions Drainage Study

To prepare grading and drainage plans for the project the engineer will conduct an existing conditions drainage analysis. The drainage data/information generated for the adjacent NDOT N12 roadway reconstruction project is insufficient for the purposes of this project. To facilitate the safe placement of proposed campground and day-use features, a simple two-dimensional / flow patterning model will be developed for the various phases. Based on this model, recommendations for the placement of day-use area facilities and camp site tent/vehicle pads will be made. Using the flows developed as part of the drainage study/analysis, grading and drainage plans will be produced for each project site and included with the over-all improvement plan set.

Sizing of required conveyance ditches will be done using the simplified manning equation/normal depth approach and using Bentley's FlowMaster program, version Connect Edition 3. No detailed hydraulic modeling using a numerical model will be done as part of this work. If required, culvert sizing will be done using the Federal Highway Administration's HY-8 Culvert Hydraulic Analysis Program, version 7.70.

Low impact development (LID) techniques such as check dams and rock gardens may be recommended if applicable. A Drainage technical memorandum/report will be prepared documenting the drainage analysis, and evaluation.

Task 3 - Engineering Design – Roadway, Grading and Drainage, and Structural Engineering

A typical design submittal, will include the following, to be consistent with the Agency's design-submittal requirements:

- Cover Sheet
- Legend & General Notes
- Quantities Summary
- Geometric Layout & Survey Control
- Miscellaneous Details
- Plan & Profile sheets produced in 50 scale.
- Grading and Drainage Sheets
- Details & Typical Sections (include on grading/drainage sheets)
- Stormwater Pollution Prevention Sheets in 100-scale

Based on estimated length of roadways within the project area, roadway plans will be produced in 50 scale. Roadway Plan and Profiles will show the proposed horizontal and vertical alignments, with an assumed roadway section of 24' wide. Road surface material will be gravel. Grading and drainage sheets will be plan view only and prepared at a 60 scale. Grading and drainage sheets will show proposed grades and roadside ditches as necessary to safely collect and convey runoff to the Wheatfields Lake downstream. Velocities will also be evaluated and if erosive, scour countermeasures will be recommended. Structural engineering will be done to provide concrete thickness and rebar placement for the covered picnic area slabs.

The Team will prepare plan submittals for 60%, 90%, and Final design. Up to one round of comments will be reviewed and addressed using a comment response memorandum for both the 60% and 90% submittals respectively.

Task 4 – Project Management:

The Contractor shall perform project and budget management throughout the duration of the project and organize and attend periodic project meetings as needed. Periodic project meetings shall be held monthly, at a minimum, with more frequent meetings scheduled as needed during key points in the design and construction process.

In addition, the contractor shall prepare periodic progress reports and submit these to the BIA AOTR on a quarterly basis. These reports shall fully describe the work completed during the previous report, schedule with critical path that includes all current and upcoming construction activities, and shall include details regarding the remaining project budget and percentage of work completed.

Task 5 –Perform Construction Services

The Contractor shall perform construction project management and construction services upon the Nation receiving additional funding for construction.

- **Construction Project Management Services**

These services will include various construction project management tasks:

- Weekly construction summaries
- Drone Progress videos distributed weekly once construction activities commence.
- Site Safety

Task 6 – Construction Items

- Road regrading and gravel installation
- Covered picnic sites
- ADA access picnic sites
- Campground grading
- Campground picnic sites
- Picnic site amenities
- Bollard fencing for controlled access
- Site wide grading and drainage upgrades

III. PROJECT SCHEDULE

The phase for planning and design of Wheatfields Lake Recreation Area is scheduled to be completed in one year upon receipt of the funding from BIA.

The actual schedule will be provided at Notice to Proceed stage.

IV. BUDGET

The total cost estimate for design and engineering of Wheatfields Lake Recreation Area shall be \$617,615.

