LEGISLATION NO: _0003-21__  SPONSOR: Carl Slater

TITLE: An Action Relating To Resources and Development; Approving a Lease to Navajo Engineering and Construction Authority for a Temporary Hot Plant Site During Reconstruction of Navajo Route N12 in the Vicinity of Tsaile-Wheatfields Chapter, Navajo Nation

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DATE: December 18, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE TO NAVAJO ENGINEERING AND CONSTRUCTION AUTHORITY FOR A TEMPORARY HOT PLANT SITE DURING RECONSTRUCTION OF NAVAJO ROUTE N12 IN THE VICINITY OF TSAILE-WHEATFIELDS CHAPTER, NAVAJO NATION

PURPOSE: Approving a Lease for Navajo Engineering and Construction Authority for the purpose of constructing, maintaining, and operating a temporary hot plant site during reconstruction of Navajo Route N12 on 11.52 acres, more or less, with the right of reasonable ingress and egress, subject to any prior, valid, existing rights-of-way, on Navajo Nation Trust Lands in the vicinity of Tsaile-Wheatfields Chapter, Navajo Nation (Apache County, Arizona).

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.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. D003-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE TO
NAVajo ENGINEERING AND CONSTRUCTION AUTHORITY FOR A
TEMPORARY HOT PLANT SITE DURING RECONSTRUCTION OF NAVAJO
ROUTE N12 IN THE VICINITY OF TSAILE-WHEATFIELDS CHAPTER, NAVAJO
NATION

Section One. Findings

A. Pursuant to 2 NNC §501 (B)(2), the Resources and Development Committee of the
Navajo Nation Council has authority to give final approval of all land withdrawals,
non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding
requirements on Navajo Nation land and unrestricted (fee) land. This authority shall
include subleases, modifications, assignments, leasehold encumbrances, transfers,
renewals, and terminations.

B. The Navajo Engineering and Construction Authority Post Office Box 969, Shiprock,
New Mexico 87420, submitted a request for a Revocable Use Permit for a
temporary hot plant site, during reconstruction of Navajo Route N12 in the vicinity
of Tsaile-Wheatfields Chapter, Navajo Nation (Apache County, Arizona), attached
hereeto and made part of as Exhibit C. Exhibit C includes Statement of Purpose;
December 19, 2019 memorandum from the Navajo Engineering & Construction
Authority to the General Land Development Department Navajo Engineering and
Construction Authority Board of Directors Resolution NECA10-12-19; and Resolution of the Tsaile-Wheatfields Chapter #038, TWFY19-118.

C. The proposed Revocable Use Permit will consist of 11.52 acres, more or less, along Navajo Route N12 in Tsaile-Wheatfields Chapter. The location is more particularly described on the survey map attached hereto and made part hereof as Exhibit B.

D. The January 14, 2020 memorandum from the Tsaile-Wheatfields Chapter District Grazing Committee Member and the documents regarding Consent to Use Navajo Tribal Lands are attached as Exhibit D.

E. The environmental and archaeological clearances have been completed and are attached hereto and incorporated herein by this reference as Exhibit E which includes: December 12, 2018 Bureau of Indian Affairs EA-19-35185 for NECA Chinle Asphalt Hot Mix Plant and Construction Yard Revocable Use Permit Application; NNDFW Review No. 19danl-03 Biological Resources Compliance Form; Tsaile Asphalt Hot Mix Plant and Construction Yard Biological Resource Compliance Form Request; Tsaile Portable Terex Hot Asphalt Mix Plant Site Environmental Assessment; Cultural Resource Compliance Form NNHHPD NO: HPD-19-760; Archaeological Inventory Report

F. The Stormwater Pollution Prevention Plan (SWPPP) is attached as Exhibit F.

G. The Spill Prevention Control and Countermeasures Plan 2015 Update for Navajo Engineering Construction Authority Portable Hot Asphalt Mix Plant is attached as Exhibit G.

H. The Reclamation Plan for Hot Plant Site Tsaile/Wheatfields Arizona NNDOT Project No. N12 (19-4) 1, 2 &4 is attached as Exhibit H.

I. Executive Official Review Document No. 014548 in which the Executive Branch reviewers “approved” or found the review “sufficient” is attached as Exhibit I.

Section Two. Approval

A. Resources and Development Committee of the Navajo Nation Council hereby approves a Lease for Navajo Engineering and Construction Authority for the purpose of constructing, maintaining, and operating a temporary hot plant site
during reconstruction of Navajo Route N12 on 11.52 acres, more or less, with the right of reasonable ingress and egress, subject to any prior, valid, existing rights-of-way, on Navajo Nation Trust Lands in the vicinity of Tsaile-Wheatfields Chapter, Navajo Nation (Apache County, Arizona). The location is more particularly described on the map marked as **Exhibit B**.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Lease subject to but not limited to, the Terms and Conditions attached hereto as **Exhibit A**.

C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to implement the intent and purpose of this resolution.