

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0118-21_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Naabik'iyáti' Committee; Requesting the United States ("U.S.") Senate and U.S. Department of Interior, Bureau of Indian Affairs ("BIA"), and U.S. Congress to Immediately Direct and Fund the BIA to Remove and Clean-up Dilapidated and Abandoned BIA-Owned Buildings and Infrastructure on the Former Shiprock Administrative Reserve Property in Preparation of Future Community Economic Development

Date posted: July 21, 2021 at 8:35PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-21

DATE: July 19, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAAKIK'IYATI' COMMITTEE; REQUESTING THE UNITED STATES ("U.S.") SENATE AND U.S. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS ("BIA"), AND U.S. CONGRESS TO IMMEDIATELY DIRECT AND FUND THE BIA TO REMOVE AND CLEAN-UP DILAPIDATED AND ABANDONED BIA-OWNED BUILDINGS AND INFRASTRUCTURE ON THE FORMER SHIPROCK ADMINISTRATIVE RESERVE PROPERTY IN PREPARATION OF FUTURE COMMUNITY ECONOMIC DEVELOPMENT

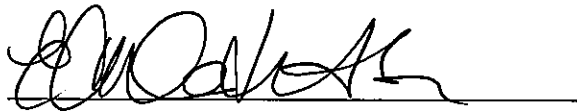
PURPOSE: An action related to the Naabik'iyati' Committee, requesting the United States ("U.S.") Senate, U.S. Department of Interior, Bureau of Indian Affairs ("BIA"), and U.S. Congress to immediately direct and fund the BIA to remove and clean-up dilapidated and abandoned BIA-owned buildings and infrastructure on the former Shiprock Administrative Reserve property in preparation of future community economic development.

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: Johnson
Website Posting Time/Date: _____
Posting End Date: 07-26-21
Eligible for Action: 07-27-21

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year 2021

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0118-21

9
10 AN ACTION RELATING TO THE NAAKIK'YATI' COMMITTEE;
11 REQUESTING THE UNITED STATES ("U.S.") SENATE AND U.S.
12 DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS ("BIA"), AND
13 U.S. CONGRESS TO IMMEDIATELY DIRECT AND FUND THE BIA TO
14 REMOVE AND CLEAN-UP DILAPIDATED AND ABANDONED BIA-OWNED
15 BUILDINGS AND INFRASTRUCTURE ON THE FORMER SHIPROCK
16 ADMINISTRATIVE RESERVE PROPERTY IN PREPARATION OF FUTURE
17 COMMUNITY ECONOMIC DEVELOPMENT

18
19 **BE IT ENACTED:**

20
21 **SECTION ONE. AUTHORITY:**

- 22 A. The Navajo Nation Council is the governing body of the Navajo Nation, empowered to
23 promulgate policy and enact laws of the Navajo Nation. 2 N.N.C. §§ 102 (A) and 164
24 (A).
25 B. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council
26 with the enumerated authority to "review and continually monitor the programs and
27 activities of federal and state departments and to assist development of such
28 programs designed to serve the Navajo People and the Navajo Nation through
29 intergovernmental relationships between the Navajo Nation and such departments."
30 2 N.N.C. §701 (A)(7).

1 C. The Navajo Nation has a government-to-government relationship with the United
2 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

3
4 **SECTION TWO. FINDINGS**

5 A. In 1903, the BIA developed approximately forty (40) acres of tribal trust land in
6 Shiprock, New Mexico near the intersection of U.S. Highway 491 and U.S.
7 Highway 64, and became known as the Shiprock Administrative Reserve (SAR).
8 Over the years BIA constructed a hospital, a school, administrative facilities, office
9 buildings, service buildings, warehouses, and residential quarters. Currently, the
10 BIA has vacated and abandoned most of the buildings and the unused structures are
11 now boarded-up.

12 B. The BIA has acknowledged the current dilapidated state of its buildings and
13 structures on the SAR property, including environmental hazards and unsafe
14 conditions, such as structural damage, water damage, and pest/insect infestation,
15 among others, and has undertaken its legal responsibility to remediate a portion of
16 the property and demolish some of the buildings and structures on it.

17 C. Specifically, the BIA Navajo Regional Office has taken and completed the
18 following actions:

19 1. In March 2018, BIA completed the American Society for Testing and
20 Materials (ASTM) Environmental Site Assessment (ESA) Phase 1 on the 37.8-
21 acre SAR site and the fifty-one (51) buildings and structures located on the said
22 property; and

23 2. In November 2018, BIA completed the ASTM ESA Phase II on 7.3 acres in
24 the north portion of the SAR which contained five (5) buildings, and BIA abated
25 the environmental hazards and removed those buildings. *See* letter authored by
26 BIA Navajo Regional Director, Bartholomew Stevens, dated September 24,
27 2020, as **Exhibit A**.

28 D. There are currently forty (40) buildings on the SAR that need to be assessed under
29 the ASTM ESA Phase II prior to any abatement or demolition; BIA informed
30 Shiprock Chapter President, Duane Yazzie, that its Branch of Transportation and

1 Natural Resources division uses some of these buildings, the Bureau of Indian
2 Education also uses seven (7) buildings for storage areas. *See* letter authored by BIA
3 Navajo Regional Director, Bartholomew Stevens, dated September 24, 2020, as
4 **Exhibit A.**

5 E. The BIA owns thirteen (13) residential quarters on the SAR which are unoccupied
6 and boarded-up, and that two (2) residential quarters are utilized by Navajo Nation
7 programs.

