

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0129-24

**DATE:** June 13, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING A NEW SITE SELECTION AT GAMERCO FOR THE GALLUP INDIAN MEDICAL CENTER; RESCINDING RESOLUTION NABIJY-30-20, TITLED "APPROVING AND SUPPORTING THE SELECTION OF THE REHOBOTH SITE FOR THE GALLUP INDIAN MEDICAL CENTER REPLACEMENT PROJECT"

**Final Authority:** Naabik'íyáti' Committee

**Vote Requirement:** Simple Majority

**PURPOSE:** This proposed resolution rescinds Resolution NABIJY-30-20 and approves Gamerco as the new site location for the Gallup Indian Medical Center.

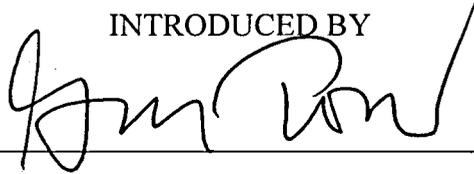
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

24-320-1

5-DAY BILL HOLD PERIOD ASD  
Website Posting Time/Date 5:53PM 06-13-24  
Posting End Date: 06-18-24  
Eligible for Action: 06-19-24

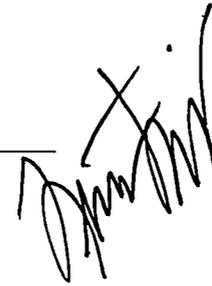
1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

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6 (Prime Sponsor)

7 

8 

9 TRACKING NO. 0129-24

10 AN ACTION

11 AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN  
12 SERVICES AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING A NEW SITE  
13 SELECTION AT GAMERCO FOR THE GALLUP INDIAN MEDICAL CENTER;  
14 RESCINDING RESOLUTION NABIJY-30-20, TITLED "APPROVING AND  
15 SUPPORTING THE SELECTION OF THE REHOBOTH SITE FOR THE  
16 GALLUP INDIAN MEDICAL CENTER REPLACEMENT PROJECT"

17  
18 SECTION ONE. AUTHORITY

19 A. The Health, Education and Human Services Committee of the Navajo Nation Council  
20 is empowered to establish Navajo Nation policy concerning health related matters.  
21 2 N.N.C. § 401(B)(1).

22 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. It  
23 has the authority to "review and continually monitor the programs and activities of  
24 federal and state departments and to assist development of such programs designed to  
25 serve the Navajo People and the Navajo Nation through intergovernmental  
26 relationships between the Navajo Nation and such departments." 2 N.N.C. § 701  
27 (A)(7).

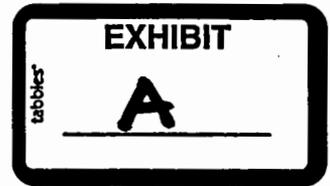
28  
29 SECTION TWO. FINDINGS  
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- 1 A. The Navajo Nation previously approved Resolution NABIJY-30-20, attached as  
2 **Exhibit A (exhibits omitted)**, which approved the Rehoboth site selection of a new  
3 facility for the Gallup Indian Medical Center.
- 4 B. The Navajo Nation has determined the better location for a newly constructed facility  
5 to be in Gamerco, New Mexico. There are several reasons for the change in location.  
6 One of the primary reasons is that the Rehoboth site is not owned by the Navajo  
7 Nation. Other reasons include the small acreage of the site, limited access thereby  
8 limiting transportation, zoning concerns, traditional and cultural impacts, and  
9 drainage and flooding concerns.
- 10 C. The Navajo Nation President sent a letter to the Indian Health Services Headquarters,  
11 Director Roselyn Tso, indicating its wishes to change the site location. The letter to  
12 Director Tso is attached as **Exhibit B**. The letter includes four attachments:
- 13 1. Navajo Nation Gamerco Property Deed
  - 14 2. Rehoboth draft ESA-Phase II PowerPoint Report
  - 15 3. Gamerco ESA-Phase 1 Report, and
  - 16 4. Gamerco ESA-Phase II PowerPoint Report
- 17 D. As indicated in Attachment 3 of **Exhibit B**, the Navajo Nation has completed the  
18 Environmental site Assessment-Phase I for the Gamerco, New Mexico site.
- 19 E. The Navajo Nation shall coordinate with the Indian Health Services to ensure the  
20 remain work is done to complete the construction of the new Gallup Indian Medical  
21 Center facility.

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23 **SECTION THREE. APPROVAL**

24 The Navajo Nation Council approves the site selection of Gamerco, New Mexico for the  
25 new Gallup Indian Medical Center facility in accordance with **Exhibit B**.

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RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
24<sup>th</sup> NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING AND SUPPORTING THE SELECTION OF THE REHOBOTH SITE FOR THE GALLUP INDIAN MEDICAL CENTER REPLACEMENT PROJECT

WHEREAS:

- A. The Health, Education and Human Services Committee (HEHSC) is a standing committee of the Navajo Nation Council. It has the authority to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); *see also* CO-45-12.
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. It has the authority to "review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." 2 N.N.C. § 701 (A)(7).
- C. The Indian Health Service is reviewing and proceeding with the Gallup Indian Medical Center (GIMC) replacement project. Phase I of the project, completed in November 2019, included studies and evaluations of 12 potential sites (see, Site Selection Evaluation Report, document included within Exhibit A herein). The sites considered included the Rehoboth Site east of Gallup, New Mexico.
- D. The Navajo Nation is informed, "[o]f the 12 evaluations performed, the Rehoboth property of east Gallup, NM was found to be the top-rated site based on the guidance and criteria described in the Indian Health Service (IHS) Technical Handbook for Environmental Health & Engineering Volume II Healthcare Facilities Planning, Chapter 13-4 Site Selection and

Evaluation Process, January 2017." See attached **Exhibit A**, a letter dated June 17, 2020 from the Navajo Area Indian Health Service (hereinafter, "IHS Notice").

- E. Phase II of the GIMC replacement project "involves an in-depth evaluation of the top-rated site for construction suitability." *IHS Notice*. This phase will include "a legal survey of the site, flood plan clearance, soil reports, archaeological/historical survey data, and an Environmental Assessment." *Id.* The Navajo Nation, through the Office of the President and Vice President, accepted \$200,000 from the IHS to proceed with the evaluation site at the Rehoboth site. See **Exhibit B**. Based on this, the IHS acknowledged the Navajo Nation's "desire to enter into a Public Law 93-638 Construction Project Agreement (CPA) to conduct the Phase II assessment." *IHS Notice*.
- F. The IHS informs the Navajo Nation that it "stands ready to provide technical assistance to negotiate and enter into the Title 1 CPA in support of the Nation completing the Phase II evaluation." *Id.*

**NOW THEREFORE BE IT RESOLVED THAT:**

- A. The Navajo Nation hereby approves and supports the selection of the Rehoboth Site for the Gallup Indian Medical Center replacement project of the Indian Health Service (as provided in IHS notice dated June 17, 2020, **Exhibit A**).
- B. The Navajo Nation supports and approves with proceeding with Phase II of the GIMC replacement project as explained and proposed by IHS.
- C. The Navajo Nation Department of Justice shall review all necessary documents relative to the Public Law 93-638 Construction Project Agreement for completing Phase II of the GIMC replacement documents. Such documents shall be approved by the appropriate standing committees of the Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24<sup>th</sup> 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 18 in Favor, and 04 Opposed, on this 9<sup>th</sup> day of July 2020.

