

LEGISLATION SUMMARY

Tracking No. 0028-22

Date: February 3, 2022

Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; ESTABLISHING THE ABANDONED COAL MINE LANDS RECLAMATION ENTERPRISE FUND (“AML ENTERPRISE FUND”); APPROVING THE RELATED FUND MANAGEMENT PLAN; AND ALLOCATING \$2,586,548 FROM THE NAML COAL FEE ENTERPRISE FUND AS THE INITIAL AMOUNT TO BE DEPOSITED INTO THE NEW AML ENTERPRISE FUND

Purpose: to establish a new AML Enterprise Fund and approve the related Fund Management Plan; the new Fund will consist of revenues from a ten cents per ton charge on coal mined by the Navajo Transitional Energy Company; allocating \$2,586,548 from the NAML Coal Fee Enterprise Fund as the initial amount for the new AML Enterprise Fund.

OLC No. 21-490-1

5-DAY BILL HOLD PERIOD: 10:44AM; 02-11-22
Website Posting Time/Date: 02-16-22
Posting End Date: 02-17-22
Eligible for Action: 02-17-22

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:


(Sponsor)

Tracking No. 0028-22

AN ACT

RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND
FINANCE COMMITTEES; ESTABLISHING THE ABANDONED COAL MINE
LANDS RECLAMATION ENTERPRISE FUND (“AML ENTERPRISE FUND”);
APPROVING THE RELATED FUND MANAGEMENT PLAN; AND ALLOCATING
\$2,586,548 FROM THE NAML COAL FEE ENTERPRISE FUND AS THE INITIAL
AMOUNT TO BE DEPOSITED INTO THE NEW AML ENTERPRISE FUND

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council has oversight responsibility and authority over the Division of Natural Resources. 2 N.N.C. §501(C)(1). The Navajo Abandoned Mine Lands Reclamation Department (“AML”) was established under the Division of Natural Resources. 18 N.N.C. §1611.
- B. The Budget and Finance Committee of the Navajo Nation Council is empowered to approve fund management plans upon the recommendation of the appropriate oversight committee and the affected Navajo Nation government division or Branch. 2 N.N.C. §301(B)(14).
- C. In May 2002 the Budget and Finance Committee approved certain procedures and eligibility criteria for Navajo Nation programs and departments to establish a Governmental Fund, Proprietary Fund, or Fiduciary Fund, with a related Fund Management Plan. **EXHIBIT A.**

1 **SECTION TWO. FINDINGS**

2 A. According to its Plan of Operation, AML's responsibility is to conduct reclamation of
3 abandoned coal mines and to mitigate the adverse impact of past mining activities on lands
4 within the jurisdiction of the Navajo Nation. **EXHIBIT B.**

5 B. AML has responsibility over dozens of former coal mines and abandoned coal mine sites
6 within the Navajo Nation, as shown on the map attached as **EXHIBIT C.**

7 C. AML proposes to establish an Enterprise Fund to allow for the collection of revenue from
8 the business operations of the Navajo Transitional Energy Company ("NTEC") by assessing
9 a fee of ten cents per ton on NTEC's coal production activities, currently ongoing at mines
10 in Wyoming and Montana. **EXHIBIT D.**

11 D. AML has prepared a report, attached as **EXHIBIT E**, justifying its proposed revenue-
12 generating efforts, citing the recent decline in AML's traditional revenue sources for its
13 extensive reclamation activities, which decline has been caused by:

- 14 1. the closure of the Kayenta coal mine;
15 2. the widescale shift to non-carbon energy sources and phasing out of the coal industry;
16 3. COVID-19-related shelter-in-place orders that have resulted in lower demand for
17 electricity from coal-fired power plants;
18 4. the September 30, 2021 expiration of the Surface Mining Control and Reclamation Act.

19 E. AML has developed its proposed "Abandoned Coal Mine Lands Reclamation Enterprise
20 Fund" ("AML Enterprise Fund") and related Fund Management Plan. **EXHIBIT F.** In the
21 proposed Plan, on page 3, Section V(G) has two blanks - the Office of the Controller shall
22 insert the appropriate information when this legislation is up for consideration by the
23 appropriate Committees.

24 F. AML has prepared several detailed budget forms, proposing \$2,586,548 as the initial amount
25 of funds for the AML Enterprise Fund, with the source of the funds coming from the "NAML
26 Coal Fee Enterprise Fund." Budget Forms 1, 2, 4, and 6 are attached as **EXHIBIT G.**

27 G. The proposed Fund Management Plan for the AML Enterprise Fund has been vetted through
28 the Navajo Nation's 2 N.N.C. §164 administrative review process, and has been approved
29 by the Division of Natural Resources, the Office of Management and Budget, the Office of
30 the Controller, and the Department of Justice. **EXHIBIT H.**

1 **SECTION THREE. ESTABLISHING THE ABANDONED COAL MINE LANDS**
2 **RECLAMATION ENTERPRISE FUND AND APPROVING THE**
3 **RELATED FUND MANAGEMENT PLAN; ALLOCATING**
4 **INITIAL FUNDS FOR THE AML ENTERPRISE FUND**

5 A. The Navajo Nation hereby establishes the Abandoned Coal Mine Lands Reclamation
6 Enterprise Fund (“AML Enterprise Fund”) and approves the Fund Management Plan for the
7 AML Enterprise Fund, as shown in the attached **EXHIBIT F**.

8 B. The Navajo Nation hereby allocates \$2,586,548 out of the “NAML Coal Fee Enterprise
9 Fund” account as the initial amount to be deposited into the AML Enterprise Fund. This
10 \$2,586,548 shall be expended by AML in compliance with the line-item expenditures shown
11 in AML’s Budget Forms 1, 2, 4, and 6, attached as **EXHIBIT G**.

12 C. The Navajo Nation approves the deposit into the AML Enterprise Fund whatever additional
13 funds that may become available prospectively, in accordance with Section V of the Fund
14 Management Plan (EXHIBIT F), and as approved by the Controller.

15
16 **SECTION FOUR. DIRECTIVES**

17 A. No later than twenty (20) business days after the effective date of this legislation, the
18 Controller shall:

- 19 1. insert the appropriate account information and dollar figures into Section V(G) of the
20 approved Fund Management Plan (EXHIBIT F); AML shall then prepare a final version
21 of the Fund Management Plan document, with the Controller’s inserts, and shall submit a
22 copy of this final version to the Resources and Development Committee, the Budget and
23 Finance Committee, the Controller, the Division of Natural Resources, and other
24 appropriate parties;
- 25 2. set up a new Navajo Nation financial account titled: “Abandoned Coal Mine Lands
26 Reclamation Enterprise Fund” and immediately transfer \$2,586,548 out of the “NAML
27 Coal Fee Enterprise Fund” account into the new AML Enterprise Fund account;
- 28 3. allow AML to access the funds in this account for its use in accordance with its Budget
29 Forms 1, 2, 4, and 6 (EXHIBIT G), in compliance with the Controller’s usual drawdown
30 and payment procedures.

