

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0040-16

**DATE:** January 29, 2016

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION;  
AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
UTILIZATION SAND AND GRAVEL MATERIAL FOR RECON OIL COMPANY  
FROM THE VICINITY OF A SEWER LAGOON IN NAZLINI CHAPTER

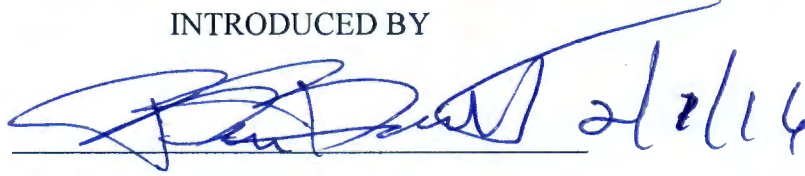
**PURPOSE:** Approving the Utilization Sand and Gravel Material for Recon Oil Company from  
the vicinity of a sewer lagoon in Nazlini Chapter.

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: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 2/8/2016  
Eligible for Action: 2/9/2016

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0040-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
UTILIZATION SAND AND GRAVEL MATERIAL FOR RECON OIL COMPANY  
FROM THE VICINITY OF A SEWER LAGOON IN NAZLINI CHAPTER

**Section One. Standing Committee Authority**

The Resources and Development Committee is a standing committee of the Navajo Nation Council and is authorized to issue sand and gravel leases/permits on the Navajo Nation and the utilization of such resources.

**Section Two. Findings**

- A. Recon Oil Company has submitted a request for the removal of approximately 5,000 cubic yards of sand and gravel material from Section 17 T29N, R27E in Apache County. See attached Exhibit "A."
- B. Exhibit "A" contains an aerial photograph of the proposed site from which the sand and gravel will be obtained.
- C. A letter dated October 16, 2015 from Hubert Dazie addressed to Nazlini Chapter asking to "utilize the dirt dug out by the s[e]wer pond for fill dirt that is need[ed] around the Navajo Nation." At the end of the letter the words "Nazlini Chapter Approval" are typed with a signature line which is signed by "Judy Donaldson, 10-16-15." This letter is attached as attached in Exhibit "B."

1 D. A memorandum dated November 13, 2015 from Howard Draper, Program/Project  
2 Specialist, Navajo Land Department Project Review Section to Mr. Akhtar  
3 Zaman, Program Director, Minerals Department in reference to the location of the  
4 site of the proposed sand and gravel site is attached as Exhibit "C."

5 E. The Terms and Conditions for Utilization of Sand and Gravel Material for Recon  
6 Oil Company from the Vicinity of a Sewer Lagoon in Nazlini Chapter, Arizona  
7 ("Terms and Conditions") is attached as Exhibit "D." The Terms and Conditions,  
8 Exhibit "D" does not contain a legal description of the proposed site; however the  
9 site is described in the heading of the Terms and Conditions as "FROM THE  
10 VICINITY OF A SEWER LAGOON IN NAZLINI CHAPTER, ARIZONA."  
11

### 12 **Section Three. Approval**

13 A. The Resources and Development Committee of the Navajo Nation Council hereby  
14 approves the Utilization of Sand and Gravel Material for Recon Oil Company from  
15 the Vicinity of a Sewer Lagoon in Nazlini Chapter, Arizona subject to, but not limited  
16 to, the Terms and Conditions attached hereto and incorporated herein as Exhibit "D".  
17 The location is more particularly described on the document attached hereto as  
18 Exhibit "A."

19 B. The Resource and Development Committee of the Navajo Nation Council hereby  
20 authorizes the President of the Navajo Nation to execute any and all documents  
21 necessary to affect the intent and purpose of this resolution.  
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RECON OIL CO  
P.O. BOX 1678  
WINDOWROCK AZ 86515

EXHIBIT A



11/04/2015

To: Navajo Nation Minerals Dept

Att: Ram Das

We would like to take some dirt around the Nazlini  
Chapter sewer lagoon .the stock pile is about 130' feet long x 40'wide x 18'high  
Please let us know what we need to do to be able to use this dirt asap.

Thank You

A handwritten signature in black ink, appearing to be "H. Dayzie".

Hubert Dayzie

# EXHIBIT A

Recon Oil Co  
P.O. Box 1678  
Window Rock Az 86515

Date 11/04/2015

To: Navajo Nation Minerals Dept.  
Att: Ram Das  
Fax (928) 871-7095

We would like to take some dirt around the Nazlini Chapter sewer lagoon. The stock pile is 130' feet long x 40' wide x 18' high. Please let us know what we need to do to be able to use this dirt ASAP.  
Township T29N Range 27E Section 17, Apache county AZ

Thank You

Hubert Dayzie





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T029N, R027E

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021

EXHIBIT A



720 360 0 720 1,440 2,160 2,880

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,  
USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS  
User Community

## Township & Range for Nazilini



EXHIBIT B

RECON OIL CO

920 E HWY 66  
GALLUP NM 87301  
PHONE (505) 488-3314  
FAX (505) 212-0349  
reconoil@gamil.com



October 16, 2015

TO: Nazlini Chapter  
P.O. Box 7387  
Nazlini AZ 86540  
Phone (928) 755-5900  
CSC – Judy Donaldson  
RE: Lagune Access Material

Thank you for taking the time to talk to me yesterday. As we discussed Recon oil would like to utilize the dirt dug out by the swer pond for fill dirt that is need around the Navajo Nation. You indicated that this would be ok to use. Please let us know what else you may need from us to go forward. Thank you for your help. If you have any further questions or concerns please do not hesitate to call me at (505) 713-2195.