  
Honorable Seth Damon, Chairman  
Naabik'iyáti' Committee

July 15, 2020  
Date

Motion: Honorable Mark A. Freeland

Second: Honorable Paul Begay

Chairman Seth Damon not voting



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

May 28, 2024



*Sent via Email: [Roselyn.Tso@ihs.gov](mailto:Roselyn.Tso@ihs.gov)  
[Dnwayne.Begay@ihs.gov](mailto:Dnwayne.Begay@ihs.gov)*

Roselyn Tso, Director  
Indian Health Service-Headquarters  
5600 Fishers Lane  
Rockville, MD 20857

**Re: Navajo Nation's Selection of Gamerco, NM, as Replacement Site for Gallup Indian Medical Center**

Dear Director Tso,

I writing to inform you of the Navajo Nation's decision to update the selected future construction site for the Gallup Indian Medical Center (GIMC) replacement facility. The Navajo Nation selects the Gamerco, NM, as the future site of the GIMC replacement facility.

As you are aware, the Navajo Nation purchased land in Gamerco and I have attached the Navajo Nation's Special Warranty Deed showing the Nation's ownership of 471 acres in Gamerco, NM. Attached to this letter is the Deed showing the Navajo Nation's ownership and exact location of the site.

We are very grateful to the Indian Health Services (IHS) for funding the Environmental Site Assessment-Phase II for the Rehoboth, NM, site and we anticipate that the assessment will be completed by August 2024 or sooner. There are several reasons that the Navajo Nation has decided to not move forward with the Rehoboth site as the future site of the GIMC replacement facility. In addition to the property not being owned by the Navajo Nation, there are various technical issues and concerns with this site, such as, relatively small acreage, limited access thereby limiting transportation, zoning concerns, traditional and cultural impacts, and drainage and flooding concerns. Attached to this letter is a PowerPoint report on the Phase II findings.

The Navajo Nation has completed the Environmental Site Assessment (ESA)-Phase I for the Gamerco, NM, Site and current work on the ESA-Phase II is in process with anticipated completion in the Fall of 2024 or sooner. Attached to this letter is the Phase I Report and a PowerPoint Report on Phase II findings to date. It is important to note that the Navajo Nation has paid the costs to complete Phases I and II of the Environmental Site Assessment for the Gamerco site.

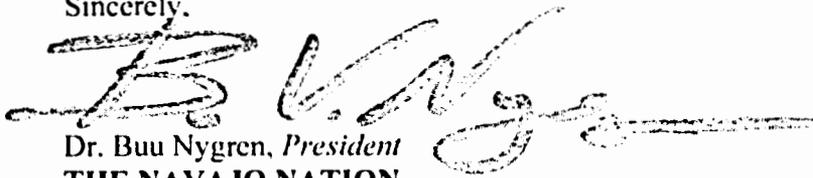
I am requesting that IHS provide the following support which will ultimately lead to the GIMC replacement facility's design and construction at Gamerco, NM. Site.

- ❑ IHS to continue efforts to identify and designate full funding for the GIMC replacement facility, including design and construction.
- ❑ IHS to become the federal sponsor and execute the proper contracts to initiate and complete the planning phase for the replacement facility (i.e. Gallup Service Unit Master Health Care Plan, Program Justification Document, and Program of Requirements).
- ❑ IHS to continue to provide technical support to move to the design and construction phase of the GIMC Replacement Facility.

Finally, the Navajo Nation will continue to collaborate as appropriate with IHS to keep the existing GIMC operational until the GIMC replacement facility is in service.

We look forward to working with your agency to ensure that the vital funding appropriated by Congress for the GIMC replacement facility is safeguarded and properly allocated to improve the public health care services for our tribal communities. If there are any questions, please feel free to contact Executive Director Kim Russell, Navajo Department of Health, at (928) 871-6350 or by email at [kim.russell@navajo-nsn.gov](mailto:kim.russell@navajo-nsn.gov).

Sincerely,



Dr. Buu Nygren, *President*  
**THE NAVAJO NATION**

Attachment #1-Navajo Nation Gamarco Property Deed  
Attachment#2-Rehoboth draft ESA-Phase II PowerPoint Report  
Attachment#3-Gamarco ESA-Phase I Report  
Attachment#4-Gamarco ESA-Phase II PowerPoint Report

# **ATTACHMENT # 1**

"EXHIBIT A"  
Legal Description - Continued

Commencing at the Southeast corner of Section 5, T15N, R18W, N.M.P.M., Thence S89°50'56"W along the South line of said Section 5, 200.69' to a point, said point being the point of beginning;

THENCE S89°50'56"W along the South line of said Section 5, 2404.84' to the South ¼ corner of said Section;  
THENCE S0°17'57"W along the North-South center of aforementioned Section 8, 2769.59' to a point, said point being the center of said Section 8;  
THENCE S89°05'38"W along the East-West center of said Section 8, 2620.76' to the West ¼ corner of said Section 8;  
THENCE N0°35'06"E along the West line of said Section 8, 2806.71' to the corner common to Sections 5, 6, 7 and 8, T15N, R18W, N.M.P.M.,;  
THENCE N0°31'32"E along the West line of aforementioned Section 5, 1166.19' to a point on curve on the South right-of-way of Carbon Coal Road;  
THENCE along a curve to the left on the South line of said right-of-way having a radius of 2125.00', an arc length of 273.97', a central angle of 7°23'13", a chord length of 273.78' bearing N84°41'20"E to the point of tangent;  
THENCE N80°59'43"E along the South line of said right-of-way, 2291.69' to a point of tangent;  
THENCE along said curve to the right having a radius of 3475.00', an arc length of 834.11', a central angle of 13°45'10", a chord length of 832.11' bearing N87°52'18"E to the point of tangent;  
THENCE S85°15'07"E along the South line of said right-of-way, 1687.51' to a point;  
THENCE S12°50'12"W, 891.06' to a point;  
THENCE N89°34'28"W, 23.66' to a point;  
THENCE S1°59'37"E, 541.15' to a point on the South line of aforementioned Section 5 and the Point of Beginning.

~~Parcel 3~~ <sup>plus</sup> Intentionally Omitted. Retained by Gallup Land Partners.  
A parcel of land within Section 5, T15N, R18W, N.M.P.M., being more particularly described with New Mexico State Plane West Zone Grid bearing and ground distances as follows:

Commencing at the center of Section 5, T15N, R18W, N.M.P.M.,  
THENCE S°13'09"W along the North South center line of said Section 5, 376.61' to a point;  
THENCE S89°49'05"E, 1144.70' to the point of beginning;  
  
THENCE S0°00'00"E, 485.46' to a point on the North right-of-way of Carbon Coal Road;  
THENCE S85°15'07"E along said right-of-way, 901.31' to a point of curve joining the right-of-way of South Chino Loop;  
THENCE along said curve to the left, having a radius of 100.00', a length of 182.53', a central angle of 104°34'59", a chord of 158.23' bearing N42°27'23"E to a point of reverse curve;  
THENCE along said curve to the right, having a radius of 469.16', a length of 71.82', a central angle of 8°46'15", a chord of 71.75' bearing N5°26'59"W to the point of tangent;  
THENCE N1°03'52"W continuing along the West right-of-way of South Chino Loop, 368.81' to a point;  
THENCE N89°49'05"W leaving said right-of-way, 991.37' to the Point of Beginning.