1 B. On a prospective and ongoing basis, the Controller shall review whatever additional funds
2 that become available, as described in Section V of the Fund Management Plan, and shall
3 ensure that said funds are deposited into the new AML Enterprise Fund account and are made
4 available for AML's appropriate use.

5 C. The Controller shall consult with the Office of Management and Budget, the Division of
6 Natural Resources, and/or the Department of Justice, if any question arises regarding the
7 propriety or legal sufficiency of any such deposit of additional funds into the new AML
8 Enterprise Fund account.

9 D. By the end of the Third Quarter of each Fiscal Year, the AML shall provide a verbal and
10 written report to the Resources and Development Committee and the Budget and Finance
11 Committee, explaining its activities and expenditures related to the \$2,586,548 approved
12 herein and its implementation of, and compliance with, the Fund Management Plan.

13
14 **SECTION FIVE. EFFECTIVE DATE**

15 This legislation shall become effective in accordance with 2 N.N.C. §301(B)(14).
16

17 **SECTION SIX. SAVING CLAUSE**

18 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo
19 Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme
20 Court, the remainder of this legislation shall be the law of the Navajo Nation.
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BFMY-38-02

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving the Eligibility Criteria for the Establishment of a
Fund and Related Fund Management Plan

WHEREAS:

1. Pursuant to 2 N.N.C. §374 (B) (2), the Budget and Finance Committee of the Navajo Nation Council is authorized to the extent permitted by federal or Navajo Nation laws and regulations, to appropriate, allocate, cancel, reappropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources; and

2. Pursuant to 2 N.N.C. §374 (B) (4), the Budget and Finance Committee of the Navajo Nation Council is authorized to coordinate and review all fiscal, financial and investment activities of the Navajo Nation and its enterprises, as well as other agencies, federal, state, regional and private; and

3. The Budget and Finance Committee has received requests from programs and departments to establish a Fund Management Plan to utilize revenues generated to support the programs operations; and

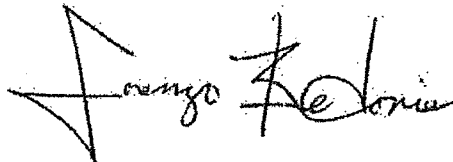
4. Pursuant to directive from the Budget and Finance Committee of the Navajo Nation Council, the committee requested the development of criteria to determine what plan should be adopted. Through several drafts and work sessions between Office of the Controller, Office of the Auditor General, Office of Management and Budget and the Department of Justice, the plan has been finalized. The Eligibility Criteria for the Establishment of a Fund and Related Fund Management Plan has been prepared and is attached hereto and incorporated herein as Exhibit "A".

NOW THEREFORE BE IT RESOLVED THAT:

The Budget and Finance Committee of the Navajo Nation Council hereby adopts the Eligibility Criteria for the Establishment of a Fund Management Plan, attached hereto as Exhibit "A", to provide as a guide review criteria.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained this 7th day of May, 2002.

A handwritten signature in black ink, appearing to read "Lorenzo Bedonie". The signature is stylized with a large, sweeping initial "L" and a cursive "Bedonie".

Lorenzo Bedonie
Chairperson

Motion: Bennie Shelly
Second: Raymond Jones

**THE NAVAJO NATION
ELIGIBILITY CRITERIA FOR THE ESTABLISHMENT OF A FUND AND RELATED
FUND MANAGEMENT PLAN**

I. PURPOSE

To establish criteria for Navajo Nation Programs and Departments that propose to establish a fund and related fund management plan. The program or department shall meet all the criteria outlined below to establish a fund and related fund management plan.

II. CRITERIA

1. Programs and department shall have an approved Plan of Operation to establish a fund. The program or department shall provide a copy of the current approved Plan of Operation to the Office of the Controller.
2. Programs and/or departments proposing a fund management plan shall satisfy the definition of Governmental Fund, Proprietary Fund, or Fiduciary Fund under the Navajo Nation Appropriations Act and Generally Accepted Accounting Principles. The proposed fund management plan shall identify the type of fund designation being sought and the reason why that type of fund is appropriate.
3. The collections of revenues and/or fees for goods and/or services shall have oversight committee and Budget and Finance Committee approval. The program or department shall provide to the Office of the Controller copies of the appropriate legislation.
4. The collections of revenues and/or fees for goods and/or services shall comply with sound financial administration. The program or department shall provide the Office of the Controller with written policies and procedures governing the revenue and fee collections.
5. Programs and departments will explain that the revenues generated and/or fees collected cannot be allocated to other programs or uses. This will ensure the budget process maintains its primary purpose which is the rational allocation of scarce financial resources based upon identified goals and objectives.
6. The amount of revenues that the programs/departments generate must not negatively impact the amount of annual recurring revenue to the general fund such that future financial flexibility is restricted.
7. The programs and departments must demonstrate that it will recover the full cost of operations from the revenues and/or fees collected and will not require any annual appropriations from the Navajo Nation General Funds or other sources. The proposed fund management plan shall provide reasonable assurance that the program's or department's activity is financed solely through the collections of

revenues and/or fees for goods and services provided. In order to provide this assurance:

- a. The program or department will provide to the Office of the Controller a budget for the most recent completed fiscal year detailing the amount of revenue received from goods and/or services and from the Navajo Nation General Fund.
 - b. The program or department will provide to the Office of the Controller a schedule of fees and charges that will recover the program's or department's personnel and operating costs, including depreciation and loans.
8. Programs and departments must generate a minimum of \$250,000 in annual revenues and/or fees to qualify for establishment of a fund. Annual revenues and/or fees collected for goods and services provided must be at least a minimum of \$250,000 to avoid the risk of establishing unnecessary funds, which can result in the Navajo Nation financial system becoming inflexible, complex and inefficient. With the recommendation of the Navajo Nation Controller, the Budget and Finance Committee of the Navajo Nation may increase or decrease this amount to maintain the efficiency and flexibility of the financial system. For example, if the number of funds becomes substantial and causes the financial system to become too complex and inefficient, the Controller will recommend a higher minimum amount.
9. Program and departments shall establish and utilize a process that provides for recording of all revenues and/or fees received; appropriately safeguarding and depositing of all revenues and/or fees intact into an approved depository bank account, the Navajo Nation's depository account, or to the Navajo Nation Cashier's office.



**PLAN OF OPERATION
NAVAJO ABANDONED MINE LANDS RECLAMATION DEPARTMENT**

I. ESTABLISHMENT

The Navajo Abandoned Mine Lands Reclamation (AMLR) Department is hereby established as a department of the Navajo Nation Division of Natural Resources within the Executive branch of the Navajo Nation Government.