Sincerely

Hubert Dazie

A handwritten signature in black ink, appearing to be "HD", written over a horizontal line.

Nazlini Chapter Aproval

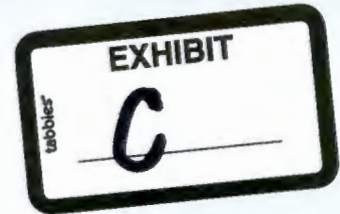
Judy Donaldson Date 10/16/15



THE NAVAJO NATION

## Navajo Land Department


P.O. Box # 2249 · Window Rock, Arizona 86515 · (928) 871-6401 · FAX: (928) 871-7039



November 13, 2015

### MEMORANDUM:

**TO:** Mr. Akhtar Zaman, Program Director  
Minerals Department

**FROM:**   
Howard Phillip Draper, Program/Project Specialist  
Navajo Land Dept Project Review Section

**RE:** request for written clarification/information.

Our office received 164 Document Number 005016 dated 11/10/2015 during the week of November 9, 2015 and sponsor from Mr. Ram S. Das, Mining Engineer, with the Navajo Nation Minerals Department. There is no survey map or legal description attached to the Doc. No. 5016 package except an aerial photo labeled "Chinle" and entitled "Township & Range for Nazilini." In addition there are written descriptions for a stock pile [130' feet long x 40' wide x 18' high.], but no survey map or drawn sketch showing the stock pile in relation to the (existing?) Chapter sewer lagoon.

There is mention of "...take some dirt around the Nazlini Chapter sewer lagoon. ..." (see Recon letter dated 11/04/2015) and "...utilize the dirt dug out by the sewer pond for fill dirt that is need around the Navajo Nation. ..." (see Recon letter dated October 16, 2015). Due to the aerial scale of the attached photo labeled "Township & Range for Nazilini" I cannot determine if the dirt (pile?) is actually located within the Nazlini Chapter sewer lagoon *tract boundary*.

More detailed clarification of whether the existing dirt (pile?) described as 130' feet long x 40' wide x 18' high is actually inside the existing (valid?) Nazlini sewer lagoon tract boundary (map would be very helpful) would help our office/program to make a more accurate and definitive decision of sufficient or insufficient.

**Pictures of dirt pile:**



**Pictures of dirt pile** (continued from page one):

Mr. Bruce Nickelson (Recon company?) hand-carried several photographs showing more detailed of the affected areas including the fence and dirt pile on 11/12/15. The photographs show an existing dirt pile (extracted material) which I assume is the material to be used. It appears to be in the immediate vicinity of the fenced Nazlini Chapter sewer lagoon tract but I cannot definitively determine if it is inside the fenced Nazlini Chapter sewer lagoon *tract boundary*.

The decision to sign will be up to Mr. W. Mike Halona, Department Manager III, with Navajo Land Department (NLD) but this Doc. No. 5016 can be forward to other departments in the meantime. If you have any further questions please contact Mr. Howard Phillip Draper, Program & Project Specialist, Navajo Land Department (NLD) or W. Mike Halona, Department Director III at X-6440. Thank you.

Hpd

Cc: project file  
Ram Das, Mining Engineer  
Navajo Minerals Department  
Bidtah Becker, Executive Division Director  
Division of Natural Resources  
W. Mike Halona, Department Director III  
Navajo Land Department (NLD)

**TERMS AND CONDITIONS FOR UTILIZATION OF SAND AND GRAVEL  
MATERIAL FOR RECON OIL COMPANY (RECON) FROM THE VICINITY OF A  
SEWER LAGOON IN NAZLINI CHAPTER, ARIZONA**

1. The term of this permit is valid for six (6) months from the date approval of the permit by the Navajo Nation.
2. The maximum quantity of material that can be removed shall not exceed 5,000 cubic yards.
3. A lump sum payment of \$7,284.00 shall be made to the Navajo Nation within ten (10) days of approval of the permit by the Navajo Nation.
4. Recon shall not damage the sewer lagoon by its activities in the vicinity of the lagoon.
5. No excavation of sand and gravel is allowed by this permit. The activities shall be limited to the removal of material from the stockpile.
6. Recon shall ensure that the air quality of the Navajo Nation is not unduly degraded during operations by violating federal and Nation's applicable laws and regulations.
7. Recon shall obtain prior written permission to cross an existing permit or lease areas, if any, from the appropriate parties.
8. Recon shall be responsible for and promptly pay all damages when they are sustained, from actions the Lessee causes.
9. Recon shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, land users and occupants against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of area from where the material is removed.
10. Any action or proceeding brought by Recon against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by Recon against the Navajo Nation in any court of any state.

11. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
12. The Navajo Nation shall govern the performance and enforcement of the terms and conditions contained herein.





## THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**  
JONATHAN NEZ **VICE PRESIDENT**



### ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW


PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996

Website: [www.navajonationepa.org](http://www.navajonationepa.org)

## M E M O R A N D U M

**TO:** Ram S. Das  
Navajo Minerals Department  
Division of Natural Resources

**FROM:**

  
Rita Whitehorse-Larsen, Senior Environmental Specialist  
Office of Executive Director/Administration  
Office of Environmental Review  
NNEPA

**DATE:** November 17, 2015

**SUBJECT:** 164 EOR 005016 Utilization of S&G Material [Stockpile] Recon Nazlini

Recon Oil Company, PO Box 1678, Window Rock, Arizona, 86515, submitted a request to take the excavated soil during the Nazlini sewer lagoon development and use the excavated stockpile at the Ganado Shopping Center. The stockpile measures at 130' long x 40' wide x 18' high. The attached aerial photo showing the GPS coordinates are not correct. I used Google Earth Pro to find the location. The GPS coordinates are 35°55'15.29"N 109°28'22.33"W Google Earth Pro.

Navajo Nation Environmental Protection Agency (NNEPA) reviewed and recommends **conditional approval** for the proposed stockpile removal.

The proposed action is required to meet the following and attain each required permit before commencing any operation activities.

1. **Navajo Nation Air Pollution Prevention and Control Act:**

- a. The proposed action is not located in an attainment area.
- b. Visibility is good to excellent.
- c. Dust suppression must be implemented in the Best Management Practice.
- d. The Air Quality Control Program: Activity Application must be completed and submitted to NNEPA Operating Permit Program for the quarry processing, transporting and the road maintenance activities.

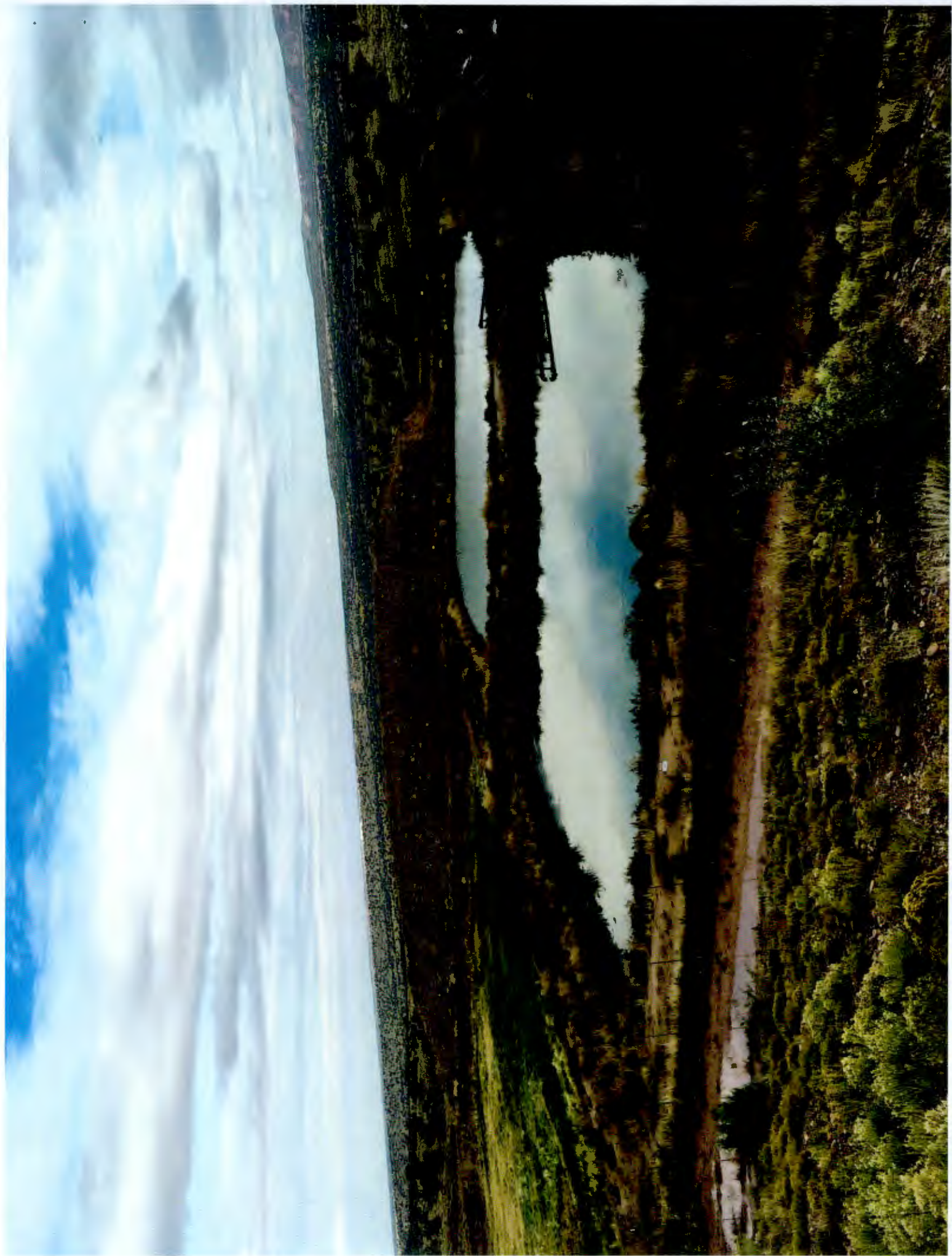
If there are any questions, you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Nazlini Chapter, PO Box 7387, Nazlini, Arizona, 86540  
NNEPA Water Quality; Operating Permit Program; Administration chrono file  
*Contact Person: Hubert Dayzje or Bruce Nicholson, PO Box 1678, Window Rock, AZ 86515; (214) 394-7561  
or (505) 488-3314*











