

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0055-25_

SPONSOR: Shawna Ann Claw

TITLE: An Action Relating to Resources and Development; Approving a Lease for Apache County District One to Construct, Maintain and Operate an Industrial Well Located in the Chinle Chapter, Navajo Nation (Apache County, Arizona)

Date posted: April 17, 2025 at 5:55PM

Digital comments may be e-mailed to 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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0055-25

DATE: April 11, 2025

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE FOR APACHE COUNTY DISTRICT ONE TO CONSTRUCT, MAINTAIN AND OPERATE AN INDUSTRIAL WELL LOCATED IN THE CHINLE CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA)

PURPOSE: The purpose of this legislation is to approve the lease to Apache County District One for the purpose of constructing, maintaining, and operating an industrial well for road maintenance, improvement, and construction, for adjacent livestock trough, for dust abatement, and for fire, drought, and/or other emergencies faced by the Navajo Nation on Apache County. The Resources and Development Committee will also approve the rental rate.

Final Authority: Resources and Development Committee

Vote Required: Majority vote.

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:
Website Posting Time/Date: _____
Posting End Date: 04-22-25
Eligible for Action: 04-23-25

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL -- Third Year, 2025

3 INTRODUCED BY

4 

5 _____
6 *Shawna Ann Claw*
 (Prime Sponsor)

7
8 TRACKING NO. 0055-25

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE FOR
12 APACHE COUNTY DISTRICT ONE TO CONSTRUCT, MAINTAIN AND OPERATE
13 AN INDUSTRIAL WELL LOCATED IN THE CHINLE CHAPTER, NAVAJO
14 NATION (APACHE COUNTY, ARIZONA)

15
16 BE IT ENACTED:

17
18 **SECTION ONE. AUTHORITY**

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

25
26 **SECTION TWO. FINDINGS**

27 A. Apache County District One seeks approval of a lease to construct, maintain, and
28 operate an industrial well for road maintenance, improvement, and construction, for
29 adjacent livestock trough, for dust abatement, and for fire, drought, and/or other
30 emergencies faced by the Navajo Nation located in Chinle Chapter vicinity, Navajo

- 1 Nation (Apache County, Arizona). The lease is attached as **Exhibit A**.
- 2 B. The lease covers 2.01 acres, more or less, as described in **Exhibit B**, a survey map.
- 3 C. The Chinle District 10-3 District Grazing Committee Member memorandum dated
4 October 24, 2024 stating that “there are no grazing permittee(s) within the proposed
5 project area” is attached as **Exhibit C**.
- 6 D. The Biological Resources Compliance Form is attached **Exhibit D** and the Navajo
7 Natural Heritage Program, February 12, 2019 memorandum is attached as **Exhibit E**
- 8 E. Cultural Resources Compliance Form is attached **Exhibit F** and the Archaeological
9 Inventory Report is attached as **Exhibit G**.
- 10 F. An Environmental Assessment Report for the Proposed Apache County District 1 10T-
11 0598 Well Development Projects is attached as **Exhibit H**.
- 12 G. In memorandum dated August 30, 2024, attached as **Exhibit I**, the Navajo Nation
13 Environmental Protection Agency, Water Quality/NPDES Program-S&GW Protection
14 Department provides conditional approval to the Executive Official Review Document
15 023143 states: “If total land surface disturbance by project activities exceeds 1.0 acre,
16 then coverage is required under the federal Construction General Permit. The project
17 sponsor or developer needs to contact the UA Army Corps of Engineers (US ACOE)
18 District Office in Albuquerque, New Mexico since the project is on the Navajo Nation
19 trust land.”
- 20 H. In memorandum dated September 12, 2024, attached as **Exhibit J**, the Navajo Nation
21 Surface and Ground Water Protection Department, Navajo Nation Environmental
22 Protection Agency, recognizes that the “intent of the well is to provide water for
23 construction projects.” However, the department states that in the event the well is to
24 be used for drinking water purposes the Navajo Nation’s Safe Drinking Water Act and
25 the Navajo Nation Primary Drinking Water Regulations are to be complied with.
- 26 I. In memorandum dated February 12, 2019, attached as **Exhibit E**, the Navajo Natural
27 Heritage Program, at page 5 paragraph K, states “Projects involving the ground water
28 pumping for mining operations, agricultural projects or commercial wells (including
29 municipal wells) will have to provide an analysis on the effects to surface water and
30 address potential impacts on all aquatic and/or wetlands species listed below. [list

1 provided on page 5].” See, **Exhibit E**. The Chinle Chapter should be provided this
2 analysis as a report every five years.

3 J. 16 N.N.C. § 2334 (F) states that “[t]he Navajo Nation may waive the rent, for ... (ii)
4 leases for use of Navajo Nation trust land by federal, state and local governments, non-
5 profits, public projects and public utilities, where such entities or projects are providing
6 essential governmental or utility services to Navajo people... .”

7 K. The Resources and Development Committee, pursuant to 2 N.N.C. Section §501
8 (B)(2), is authorized to set the lease payment for the lease to be approved through this
9 resolution.

10 L. The Mineral Department Director’s memorandum dated September 12, 2024, attached
11 as **Exhibit K**, sets \$55,184.00 as the Right of Way Consideration for 20 years.

12 M. The Chinle Chapter approved resolution CHIN-AUG-17-048: SUPPORTING AND
13 APPROVING THE LAND WITHDRAWAL FOR APACHE COUNTRY WELL
14 TRACT OF 2.01 ACRES AND ACCESS ROAD OF 1.73 ACRES, TOTAL OF 3.74
15 ACRES FOR COMMUNITY DEVELOPMENT. Resolution CHIN-AUG-17-048 is
16 attached as **Exhibit L**.

17 N. The Executive Official Review Document Number 023143 is attached as **Exhibit M**.

18
19 **SECTION THREE. APPROVAL**

20 A. The Resources and Development Committee of the Navajo Nation Council hereby
21 approves the lease, attached as **Exhibit A**, to Apache County District One for the
22 purpose of constructing, maintaining, and operating an industrial well for road
23 maintenance, improvement, and construction, for adjacent livestock trough, for dust
24 abatement, and for fire, drought, and/or other emergencies faced by the Navajo Nation
25 on Apache County. The location in Chinle Chapter vicinity, Navajo Nation (Apache
26 County, Arizona) is more particularly described in legal description and map attached
27 hereto as **Exhibit B**.

28 B. The Resources and Development Committee of the Navajo Nation Council hereby
29 approves the annual rental rate at _____.

30 C. The Resources and Development Committee has determined that as a condition to the

1 approval of this lease, Apache County District One shall provide a report on the effects
2 to surface water and potential impacts of the Apache Country District One 10T-0598
3 Well Development Project on all aquatic and/or wetlands species listed on page five
4 (5), paragraph K of the Navajo Natural Heritage Program memorandum dated February
5 12, 2019, attached as **Exhibit E**. This report shall be provided in oral and written form
6 to the Chinle Chapter, at a duly called Chapter meeting, every five (5) years starting on
7 April 30, 2026. The written report shall also be provided to the Division of Natural
8 Resources, Division Director, the Fish and Wildlife Manager and the Water Resources
9 Manager.

10 D. The Resources and Development Committee of the Navajo Nation Council hereby
11 authorizes the President of the Navajo Nation to execute any and all documents
12 necessary to affect the intent and purpose of this resolution.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30