V. ATTACHMENTS

FIGURE 1: Project Location Map

FIGURE 2: Project Lay-out Map

TABLE 1: Planning Project Budget Break-down and Cost Justification

Figure 1 – Project Location Map



Figure 2: Project Lay-Out Map

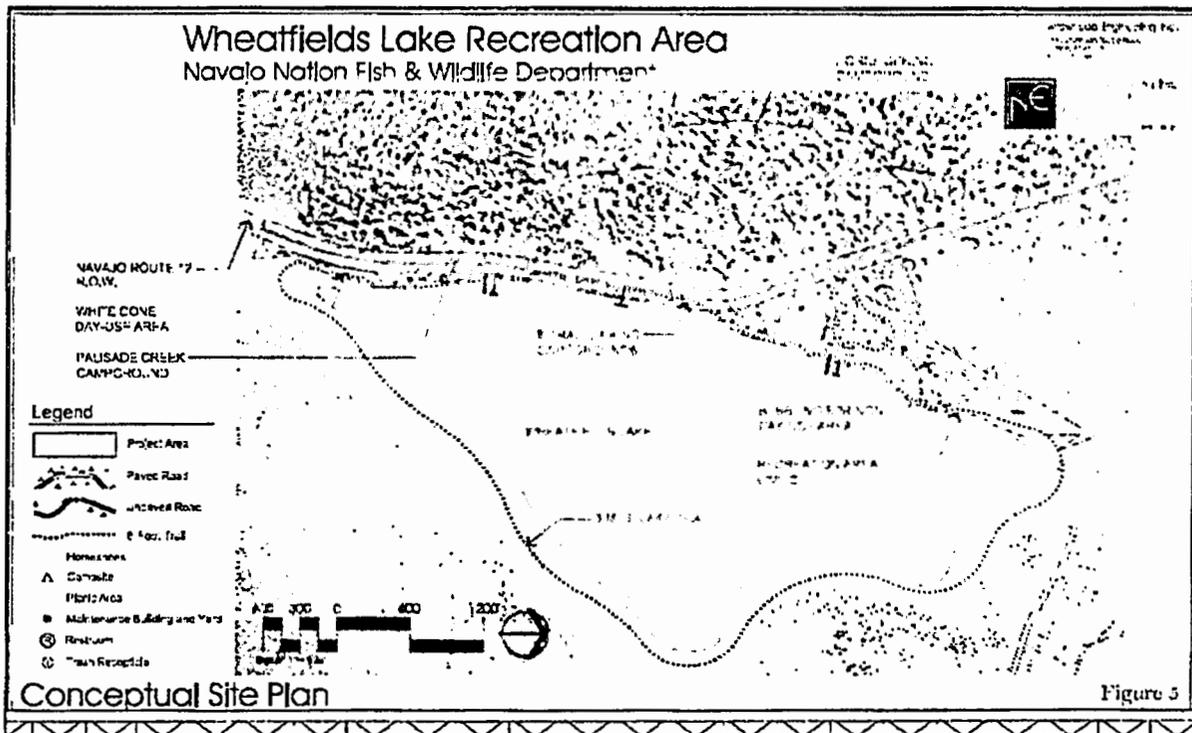


TABLE 1: Planning Project Budget Break-down and Cost Justification

Project Cost	
Aerial Survey, Design, Engineering, and Architecture	\$616,655
Navajo Nation Gross Receipts Tax 6% (on labor fee of \$16,000 for 4 site visits)	<u>\$960</u>
Total Including Tax.....	<u>\$617,615</u>

TABLE 2: Planning Project Schedule:

Final schedule will be provided at Notice to Proceed stage

Estimated Timeline:	
Aerial Survey of Whole Site.....	2 months
Project Design/Engineering/Architecture.....	10 months



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305



June 4, 2024

The Honorable Buu Nygren
President, Navajo Nation
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

The Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) has reviewed the Navajo Nation's (Nation) March 13, 2024 dated letter and its enclosures for the funding received in the amount of \$617,615.00, identified for the Nation's Wheatfields Lake Recreation Area.

The Nation's March 13, 2024 dated letter with the Nation's Department of Fish and Wildlife's (DFW) March 11, 2024 dated memorandum indicated that Nation's DFW wish to not enter a Subpart J Construction Contract, but a Model 108 Contract. However, after careful review of your Scope of Work (SOW) and Budget in the amount of \$617,615.00, the BIA NRO have the following comments and recommendations:

In accordance with 25 CFR Part 900 Subpart J – Construction (enclosed for reference), the Nation's Scope of Work (SOW) and Budget contains an activity (conceptual design) that can be covered under a Model 108 Non-Construction Contract. However, the BIA NRO recommends a Subpart J Construction Contract as all the activities (i.e. conceptual design, final design, engineering, architecture) for this project can be covered under a Subpart J Construction Contract. Having a Subpart J Construction Contract in place would be better if the Nation continues to be provided funding to complete the three phases anticipated to improve the Wheatfield Lake Recreation Area.

In addition, the BIA NRO encloses a SOW template for the Nation's DFW use to identify activities by task to be completed. In Section C. Engineering Design, the BIA NRO recommends adding in 30% submittals, adding in a project schedule and the Budget needs to be broken down by tasks.

If additional information is needed or if the Nation's DFW needs to meet with the BIA NRO regarding this letter, please contact Calvert Curley, Awarding Official's Technical Representative (AOTR) at calvert.curley@bia.gov or me at jeanette.quintero@bia.gov.