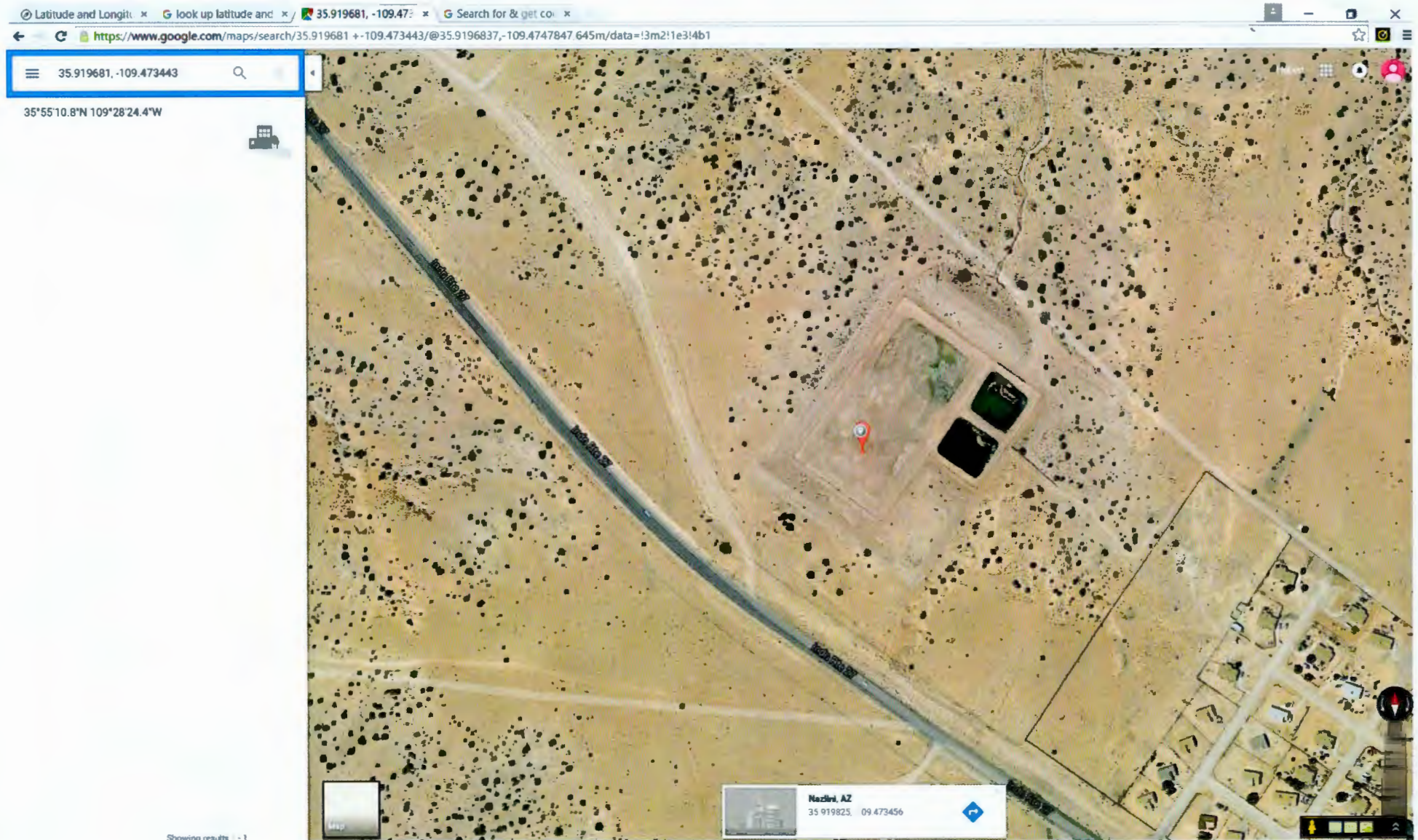
Need  
4000 CY





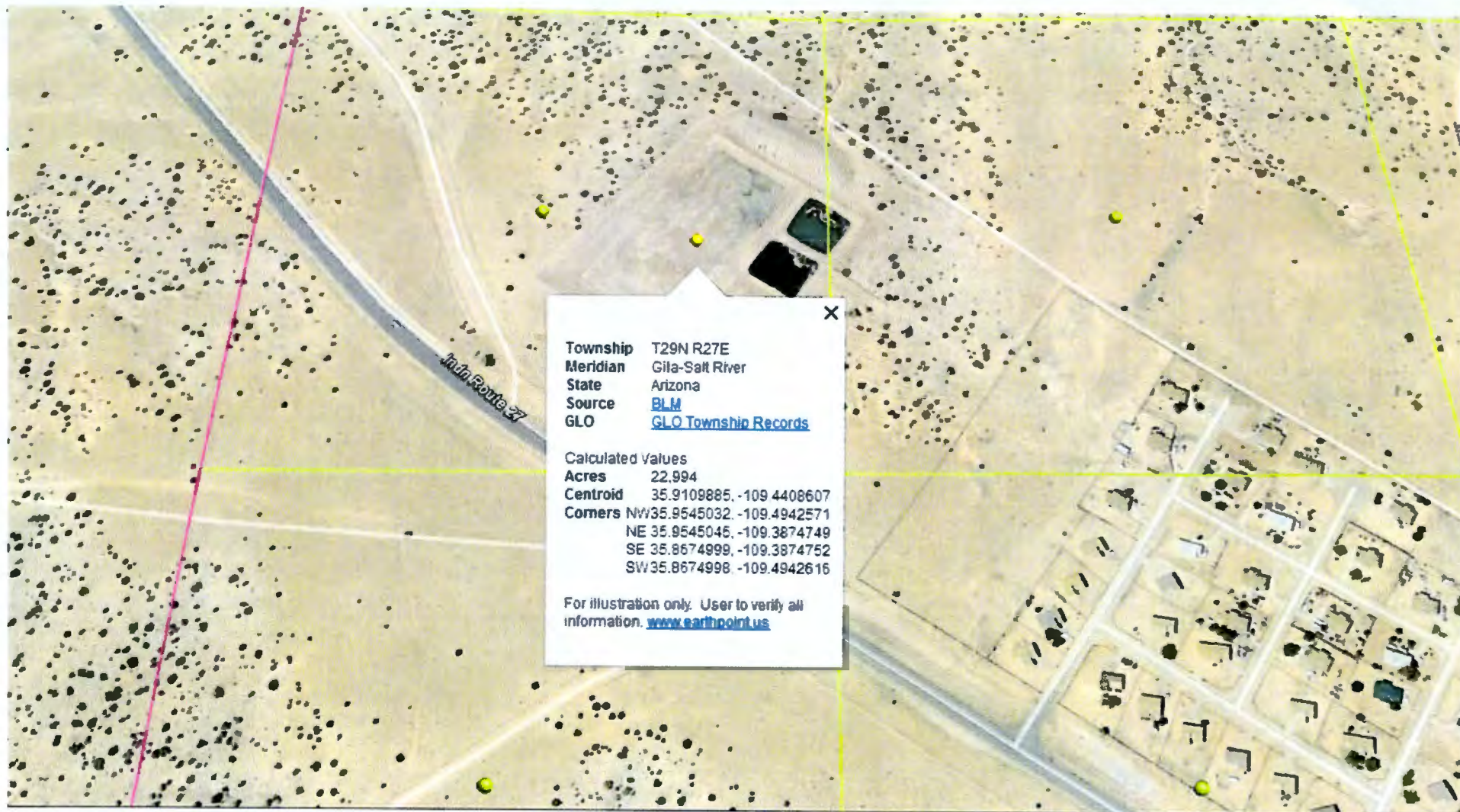






This is correct GPS





Ula Yazzie 928-755-5900 NHA Baronside

old GPS



**THE  
NAVAJO  
NATION**

**MINERALS DEPARTMENT**

Post Office Box 1910

Window Rock, Arizona 86515

Phone: (928) 871-6587 • Fax: (928) 871-7095


**Russell Begaye**  
President

**Jonathan Nez**  
Vice-President

November 09, 2015

MEMORANDUM

TO : ALL CONCERNED


FROM :   
Akhtar Zaman, Director  
Minerals Department

SUBJECT : DELEGATION OF AUTHORITY

Ms. Rowena Cheromiah, Minerals Royalty/Audit Manager, is hereby delegated to act in the capacity of the Director of the Minerals Department beginning at 8:00 A.M. on Monday, November 09, 2015 and ending at 5:00 P.M. on Tuesday, November 10, 2015.

Your cooperation with Ms. Cheromiah will be appreciated.