DOC# 482477  
11/21/2022 01:19 PM Page: 3 of 4  
DEED R: 325 00 J. K. Sloan, McKinley County  
J. K. Sloan, McKinley County

DOC# 482595  
12/01/2022 04:07 PM Page: 3 of 4  
DEED R: 326 00 J. K. Sloan, McKinley County  
J. K. Sloan, McKinley County

**"EXHIBIT B"**  
Exceptions to Title

SUBJECT TO reservations and exceptions as contained in the Patent from the United States recorded May 13, 1916 in Book 4 Deeds, Page 497 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO reservations and exceptions as contained in the Patent from the United States recorded in Book 6 Deeds, Page 569 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO reservations and exceptions as contained in the Deed from Santa Fe Pacific Railroad recorded in Book 3 Deeds, Pages 238 and 240 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO right of way to Public Service Company of New Mexico recorded May 22, 1969 in Book 60 Misc., Page 475, as Document No. 119,748 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO easement to the Board of County Commissioners of McKinley County recorded February 9, 2004 in Book 22 Comp., Page 1493, as Document No. 311,250 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO Grant of Easement by and between Gallup Land Partners, LLC, and the City of Gallup, New Mexico, recorded August 21, 2018 as Document No. 385,994 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO Grant of Right-of-Way Road Dedication by and between Gallup Land Partners, LLC, and McKinley County, New Mexico, recorded October 14, 2020 as Document No. 393,942 in the office of the County Clerk, McKinley County, New Mexico.

SUBJECT TO terms, agreements, provisions, conditions, and obligations of the McKinley County Subdivision Regulations adopted approved and recorded March 28, 1997 in Book 11 Comp., Pages 847-963, as Document No. 274,140 in the office of the County Clerk, McKinley County, New Mexico, and the Claim of Exemption and Plat recorded February 22, 2021, as Document No. 395,362 in the office of the County Clerk of McKinley County, New Mexico.

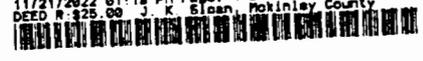
DOCH 402395  
12/01/2022 04:07 PM Page: 4 of 4  
DEED R: \$25.00 J. K. Sloan, McKinley County



*JCS*



DOCH 402477  
11/21/2022 01:19 PM Page: 4 of 4  
DEED R: \$25.00 J. K. Sloan, McKinley County



*JCS*



When recorded mail to:  
Bldtah N. Becker, Division Director  
Division of Natural Resources  
The Navajo Nation  
Post Office Box 9000  
Window Rock, AZ 86515

*wt*  
This Deed is being re-recorded to  
correct the legal description and delete  
Parcel 3 from conveyance.

**SPECIAL WARRANTY DEED**

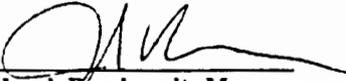
**GALLUP LAND PARTNERS, LLC, a Delaware limited liability company** (hereinafter referred to as "Grantor), for good and valuable consideration paid to Grantor, by the **Navajo Nation, a sovereign Indian Nation** (hereinafter referred to as "Grantee") whose address is Post Office Box 9000, Window Rock, Arizona 86515, the receipt and sufficiency of which is hereby acknowledged, has granted, sold and conveyed and by these presents does hereby grant, sell and convey unto Grantee all of the real property in McKinley County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, together with all rights, ways, privileges and appurtenances pertaining thereto, with Special Warranty Covenants.

Subject, However, to taxes for the year 2022 and subsequent years; and matters set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

WITNESS my hand and seal this 27 day of October, 2022.

**GALLUP LAND PARTNERS, LLC, a Delaware limited liability company**

By: **HG Management, LLC a Nevada limited liability company, Manager**

By:   
**Jacob Bracken, its Manager**

*sc*  
DOCN 482395  
12/11/2022 04:07 PM Page: 1 of 4  
DEED R 425 00 J. K. Sloan, McKinley County

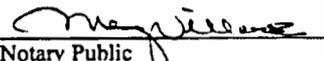
**ACKNOWLEDGMENT for LEGAL ENTITY**

STATE OF NEW MEXICO)

)ss:

COUNTY OF MCKINLEY)

This instrument was acknowledged before me on October 27, 2022, by **Jacob Bracken, Manager, HG Management, LLC a Nevada limited liability company, Manager of GALLUP LAND PARTNERS, LLC, a Delaware limited liability company.**

  
Notary Public



SEAL

DOCN 482477

*sc*  
11/21/2022 01:19 PM Page: 1 of 4  
DEED R 425 00 J. K. Sloan, McKinley County

**"EXHIBIT A"**  
**Legal Description**

**Parcel 1:**

A parcel of land being within Section 5, T15N, R18W, N.M.P.M., being more particularly described with New Mexico State Plane West Zone Grid bearings and ground distances as follows:

Beginning at Northwest corner of Section 5, T15N, R18W, N.M.P.M.,  
THENCE S89°59'14"E along the north line of said Section 5, 2574.82' to the North ¼ corner of said Section 5;  
THENCE S89°14'06"E, 70.38' to a point on the West boundary of Gamerco Townsite;  
THENCE S0°01'01"E along the west boundary of said Gamerco Townsite, 518.88' to a point;  
THENCE S88°55'33"E along the boundary line of Gamerco Townsite, 447.21' to a point;  
THENCE S1°09'58"W along the Gamerco Townsite boundary, 151.09' to a point;  
THENCE N88°53'11"W, 130.00' to a point;  
THENCE S1°06'30"W, 969.94' to a point on the East line of a 60' gas line easement;  
THENCE S89°58'40"E, 300.79' to a point;  
THENCE N19°28'17"E, 1125.57' to a point;  
THENCE N0°56'15"W, 362.04' to a point on the South line of Gamerco Townsite;  
THENCE S88°51'19"E along the boundary line of Gamerco Townsite, 75.21' to a point;  
THENCE N0°59'05"E along the boundary line of Gamerco Townsite 219.91' to a point on the West right-of-way of South Chino Loop;  
THENCE S23°50'22"E along said right-of-way, 260.28' to a point of curve on said right-of-way;  
THENCE S14°05'34"E along said right-of-way, 266.62' to a point of curve on said right-of-way;  
THENCE along a curve to the left having a radius of 846.87', an arc length of 97.06', a central angle of 6°34'01", a chord of 97.01' bearing S17°22'34"E to a point on said right-of-way;  
THENCE S73°22'34"E to a point on said right-of-way, 27.19' to a point on curve;  
THENCE along said curve to the left having a radius of 2188.32', an arc length of 377.08', a central angle of 9°52'23", a chord length of 376.61' bearing S21°38'55"E to the point of tangent;  
THENCE S26°35'07"E along said right-of-way, 47.05' to a point of curve;  
THENCE along said curve to the right having a radius of 436.35', an arc length of 194.36', a central angle of 25°31'15", a chord length of 192.76' bearing S13°49'29"E to the point of tangent;  
THENCE S1°03'52"E along said right-of-way, 139.08' to a point;  
THENCE S88°56'08"W along said right-of-way, 52.49' to a point;  
THENCE S1°03'52"E along said right-of-way, 440.05' to a point;  
THENCE N89°49'05"W leaving said right-of-way, 991.37' to a point;  
THENCE S0°00'00"E, 485.46' to a point on the North right-of-way of Carbon Coal Road;  
THENCE N85°15'07"W along said right-of-way, 361.90' to a point of curve;  
THENCE along said curve to the left having a radius of 3725.00', an arc length of 787.52', a central angle of 12°06'47", a chord length of 786.06' bearing S88°41'29"W to a point;  
THENCE N01°13'06"E leaving said right-of-way along the North-South center of said Section 5, 477.09' to a point;  
THENCE N89°49'05"W leaving said center of Section, 645.18' to a point;  
THENCE N9°00'17"W, 360.98' to a point;  
THENCE S80°59'43"W, 1915.34' to a point on the West line of said Section 5;  
THENCE N0°31'32"E along West line of said Section 5, 326.06' to the West ¼ corner of said Section 5;  
THENCE N0°35'03"E along the West line of said Section 5, 2678.67' to the corner common to Section 5, and 6, T15N, R18W, 31 and 32, T16N, R18W, N.M.P.M. and the Point of Beginning.