Sincerely,

**JEANETTE
QUINTERO**

Digitally signed by
JEANETTE QUINTERO
Date: 2024.06.04
10:31:04 -06'00'

Awarding Official
BIA-2021-L2-000039

Enclosure

cc: Cordell Shortey, Contracting Officer, Contracts and Grants, OMB, Navajo Nation
Gloria Tom, Gloria Tom, Department Manager, Fish and Wildlife, Navajo Nation
Jeffery Cole, Wildlife Manager, Fish and Wildlife Management Program, Navajo Nation
Calvert Curley, AOTR, Branch of Natural Resources, BIA, Navajo

**Application for a Construction Project
Pursuant to Public Law (Pub.L.93-638)
Sec. 900.125**

- (a) The full name, address, and telephone number of the Indian tribe or tribal organization applying for the contract:

Tribe: Navajo Nation
Address: Box 1480 Window Rock, AZ 86515

Telephone No.: 928-871-6595
Fax No. 928-871-7069

In addition to the above, the Indian Tribe or tribal organization submitting the construction proposal, or a construction contract proposal shall provide description of the following standards under which they propose to operate the contract:

Program Standards

- (1) The use of licensed and qualified architects:

Professional, licensed engineers will design Wheatfields Lake Recreation Area campgrounds, day-use areas and the roads into and out of the area. Professional, licensed architects and engineers will be hired to design the recreation area to meet or exceed National Building Codes, Fire Codes, Plumbing Codes and Electrical Codes.

- (2) Applicable health and safety standards:

All facilities will be built in accordance with ADA requirements.

- (3) Adherence to applicable Federal, State, local or tribal building codes and engineering standards:

There will be no buildings, electrical or plumbing developments at Wheatfields Lake Recreation Area.

- (4) Structural Integrity: Campground and day-use area picnic structures will be engineered, site specific geotechnical conditions will be accounted for, and construction activities will be inspected to ensure structural integrity.

- (5) Accountability, of funds:

Design and engineering of Wheatfields Lake Recreation Area facilities will be done in accordance with the Navajo Nation Procurement Act and Navajo Business Opportunity Act. All expenses will be properly accounted for and copies of all documents will be maintained by the Department of Fish and

Wildlife and will be available for inspection by the BIA, upon request. Funds will be administered, in accordance with the following:

- Office of the Auditor General-Navajo Nation Code Title 12, Chapter 1
- Office of the Controller-Navajo Nation Code Title 12, Chapter 12
- Navajo Nation Budget Instructions and Policies Manual

- (6) Adequate competition for subcontracting under tribal or other applicable law (including its procurement management system standards):

A Request for Proposals will be published on the Navajo Nation Office of the Controller website in order to seek out a qualified contractor for design and construction of the facilities. A professional Service Contract will be drafted for approval by the Navajo Nation President. The Contract will be reviewed by the Navajo Nation Business Regulatory Department, the Division of Natural Resources, Department of Justice, OMB and Office of the Controller prior to the President Approving the Contract. The following codes shall apply:

- Navajo Business Opportunity Act-Navajo Nation Code Title 5, Chapter 2
- Navajo Nation Corporation Code-Navajo Nation Code Title 5, Chapter 19
- Navajo Nation Uniform Commercial Code-Navajo Nation Code Title SA
- Navajo Nation Procurement Act-Navajo Nation Code Title 12, Chapter 3
- Navajo Business and Procurement Act-Navajo Nation Code Title 12, Chapter 15

- (7) The commencement, performance, and completion of the contract:

Project Management:

The Contractor shall perform project and budget management throughout the duration of the project and organize and attend periodic project meetings as needed. Periodic project meetings shall be held monthly, at a minimum, with more frequent meetings scheduled as needed during key points in the design and construction process. Note that these meetings are in addition; and the 30 and 60 percent design review meetings (Task 3).

In addition, the contractor shall prepare periodic progress reports and submit these to the BIA AOTR on a quarterly basis. These reports shall fully describe the work completed during the previous report, schedule with critical path that includes all current and upcoming construction activities, and shall include details regarding the remaining project budget and percentage of work completed. The Nation will adhere to the Project Schedule as outlined in attachment E-Planning Project Schedule. If at any time, the Nation is unable to meet the commencement and completion dates as determined by the project schedule, the Nation will notify the BIA's Awarding Official and/or Awarding Official Technical Representative (AOTR) and shall provide justification to modify the performance schedule accordingly.

- (8) Adherence to project, plans and specification (including any applicable Federal construction guidelines and manuals and the Secretary will accept tribal proposals for alternative which are consistent with or exceed Federal guidelines or manuals applicable to construction programs).

Construction Project Management Services

These services will include various construction project management tasks:

- Weekly construction summaries
- Drone Progress videos distributed weekly once construction activities commence.
- Site Safety

(9) The use of proper materials and workmanship:

Architects will design campground and day-use units consisting of a shade, picnic table, trash receptacle, fire pit/grill. Engineers will assist with the conceptual design and engineering of roadways, grading, drainage, and structural engineering of the covered picnic shelters.

