

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



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 Tsaille-Wheatfields Chapter, Navajo Nation

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0003-21

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.

5-DAY BILL HOLD PERIOD: Redhorse
Website Posting Time/Date: _____
Posting End Date: 01-13-21
Eligible for Action: 01-14-21

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

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6 (Prime Sponsor)

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8 TRACKING NO. 0003-21

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10 AN ACTION

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

16
17 **Section One. Findings**

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

24 B. The Navajo Engineering and Construction Authority Post Office Box 969, Shiprock,
25 New Mexico 87420, submitted a request for a Revocable Use Permit for a
26 temporary hot plant site, during reconstruction of Navajo Route N12 in the vicinity
27 of Tsaille-Wheatfields Chapter, Navajo Nation (Apache County, Arizona), attached
28 hereto and made part of as **Exhibit C**. **Exhibit C** includes Statement of Purpose;
29 December 19, 2019 memorandum from the Navajo Engineering & Construction
30 Authority to the General Land Development Department Navajo Engineering and

1 Construction Authority Board of Directors Resolution NECA10-12-19; and
2 Resolution of the Tsaile-Wheatfields Chapter #038, TWFY19-118.

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

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

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

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

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

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

24 I. Executive Official Review Document No. 014548 in which the Executive Branch
25 reviewers "approved" or found the review "sufficient" is attached as **Exhibit I**.

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27 **Section Two. Approval**

28 A. Resources and Development Committee of the Navajo Nation Council hereby
29 approves a Lease for Navajo Engineering and Construction Authority for the
30 purpose of constructing, maintaining, and operating a temporary hot plant site

1 during reconstruction of Navajo Route N12 on 11.52 acres, more or less, with the
2 right of reasonable ingress and egress, subject to any prior, valid, existing rights-of-
3 way, on Navajo Nation Trust Lands in the vicinity of Tsaile-Wheatfields Chapter,
4 Navajo Nation (Apache County, Arizona). The location is more particularly
5 described on the map marked as **Exhibit B**.

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

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

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