**Parcel 2:**

A parcel of land being partly within the South ½ of Section 5 and partly within the Southwest ¼ of Section 8, T15N, R18W, N.M.P.M., being more particularly described with the New Mexico State Plane West Zone Grid bearings and ground distances as follows:

continued on next page

**DOCH 402477**

11/21/2022 01:10 PM Page: 2 of 4  
DEED # 425 00 1 K Sloan, McKinley County  
RECORDED BY COUNTY CLERK'S OFFICE

DOCH 402595  
12/01/2022 04:07 PM Page: 2 of 4  
DEED # 425 00 1 K Sloan, McKinley County  
RECORDED BY COUNTY CLERK'S OFFICE

## **ATTACHMENT # 2**

# GIMC REHOBOTH - PHASE II SSER UPDATE

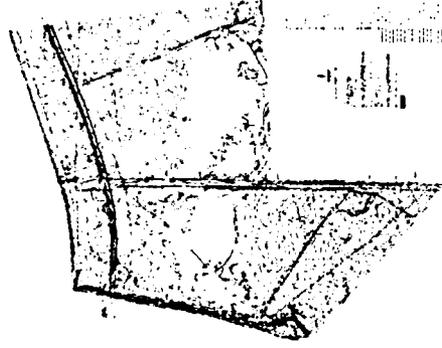
AS OF MARCH 23, 2023

## REHOBOTH PHASE II SSER TASKS

- Task 1 - Title Report
- Task 2 - Topographic & Utility Survey
- Task 3 - Floodplain Assessment
- Task 4 - TIA and Site Access Assessment
- Task 5 - MEP and Civil
- Task 6 - Environmental Assessment
- Task 7 - Cultural Resource
- Task 8 - Geotechnical
- Task 9 - Boundary Survey

REHOBOTH  
PHASE II SSER

TASK 2:  
TOPOGRAPHIC  
& UTILITY  
SURVEY  
COMPLETE



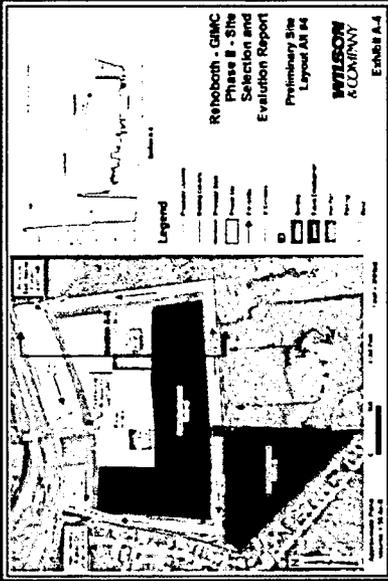
Complete

REHOBOTH  
PHASE II SSER

TASK 1: TITLE  
REPORT

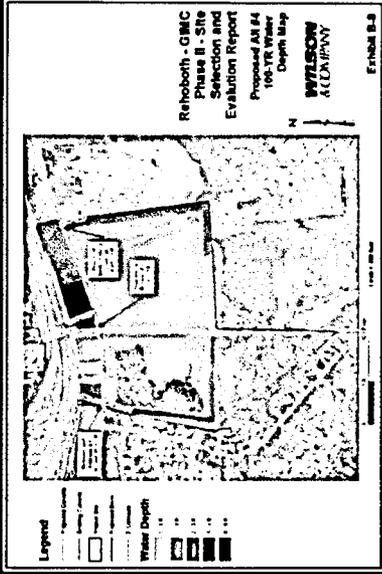
REHOBOOTH PHASE II  
SSER

TASK 3: FLOODPLAIN  
ASSESSMENT  
COMPLETE



REHOBOOTH PHASE II  
SSER

TASK 3: FLOODPLAIN  
ASSESSMENT  
COMPLETE



REHOBOOTH PHASE II  
SSER

TASK 4: TRAFFIC  
IMPACT & SITE ACCESS  
ASSESSMENT  
COMPLETE



REHOBOOTH PHASE II  
SSER

TASK 4: TRAFFIC  
IMPACT & SITE  
ACCESS  
ASSESSMENT  
COMPLETE

Recommendations

- The two proposed access should be 155 feet minimum sight triangles. No signs or markings are indicated within the sight triangle of the GMC access points.
- The two proposed access should be 30 feet minimum access width.
- The two proposed access should be 30 feet minimum in width.
- The vehicle lanes are warranted for the development during final redlines. These are:
  - North to the left turn lane at the intersection of Proposed Road A, proposed Church Street Street
  - East to the left turn lane at the intersection of Proposed Road A, proposed Church Street Street
  - South to the left turn lane at the intersection of Proposed Road A, proposed Church Street Street
  - East to the left turn lane at the intersection of Proposed Road A, proposed Church Street Street
- A traffic impact study should be conducted at the intersection of Proposed Road A, proposed Church Street Street.
- A traffic impact study should be conducted at the intersection of Proposed Road A, proposed Church Street Street.
- All new access which is located on the City of Gallup ABART must be located on the same traffic control devices as the existing access.

## REHOBOTH PHASE II SSER

### TASK 6: ENVIRONMENTAL ASSESSMENT (DRAFT COMPLETE)

**DRAFT**  
**Environmental Assessment**  
Gallup Indian Medical Center  
Rehoboth Site Phase II SSER



Approved by  
NATIONAL INDIAN  
HEALTH SERVICE

February 2022

- Data: Comcast / CenturyLink
- Sacred Wind No Response
- Natural Gas: NM Gas
- Electrical: City of Gallup
- Water: City of Gallup
- Wastewater: City of Gallup

## REHOBOTH PHASE II SSER

### TASK 5: MEP AND CIVIL



## REHOBOTH PHASE II SSER

### TASK 7: CULTURAL REPORT COMPLETE

The cultural investigation identified seven (7) one mummy discolored historic sites (1-A 13954-N) and one newly discovered historic linear resource (1-F 13748-B).

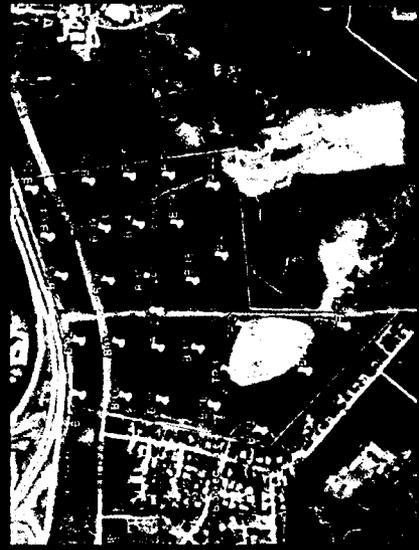
The IOs are sufficient to contain additional resource information beyond what has been recommended and are recommended as the register for listing on the NHP. No further management considerations are required for these resources.

IA 13954-N is a effluvia trash dump dating to the 1920s. HCP 13748-B is the remains of a street line dating to the 1940s, 1940s. Both resources are recommended as not eligible for listing on the NHP under any criteria. No further management considerations are warranted for these resources.

This project complies with the provisions of Section 106 of the NHPA of 1966 (as amended through 1992) and other applicable regulations. This report is also consistent with federal standards for cultural resource management.

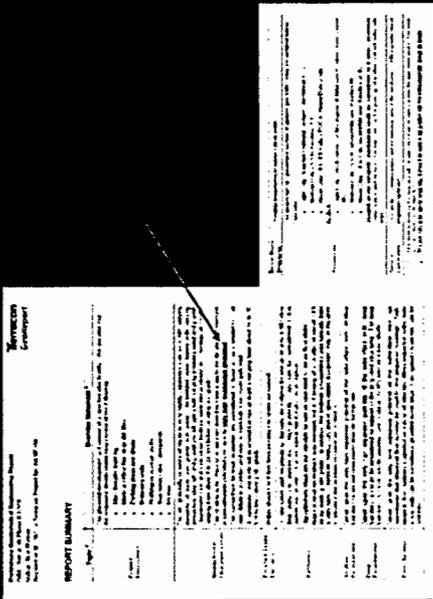
## REHOBOTH PHASE II SSER

### TASK 8: GEOTECH REPORT



REHOBOTH  
PHASE II SSER

TASK 8:  
GEOTECH  
REPORT  
COMPLETE



• This task is on hold until the 638 contract extension has been approved.