II. PURPOSE

To provide and conduct AML reclamation of past Coal and Non-Coal abandoned mines and to mitigate the adverse impact of past mining activities on land within the jurisdiction of the Navajo Nation, pursuant to Public Law 95-87, "Surface Mining Control and Reclamation Act" (SMCRA) of 1977 and as amended.

III. Personnel

There is established within the Navajo AMLR Department and the position of Department Manager III and such other positions are approved through the budget and abandoned mine lands grant application process. All personnel shall be hired and managed pursuant to the Personnel Policies Manual of the Navajo Nation.

IV. AUTHORITY, DUTY, AND RESPONSIBILITIES

The Department Manager III of the Navajo AMLR Department has the following authority ~~to~~ and responsibility:

1. Be responsible for efficient management and administration of the AMLR Department;
2. Set direction and priorities in overall department planning; including the development and implementation of department policies, goals and objectives;

Plan of Operation

Navajo AMLR Department

Page 2

3. Recruit and hire all personnel in accordance with the Navajo Nation Personnel Policies Manual;
4. Represent the department at executive level planning and accomplish all programming and budgeting requirements;
5. Enforce the policies and procedures set forth in Titles I, II and IV of the Navajo Abandoned Mine Lands Reclamation Code of 1987;
6. Developed, recommend and enforce appropriate tribal policies, laws, regulations and rules within the areas of responsibility;
7. Recommend expenditures from department accounts to accomplish program goals and objectives;
8. Administer and insure accountability of the Tribe's Abandoned Mine Lands Reclamation Department (AMLR) Funds;
9. Develop and implement the Navajo Reclamation Plan and update the Plan as necessary;
10. Decentralize the authority and responsibility to the Agency offices, with the establishment of the Coal, Non-Coal, and Public Facility Projects Program, Shiprock AML Field Office and Tuba City AML Field Office;
11. Establish and maintain liaison with appropriate federal, state and tribal, and local agencies, offices and individuals within the areas of responsibility;
12. Address abandoned uranium mines (AUM) through coordination and communication with respective Navajo Nation programs and federal agencies.

V. LEGISLATIVE OVERSIGHT

- A. Pursuant to 2, N.N.C. § 501(C), the Resources and Development Committee of the Navajo Nation

Plan of Operation

Navajo AMLR Department

Page 3

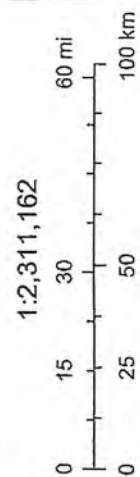
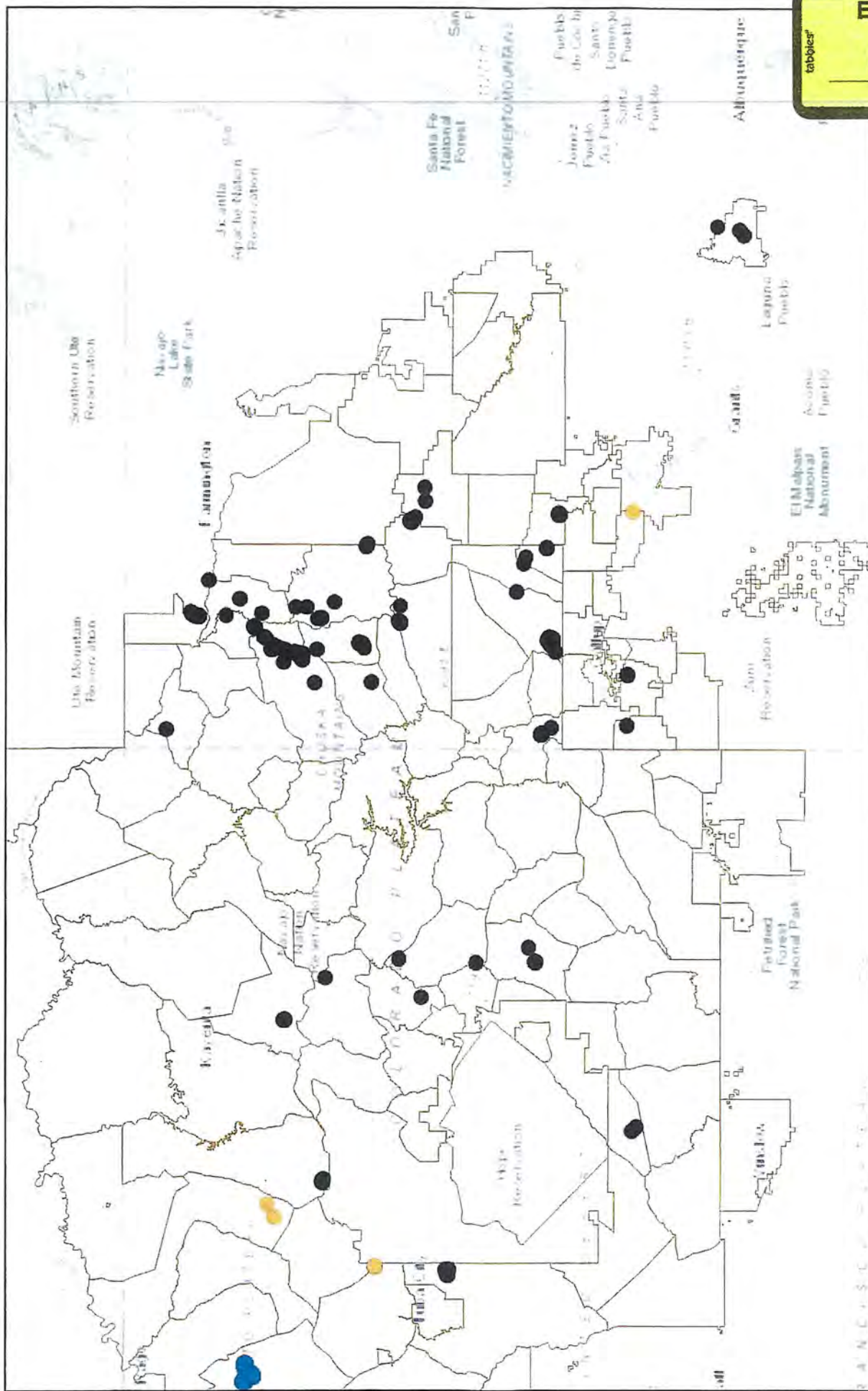
Council is the oversight committee for the Division of Natural Resources.

B. Pursuant to 2 N.N.C. § 501 (B) (11), the Resource and Development Committee may delegate certain authorities to the Department Manager III of the Navajo AMLR Department, which shall include administrative rules and regulations and enforcement for the efficient management and administration of the Navajo AMLR Department.

VI. AMENDMENT

This Plan of Operation may be amended by the the Resources and Development Committee of the Navajo Nation Council.