The Nation will adhere to the proper materials and workmanship as outlined in the Design/Scope of Work.

(10) Necessary inspection and testing: The Nation agrees to provide the appropriate inspection and testing during construction as determined by the plans and specifications.

(11) With respect to the self-determination contract between the Indian tribe or tribal organization and Federal government, **a process for changes, modifications, stop work, and termination of the work when warranted:**

Any amendment requests will be done formally through the Navajo Nation Office of Management and Budget.

Required Statements

(b) In addition to provision regarding the program standards listed above or the assurances listed in paragraph (c), the Indian tribe or tribal organization shall also include in its construction contract proposal the following:

- (1) In the case of a contract for design activities, this statement, *“Construction documents produced as part of this contract will be produced in accordance with the Program of Requirements (POR) and/or Scope of Work,”* and the POR and/or Scope of Work shall be attached to the contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.
- (2) In the case of contract for construction activities, this statement, *“The facility will be built in accordance with the construction documents produced as a part of design activities. The project documents, including plans and specifications are*

hereby incorporated into this contract through this reference.” If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards then the Secretary shall accept the tribally proposed standards.

- (3) Proposed methods to accommodate the responsibilities of the Secretary provided in Sec. 900.131: The Nation proposes to monitor work produced by contractors, manage contract activities, and provide progress reports and financial status reports as negotiated.
- (4) Proposed methods to accommodate the responsibilities of the Indian tribe or tribal organization provided in Sec. 900.130 unless otherwise addressed in paragraph (a) of this section and minimum staff qualifications proposed by the Indian tribe or tribal organization: The Nation proposes to monitor work produced by contractors, manage contract activities, and provide progress reports and financial status reports as negotiated.
- (5) A contract budget as described in Sec. 900.127: (Please attach). See Attachment D-Planning Project Budget Break-down and Cost Justification
- (6) A period of performance for the conduct of all activities to be contracted: See Attachment C-Wheatfields Lake Recreation Area Proposal, Section III Project Schedule.
- (7) A payment schedule as described in Sec. 900.132: Upon Approval of a Professional Service Agreement by the Navajo Nation President and issuance of a Contract Number by the Purchasing Department, the Contractor will invoice the Department of Fish and Wildlife in the amount of \$617,615.
- (8) A statement indicating whether or not the Indian tribe or tribal organization has or plans to have a Construction Management Service contract related to this project: The Nation does not plan to have a Construction Management Service Contract related to this project. The Department of Fish and Wildlife will be on site during every phase of construction.
- (9) Current (unrevoked) authorized resolutions in accordance with Sec. 900.8(d) from all Indian tribes benefiting from the contract proposal: Please attach the current (unrevoked) authorized resolution to the application. The tribal resolution number is ????????????
- (10) Any responsibilities, in addition to the Federal responsibilities listed in Sec. 900.131, which the Indian tribe or tribal organization proposes the Federal government perform to assist with the completion of the scope of work:

ASSURANCES

- (c) The Indian tribe or tribal organization will provide the following assurances in its contract proposal.

- (1) If the Indian tribe or tribal organization elects not to take title (pursuant to Subject J) to Federal property used in carrying out the contract. *"The Indian tribe or tribal organization will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instruction from the awarding agency. The Indian tribe or tribal organization will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project."*
- (2) *"The Indian tribe or tribal organization will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.)"* which prohibits the use of lead based paint in construction or rehabilitation of residential structures.
- (3) *"The Indian tribe or tribal organization will comply, or has already complied, with the requirements of Title II or III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646),"* which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal participation in purchases.
- (4) *"Except for work performed by tribal or tribal organization employees, the Indian tribe or tribal organization will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276c and 18 U.S.C. 874),"* for Federally assisted construction sub-agreements.
- (5) *"The Indian tribe or tribal organization will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234),"* which requires recipients in a special flood hazard area in participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (6) *"The Indian tribe or tribal organization will comply with all applicable Federal environmental laws, regulations, and Executive Orders."*
- (7) *"The Indian tribe or tribal organization will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) related to protecting the components or potential components of the national wild and scenic rivers system."*
- (8) *"The Indian tribe or tribal organization will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)."*

The Nation acknowledges to comply with the assurances.

Good Faith Effort

- (d) The Indian tribe or tribal organization and the Secretary will both make a good faith effort to identify any other Federal laws, Executive Orders, and regulations applicable to

the contract, share them with the other party, and refer to them in the construction contract. The parties will make a good faith effort to identify tribal laws, ordinances, and resolutions, which may affect either party in the performance of the contract.