REHOBOTH  
PHASE II SSER

TASK 9:  
BOUNDARY  
SURVEY

REHOBOTH  
PHASE II SSER

DRAFT REPORT  
SUBMITTED IN  
FEBRUARY  
2022 TO I.H.S.

GALLUP INDIAN  
MEDICAL CENTER (GIMC)  
PHASE II SSER REPORT  
FEBRUARY 2022

REPORT FOR:  
YAVAPAI NATION

AND

GALLUP AREA INDIAN HEALTH SERVICE

AND

DRINKING WATER ENGINEERING SERVICES, DALLAS  
INDIAN HEALTH SERVICE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Schedule Follow-up Meeting  
with City of Gallup regarding  
Wastewater Extension Details

REHOBOTH PHASE II  
SSER SITE SUMMARY  
CONSIDERATION

Finalize Phase II SSER per  
Public Meeting and I.H.S.  
Comments

## CURRENT REPORT RECOMMENDATIONS

### SUBJECT TO CHANGE IN FINAL REPORT

- Cultural Impacts: Complete Tribal Consultation with the Nation on cultural impacts of the Rehoboth Cemetery COMPLETE - See Supplemental Letter From Nation
- Cultural Resource Inventory: Complete SHPO consultation on the Cultural Resource Report findings COMPLETE
- Floodplain Assessment: Need further review of site hydraulics FUTURE ANALYSIS - NOT PART OF PHASE II DELIVERABLES
- Floodplain Assessment: Need further review of infiltration rates to determine adequate pond depths FUTURE ANALYSIS - NOT PART OF PHASE II DELIVERABLES
- Floodplain Assessment: Need to conduct a wider project area study of downstream outfall drainage features FUTURE ANALYSIS - NOT PART OF PHASE II DELIVERABLES
- Negotiation with the Rehoboth Christian School Board on the final sale price of the property
- Need to consult with civil/structural engineers on the site design concerns related to the expansive soils FUTURE ANALYSIS - NOT PART OF PHASE II DELIVERABLES
- Need to consult with the City of Gallup on the full annexation of the site FUTURE STEP - NOT PART OF PHASE II DELIVERABLES
- Need to consult with the City of Gallup on the rezoning of the site FUTURE STEP - NOT PART OF PHASE II DELIVERABLES

**ATTACHMENT # 3**

**Phase I Environmental Site Assessment  
Gamerco Site  
Section 5, T15N, R18W  
McKinley County, New Mexico**

**Prepared for**

**New Mexico Environment Department  
Ground Water Quality Bureau and  
Northwest New Mexico Council of  
Governments**

**December 9, 2020**



***Daniel B. Stephens & Associates, Inc.***

6020 Academy NE, Suite 100 • Albuquerque, New Mexico 87109



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## **Executive Summary**

Daniel B. Stephens & Associates, Inc. (DBS&A) was retained by the New Mexico Environment Department (NMED) to conduct a Phase I environmental site assessment (ESA) for a parcel located west of US Highway 491 (US 491), and south of Carbon Coal Road in McKinley County, New Mexico. The subject property is located approximately 1 mile south of the community of Gamerco, within Section 5, Township 15N, Range 18W. The approximately 100-acre subject property is undeveloped rangeland, except for a natural gas pipeline crossing the property from north to south and the recreational High Desert Trail, which crosses the property from northeast to southwest. The Phase I ESA was performed in accordance with the scope of services and cost estimate submitted to NMED on September 11, 2020, and conformed to ASTM International (ASTM) Standard Practice E 1527 13. Known or suspected recognized environmental conditions (RECs) associated with the subject property and adjacent properties were evaluated per ASTM E 1527 13. Conclusions are based on a review of regulatory files related to these sites, observations made by the environmental professional, and interviews of agencies and individuals with knowledge of the subject property and surrounding area.

## **Findings and Opinions**

The subject property was investigated for potential RECs. This assessment resulted in the identification of two findings and one REC for the subject property. The first finding is an area on the subject property that historical aerial photographs show to have been graded and grubbed of vegetation sometime between 1973 and 1986. The owner of the subject property stated that "material handling and dirt removal" was conducted in the area. During the site reconnaissance, the area was observed to have naturally revegetated, and no evidence of further activity was observed. It is therefore DBS&A's opinion that the graded area does not represent an REC for the subject property. The second finding is a site where approximately five metal barrels had been dumped, at least one of which contained a black, hardened substance, which was observed during the site reconnaissance. The barrels appeared to have been at the location near the eastern boundary of the subject property for a very long time, as the metal had deteriorated and the contents were hardened. No odors or stained soil were observed in or around the location of the barrels. It is DBS&A's opinion that because the



contents of the barrels are unknown and the barrels appeared to have been dumped illegally, this finding represents an REC for the subject property.

Four sites beyond the subject property were identified by records searches. In addition, coal mining was historically conducted in the region, with the nearest historical mining site identified approximately 1 mile north of the subject property. The following findings were determined for the adjacent and surrounding area.

- The Navajo Shopping Center, 2 miles north on New Mexico Highway 666 (NM 666) (now US 491), approximately 1 mile north of the subject property, shown in the database report as having a leaking underground storage tank (LUST) with no further action (NFA) status.
- Navajo Tractor Sales, 221 N. US 491, approximately 0.25 mile beyond the subject property to the north, shown in the database report as a Resource Conservation and Recovery Act (RCRA) very small quantity generator (VSQG), with inspections showing violations that have been brought into compliance.
- Area Facilities Management Yard, Latitude 35.570811, Longitude -108.762592 (located at former coal mine facility adjacent to Gamerco), approximately 1 mile north of the subject property, shown in the database report as a LUST with status of pre-investigation, confirmed release as of 1998. Records for the LUST were requested from the NMED Petroleum Storage Tank Bureau (PSTB).
- M R Trading Post, 404 N. US 491, approximately 1 mile north of the subject property, shown in NMED online mapper as a LUST. Records for the LUST were obtained from the NMED PSTB, including a letter providing NFA status for the facility.
- Gamerco Coal Mine Site, located approximately 1 mile north of the subject property, shown on historical topographic U.S. Geological Survey (USGS) quadrangle maps. Coal mining began in the area in 1922, and the community of Gamerco was founded to support the mining operation. The mine operated until the 1960s; when operations shut down. The smokestack from the mine is still standing. While the mine is no longer operating, the community of Gamerco is still active, with residential and some



commercial development. Based on USGS topographic maps, surface water from the site appears to flow to the east/southeast toward Gamerco Wash. Gamerco Wash is a north-to-south-trending drainage that is a tributary of the Puerco River, an ephemeral river located south of the subject property. Gamerco Wash is located approximately 0.4 mile east of the subject property.

It is DBS&A's opinion that none of the five findings in the surrounding area represent an REC based on the site status (Navajo Shopping Center, Navajo Tractor Sales, M R Trading Post), distance from the subject property (Navajo Shopping Center, Area Facilities Management Yard, M R Trading Post, Gamerco Coal Mine Site), and flow direction (Area Facilities Management Yard, Gamerco Coal Mine Site). No other potential RECs were identified through inspection of any other standard historical documentation, including aerial photographs and historical topographic maps. No other potential RECs were identified from the site reconnaissance, interviews with parties knowledgeable of the subject property, or agency interviews. No other sites in the vicinity of the subject property were determined to be associated with known RECs with the potential to affect the surrounding properties.