ACKNOWLEDGMENT

  
Rowena Cheromiah  
Minerals Audit Department

AZ/kjs  
Distribution





## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

December 9, 2015



Mr. Hubert Dayzie, President  
Recon Oil Co., Inc.  
PO Box 1678  
Window Rock, AZ 86515

Re: Dirt Spoil Pile near Nazlini NHA Wastewater Lagoons

Dear Mr. Dayzie,

Let this letter bear notice that NTUA has no interest in nor lays any claim to the dirt spoil pile located adjacent to the Nazlini NHA wastewater lagoons. As such, NTUA is amenable to allowing the Recon Oil Co. the use of this material.

If you have any questions or concerns regarding this matter, you may contact me directly at 928-729-4779.

Best Regards,

Thomas Bayles, P.E.  
Acting Manager,  
W/WW ECO Dept.

cc: Duane Charles, Foreman, NTUA Chinle District  
Rubianne Dugi, Manger, NTUA Chinle District

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

Document No. 005016Date Issued: 11/10/2015**EXECUTIVE OFFICIAL REVIEW**Title of Document: UtilizationS&GMaterial w/Recon-Nazlini Contact Name: DAS, RAM S.Program/Division: DIVISION OF NATURAL RESOURCESEmail: dasram01@hotmail.com Phone Number: (928) 871-7398☐ **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: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. Office of the Controller: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **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

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

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

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
7. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Rights of Way

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
6. Office of the Attorney General \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
7. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ 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: \_\_\_\_\_ ☐ ☐
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
7. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
8. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☒ OTHER: Utilization of Sand & Gravel Material for Recon Oil Company at Nazlini Chapter

1. Minerals *Recon Oil* \_\_\_\_\_ Date: *11-10-15* ☒ ☐
2. NLD *Recon Oil* \_\_\_\_\_ Date: *13 Nov 15* ☒ ☐
3. DNR *Recon Oil* \_\_\_\_\_ Date: *11/16/15* ☒ ☐
4. NNEPA *Recon Oil* \_\_\_\_\_ Date: *11-17-2015* ☒ ☐
5. DOJ *88* \_\_\_\_\_ Date: *12-17-15* ☒ ☐
6. OP/VP \_\_\_\_\_ Date: *12-22-15* ☒ ☐
7. Legislative Counsel \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐



# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ	
12/17/15	2:05pm
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	005016
SAS #:	
UNIT:	NRu

☒ RESUBMITTAL  
(Nov. 2015)

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	12/17/2015	DIVISION:	Natural Resources
CONTACT NAME:	Ram S. Das	DEPARTMENT:	Minerals Department
PHONE NUMBER:	928-871-6587	E-MAIL:	dasram01@hotmail.com
TITLE OF DOCUMENT: 164#005016 "Utilization S&G Material w/Recon-Nazlini"			
DOJ SECRETARY TO COMPLETE			
DATE/TIME OF UNIT:	12.17.15 2:20pm	REVIEWING ATTORNEY/ADVOCATE:	Sage Garland 12.29.15
DATE/TIME OUT OF UNIT:	12.17.15 @ 4pm		
DOJ ATTORNEY / ADVOCATE COMMENTS			
Document is legally sufficient			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Sage Garland	12-17-15 / 3:23	Vernice Blackhat	12-17-15 3:35pm
DOJ Secretary Called: Kathy for Document Pick Up on 12.17.15 at 3:37pm By: B			
PICKED UP BY: (Print)		DATE / TIME:	

COMPLETED





# NAVAJO NATION DEPARTMENT OF JUSTICE

## REQUEST FOR SERVICES



DOJ
12-04-15 4:06pm
DATE / TIME
RFS #: 15-2228
UNIT: NRU

☐ RESUBMITTAL

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

### CLIENT TO COMPLETE

DATE OF REQUEST: 12-4-15 ENTITY/DIVISION: Div. of Nat. Resources  
CONTACT NAME: Ram S. Das DEPARTMENT: Minerals Dept.  
PHONE NUMBER: (928) 871-6581 E-MAIL: dasramo1@hotmail.com

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents) :

Term + Conditions for Utilization of Sand + Gravel  
Material for Recon Oil Co.

DEADLINE:

REASON:

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:

12/04/15  
4:25pm

REVIEWING ATTORNEY/ADVOCATE:

Sage

DATE/TIME OUT OF UNIT:

12/16/15  
10:41 AM

PREPARED BY (initial):

SB

### DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient; thanks, Ram

One change  
in two  
terms &  
conditions

Ram Das

REVIEWED BY: (PRINT) Sage Garland

DATE / TIME 12-15-15 / 2:46pm

DOJ Secretary Called: Mallory

for Document Pick Up on

12/16/15

at 10:34 AM

By: SB

PICKED UP BY: (PRINT)

DATE / TIME:

-NRU-





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ
11-17-15 7:17pm
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 005016
SAS #:
UNIT: 12th

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	11/17/2015	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Ram S. Das	DEPARTMENT:	MINERALS
PHONE NUMBER:	928-871-6588	E-MAIL:	dasram01@hotmail.com

TITLE OF DOCUMENT: 164#005016 "Utilization S&G Material w/Recon-Nazlini"

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 11/18/15 8:11 AM REVIEWING ATTORNEY/ADVOCATE: Page 12/01/15

DATE/TIME OUT OF UNIT: 11/24/15 3:08 pm

### DOJ ATTORNEY / ADVOCATE COMMENTS

Document will return to Minerals for additional terms/conditions to be added (reclamation indemnification, etc.)

