

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0209-26_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to Resources and Development; Approving a Sand and Gravel Lease to Navajo Engineering and Construction Authority to Extract Sand and Gravel From 4.98 Acres, more or less of Navajo Nation Trust Lands Located within the Tsaille/Wheatfields Chapter Vicinity, Navajo Nation (Apache County, Arizona)

Date posted: September 16, 2026 at 4:45PM

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0209-26

DATE: September 4, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND AND GRAVEL LEASE TO NAVAJO ENGINEERING AND CONSTRUCTION AUTHORITY TO EXTRACT SAND AND GRAVEL FROM 4.98 ACRES, MORE OR LESS OF NAVAJO NATION TRUST LANDS LOCATED WITHIN THE TSAILE/WHEATFIELDS CHAPTER VICINITY, NAVAJO NATION (APACHE COUNTY, ARIZONA)

PURPOSE: The purpose of this legislation is to approve a Navajo Sand and Gravel Lease to Navajo Engineering and Construction Authority (NECA) for trust lands located within the Tsaille/Wheatfields Chapter. The legislation would approve a waiver of the performance and reclamation bond of \$75,000 and would waive the yearly royalty fee of \$8,000 and royalty fee of \$1.5 per ton of material removed.

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: Al Nukit
Website Posting Time/Date: _____
Posting End Date: 9/21/26
Eligible for Action: 9/22/26

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL --Fourth Year, 2026

Introduced By:

(Prime Sponsor)

Tracking No. 0209-26



AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND
AND GRAVEL LEASE TO NAVAJO ENGINEERING AND CONSTRUCTION
AUTHORITY TO EXTRACT SAND AND GRAVEL FROM 4.98 ACRES,
MORE OR LESS OF NAVAJO NATION TRUST LANDS LOCATED WITHIN
THE TSAILE/WHEATFIELDS CHAPTER VICINITY, NAVAJO NATION
(APACHE COUNTY, ARIZONA)

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).

1 **SECTION TWO. FINDINGS**

- 2 A. Navajo Engineering and Construction Authority, P.O. Box 969, Shiprock, New
3 Mexico 87420, has submitted a request for a sand and gravel lease to occupy 4.98
4 acres, more or less, of Navajo Nation Trust Lands within the Tsaile/Wheatfields
5 Chapter vicinity. The proposed Sand and Gravel Lease is attached hereto as
6 **Exhibit A.**
- 7 B. The proposed Sand and Gravel Lease consists of Navajo Nation Trust Lands
8 located in the Tsaile/Wheatfields Chapter vicinity (Apache County, State of
9 Arizona), as described in **Exhibit B.**
- 10 C. The land user consent documentation and letter from grazing committee
11 representative are attached as **Exhibit C.**
- 12 D. The Cultural Resource Compliance Form NNHHPD No. HPD-19-727 is attached
13 as **Exhibit D.**
- 14 E. The Archaeological Inventory Report and Traditional Cultural Property Record is
15 attached as **Exhibit E.**
- 16 F. The Biological Resources Compliance Form, NNDFW Review No. 19dan1102,
17 is attached as **Exhibit F.**
- 18 G. The Wheatfields Borrow Pit Lease Biological Evaluation is attached as **Exhibit**
19 **G.**
- 20 H. The Wheatfields Borrow Pit Lease Environmental Assessment is attached as
21 **Exhibit H.**
- 22 I. The Bureau of Indian Affairs, June 2, 2020 letter Finding of No Significant Impact
23 (FONSI) is attached as **Exhibit I.**
- 24 J. The Stormwater Pollution Prevention Plan is attached as **Exhibit J.**
- 25 K. The Mining and Reclamation Plan for the Wheatfields Borrow Pit is attached as
26 **Exhibit K.**
- 27 L. The Navajo Engineering and Construction Authority Statement of Purpose is
28 attached as **Exhibit L.**
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- 1 M. The Navajo Engineering and Construction Authority Board of Directors through
2 Resolution, attached as **Exhibit M**, is requesting approval of the Material Borrow
3 Pit and requests a waiver of the performance and reclamation bond.
- 4 N. The Navajo Engineering and Construction Authority Resolution, attached as
5 **Exhibit M**, states that “[t]he Tsaile/Wheatfields Chapter passed Resolution
6 Number TWFY-26-058 for the Sand and Gravel Lease application[.]” See **Exhibit**
7 **M**.
- 8 O. The Navajo Nation Sand and Gravel Lease, **Exhibit A**, requires a bond. **Exhibit**
9 **A** states: “3. *Bond. The Lessee, shall furnish a performance and reclamation bond*
10 *for Seventy-Five Thousand dollars (\$75,000.00). The Lessee shall maintain this*
11 *bond at all times even if the Lease has expired or is terminated. The bond shall*
12 *only be released with the written consent of the Navajo Nation. The bond shall*
13 *only be released with the written consent of the Navajo Nation. The bond may*
14 *also be increased by the Navajo Nation and/or the DOI. The Lessee shall request*
15 *a bond release to DOI only after the Lease has been expired or terminated and*
16 *Lessee has fulfilled all its obligations, including payments to the Nation and*
17 *reclamation, under the terms and conditions of this Lease.”*
- 18 P. The Navajo Engineering and Construction Authority Board of Directors through
19 Resolution, attached as **Exhibit M**, is requesting a waiver of the performance and
20 reclamation bond requirement.
- 21 Q. The Navajo Nation Sand and Gravel Lease, **Exhibit A**, describes the Payments to
22 the Nation by the Lessee including royalty payments of \$8,000 for each lease year
23 and royalty rate of \$1.50 per ton of material removed.
- 24 R. The Navajo Engineering and Construction Authority memorandum, attached as
25 **Exhibit N**, dated February 13, 2026 requests a waiver of the royalty fee.
- 26 S. Executive Official Review Document No. 026458, entitled “Sand and Gravel:
27 NECA Wheatfields/ Tsaile” is attached as **Exhibit O**.
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SECTION THREE. APPROVAL

- 1 A. The Resources and Development Committee of the Navajo Nation Council hereby
2 approves a Sand and Gravel Lease to Navajo Engineering and Construction
3 Authority subject to, but not limited to the Sand and Gravel Lease in the attached
4 **Exhibit A**. The location of the lease of the 4.98 acres, more or less occupy, more
5 or less, of Navajo Nation Trust Lands is in the Tsaille/Wheatfields Chapter
6 vicinity, Navajo Nation and is more particularly described on the survey maps
7 attached as **Exhibit B**.
- 8 B. The Resources and Development Committee hereby waives the performance and
9 reclamation bond for Seventy-Five Thousand dollars (\$75,000.00). The Lessee,
10 Navajo Engineering and Construction Authority Board of Directors shall provide
11 a resolution stating that the land subject to the Sand and Gravel Lease will be
12 reclaimed at the expiration of the Lease term. This resolution will be submitted
13 prior to the occurrence of any surface disturbance.
- 14 C. The Resources and Development Committee hereby waives the annual \$8,000.00
15 royalty fee and the royalty rate of \$1.50 per ton of material removed.
- 16 D. The Resources and Development Committee hereby authorizes the President of
17 the Navajo Nation to execute any and all documents necessary to implement the
18 intent and purpose of this resolution.
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