NAMLRD Project Web Map



1:2,311,162

5/19/2021, 4:02:25 PM

- Coal Project
- Copper Project
- Sand and Gravel Project
- Uranium Project
- Chapters

tabbles®

EXHIBIT

C

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

MEMORANDUM:

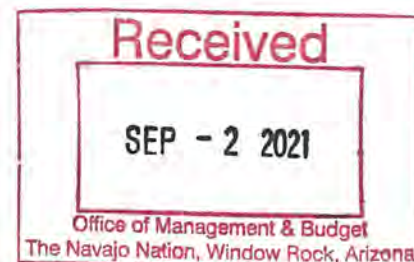
TO : Executive Official Reviewers

THRU : Karen Bedonie
Karen L. Bedonie, Department Manager
Navajo AML Reclamation Department

FROM : Melvin H. Yazzie
Melvin H. Yazzie, Principal Mining Engineer
Shiprock Field Office
Navajo AML Reclamation Department

DATE : August 26, 2021

SUBJECT : ^{FOR} Section ~~164~~ Review #017086, Fund Management Plan for
Abandoned Coal Mine Lands Reclamation Fund



Attached is the Fund Management Plan for Navajo Abandoned Mine Lands (AML) Reclamation Department. The Fund Management Plan is proposing to collect funds from Navajo Transitional Energy Company (NTEC) coal productions. The fund management plan is structured to collect ten cents per ton off of NTEC's coal production at the two mines in Wyoming and one mine in Montana. Navajo AML will label this new revenue as Abandoned Coal Mine Lands Reclamation Enterprise Fund (ACMLREF). Navajo AML will use the ACMLREF to match their annual AML funds to complete abandoned mine lands reclamation projects on Navajo Nation.

Attached are documents for your review. They also demonstrate NAMLRP's capacity, ability to perform reclamation projects and vast knowledge in restoring ecosystem of the AML sites.

If there are any questions, you can contact me at 928-871-6982.



**Navajo AML Reclamation Department
Coal Mine Lands Reclamation Enterprise Fund Justification**

Navajo Abandoned Mines Land Reclamation Department was established in 1988 by Navajo Nation Council pursuant to 2, N.N.C. § 501(C), the Resources and Development of the Navajo Nation. As of 1990, Navajo AML has inventoried 260 abandoned coal sites throughout the Navajo Nation. As of present time, the public is still reporting of abandoned coal sites to the department. Navajo AML has performed reclamation for the last 40 years. About 90% percent of the coal sites have been reclaimed. The remaining sites are being currently in the plans to be address. As of 2002, Navajo AML initiated their Public Facility Project (PFP) funds. They completed over 90 projects including chapter houses, multipurpose centers, senior centers, and water/electric line extensions. The department are not doing anymore PFP due to decreased funds. The reclamation projects are prioritized based on location, severity of the mine features and funding available. Navajo AML is a federal funded program and receives funds from the Office of Surface Mining, Department of Interior. The funds come from fees paid by current mining activities per the law Surface Mining Control and Reclamation Act (SMCRA).

Navajo AML requests for the Navajo Abandoned Coal Mine Lands Reclamation Enterprise Fund (ACMLREF) to sustain their program and match fund their reduced future AML funds. Some events have led to a deep decrease in the AML fund: 1) The closing of Kayenta Mine resulted in a reduction of coal in tonnage per year; 2) The shifting to non-carbon base energy leading to a phasing out the coal industry; 3) The COVID-19 pandemic shelter-in-place orders resulted in low demand for energy from major industry using coal fired power plant energy; 4) SMCRA is expiring September 30, 2021. At the current time, several legislations are being introduce to reauthorize the AML fee collection. Regardless of these impacts, the AML sites remain on Navajo Nation. The 260 reclaimed sites must be monitored for erosion due our arid land status, re-collapsing due to unknown underground workings, and people are starting to build homes more and more. Navajo AML will include post land use such as hiking trails, community farming, and surface water management with their projects. Currently, they are the only department that knows where the AML sites are located. They are experience to do reclamation work and have a solid project development/management system in place. Based on that, the department will utilize the funds effectively. Navajo and U.S. Environmental Protection Agency depends on Navajo AML on the AUM locations, including access to the sites.

Navajo AML played a key role as first responders in the AUM remediation efforts. By 2012, Navajo AML completed reclamation on the abandoned uranium mine (AUM) sites, addressed about 97% of the 960 mine sites inventoried mine features. What was left untouched were sites inaccessible, meaning located on rough, sheer cliffs, mountainous terrains. Prior to the reclamation of the AUMs, the Department inventoried and mapped all of the AUM sites throughout the Nation. This inventory and reclamation accomplishment has protected the residents residing near the AUM sites by minimizing contamination from wind-blown dust. Otherwise, the residents would have been still exposed to contamination of AUM of today. Navajo and USEPA are currently performing project development on the AUM sites and not yet reach remediation stage. Navajo AML reduced contamination exposure to the people by over 15 years. Navajo AML used their AML coal fee fund to address the AUMs. Navajo EPA and USEPA used the inventoried maps and site assessment data as an advocating/justifying tool to attain settlements over one billion dollars with various responsible parties on the AUM sites.

Typical Project Manual

Navajo AML Reclamation Department

Navajo AML has been performing reclamation on abandoned mines land since 1989. The department has excelled in doing their projects. This write up demonstrates Navajo AML's project manual used for all reclamation project. The project manual becomes a specification for the contractor to follow when working the project. The content of the project manual consists of the following information:

1. **Request for Proposal:** The upcoming project is advertised in the regional newspapers such as Navajo Times, Gallup Independent and Daily Times. The information includes Department name, Project Name, Proposal submittal deadline with location and address, nearby chapter boundaries/establishment, number of contract days, project is fixed cost, where to purchase technical specification, contract will be awarded accordance to Navajo Nation Business Opportunity Act, time & location of the mandatory pre-proposal meeting, a mandatory tour of project site and project manager contact information.
2. **Proposal Instructions:** The interested contractors are informed of general proposal requirements: contact information, date of submission, brief company background, completed Applicator Violator System form, Navajo Nation Certification of Debarment and Suspension, equipment listing, Bid bond, Methodology of work, safety plan, project timeline, acknowledgement of addendums, subcontractors list, proof of Navajo Preference business license, and cost proposal in a separate envelope. The Applicator Violator System form is used for federal contract clearing house.

Navajo AML conducts a proposal evaluation after the proposals are submitted. A representative from Navajo Nation Business Regulatory office is present during the review process. The proposal is evaluated on completeness of the required documents. The intent to contract with a contractor document is routed thru the 164B Review process. If all clears with the 164 Review, the contractor is notified with a Notice of Award and Notice to Proceed. Before the contractor mobilizes to the AML site, a pre-construction meeting is conducted. The purpose of the meeting is to introduce all personnel on to be on site, safety plan, invoicing, site specifics, water permits, and review the technical specification. Navajo AML uses the Engineers Joint Documents Committee Design and Construction (EJDCD) contract format.