The agency records search report identified no listings in environmental databases located at the subject property. No sites were identified within the ASTM search radius beyond the subject property.

## **Conclusions and Recommendations**

This assessment resulted in the identification of one REC for the subject property. Several metal barrels containing an unknown, hardened black substance were observed to have been dumped near the eastern boundary of the subject property. No other RECs were identified at the subject property or surrounding properties.

DBS&A recommends that proper disposal of the observed barrels be conducted prior to any future activities involving development of the subject property.



## **1. Introduction**

Daniel B. Stephens & Associates, Inc. (DBS&A) was retained by the New Mexico Environment Department (NMED) to conduct a Phase I environmental site assessment (ESA) of a 100-acre parcel located west of U.S. Highway 491 (US 491) and south of Carbon Coal Road in McKinley County, New Mexico (Figures 1 and 2). The subject property is located approximately 1 mile south of the community of Gamerco within Section 5, Township (T) 15N, Range (R) 18W. The Phase I ESA was performed in accordance with the scope of services and cost estimate submitted to NMED on September 11, 2020 (DBS&A, 2020), and conformed to ASTM International (ASTM) Standard Practice E 1527-13 (ASTM, 2013).

### **1.1 Purpose of Assignment**

The purpose of this assignment was to complete the following activities:

- Prepare a Phase I ESA report for the subject property.
- Conduct “all appropriate inquiry” (AAI) as defined by the U.S. Environmental Protection Agency (EPA) (40 CFR Part 312).
- Permit the user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bonafide prospective purchaser limitations on liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended in 2002.
- Identify, to the extent feasible pursuant to the process prescribed in ASTM E 1527-13, recognized environmental conditions (RECs) associated with the subject property (Figure 3). The identification of RECs in connection with the subject property may impose an environmental liability on owners or operators of the subject property, reduce the value of the subject property, or restrict the use or marketability of the subject property; therefore, further investigation may be warranted to evaluate the scope and extent of potential environmental liabilities.



## **1.2 Scope of Work**

Based on the environmental professional's analysis of need, subject to the limitations of ASTM E 1527-13, and within any additional limitations and deviations noted in this report, the ESA included the following scope of work:

- A review of records of federal, state, and local agencies, in accordance with ASTM E 1527-13, that might indicate RECs in connection with the subject property.
- A review of the physical setting sources for information about the geologic, hydrogeologic, hydrologic, or topographic characteristics with respect to the migration of hazardous substances or petroleum products to the property or from or within the property into the groundwater or soil.
- A review of historical sources to develop a history of previous uses of the property and surrounding area in order to help identify the likelihood of past uses having led to RECs in connection with the property.
- A site reconnaissance to visually and/or physically observe the property and any structures located on the property to obtain information indicating the likelihood of identifying RECs in connection with the property.
- Interviews with past and present owners or owner representatives, operators, and occupants of the property to obtain information indicating RECs in connection with the property.
- Preparation of a report documenting findings, opinions, and conclusions.

## **1.3 Significant Assumptions**

DBS&A assumes that there are no hidden or unapparent environmental conditions of the site, subsoil, groundwater, structures, or surroundings that would have an adverse effect on the property. DBS&A assumes no responsibility for such conditions or for engineering or inspections that might be required to discover such conditions.



Record and interview information furnished to DBS&A and contained in the report was obtained from sources assumed to be reliable and believed to be true and correct. However, DBS&A assumes no responsibility for any inaccuracies in such items that may be revealed as a result of subsequent action, either by DBS&A or others. Accuracy and completeness of record information vary among information sources, including governmental sources. Addresses may have changed over time or may be inaccurately described. Record information is often inaccurate or incomplete. DBS&A is not obligated to identify mistakes or insufficiencies in information provided. DBS&A will make a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are obvious in light of other information of which DBS&A has actual knowledge at the time of report preparation.

Groundwater flow is assumed to be in the direction of surface topography unless otherwise noted in the report.

#### **1.4 Limitations and Exceptions of Assessment**

This report was prepared in general accordance with ASTM E 1527-13. No items outside the scope of the ASTM standards of practice have been taken into consideration, except as noted.

The ESA reported herein was performed by or conducted under the supervision or responsible charge of the environmental professionals signing this report.

No ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. Performance of the ESA in accordance with ASTM E 1527-13 is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property, and the practice recognizes reasonable limits of time and cost.

AAI does not mean an exhaustive assessment of a property. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of the transaction.



This report is to be limited to information concerning observed physical characteristics of the property and adjacent properties, standard environmental and historical record sources, and interviews with owners, operators, occupants, and governmental agency personnel.

The time and cost constraints as agreed to by the user or his representative as noted in the fully executed contract between DBS&A and NMED may deem certain information common to the ASTM Phase I ESA process to not be reasonably ascertainable or practically reviewable.

Any sketches in the report may show approximate dimensions and are included to assist the reader in visualizing the property. DBS&A has made no survey of the site.

Except as noted in the report, DBS&A has conducted no off-site tests of materials or substances found on the site for the purpose of assessing the presence of RECs not readily apparent during a visual inspection unless noted in the report.

DBS&A is not required to give testimony or appear in court or in other hearings or formal discussions regarding the subject property of this report as part of this Phase I ESA.

DBS&A has estimated neither the cost of the impact on the property nor the costs necessary to eliminate the RECs.

In accordance with ASTM E 1527-13, this report is presumed to be valid for a period of 180 days from the date of the report. If the user desires to qualify for the landowner liability protections under CERCLA, certain components of the report must be conducted or updated within 180 days of and prior to the date of acquisition of the subject property.

## **1.5 Special Terms and Conditions**

No other special terms or conditions were applicable to this report.



## **1.6 User Reliance**

This report is prepared for the sole benefit of the user of this report as defined in Section 3 of this report and may not be relied upon by any other person or entity without the written authorization of DBS&A.



## **2. Site Description**

### **2.1 Site Location and Description**

The subject property is located west of US 491 and south of Carbon Coal Road, 1 mile south of the community of Gamerco, New Mexico within Section 5, T15N, R18W (Figure 1). Gamerco is located north of the City of Gallup in McKinley County. The subject property is an approximately 100-acre parcel of vacant, undeveloped land. Based on aerial photographs, the subject property has never been developed except for a natural gas pipeline installed sometime between 1935 and 1952, a large area that was cleared sometime between 1973 and 1986, and the recreational High Desert Trail, built sometime between 2018 and 2020. The surrounding area consists of a new water pipeline and associated unpaved road adjacent to the western boundary of the subject property, Carbon Coal Road to the north, the High Desert Trail, part of which crosses the subject property, vacant, undeveloped land, the community of Gamerco, and development along US 491 consisting of commercial and light industrial development.

The subject property is owned by the Gallup Land Partners (GLP).

### **2.2 Legal Description**

The subject property is an approximately 100-acre parcel of vacant, undeveloped land within Section 5, T15N, R18W in McKinley County, New Mexico.



## **9. Conclusions and Recommendations**

An REC is defined by ASTM E 1527-13 as the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, migration of hazardous or petroleum substances, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products, even under conditions in compliance with the laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to the public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. DBS&A performed a Phase I ESA for the subject property in conformance with the scope and limitations of ASTM E 1527-13. Exceptions to or deletions from this practice are described in Section 1 of this report.

This assessment resulted in the identification of one REC for the subject property. Several metal barrels containing an unknown, hardened black substance were observed to have been dumped near the eastern boundary of the subject property. No other RECs were identified at the subject property or surrounding properties.

DBS&A recommends that proper disposal of the barrels be conducted prior to any future activities involving development of the subject property.