REVIEWED BY: (Print) Date / Time SURNAMED BY: (Print) Date / Time

Judge Gerland 11-24-15/2:44pm

DOJ Secretary Called: Mallory for Ram S Das for Document Pick Up on 11/24/15 at 3:03pm By: JB

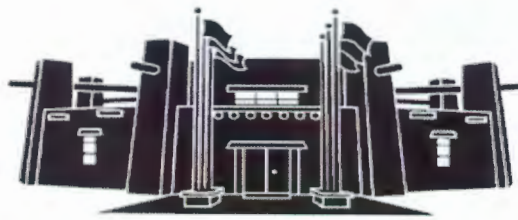
PICKED UP BY: (Print) Mallory Jones DATE / TIME: 329pm 11/24/15

NNDJ/DRRF-July 2013

-NRU-







## MEMORANDUM

TO: Honorable Ben Bennett  
Crystal, Fort Defiance, Red Lake, Sawmill Chapters

FROM: Mariana Kahn  
Mariana Kahn, Attorney  
Office of Legislative Counsel

DATE: January 29, 2016

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE UTILIZATION SAND AND GRAVEL MATERIAL FOR RECON OIL COMPANY FROM THE VICINITY OF A SEWER LAGOON IN NAZLINI CHAPTER

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Please note that there is no Chapter Resolution supporting the Utilization of the Sand and Gravel; there is, however, a letter with a signature of approval by an individual who is presumably signing on behalf of the Nazlini Chapter. In addition, a legal description of the site of the proposed site of the Utilization of the Sand and Gravel is not in the Terms and Conditions document; however the site is pictured in an attachment.

This legislation is legally sufficient as to form. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5). If the



proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0040-16\_\_

SPONSOR: Benjamin Bennett

TITLE: An Action Relating To Resources And Development; Approving The Utilization Sand And Gravel Material For Recon Oil Company From The Vicinity Of A Sewer Lagoon In Nazlini Chapter

*Date posted:* February 3, 2016 at 5:40PM

Digital comments may be e-mailed [to\\_comments@navajo-nsn.gov](mailto: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.*

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0040-16


SPONSOR: Honorable Benjamin Bennett

TITLE: An Action Relating To Resources And Development; Approving The Utilization Sand And Gravel Material For Recon Oil Company From The Vicinity Of A Sewer Lagoon In Nazlini Chapter.

Posted: February 3, 2016 at 5:40PM

5 DAY Comment Period Ended: February 8, 2016

Digital Comments received: *No Comments received.*



Policy Analyst  
Office of Legislative Services

2/9/16 8:33am

Date/Time



**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

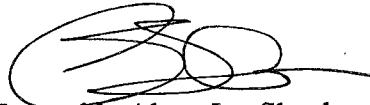
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0040-16:** An Action Relating to Resources; Approving the Utilization Sand and Gravel Material for Recon Oil Company from the Vicinity of a Sewer Lagoon in Nazlini Chapter *Sponsor: Honorable Benjamin Bennett*

Has had it under consideration and report that the Committee went into executive session with both Navajo Nation Department of Justice and Office of Legislative Counsel attorneys to discuss matter of sensitive nature relative to this legislation to be discussed with Sponsor.

Thereafter, the Committee upon exist of their executive session discussion the Sponsor stated for the record that he would withdraw the legislation and thereafter the legislation was not acted upon.

Respectfully submitted,



Honorable Alton Joe Shepherd, Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Date: February 19, 2016  
Main Motion: Honorable Walter Phelps  
Second: Honorable Benjamin Bennett  
Vote:

Motion for Executive Session:  
Motion: Honorable Walter Phelps  
Second: Honorable Leonard Pete  
Vote: 4-0-1 (CNV)

Exit Executive Session:  
Motion: Honorable Leonard Pete  
Second: Honorable Davis Filfred  
Vote: 4-0-1 (CNV)

**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0040-16:** An Action Relating to Resources; Approving the Utilization Sand and Gravel Material for Recon Oil Company from the Vicinity of a Sewer Lagoon in Nazlini Chapter. *Sponsor: Honorable Benjamin Bennett*

After presentation of by the Sponsor, Agent and Mineral Department, Pro Temp Chairperson stated after learning from the presenters that the Recon Oil Company has used Navajo Nation natural resource (gravel) without receiving approval from the Resources and Development Committee, the Committee finds itself in an awkward situation with respect to this legislation.. He stated that he doesn't appreciate the arrogance and disrespect of tribal laws by the company and that such activities need to stop.