3. **EJDCD Contract Documents:** The content of the EJDCD contract includes the following: Notice of Award, Notice to Proceed, Performance Bond, Payment Bond, Prevailing Wage Scale, Contractor's Application for payment, Certificate of Substantial Completion, General Conditions, Navajo Nation Supplemental General Conditions for Construction Contracts, Technical Specifications, Drawings, and Diagrams.

The technical specifications provide general work descriptions at each AML sites. It informs the contractor of various National Environmental Protection Act (NEPA) stipulations such as archaeological sites, Threaten & Endangered Species plant/animal and water quality. The payable items and incidental work are also discussed for the Earthwork, elimination of abandoned mine features, seed mix and site specific details. The seed mix is per Navajo Fish

& Wild Life specification. The maps, drawings, and Diagrams points out the mine feature location, site topography, drainage channels, and access road.

4. **Contract Management:** Navajo AML performs construction monitoring during the reclamation/construction phase of the project. The monitoring is part of the contract management to ensure the work is being complete per the technical specification, specified materials are installed, drainage flows are not contacting mine features, and area is reseeded. When a site work is completed, Navajo AML conducts a final inspection before the contractor moves to another site. When the overall project construction is completed, a close out meeting is conducted with the contractor. The contractor then submits for the final payment. Navajo AML will close out the whole project by ensuring all monitoring and inspection reports are filed and a final project report is generated.



NAVAJO ABANDONED MINE LANDS RECLAMATION DEPARTMENT
FUND MANAGEMENT PLAN
ABANDONED COAL MINE LANDS RECLAMATION FUND

I. ESTABLISHMENT

This Fund Management Plan (FMP) establishes an Abandoned Coal Mine Lands Reclamation Enterprise Fund (ACMLREF) for use by the Navajo Abandoned Mine Lands Reclamation Department (Navajo AMLRD). The ACMLREF Funds will be used to accomplish reclamation of abandoned coal mines activities including project development, engineering, administration, public relations and construction, for the overall Navajo Abandoned Mine Lands Reclamation initiatives and receive revenues from reclamation fees funds or grants. Navajo AMLRD conducted reclamation work on the abandoned coal mines authorized under the Surface Mining Control and Reclamation Act (SMCRA) authority and other Navajo Nation and federal laws, including the National Environmental Policy Act (NEPA) laws and regulations. There are constant public reports of abandon coal sites and requests for assistance from Navajo AMLRD, because of its extensive historical knowledge of the mines on the Navajo Nation, and possession of Geographical Information System (GIS) database site information.

II. PURPOSE AND OBJECTIVE

The Abandoned Coal Mine Lands Reclamation Enterprise Fund shall be used to administer and operate the Navajo AMLRD program costs, the perpetual operation and maintenance of abandoned mine reclamation / emergency projects, construction of improvements related to coal and other hard rock minerals reclamation projects, maintaining the greatly varying environmental and reclaimed abandoned coal mines, pilot projects, administer a well-structured and functioning inventory database for tracking AML accomplishments and remaining problems, including balancing needs and interests of AML and other programs across the country, or sites under the responsibility of the Navajo AMLR Department pursuant to its approved Plan of Operation.

III. LEGISLATIVE OVERSIGHT AND AUTHORITY

A. Pursuant to 2 N.N.C. § 501 (C) (14), the Resources Committee of the Navajo Nation Council is the oversight committee for the Division of Natural Resources within which the Navajo AMLR is established.

Pursuant to 2 N.N.C. § 300. C. 1., the Budget and Finance Committee of the Navajo Nation Council is to coordinate, oversee, and regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation, including approval of all fund management plans

IV. ADMINISTRATION

A. Navajo Abandoned Mine Lands Reclamation Department

The Navajo Abandoned Mine Lands Reclamation Department shall in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation:

1. Collect all fees described as sources of revenue.
2. Prepare an annual budget, expenditure, and work plans for recommendation for review and approval by appropriate offices and authorities, including the Navajo Nation Division of Natural Resources (DNR). The budget and work plan will also be based on the scope of work specified for abandoned coal mine and maintenance of pre-reclaim sites reclamation.
3. Provide services to DNR as required keeping them updated on Abandoned Mine Lands (AML) sites within the Navajo Nation for Navajo, State and Federal reporting purposes.
4. Provide services to Chapters, Navajo Nation government departments on site location, history, and any previous reclamation work information, documents, and records. Important for future development and land use plans.
5. Perform Public Relations activities including Science, Technical, Engineering, Math (STEM) seminars for Navajo Nation schools, attend American Indian Science and Engineering Society meetings/conferences and other Conferences to promote the Navajo Nation's expertise/experience.
6. Participate in Office of Surface Mining National Technical Training Program (NTTP) and Technical Innovation Processing Systems (TIPS).
7. Participate in the National Association of Abandoned Mine Lands Programs (NAAMLPR) business meetings, conferences, trainings, and partnership activities.
8. Prepare as needed capital improvement plans for review and approval by the appropriate offices and authorities.
9. Procure required goods and services through normal procurement and contracting processes and procedures in order to carry out Section II above.

B. The Controller of the Navajo Nation or designee and Navajo Office of Management and Budget shall in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation:

1. Establish an ACMLR Enterprise Fund account for the Navajo AMLR Department for the collection of all fees, rentals, receipts, and revenues described as sources of

revenues within Section V below to address the collection of revenues and fees collected; and

2. Review and regulate expenditures from such established ACMLR Enterprise Fund Account to insure compliance with existing Navajo Nation policy, procedure, rule, or regulations regarding this account; and
3. Maintain an accurate accounting of all transactions in the manner prescribed in Section VII below; and
4. Approve any budget modification of an amount less than \$250,000.

V. SOURCES OF REVENUES

- A. Revenues will be obtained from Navajo Transitional Energy Company (NTEC) Wyoming and Montana coal mining operations based on coal production at ten cents (\$.10) per ton. Currently the above-described operations provide payments for Abandoned Mine Lands (AML) fee pursuant to the Surface Mining Control and Reclamation Act (SMCRA). United States Department of Interior's Office of Surface Mining Reclamation Enforcement (OSMRE) administers the fee collection and returns fifty percent (50%) to Wyoming and Montana. Navajo AMLRD receives an allocation of AML fees collected from the production of Navajo Mine. The production has dipped very low, leaving Navajo AMLRD's annual budget of less than \$500,000. Navajo AMLRD will supplement their AML fee allocation with NTECs ACMLR Enterprise Fund.
- B. Grants, loans, and other funds from state, local, federal, and private sources.
- C. Any other source approved by the Budget and Finance Committee of the Navajo Nation Council for deposit into the ACMLR Enterprise Fund Account.
- D. Contributions and Donations received from private entities/organizations/companies and other sources
- E. Fee or other rate schedules shall be established by the Department Manager, Navajo AMLR Department. Special event fees or charges for use of facilities or equipment shall be determined on a case by case basis by the Department Manager, taking into account prices or charges for similar off-reservation activities.
- F. No fees or other charges shall be waived for any purpose.
- G. The initial fund balance shall be the current balance of the existing _____ Fund, Account Number _____, as of the date of approval of this Enterprise Fund Management Plan.