Each agency may provide or the Indian tribe or tribal organization may request Federal construction guidelines and manuals for construction by the Indian tribe or tribal organization in the preparation of its contract proposal. If tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) are consistent with or exceed applicable Federal standards, the Secretary shall accept the tribally proposed standards.

CERTIFICATIONS

The Indian tribe or tribal organization hereby certifies to the following, and these certifications will be included in the terms and conditions of any contract resultant from this application.

1. "Construction documents produced as part of this contract will be produced in accordance with the Program or Requirements and/or Scope of Work."
2. "That the tribal construction procedures, standards and methods (including national, regional, state, or tribal building codes or construction industry standards) proposed in this application are consistent with or exceed applicable Federal Standards."
3. "That the facility will be built in accordance with the construction documents, including plans and specifications, are hereby incorporated in this contract through this reference."

Signature:

Dr. Buu Nygren
President
The Navajo Nation

Date: _____

PART I Business Unit No.:		New <u> </u>		Program Title: <u>Wheatfield Lake Recreation Area</u>		Division/Branch: <u>DNR</u>		
Prepared By: <u>J. Cole</u>		Phone No.: <u>928-871-6595</u>		jcole@mndfvz.org				
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			
BIA P.L. 93-638		1/1/24-12/31/24	617,615.00	100%	Fund Type Code	Original Budget	Proposed Budget	Difference or Total
					2001 Personnel Expenses			0.00
					3000 Travel Expenses			0.00
					3500 Meeting Expenses			0.00
					4000 Supplies			0.00
					5000 Lease and Rental			0.00
					5500 Communications and Utilities			0.00
					6000 Repairs and Maintenance			0.00
					6500 Contractual Services	617,615	617,615	617,615.00
					7000 Special Transactions			0.00
					8000 Public Assistance			0.00
					9000 Capital Outlay			0.00
					9500 Matching Funds			0.00
					9500 Indirect Cost			0.00
					TOTAL	\$0.00	617,615.00	617,615.00
PART IV. POSITIONS AND VEHICLES					(D)			
					(E)			
					Total # of Positions Budgeted:			
					Total # of Vehicles Budgeted:			
					TOTAL			
					Total # of Positions Budgeted:			
					Total # of Vehicles Budgeted:			

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Gloria M. Tom, Dept. Manager III APPROVED BY: W. Mike Halona, Division Director

Program Manager's Printed Name Gloria M. Tom Division Director / Branch Chief's Printed Name W. Mike Halona

Program Manager's Signature and Date [Signature] 7/6/2024 Division Director / Branch Chief's Signature and Date [Signature] 7/23/24

Reviewed 7/24/24

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2024

PART I. PROGRAM INFORMATION:		Business Unit No.:		New
Program Name/Title:		Wheatfield Lake Recreation Area		
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(U)	
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
6810 ✓ Architecture/Design Wheatfields Lake Recreation Area Professional Service Contract ✓		\$ 617,615.00	\$617,615.00	
TOTAL			617,615	617,615

Reviewed 7/3/24

SECTION 164 REVIEW FORM

Title of Document: Grant Application to the BIA Contact Name: COLE, JEFFREY A

Program/Division: DIVISION OF NATURAL RESOURCES

Email: jcole@nndfw.org Phone Number: 5058794453

Check document category; only submit to category reviewers. OMB, OOC and OAG have 5 working days, except BRD has 2 working days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A)

Division Director: _____ Date: _____

Statement of Policy or Positive Law:
1. OAG: _____ Date: _____

IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)
1. OMB: i smy, see mem. Date: 07-22-07
2. OOC: Jan Date: 9/11/07
3. OAG: [Signature] Date: 9/13/24



Section 164(B)

Division Director: Robert O. Allan Date: 7/1/29

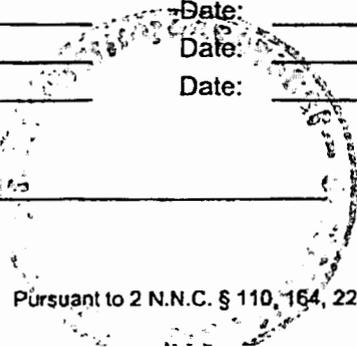
Grant/Funding Agreement or amendment:
1. OMB: _____ Date: _____
2. OOC: _____ Date: _____
3. OAG: _____ Date: _____

Subcontract/Contract expending or receiving funds or amendment:
1. BRD: _____ Date: _____
2. OMB: _____ Date: _____
3. OOC: _____ Date: _____
4. OAG: _____ Date: _____

Letter of Assurance/M.O.A./M.O.U/Other agreement not expending funds or amendment:
1. OAG: _____ Date: _____

