

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0044-21_

SPONSOR: Rickie Nez

TITLE: An Action Relating To Resources And Development; Approving The S-Hill Sand And Gravel Lease To Navajo Engineering And Construction Authority To Extract Sand And Gravel From Navajo Nation Trust Lands Located Within The Tse Daak'aan Chapter Vicinity, Navajo Nation (San Juan County, New Mexico)

Date posted: March 17, 2021 at 10:57AM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0044-21

DATE: March 12, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE S-HILL SAND AND GRAVEL LEASE TO NAVAJO ENGINEERING AND CONSTRUCTION AUTHORITY TO EXTRACT SAND AND GRAVEL FROM NAVAJO NATION TRUST LANDS LOCATED WITHIN THE TSE DAAK'AAN CHAPTER VICINITY, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to approve the S-Hill Sand and Gravel Lease to Navajo Engineering and Construction Authority. The request is for a lease subdivided into three parcels to establish, operate and maintain a sand and gravel pit, aggregate stock pile, construction yard in the vicinity of the Tse Daa Kaan Chapter (San Juan County, New Mexico).

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: 03-22-21
Eligible for Action: 03-23-21

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- Third Year, 2021

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0044-21
AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE S-HILL
SAND AND GRAVEL LEASE TO NAVAJO ENGINEERING AND
CONSTRUCTION AUTHORITY TO EXTRACT SAND AND GRAVEL FROM
NAVAJO NATION TRUST LANDS LOCATED WITHIN THE TSE DAAK'AAN
CHAPTER VICINITY, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED:

Section One. Authority

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500 (A).
- B. 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 lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers include, renewals, and terminations. 2 N.N.C. § 501 (B) (2).

Section Two. Findings

- A. Navajo Engineering and Construction Authority, P.O. Box 969, Shiprock, New Mexico 87420, has submitted an application subdivided into three parcels for a sand and gravel lease to establish, operate and maintain a sand and gravel pit,

1 aggregate stock pile, construction yard in the vicinity of the Tse Daa Kaan
2 Chapter (San Juan County, New Mexico). The proposed Sand and Gravel Lease
3 is attached as **Exhibit A**.

4 B. The proposed Sand and Gravel Lease consists of 36.30 acres, more or less, for
5 Section I; 20.46 acres, more or less, for Section II; and, 60.18 acres, more or
6 less, for Section III, for a total of 116.94 acres, more or less, of Navajo Nation
7 Trust lands more particularly described in attached **Exhibit B**.

8 C. The land user consents have been obtained and are attached as **Exhibit C**.

9 D. Environmental and archaeological studies and clearances have been completed
10 and are attached hereto and incorporated herein by this reference. The S-Hill
11 Sand and Gravel Mining Lease Biological Evaluation is attached as **Exhibit D**.
12 The Finding of No Significant Impact, Environmental Assessment EA-10-101 is
13 attached as **Exhibit E**. The Cultural Compliance Form NNHPD No. HPD-09-
14 1263 is attached as **Exhibit F**. The Archaeological Inventory is attached as
15 **Exhibit G**.

16 E. The Statement of Purpose—NECA's S-Hill Gravel Pit is attached as **Exhibit H**.

17 F. The Stormwater Pollution Prevention Plan is attached as **Exhibit I**.

18 G. The Mining Plan—NECA's S-Hill Gravel Pit is attached as **Exhibit J**.

19 H. The Reclamation Plan—NECA's S-Hill Gravel Pit is attached as **Exhibit K**.

20 I. The Tse Daa K'aan Community Chapter supports the approval of the sand and
21 gravel lease. Resolution TDK 2002-01 is attached as **Exhibit L**.

22 J. The Navajo Engineering and Construction Authority Board of Directors through
23 Resolution NECA12-3-12, attached as **Exhibit M**, is requesting approval of the
24 sand and gravel lease and requests waiver of the requirement for a Performance
25 and Reclamation Bond.

26 K. Executive Official Review Document No. 005866, titled "Approving NEA S-
27 Hill S&G Lease" is attached as **Exhibit N**.

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29 **Section Three. Approval**
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- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the S-Hill Sand and Gravel Lease for a sand and gravel lease on Navajo Nation Trust Lands in the Tse Daa Kaan Chapter vicinity, Navajo Nation (San Juan County, New Mexico) to Navajo Engineering and Construction Authority (NTUA). The location is more particularly described on the survey maps attached as **Exhibit B**.
- B. The Navajo Nation hereby approves the Sand and Gravel Lease subject to, but not limited to, conditions stated in the Sand and Gravel Lease as attached **Exhibit A**.
- C. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to implement the intent and purpose of this resolution.