VI. ANNUAL BUDGET/EXPENDITURE PLAN

-
- A. An annual Budget and Expenditure Plan pertaining to the use of the ACMLR Enterprise Fund shall be prepared for review and approval by the Resources and Development Committee of the Navajo Nation Council. This plan shall be incorporated into the regular Annual Navajo Nation Budget for review and approval by the Budget and Finance Committee of the Navajo Nation Council and the Navajo Nation Council.
 - B. The plan shall include detailed projections of revenues for the upcoming fiscal period and detailed line item expenditures planned for the same fiscal period.
 - C. Any change in projected revenues or planned expenditures shall be processed as a budget modification and processed through normal Navajo Nation budget policy and procedures for review and approval of such modifications.
 - D. Expenditures from this account shall include salaries, payroll taxes, fringe benefits, vehicles, per diem, personnel travel expenses, and other operational expenses such as communication expenses, office supplies, and contractual services, and matching funds.
 - E. Expenditures from the ACMLR Enterprise Funds shall be made in accordance with established Navajo Nation Budget policies and procedures. Authorization for expenditure shall be entrusted to the Department Manager III, Navajo AMLR Department.

VII. ACCOUNTING, REVENUE, CASH, AND EXPENDITURE CONTROL

- A. All books of account for the Navajo AMLR Department Enterprise Fund shall be maintained by the Office of the Controller and Office of Management and Budget in accordance with generally accepted accounting principles and Tribal Accounting policies and procedures. The Department Manager, Navajo AMLR Department, Division of Natural Resources, shall receive a monthly report detailing revenues received, expenditures, and open commitments.
- B. All receipts shall be deposited in appropriate depository accounts on a daily basis if practical, and in no case shall deposit of such funds be delayed past the close of business the day following the receipt. Field cash receipts or other equivalent records shall be issued for any fees, rental or sales, exceeding twenty dollars (\$20.00) and to any customer who requests such regardless of amount. Individual fees, rental, or sales less than twenty dollars (\$20.00) shall be receipted in total, at the close of the business day.
- C. All expenditures must be for the purpose cited and may include administrative or operating costs, and capital improvement. The revenues generated and/or fees collected will not be allocated to other programs or uses not identified in this Fund Management Plan.

-
- D. All expenditures shall be made by Navajo Nation Check and processed through normal Navajo Nation policy and procedures.
 - E. All expenditures representing payment of wages and salaries shall be made through the Navajo Nation payroll system with appropriate deductions and withdrawals being made.
 - F. The Department Manager, Navajo AMLR Department, Division of Natural Resources, is authorized to maintain one or more beginning cash accounts in an amount not to exceed two hundred dollars (\$250.00). Each such beginning cash account shall be reconciled with receipts at the end of each business day. Should such reconciliation show a cash overage or shortage of more than ten dollars (\$10.00), then it shall be reported to the immediate supervisor for evaluation and/or investigation. Should additional cash be needed to replenish the cash account, the Department Manager shall prepare an appropriate request to the Financial Services Department, with accompanying accounting reports. The Department Manager shall maintain and require that all involved employees comply with written policies regarding the management of all cash.
 - G. No expenditure of funds shall be authorized, unless such expenditure has been approved in the annual Navajo Nation budget or justified budget modification.
 - H. No expenditures shall be used for any illegal or unethical purposes, or for the purpose of making political contributions to any candidate.
 - I. All revenues shall be accepted in the form of bank or cashiers' checks and Navajo Nation internal payment documents. No cash or personal checks will be accepted as payment.

VIII. AUDIT AND REPORTS

A. The books of account for the Navajo AMLR Enterprise Fund shall be subject to periodic audit in conjunction with the Regular Navajo Nation Audit performed on all of financial records of the Navajo Nation.

B. The Department Manager, Navajo AMLR Department, Division of Natural Resources, shall make periodic written reports to the Resources and Development Committee of the Navajo Nation Council on the status of the Fund.

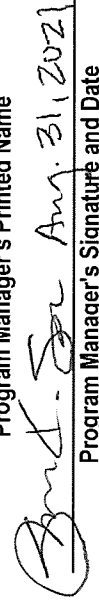
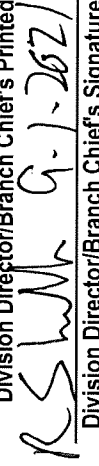
IX. AMENDMENTS

This Fund Management Plan may be amended from time to time by the Budget and Finance Committee of the Navajo Nation Council upon recommendation of the Resources Development Committee of the Navajo Nation Council.

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

[illegible]

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:																			
Business Unit No.:	XXXXXX	Program Name/Title:	Navajo AML Reclamation Department																
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																			
Navajo AML will continue to address AML reclamation on past abandoned coal mines, water surface management and land reuse including trails, grazing on the Navajo Nation. Cost includes NEPA compliance, engineering & designs. This budget represents 12 months NAML operation budget.																			
PART III. PROGRAM PERFORMANCE CRITERIA:																			
												1st QTR		2nd QTR		3rd QTR		4th QTR	
												Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: To Complete Project Development work related to the NN Projects.												6				6		6	
Program Performance Measure: #Activities to work on VE, NEPA, A&E, site visits.																			
2. Goal Statement: Partnership and DNR meetings.												6		6		6		6	
Program Performance Measure: # Meetings with DNR, Partners, Communities/Stakeholders																			
3. Goal Statement: Reports for project tracking												4		4		4		4	
Program Performance Measure: # of Navajo Nation Reports, Stakeholders																			
4. Goal Statement: Projects completed												4		4		4		4	
Program Performance Measure: # projects in the construction to completion phase.																			
5. Goal Statement: Program Performance Measure:																			
Program Performance Measure:																			
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.																			
Karen Bedonie, Department Manager III Program Manager's Printed Name												Dr. Rudy Shebala, Executive Director Division Director/Branch Chief's Printed Name							
 Program Manager's Signature and Date												 Division Director/Branch Chief's Signature and Date							