M.O.A. or Letter of Assurance expending or receiving funds or amendment:
1. OMB: _____ Date: _____
2. OOC: _____ Date: _____
3. OAG: _____ Date: _____

Office of the President/Vice President _____ Date: _____



**Contracts and Grants Section / OMB
Document Review Check on Grant Application, Award or Modification**

(Fill in Spaces Highlighted Green that Apply)

Document Review No.: **023045** Date of Review **7/3/2024**

Sponsor - Title of Program / Division **Dept of Fish & Wildlife (DFW)/ DNR**

Application Award Mod. Branch Chief signature required? **yes**

Indicate Fund Source - federal, state, etc. **Federal - BIA** Title of Grant **NN Wheatfields Lake Recreation Area**

Budget Amount \$ **617,615.00** Budget Period **Pending Subpart J Construction Contract**

FY 2025 NN BIM Appendix K Sec. 4. & 5. submit Grant Application; 7. accept Grant Award

- A. Application - funding agency due date.
Reference Application e.g., SF-424, etc. **Application for a Construction Project**
- 1 Grant Agreement, Terms & Conditions
 - 2 Scope of Work (SOW) specific to grant purpose. **Proposal attached- SOW, Budget and Project Schedule**
 - 3 Budget - must be in funding agency format & NNBf 1-5 **Attached**
 - Ensure each object code budgeted is Justified, supported by calculation **6810 - Architecture/Design**
 - a. NNBf 3 supported by Personnel Office List of Employee Assignment **N/A**
 - b. Indicated FY & IDC rate used to budget recovery IDC funds **N/A**
 - Is budget on IDC recovery correct via IDC calculation checksheet **Information not Provided**
 - c. Does grant require matching? **No**
 - If so ensure Form on Required Match on Contract/Grant is attached
 - d. Is Subcontract budgeted separately **Not provided**
- On lower right hand corner of each NNBf, Initial & Indicate date of review.**
- 4 If application / award is federal fund, indicate CFDA no. **BIA identified \$617,615; pending Tribal Resolution (TR)**
 - 5 Indicate DUNS no. used - Official NN is 009001702 **Until TR received by BIA NRO, BIA NRO will provide SF-30**
 - 6 SAMS **to indicate CFDA No.**

- B. Award, on application submitted by NN - § 4.
- Document review no. on Application & Date **No prior review - only corresponding letters between BIA NRO**
 - Notice of Award (NOA) / Date (attach): **and NN DFW.**
 - Change to Appli. on Award, explain in Comment section below **BIA NRO letter dated 2/22/2024 & 6/4/2024**

- C. Award, funding for successor year on multi-year contract - § 7. D.
- Term (Begin & End Date) of multi-year contract
 - NOA / Date (attach):

- D. Sec. 3. A. & B. Contract Modification, Form Summary of Change to Ext Grant Budget
Additional allocation to annual award e.g., CR funding on federal award.
- Required NNBf 3 or 4 or both.
 - NOA / Date (attach):

E. **Comments on significant points and issues and concerns.**
Pursuant to BIA/NRO letter dated 2/22/2024 & 6/4/2024 provided Subpart J Construction Contract application packet and to Include Tribal Resolution. Documents included are: Subpart J application, SOW, Budget, and Project Schedule. All documents are included except for Tribal Resolution which will go through a Legislative review process. Also NN DFW will need to attach a Letter of Support for Subpart J Construction to confirm BIA NRO recommendation in response to BIA/NRO letter dated 6/4/2024. Regardless of all the correspondances with Funding Agency, NN DFW is required to comply with NN FY2025 BIM Appendix K. Section 4. A.

F. Document is Sufficient or Insufficient: **Insufficient**

G. Review By / Date: **Lorena Atene** *la* **7/09/2024** *Corrected la 7/22/24*
Surname By / Date:

Explain in memorandum significant points and issues/concerns noted in Section E. above on result of review.

la

7/10/2024

Navajo Nation - Division of Finance
Office of the Controller
164 or Signature Authorization Sheet (SAS) Sign-Off Sheet for OOC

(Attach sign off sheet to SAS document to ensure each section within OOC signs off on SAS)

PLEASE NOTE OOC (ALL SECTIONS IN TOTAL) HAS 7 DAYS TO REVIEW

23045

OOC - Section	Date
1 Accounts Receivable:	_____
2 General Accounting:	<u>L. Ruan</u> <u>9/19/24</u>
3 Contract Accounting:	<u>S. Guy 9/19/24</u> <u>[Signature]</u>
4 Contract Administration:	_____

Comments:

resolved
S. Guy →
9/19/24

FMIS indicates a general funds account. Subpart Contract J
is included with SOW. 9/19/24

Comment - Concur with Contract & Grants (Condell Shanks) memo regarding this application