The Committee issued directives: (1) for NNDOJ and OLC to provide an update report on the sensitive issues discussed in the executive session; (2) To receive reports from the Rose Construction Company (which allegedly said that Recon Oil Company had given its permission to haul away gravel from the Nazlini Sewer Lagoon), NNDOJ, the Minerals Department relating to the removal of materials without proper permits and recommendations to be considered by the Committee, NNDOJ and The Minerals Department if in fact this occurred; (3) For the Division of Economic Development to provide a report on when the Recon Oil Company was certified as a General Contractor to conduct road construction.

Thereafter, the Committee **TABLED** the legislation for two weeks.

Respectfully submitted,



Honorable Walter Phelps, Pro Tem Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council



Date: February 19, 2016  
Main Motion: Honorable Walter Phelps  
Second: Honorable Benjamin Bennett  
Vote:

Date: March 28, 2016  
Motion to Table: Leonard Tsosie  
Second: Davis Filfred  
Vote: 3-0-1 (CNV)

**NOTE:** Chairman Alton Joe Shepherd requested to be excused to attend another meeting and appointed Honorable Walter Phelps as the Pro Temp Chairperson for the remainder of the Committee meeting.

**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**FOURTH YEAR 2018**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0040-16:** An Action Relating to Resources and Development; Approving the Utilization of Sand and Gravel Material for Recon Oil Company From The Vicinity of a Sewer Lagoon in Nazlini Chapter. *Sponsor: Honorable Benjamin Bennett.*

Has had it under consideration and reports the same **EXPIRED.**

Pursuant to NN Standing Committee Rules of Order, Rule 18.H, "Any Legislations not taken up from the table in the manner provided herein directed by the Committee shall be deemed to be expired and shall be eliminated from the agenda of the committee."

The above referenced legislation was tabled due to litigation arising against the Agent (Recon Oil) for trespassing onto Nazlini sewer lagoon site to haul sand without proper authorization from the NN and RDC. Currently, there is still a pending litigation and the matter should be closed. Until, all litigation issues are settled, the Sponsor and Agent can reopen the file.

Respectfully submitted,



Alton Joe Shepherd, Chairperson  
Resource and Development Committee of  
the 23<sup>rd</sup> Navajo Nation Council

March 8, 2018

ATTACHED: NN DOJ – Natural Resource Unit Correspondence Dated July 12, 2016.



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

ETHEL B. BRANCH  
ATTORNEY GENERAL

RODGERICK T. BEGAY  
ACTING DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Honorable Alton Joe Shepherd, Chairperson  
Resources and Development Committee of the Navajo Nation Council

Honorable Benjamin Bennett, Vice-Chairperson,  
Resources and Development Committee of the Navajo Nation Council

Honorable Davis Filfred, Committee Member  
Resources and Development Committee of the Navajo Nation Council

Honorable Jonathan Perry, Committee Member  
Resources and Development Committee of the Navajo Nation Council

Honorable Leonard Pete, Committee Member  
Resources and Development Committee of the Navajo Nation Council

Honorable Walter Phelps, Committee Member  
Resources and Development Committee of the Navajo Nation Council

FROM:

  
Sage G. Garland, Attorney  
Natural Resources Unit

DATE: July 12, 2016

Re: **Litigation Status of NN Div. of Natural Res. v. Recon Oil Co., Inc.**  
**(No. OHA-DNR-001-16)**

On April 15, 2016, the Navajo Nation Division of Natural Resources issued a Notice of Trespass and Order to Comply to Recon Oil Co., Inc. ("Recon") pursuant to the Navajo



Nation Civil Trespass Act.<sup>1</sup> On April 22, 2016, the Navajo Nation Division of Natural Resources issued a Civil Trespass Assessment to Recon for the trespass violation in the amount of \$50,000. Recon subsequently appealed the Notice of Trespass to the Office of Hearings and Appeals (“OHA”).

A central issue of the litigation is the Executive Order issued by former President Ben Shelly on May 7, 2015 (the “Executive Order”), which purported to authorize Recon access to material at the site in question. OHA held an expedited hearing on the validity of the Executive Order, which resulted in OHA declaring the Executive Order invalid.

At this time, the litigation is still pending and the associated civil assessment has not been paid. In addition to litigation the parties have been involved in settlement negotiations. Included in the settlement discussions are terms and conditions to a sand and gravel lease.

The site at issue in the trespass litigation is the same site identified in proposed Resources and Development Committee Resolution No. 0194-16. As mentioned above, the settlement negotiations address both the trespass, and the appropriate terms and conditions for a lease for future extraction of sand and gravel. The Division of Natural Resources has determined that it is not prudent to release terms and conditions at this time due to the ongoing settlement negotiations that address this issue. Please note that whatever terms and conditions are agreed to as part of the settlement will be brought to RDC for approval.

If there are any questions please contact Sage G. Garland at (928) 871-6347.

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<sup>1</sup> See Navajo Nation Civil Trespass Act, 16 N.N.C. §§2201-2293.