8 F. In August 2020, the BIA Branch of Environmental Management developed a Scope
9 of Work and Government Cost Estimate to conduct the ASTM ESA Phase II for the
10 remaining buildings on the SAR, and BIA identified funding for this work to be
11 completed in Fiscal Year (FY) 2020, the scope of which includes the survey and
12 sampling of each building and property, and identifying the environmental hazards
13 to be removed in ESA Phase III (abatement and demolition); the abatement cost will
14 be determined by the amount of hazards to be removed.

15 G. The ASTM ESA Phase III will address the abatement of the environmental hazards
16 and complete the demolition of the forty (40) buildings remaining on the SAR in
17 accordance with 40 Code of Federal Regulations (CFR) § 281 requirements; BIA
18 plans to complete this work in two (2) phases (abatement and demolition) at the
19 projected costs:

20	▪ Abatement costs:	\$1,133,679.00
21	▪ Demolition costs:	\$2,042,125.00
22	▪ <u>Historical survey costs:</u>	<u>\$ 150,000.00</u>
23	TOTAL	\$3,325,804.00

24 H. The BIA Navajo Regional Office stated that they need funding of approximately
25 \$3,325,804.00 to complete the ATSM Phase III work on the SAR.

26 I. The Shiprock Community, Shiprock Chapter, and Shiprock Community Development
27 Corporation has worked for many years to develop the SAR property for much
28 needed economic development projects, including the River Vision, a
29 comprehensive tourist destination venue consisting of a hotel, a visitor's center, a
30

1 museum, art galleries, arts and crafts shops, an outdoor amphitheater for performing
2 arts, open markets, and traditional native food vendors.

3 J. Other development plans in coordinated proximity include a contiguous walking
4 plaza, an RV park with river-related recreational activities such as boating, tubing,
5 and fishing; walking, running and biking trails can also be developed along the river
6 shoreline and throughout the entire grounds and future plans could include a sports
7 complex, a bowling alley and additional sectors of the river frontage could be
8 developed to host shops, markets with a traditional flair and restaurants that offer
9 different native cuisine and American menus.

10 K. The River Vision economic development venture and/or other economic
11 development projects on the former SAR property will provide the Shiprock
12 community an economic stimulus boost and will create much needed jobs for the
13 community.

14 L. In support of the Shiprock community, the U.S. Department of Agriculture has
15 retained the services of Indigenous Design Studio + Architecture (IDS+A), a one-
16 hundred percent (100%) Navajo woman owned and operated architectural firm
17 located in Albuquerque, New Mexico, to develop the Shiprock River Vision Master
18 Plan for the SAR property site.

19 M. Before the former SAR property can be developed for economic opportunities for
20 the Shiprock Community, the BIA must meet its legal and trust responsibilities to
21 the Navajo citizens in Shiprock and complete the ASTM ESA Phase III of the
22 former SAR property.

23 N. The dangerous and abandoned BIA buildings and structures on the former Shiprock
24 Agency Reserve represent a public health hazard, an unattractive nuisance, and a
25 danger to community members, including children and youth, and further impedes
26 tribal job creation and economic development and requires immediate action by the
27 BIA to demolish, remove, and clean up the associated environmental hazards.

28 O. On April 15, 2021, the Shiprock Chapter duly elected officers passed Resolution 04-
29 15-21-039-SHIP entitled, "Requesting the Regional Bureau of Indian Affairs and
30

1 the Federal Bureau of Interior to Allocate Funds for the Demolition of the Former
2 Shiprock Administrative Reserve Area,” attached as **Exhibit B**.

- 3 P. In the circumstances of the COVID-19 Pandemic National Public Health
4 Emergency, the Shiprock Community Development Corporation efforts to bring
5 jobs, economic development, and infrastructure is a high priority to restart the
6 Shiprock economy and “Build Back Better” under the Biden Administration’s Jobs
7 and Infrastructure Plans.

8
9 **SECTION THREE: APPROVING NAVAJO NATION CALLING UPON THE U.S.**
10 **SENATE, THE SECRETARY OF INTERIOR, AND THE U.S. CONGRESS TO**
11 **MAKE FUNDING AVAILABLE FOR THE ABATEMENT AND DEMOLITION OF**
12 **BIA OWNED BUILDINGS AND STRUCTURES ON THE SAR PROPERTY.**

- 13 A. Navajo Nation hereby respectfully requests Honorable Deb Haaland, Secretary of
14 the U.S. Department of Interior, to immediately make funds available for the Navajo
15 BIA Regional Office to complete the ATSM ESA Phase III abatement of
16 environmental hazards and demolition of the remaining buildings and structures on
17 the former SAR property.

- 18 B. The Navajo Nation hereby respectfully calls upon our United States Senators from
19 New Mexico, Martin Heinrich and Ben Ray Lujan, our New Mexico House
20 Delegation and Congress to secure funding in the FY 2022 Interior Appropriations
21 bill or other legislative measure directing the BIA to complete the ATSM ESA
22 Phase III abatement of environmental hazards and demolition and removal of the
23 remaining buildings and structures on the former SAR property and/or to secure
24 language in any such legislative measures to direct the BIA to immediately
25 undertake and accomplish this work.