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Navajo AML Reclamation Department Business Unit No.: _____ XXXXXX			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
2110 PERSONNEL EXPENSES REGULAR (2080 Hours) 1101 - (1232) - Department Manager III 1103 - (1252) - Programs & Projects Specialist 1104 - (1365) - Senior Office Specialist 1105 - (1260) - Administrative Assistant 1127 - (1252) - Programs & Projects Specialist 1133 - (1848) - Network Specialist 1109 - (1236) - Program Manager II 1110 - (1260) - Administrative Assistant 1117 - (1260) - Administrative Assistant 1106 - (2040) - Senior Public Information Officer 1115 - (3351) - Principle Mining Engineering 1007 - (3032) - Senior Environmental Specialist 1114 - (3311) - Civil Engineer 1121 - (3325) - Engineering Technician 1122 - (3323) - Principle Engineering Technician 1112 - (3311) - Civil Engineer	BJ70B Window Rock BJ63A Window Rock BJ60A Window Rock BJ62D Window Rock BJ63L Window Rock BK64A Window Rock BJ68L Shiprock BJ62H Shiprock BJ62K Tuba City BJ64C Window Rock BK71F Shiprock BJ66E Window Rock BK65K Shiprock BJ58K Shiprock BJ63B Shiprock BK65K Tuba City	45,078.00 20,062.00 31,554.00 28,174.00 55,245.00 25,023.00 63,295.00 45,240.00 49,234.00 18,529.00 84,448.00 14,540.00 54,975.00 35,797.00 41,268.00 73,300.00	983,246.00
2900 Fringe Benefits The current approved rate for Permanent Employees is 43.38%. \$685,762.00 @ 43.38 % = \$297,484.00		297,484.00	
TOTAL		983,246	983,246

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Navajo AML Reclamation Department Business Unit No.: _____		XXXXXX
PART II. DETAILED BUDGET:		
(A)	(B)	(C)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)
3140	TRAVEL EXPENSES GSA Vehicle : 3141/3143 GSA Flat Rate and Mileage GSA vehicle leased from Gallup Fleet Mgmt for AML and PFP field work, project development, etc. Five (5) Vehicles @ \$340/mo x 12 months: 20,400.00 Five (5) Vehicles @ 25000 miles @ 0.33/miles: 41,250.00 <div style="border-top: 1px solid black; border-bottom: 3px double black; width: 100%; text-align: right;">61,650.00</div>	61,650.00
3230	PERSONAL TRAVEL EXPENSES 3240 : Per Diem Meals Area A: Navajo Nation and all other locations within the USA. Administrative travel to project sites, public meetings. Meals: 6 Trips x 2 days @ 6 Staff x \$55 / Day = 3,960.00 Area B: All areas outside of the 48 contiguous USA. Travel necessary to accomplish the goals and objectives of the program. Meals: 16 Trips x 2 days @ 6 Staff x \$71 /Day = 13,632.00 <div style="border-top: 1px solid black; border-bottom: 3px double black; width: 100%; text-align: right;">17,592.00</div> 3250 : Lodging Area A: Navajo Nation and all other locations within the USA. Meals: 13 Trips x 2 nights @ 6 Staff x \$99 / Day = 15,444.00 Area B: All areas outside of the 48 contiguous USA. Meals: 1 Trips x 2 nights @ 6 Staff x \$130 /Day = 1,560.00 <div style="border-top: 1px solid black; border-bottom: 3px double black; width: 100%; text-align: right;">17,004.00</div>	34,596.00
TOTAL		96,246.00
		96,246.00

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Navajo AML Reclamation Department Business Unit No.: _____		XXXXXX
PART II. DETAILED BUDGET:		
(A)	(B)	(C)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)
(D)		Total by MAJOR Object Code (LOD 4)
4000	SUPPLIES	
4120	General Office Supplies	
	4130 : Supplies - Need Office Supplies for Program Operation.	\$ 4,000.00
4200	Non Capital Equipment	
	4230 : Non-Capital Computer Equipment - Equipment for Program Operation	\$ 5,000.00
4410	Operating Supplies	
	4420 - General Operating Supplies for Program Operation	\$ 3,500.00
5130	LEASE & RENTAL	
	5140 : Lease - Land Lease for Shiprock and Tuba City AML.	\$ 9,000.00
5520	COMMUNICATIONS & UTILITIES	
	TELEPHONE	
	5530 : Basic Service Historical Cost for 3 Offices.	\$ 12,000.00
5570	INTERNET	
	5600 : TCAML : Internet/DSL Cost is \$520 x 12 months =	6,240.00
	5600 : SRAML : Internet/DSL Cost is \$720 x 12 months =	8,640.00
	5600 : WRAML : Internet/DSL Cost is \$650 x 12 months x 50% =	3,900.00
		18,780.00
6000	REPAIR & MAINTENANCE	
6200	EXTERNAL CONTRACTORS	
	6120 : SRAML: Pest Control @ \$200/qtr x 4 quarters =	800.00
	6120 : WRAML: Pest Control @ \$200/mo x 12 months =	2,400.00
	6250 : SRAML: Waste Disposal Trash Collection @ \$275/mo x 12 months =	3,300.00
	6260 : SRAML: Custodial Service @ \$1000/mo x 12 months =	12,000.00
	6260 : WRAML: Custodial Service @ \$1000/mo x 12 months x 55% =	6,600.00
		25,100.00
TOTAL		73,380.00
		77,380.00

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Navajo AML Reclamation Department Business Unit No.: _____ XXXXXX			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6500	CONTRACTUAL SERVICES 6960: Subcontracted Services: NEPA Services - Archaeology, Biological, SWPP \$ 55,000.00 6960: Subcontracted Services: AML Sites Reclamations & Land Reuse Projects \$ 945,000.00 <div style="text-align: right;">\$1,000,000.00</div>	1,000,000.00 -	1,000,000.00
7710	SPECIAL TRANSACTIONS INSURANCE PREMIUMS 7765 Policy Payment: General liability / Policy Payment rate is \$0.25 per \$100 of payroll, pursuant to the FY2022 BIMP. Total Personnel: \$983,246.00 @ \$0.25 / \$100: <u>\$7,377.00</u> 7767 Workers Compensation Premium: Rate is \$0.72 per \$100 of payroll, pursuant to the FY2022 BIMP. Total Personnel: \$685,762.00 @ \$0.72 / \$100: <u>\$14,814.00</u>	22,191.00	22,191.00
9710	MATCHING & INDIRECT COSTS IDC Rate is 18.70% for all total direct charges, less capital expenditures, pass-through funds and major subcontracts. <div style="text-align: right;">\$2,179,063.00 x 18.70% <u>\$407,485.00</u></div>	\$407,485.00	407,485.00
\$ 2,586,548.00 is the sum of MAJOR Object Codes: 2001 \$ 983,246.00 3000 \$ 96,246.00 4000 \$ 12,500.00 5000 \$ 9,000.00 5500 \$ 30,780.00 6000 \$ 1,025,100.00 7000 \$ 22,191.00 <div style="text-align: right;">\$ 2,179,063.00</div> 9710 \$ 407,485.00 <div style="text-align: right;">\$ 2,586,548.00</div>			
TOTAL		1,429,676.00	1,429,676.00

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

DATE : August 18, 2021
TO : Navajo AMLR/UMTRA Staff
FROM : Karen Bedonie
Karen L. Bedonie, Department Manager III
Navajo AML Reclamation Department

SUBJECT : **STANDING DELEGATION OF AUTHORITY**

The Navajo Abandoned Mine Land Reclamation (NAML) & Navajo Uranium Mill Tailing Remedial Action (UMTRA) Department must continue to provide services when I am out of the office. Therefore the following individuals will be delegated in an acting capacity of the Department Manager III while I am out:

1st Delegation: Shine Salt, Senior Public Information Officer
2nd Delegation: Melvin H. Yazzie, Principal Mining Engineer

During my absence both delegated individuals will have authority to oversee all routine operations of the Navajo AMLR/UMTRA Department. Delegation excludes; Personnel action forms, financial approvals exceeding \$5,000.00 and budget transfers.