Program would need to clarify whether an application or an IGA

9/06/2024
Acctg: S. Guy
A. Smith



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

July 22, 2024

MEMORANDUM

To: Gloria Tom, Department Manager III – DFW / DNR

From: *C Shortey*
Cordell Shortey, Contracting Officer – CGS /OMB

Subject: Document No. 023045 – Grant Application to the BIA

The attached subject document was reviewed pursuant to FY 2025 NN BIM and E.O. No. 06-2023 on Document Review issued by President Dr. Nygren on August 18, 2023. It was issued as SECTION 164(B) REVIEW by Mr. Jeffrey A Cole and was surmised by Mr. Robert O. Allan on 7/01/2024. The document was determined **Insufficient** and the reasons explained below:

1. The purpose of the review packet was not clear as explained below. There are (2) BIA NRO letters in the packet and briefing on each as follows:
 - A. Feb. 22, 2024:
 - BIA rec'd \$617,615 which was identified for Wheatfields Lake Recreation Area.
 - Enclosed is NN's funding proposal for 3 phase project, total cost is \$4.8 mil.
 - Project includes construction, Subpart J Contract is required w/ tribal resolution.
 - Enclosed is Construction Contract Appli.; submit revised Scope of Work (SOW), Budget & Project Schedule to align with \$617,615.
 - B. June 4, 2024:
 - BIA rec'd March 13, 2024 NN letter to respond to Feb. 22 letter above.
 - NN said contract be Model 108 Agreement. BIA advised Subpart J applies since SOW and Budget is for construction.
 - SOW template was provided, add 30% submittals; breakdown project schedule and budget by tasks.
2. The subject Document review cover is Section 164(B) Review. Pursuant to EO 06-2023, Executive Official Review (EOR) applies to grant application. The subject document is marked as application, so EOR is correct review type. Section 164 Review in process is the wrong review type. This is one of the confusions.
3. Feb. 22nd BIA letter indicated tribal resolution is required on Subpart J Construction Contract application. Pursuant to NN Code (law) actions that require tribal resolution are subject to SECTION 164(A) REVIEW. However, the review packet at hand was SECTION 164(B) REVIEW. This is another confusion.
4. June 4th BIA letter requested the Nation to submit SOW, budget and project schedule for the funding. The question was is that based on available funds of \$617,615 or the total cost of the project of \$4.8mil? This needed clarification.



OFFICE OF MANAGEMENT AND BUDGET

POST OFFICE BOX 646 | WINDOW ROCK, AZ 86515 | PHONE: (928) 871-6570 | FAX: (928) 871- 6567

5. Based on the confusion and questions noted above, on Fri. July 19th my CGS staff and myself contacted Ms. Quintero at BIA NRO to obtain clarification. The emphasis is ensure the Nation's response and action is done correctly and at once. Below is a recap of her advice:

- A. The Nation submit filled out Subpart J Construction Contract application along with tribal resolution. Therefore, pursuant to EO 06-2023, the correct review type that applies to the packet is SECTION 164(A) REVIEW and as IGA. Not only did CGS/OMB surmised it accordingly but DNR Division Director needs to do that also and the Document reviewers as well.
- Re-review the application that is in the packet to ensure it is complete and accurate.
- B. In regard to item no. 4 above, the SOW, Budget and Project Schedule must be based on funds available and offered of \$617,615. Below are further comments:
- On the SOW, ensure the SOW template that was attached to BIA letter of June 4th is filled out correctly and attached to the review packet.
 - The budget on NNBFs 1 and 2 that is in packet are the FY 2024 forms. Update that and use FY 2025 forms.
 - The project schedule that was requested in BIA letter of June 4th is not in the packet. Ensure that is filled out and attached to the review packet. Also add the 30% submittals that is recommended in the same letter is addressed. CGS is not aware what that is regarding.

Ensure action outlined at no. 5. above are addressed properly and accurately. Contact our office at (928) 871-6033 if you have questions.

Attachments

CC: File – CGS
W. Mike Halona, Division Director – DNR
Jeffery A. Cole, Wildlife Manager – NN DFW/DNR