**ATTACHMENT # 4**

# GIMC Gamarco – Phase II SSER Update

AS OF MARCH 23, 2023

43

| Gamerco Phase II SSER Tasks |                                  |                              |
|-----------------------------|----------------------------------|------------------------------|
| Task 1: Initial Assessment  | Task 2: Detailed Site Inspection | Task 3: Remedial Action Plan |
| Task 4: Data Collection     | Task 5: Data Analysis            | Task 6: Reporting            |
| Task 7: Remediation         | Task 8: Monitoring               | Task 9: Final Report         |

Gamerco Phase II SSER

Task 1: Initial Report

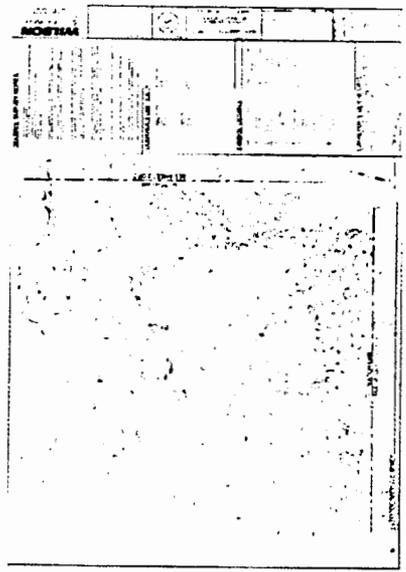
COMPLETE

- Task Order Amendment Approved in November 2021 for this Task.
- Title Report Requested – Provided in February 2022 = Complete

Gamerco Phase II SSER

Task 2: Topographic & Utility Survey

COMPLETE



**Gamerco Phase II SSER**

**Task 2: Topographic & Utility Survey**

**COMPLETION**

**Control Survey Report**

**PROPERTY SURVEY**

**PROJECT:** GAMERCO PHASE II SSER

**DATE:** 10/15/2010

**BY:** [Name]

| Station | Point | Coordinates | Remarks |
|---------|-------|-------------|---------|
| 1       | ...   | ...         | ...     |
| 2       | ...   | ...         | ...     |
| 3       | ...   | ...         | ...     |
| 4       | ...   | ...         | ...     |
| 5       | ...   | ...         | ...     |
| 6       | ...   | ...         | ...     |
| 7       | ...   | ...         | ...     |
| 8       | ...   | ...         | ...     |
| 9       | ...   | ...         | ...     |
| 10      | ...   | ...         | ...     |

**Notes:**

- 1. All points were surveyed using a total station.
- 2. The survey was conducted in accordance with the standards of the State of California.
- 3. The survey was completed on 10/15/2010.

**Gamerco Phase II SSER**

**Task 3: Floodplain Assessment**

**COMPLETION**



**GIMC - Gamerco Phase II SSER Basin Site Map**

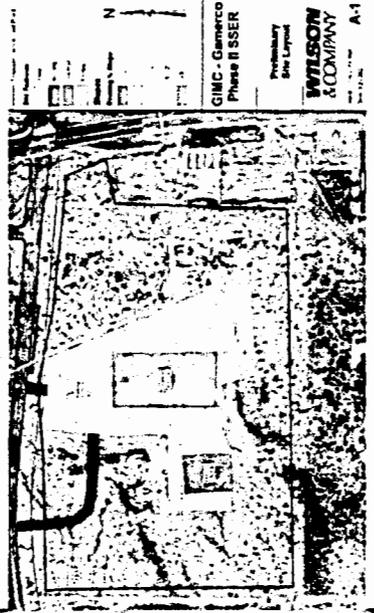
**Gamerco Phase II SSER**

**Task 3: Floodplain Assessment**

**COMPLETION**

**4 Hydraulic Analysis**

The existing conditions did not require hydraulic analysis for this site. Due to the location of the site, it was identified that existing channel flows would not inundate the site because of the raised elevation seen in the vicinity of the proposed infrastructure. Also, review of existing floodplain data showed that floodplain inundation was generally well downstream of the site. A more complete review of site hydraulic will need to be completed during the final design phases of this project. During the site layout general



**Gamerco Phase II SSER**

**Task 4: Traffic Impact & Site Access Assessment (all interchanges, approaches, the new intersection/road)**

**COMPLETION**

- Site access will include two driveways. The driveway to the west will be located approximately 3,000 feet from US-491. It is intended to be a full-access driveway. The driveway to the east is situated towards the center of the site, located approximately 1,500 feet from US-491. It is intended to be an exit-only driveway that is right-out access only. The planned median at this drive will restrict access. The driveway spacing from the future Chino Road intersection provides excellent separation so not to create pressure at this intersection, or the intersection with US-491.
- It is intended to provide sidewalk along the northern edge of the site for pedestrian access.





**MANAGEMENT SUMMARY:** The site was visited to conduct site-level information beyond what has been determined and an environmental assessment (EIS) for the site. No further management considerations are warranted for these resources.

LA 6505 was not included in the current project EIS. The site was either developed during the construction of (S-8) or as part of its planned BSHWPP management consideration and are warranted for this site.

LA 14654 has been determined as not eligible for listing on the NHP (LA 11176) and no field or management consideration are warranted for this site.

LA 17870, LA 17876, and LA 17863 are not recommended as having unreviewed eligibility status. The remaining two sites (LA 17872 and LA 17976) are not recommended as eligible for listing on the NHP under Criterion B, but they are not eligible to continue as unreviewed as a result. At these four sites, we are recommending that all properties be included in the proposed undertaking and the site boundaries be listed on the NHP. Further, it is recommended that these sites be reassessed in red areas to any future proposed development should that scenario be shown as warranted for the (EIS) complex.

- Initial SHPO Consultation Complete
- Testing Plan Contract Modification Approved
- Testing Plan Drafted and Submitted to SHPO for Fee Land
- SHPO has requested an MOA between the Nation and I.H.S. before they approve the Testing Plan

**Gamerco Phase II SSER**

**Task 8) Geotech Report**

**COMPLETE**

**Terracon Georeport**

Preliminary Geotechnical Engineering Report

2024 January 15, 2024  
 2024 January 15, 2024



**Gamerco Phase II SSER**

**Task 9) Boundary Survey**

**COMPLETE**

**Terracon Georeport**

2024 January 15, 2024  
 2024 January 15, 2024

**Terracon Georeport**

2024 January 15, 2024  
 2024 January 15, 2024

- This task is on hold. NN purchased the Gamerco Property from the Gallup Land Partners in the Fall of 2022. A boundary survey will likely be required if I.H.S. prioritizes this site as part of lease agreement between the Nation and I.H.S.

**REPORT SUMMARY**

| Task                    | Start Date | End Date   | Status   |
|-------------------------|------------|------------|----------|
| Task 8) Geotech Report  | 2024-01-15 | 2024-01-15 | Complete |
| Task 9) Boundary Survey | 2024-01-15 | 2024-01-15 | Complete |

Gamerco Phase  
II SSER Next  
Steps /  
Outstanding  
Items

Research on Supply Chain Issues - See slide 17 (MM) on slide 18

Cultural Impact of Supply Chain

Plan to use press release on the Supply Chain in the next 30 days - see slide 18 (MM) on slide 19

Develop a list of 10-15 supply chain issues to be discussed in the next 30 days - see slide 18 (MM) on slide 19

Office of Legislative Counsel  
Telephone: (928) 871-7166  
Fax # (928) 871-7576



Honorable Crystalyne Curley  
Speaker  
25<sup>th</sup> Navajo Nation Council

**MEMORANDUM**

TO: Hon. Danny Simpson, Council Delegate  
25th Navajo Nation Council

FROM: K.A. Lowell  
Kristen A. Lowell, Principal Attorney  
Office of Legislative Counsel