This delegation is effective immediately and until further notice. Your cooperation and assistance with delegated employees is expected and appreciated.

ACKNOWLEDGEMENTS:

<u>Shine Salt</u>	<u>Melvin H. Yazzie</u>
Shine Salt, Sr. Public Information Ofcr.	Melvin H. Yazzie, Principal Mining Engineer
Navajo AMLR/UMTRA Department	Navajo AMLR/UMTRA Department

saz: files
cc: Dr. Rudolph Shebala, Division Director - Division of Natural Resources

Document No. 017086

Date Issued: 08-20-21

EXECUTIVE OFFICIAL REVIEW



Title of Document: AML Fund Management Plan / ACMLR Contact Name: BEDONIE, KAREN LYNN

Program/Division: DIVISION OF NATURAL RESOURCES *rsuh*

Email: karenbedonie@navajo-nsn.gov *kw* Phone Number: 928-871-6982

☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Controller: _____ Date: _____ ☐ ☐
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☒ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: *DB* Date: *9-11-21* ☒ ☐
2. Office of the Controller: *nan* Date: *9/21/21* ☒ ☐
3. Office of the Attorney General: *VP* Date: *10/18/21* ☒ ☐

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____ Date: _____ ☐ ☐
(recommendation only)
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Grant Applications**

1. Office of Management and Budget: _____ Date: _____ ☐ ☐
2. Office of the Controller: _____ Date: _____ ☐ ☐
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____ Date: _____ ☐ ☐
2. Elections: _____ Date: _____ ☐ ☐
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Rights of Way**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Assignment of Mineral Lease**

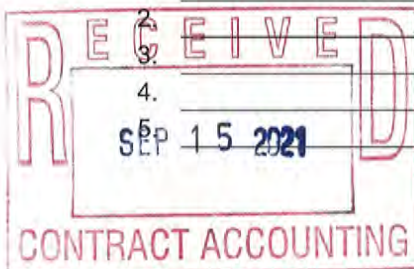
- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **OTHER:**

- | | | | |
|----------|-------------|--------------------------|--------------------------|
| 1. _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |





☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
10/01/21 248pm	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 17086	
SAS #:	
UNIT: NAW	

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	9/30/2021	DIVISION:	Natural Resources
CONTACT NAME:	Karen L. Bedonie	DEPARTMENT:	AMLRD
PHONE NUMBER:	928-871-6982	E-MAIL:	karenbedonie@navajo-nsn.gov
TITLE OF DOCUMENT: EOR #017086: Fund Management Plan for the Navajo Abandoned Mine Lands Reclamation Department.			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	10.1.21 4:35	REVIEWING ATTORNEY/ADVOCATE:	Brian Curley - Chambers 10.12.21
DATE TIME OUT OF UNIT: 10.18.21 8:36am			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Legally sufficient.			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Brian Curley - Chambers	10/12/21 1:03pm	V Blukhat	10/18/21 8:21am
DOJ Secretary Called: Karen for Document Pick Up on 10.18.21 at 8:36am By: CN			
PICKED UP BY: (Print)		DATE / TIME:	

NNDJ/DRRF-July 2013

- AMLRD -

Navajo Nation - Division of Finance
Office of the Controller

164 or Signature Authorization Sheet (SAS) Sign-Off Sheet for OOC

(Attach sign off sheet to SAS document to ensure each section within OOC signs off on SAS)

PLEASE NOTE OOC (ALL SECTIONS IN TOTAL) HAS 7 DAYS TO REVIEW

17086

OOC - Section

Date

1 Accounts Receivable:

2 General Accounting:

3 Contract Accounting:

4 Contract Administration:

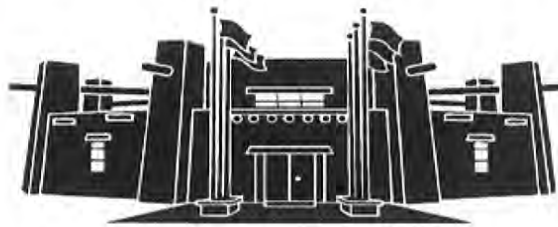
9/20/21 *[Signature]*

Comments:

*Fund Management Plan
need OOC review*

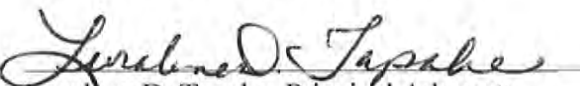
9/15/21

RUTH B.



MEMORANDUM

To: Hon. Mark Freeland, Member
Resources and Development Committee
24th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: February 3, 2022

Subject: **AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; ESTABLISHING THE ABANDONED COAL MINE LANDS RECLAMATION ENTERPRISE FUND ("AML ENTERPRISE FUND"); APPROVING THE RELATED FUND MANAGEMENT PLAN; AND ALLOCATING \$2,586,548 FROM THE NAML COAL FEE ENTERPRISE FUND AS THE INITIAL AMOUNT TO BE DEPOSITED INTO THE NEW AML ENTERPRISE FUND**

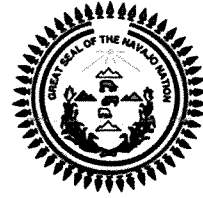
Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov
Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0028-22_

SPONSOR: Mark A. Freeland

TITLE: An Act Relating to the Resources and Development, and Budget and Finance Committees; Establishing the Abandoned Coal Mine Lands Reclamation Enterprise Fund ("AML Enterprise Fund"); Approving the Related Fund Management Plan; and Allocating \$2,586,548 from the NAML Coal Fee Enterprise Fund as the Initial Amount to be Deposited into the New AML Enterprise Fund

Date posted: February 11, 2022 at 10:44AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

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**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0028-22

SPONSOR: Honorable Mark A. Freeland

TITLE: An Act Relating to the Resources and Development, and Budget and Finance Committees; Establishing the Abandoned Coal Mine Lands Reclamation Enterprise Fund (“AML Enterprise Fund”); Approving the Related Fund Management Plan; and Allocating \$2,586,548 from the NAML Coal Fee Enterprise Fund as the Initial Amount to be Deposited into the New AML Enterprise Fund

Posted: February 11, 2022 at 10:44 AM

5 DAY Comment Period Ended: February 16, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

February 17, 2022; 10:14 AM
Date/Time