NAVAJO NATION DEPARTMENT OF JUSTICE



DOCUMENT REVIEW REQUEST COVER SHEET

DOJ USE ONLY

September 11, 2024
DATE / TIME

NNDOJ #: See HighQ

DOC #: 23045

UNIT: Human Services/Government

Unit

RESUBMITTAL: {...}

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	<u>September 11, 2024</u>	DIVISION:	<u>Division of Natural Resources</u>
CONTACT NAME:	<u>Jeffrey Cole</u>		
PHONE NUMBER:	<u>5058794453</u>	E-MAIL:	<u>jcole@nndfw.org</u>
TITLE OF DOCUMENT: <u>Grant Application to BIA for Wheatfields Lake Recreation Area Development</u>			
UNIT REVIEW			
DATE/TIME IN UNIT: <u>September 12, 2024</u>		REVIEWING ATTORNEY/ADVOCATE: <u>Michelle Begay-Nakai</u>	
DATE/TIME ATTORNEY REVIEW COMPLETE: <u>{...}</u>			
DATE/TIME OUT OF UNIT: <u>See email transmitting completed document</u>			
DOJ ATTORNEY / ADVOCATE COMMENTS			
<p>Legally sufficient. Forward for surname. Program still has to seek authorizing resolution for this P.L. 93-638 Subpart J construction contract. Per 2 N.N.C. 701(A)(12), the Naabikiyati Committee has authority to authorize P.L. 93-638 contracts with federal agencies.</p> <p>Please note, the application at b(9) will need to be updated with the appropriate authorizing resolution number as right now it just has numerous question marks.</p>			
LEGAL STATUS: <u>Sufficient</u>		SURNAMED BY: <u>{...}</u>	
		See Document Review signature sheet for date/time	



DR. BUU NYGREN PRESIDENT
RICHELLE MONTOYA VICE PRESIDENT

The Navajo Nation | Yideeskáadi Nitsáhákees

MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish & Wildlife
DIVISION OF NATURAL RESOURCES

FROM : Gloria M. Tom
Gloria M. Tom, Department Manager III
Department of Fish & Wildlife
DIVISION OF NATURAL RESOURCES

DATE : July 1, 2024

SUBJECT : DELEGATION OF AUTHORITY

I am hereby delegating you to act in the capacity of the Department Manager III, Department of Fish and Wildlife, effective at 8:00 a.m. on Monday, July 1, 2024. This delegation shall end at 5:00 p.m. on Friday, July 5, 2024.

Your authority will cover the review and signing off on all routine documents pertaining to the Department of Fish and Wildlife, except for Issues that you feel should have the attention of the Department Manager III.

ACKNOWLEDGEMENT:

David Mikesic 7/1/2024
David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCE

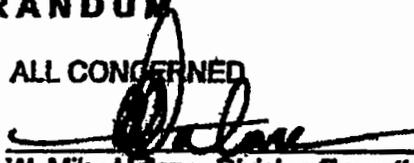


The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáądi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

October 1, 2023

MEMORANDUM

TO : ALL CONCERNED

FROM: 
W. Mike Halona, Division Executive Director
Division of Natural Resources

SUBJECT: FY 2024 Standing Delegation of Authority – DNR Division Director

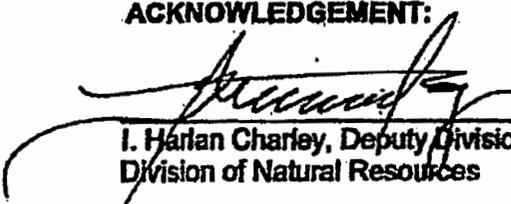
Please be advised of the personnel listed below, will be delegated for the Navajo Nation Division of Natural Resources in my absence from the office.

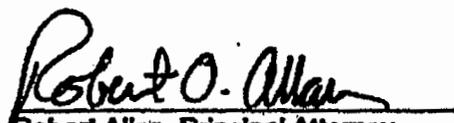
1. I. Harlan Charley, Deputy Division Director
2. Robert Allan, Principal Attorney

The delegation will cover day-to-day operations and shall be responsible for the administration and management of the Division of Natural Resources and supervising all personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

Thank you in advance for your cooperation. If you have any questions, I can be reached by email at w.mike.halona@navajo-nsn.gov or please call the office at (928) 871-8593.

ACKNOWLEDGEMENT:


I. Harlan Charley, Deputy Division Director
Division of Natural Resources


Robert Allan, Principal Attorney
Division of Natural Resources

xc: Distribution

NAVAJO NATION

509

11/26/2024

Naa'bik'iyati' Committee Special Meeting

02:05:37 PM

Amd# to Amd#

New Business: Item A. (CONSENT)

PASSED

MOT Nez, R

#0240-24; #0233-24; #0245-24;

SEC Claw, S

#0246-24; #0243-24

Yeas : 12

Nays : 0

Excused : 7

Not Voting : 3

Yea : 12

Arviso, S

Daniels, H

Nez, R

Slater, C

Begay, N

Jesus, B

Parrish, S

Tso, O

Claw, S

Nez, A

Simpson, D

Yazzie, L

Nay : 0

Excused : 7

Begay, H

Crotty, A

Simonson, G

Yanito, C

Charles-Newton, E

James, V

Tolth, G

Not Voting : 3

Yazzie, C

Notah, N

Johnson, C

Presiding Speaker: Curley, C