DATE: June 13, 2024

SUBJECT: **AN ACTION AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING A NEW SITE SELECTION AT GAMERCO FOR THE GALLUP INDIAN MEDICAL CENTER; RESCINDING RESOLUTION NABIJY-30-20, TITLED "APPROVING AND SUPPORTING THE SELECTION OF THE REHOBOTH SITE FOR THE GALLUP INDIAN MEDICAL CENTER REPLACEMENT PROJECT"**

Per your request, the Office of Legislative Counsel has prepared the above-reference proposed legislation and associated legislative summary sheet. Based on existing law, the legislation as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the authority of the standing committees outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed legislation to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed legislation will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of any revisions requested.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0129-24\_

SPONSOR: George Tolth

**TITLE: An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committee; Approving a New Site Selection at Gamerco for the Gallup Indian Medical Center; Rescinding Resolution NABIJY-30-20, Titled "Approving and Supporting the Selection of the Rehoboth Site for the Gallup Indian Medical Center Replacement Project"**

*Date posted:* June 13, 2024 at 5:53PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0129-24

SPONSOR: Honorable George H. Tolth

**TITLE: An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committee; Approving a New Site Selection at Gamerco for the Gallup Indian Medical Center; Rescinding Resolution NABIJY-30-20, Titled "Approving and Supporting the Selection of the Rehoboth Site for the Gallup Indian Medical Center Replacement Project"**

Posted: June 13, 2024 at 5:53 PM

5 DAY Comment Period Ended: June 18, 2024

Digital Comments received:

|                          |                   |
|--------------------------|-------------------|
| Comments Supporting      | <i>None</i>       |
| Comments Opposing        | 1) Wynette Arviso |
| Comments/Recommendations | <i>None</i>       |

  
Legislative Secretary II  
Office of Legislative Services

June 20, 2024; 8:15 AM  
Date/Time

Reply all | Delete | Junk | ...

## [EXTERNAL]0129-24 - Objection



wynette ariso

Tue 6/18, 4:58 PM

comments

Inbox

We are writing to express our objections to the proposed legislation to approve the Gamerco site and rescind the Rehoboth site for the proposed new facility of GMC. While we understand the reasons presented for the change in location, we believe that these reasons are not sufficiently compelling to justify such a significant decision. Furthermore, there are substantial issues with both of the proposed sites in Gamerco as well as Rehoboth that warrant reconsideration, and strong reasons to maintain the facility at its existing location on Nizhoni Blvd.

### 1. Immediate Need for a New Facility:

The deterioration of the current GMC facility is a critical concern, directly compromising the healthcare quality that our community and our People deserves. The need for a new hospital is not just urgent—it's a matter of safeguarding the well-being of our People. Any further delays, caused by site changes and additional studies, are more than just unacceptable; they are a disservice to the community's health needs. The previously developed plans for phased construction at the Nizhoni Blvd site represent a viable solution to avoid unnecessary setbacks. By reverting to these plans, we can significantly accelerate the construction timeline. This is not merely about expediency; it's about upholding the highest standards of safety and quality patient care—which is, and always should be, our paramount concern.

### 2. Potential Loss of IHS Funding:

Site location changes, additional studies, and modifications for the new facility poses a grave risk to the continuity and security of Indian Health Service (IHS) funding. With an estimated value of over \$850 million, this funding is not merely a monetary figure—it represents the lifeline of our healthcare infrastructure. Any threat to these funds could have catastrophic consequences for the delivery of health services to our community. It is imperative that we adopt a consistent and unwavering approach to planning, coupled with a clear and steadfast strategy. This is the cornerstone upon which the assurance of receiving—and retaining—this vital financial support rests. Our community's health and future well-being hinge on our ability to present a unified and stable vision for our healthcare facilities.

### 3. Traffic and Accessibility Concerns:

Highway 491 experiences significant traffic congestion, which would hinder ambulance access and emergency response times to the Gamerco site. The current location on Nizhoni Blvd is close to the airport, providing vital access for medical emergencies where every second counts. The "golden second" can make the difference between life and death, and the current site's accessibility is crucial for saving lives.

### 4. Delays to Infrastructure Development:



community needs a new hospital now. The current site is already partially developed and can meet these regulations more swiftly.

#### 5. The Voice of the People:

The current GMC location on Nizhoni Blvd better serves the patient base from the 17 chapters in the GMC Service Unit. It also functions as a referral hospital and a dLevel 3 trauma center. Relocating the facility without adequately involving the patient base in the decision-making process disregards their needs and preferences. The patient community must be included in site selection discussions to ensure their needs are prioritized.

#### 6. Accessibility for Medical Professionals:

The immediate access of doctors and medical staff to the hospital is crucial. The current site offers a well-established network that supports quick and efficient access for medical professionals. This immediate accessibility is vital for maintaining the high standards of care provided by GMC.

The decision to relocate the proposed GMC facility to Gamerco should be reconsidered. The current site on Nizhoni Blvd, despite its challenges, offers unique advantages in terms of existing infrastructure, cultural significance, and potential for phased development. The reasons provided for changing the site are not sufficiently compelling to justify such a significant disruption.

We urge the Council to not support the current legislation as written. A new legislation supporting the existing site would be more appropriate.

Thank you for your attention to this matter.

Respectfully Submitted,

Bennie C. Yazzie, Retired CEO, Gallup Indian Medical Center

Wynette Arviso, Chair, Gallup Service Unit Health Board

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
25<sup>TH</sup> NAVAJO NATION COUNCIL**

**SECOND YEAR 2024  
COMMITTEE REPORT**

Madame Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

**Legislation No. 0129-24:** An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committee; Approving a New Site Selection at Gamerco for the Gallup Indian Medical Center; Rescinding Resolution NABIJY-30-20, Titled "Approving and Supporting the Selection of the Rehoboth Site for the Gallup Indian Medical Center Replacement Project"

**Sponsor:** Delegate George Tolth  
**Co-Sponsors:** Delegate Danny Simpson  
Delegate Lester Yazzie

Has had it under consideration and reports a Do Pass with no amendments and thence refers the legislation to the Naabik'iyáti' Committee.

Respectfully submitted,



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Honorable Vince R. James, Chairperson  
Health, Education and Human Services Committee  
25<sup>th</sup> Navajo Nation Council

Date: June 24, 2024

Main Motion:

Motion: Honorable Curtis Yanito  
Second: Honorable Andy Nez  
Vote: 4-0-2

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**  
**Regular Meeting**  
**June 24, 2024**

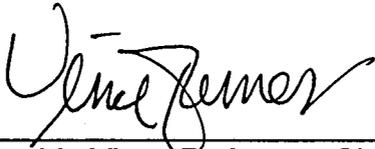
**Legislation No. 0129-24:** An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committee; Approving a New Site Selection at Gamerco for the Gallup Indian Medical Center; Rescinding Resolution NABIJY-30-20, Titled "Approving and Supporting the Selection of the Rehoboth Site for the Gallup Indian Medical Center Replacement Project"

**Sponsor:** Delegate George Tolth  
**Co-Sponsors:** Delegate Danny Simpson  
Delegate Lester Yazzie

**VOTE TALLY:**

**Main Motion:**

**Motion:** Honorable Curtis Yanito  
**Second:** Honorable Andy Nez  
**Yea:** Helena Nez Begay; Germaine Simonson; George Tolth; Curtis Yanito  
**Nay:**  
**Not Voting:** Honorable Andy Nez; Honorable Vince R. James (Presiding)  
**Excused:**  
**Absent:**  
**Vote:** 4-0-2



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Honorable Vince R. James, Chairperson  
Health, Education and Human Services Committee  
25<sup>th</sup> Navajo Nation Council



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Angelita Benally, Legislative Advisor  
Health, Education and Human Services Committee  
Office of Legislative Services