

THE JICARILLA APACHE NATION

P.O. BOX 507 • DULCE, NEW MEXICO • 87528-0507

ORDINANCE OF THE LEGISLATIVE COUNCIL

GOVERNMENT

RE: Revision of the Jicarilla Apache Nation Code Title 18, Oil and Gas Ordinance – Oil and Gas Crossing Permit

Ordinance No. 2019-O-031-02

WHEREAS, the Legislative Council is the governing body of the Jicarilla Apache Nation and is vested with inherent powers of the Jicarilla Apache Nation under Article XI, Section 1 (d) of the Revised Constitution; and

WHEREAS, the Legislative Council has the authority and the obligation under Article XI, Section 1(d) of the Revised Constitution to promote the peace, safety, property, health and general welfare of the people of the Jicarilla Apache Reservation; and

WHEREAS, Title 18 of the Jicarilla Apache Nation Code (“J.A.N.C.”), Oil and Gas Code (“Title 18”) provides for the regulation of oil and gas development on the Jicarilla Apache Nation and it is necessary to update the Nation’s Codes periodically or as the need arises and the Jicarilla Oil & Gas Administration (“JOGA”) recommends changes to Title 18; and

WHEREAS, Title 18 does not allow the JOGA to regulate, control, or track oil and gas industry traffic that do not engage in oil and gas activity within the Nation’s external boundaries, but who nonetheless travel Nation roads to access off-reservation oil and gas locations; and

WHEREAS, the JOGA recommends that an Oil and Gas Crossing Permit be enacted whereby the JOGA will provide a permit for oil and gas companies that cross Nation roads for the purpose of conducting oil and gas activities on locations that are outside the Nation’s external boundaries, a permit that will not authorize these entities to be on Nation roads for any other activity nor on Nation lands for any purpose; and



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Page Two of Two

WHEREAS, the JOGA recommends the following language to be added to CHAPTER 9: OIL AND GAS OPERATING PERMITS; §6 OIL AND GAS CROSSING PERMITS;

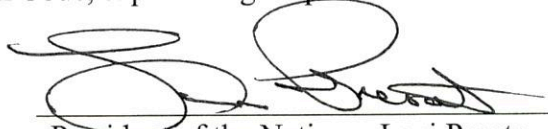
No person shall access locations outside the Nation's external boundaries through the use of Nation roads for the purpose of conducting oil and gas activities without first obtaining and maintaining in good standing an Oil and Gas Crossing Permit.

Every person applying for an Oil and Gas Crossing Permit will be held to the same application requirements and fees, and have the same rights as those applying for an Oil and Gas Operating Permit.

WHEREAS, the current J.A.N.C. Title 18, Chapter 9, §6 Failure to Comply will be adjusted accordingly and renamed J.A.N.C. Title 18, Chapter 9 §7 Failure to Comply; and

WHEREAS, the Legislative Council finds that it is in the best interest of the Nation to adopt the recommended changes to allow the Nation to maximize revenue through the efficient development of its oil and gas resources while protecting the Nation's Cultural and Environmental Resources.

NOW, THEREFORE, BE IT ORDAINED, the Legislative Council of the Jicarilla Apache Nation hereby approves the revised Title 18 – Oil and Gas Ordinance and the revisions are incorporated in the Jicarilla Apache Nation Code, superseding all previous Ordinances.

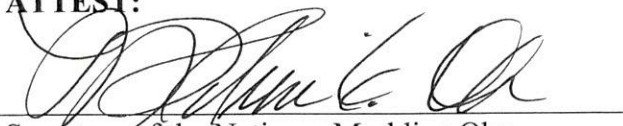


President of the Nation – Levi Pesata

CERTIFICATION

The foregoing Ordinance was enacted upon by the Legislative Council of the Jicarilla Apache Nation on the 4th day of February, 2019, by a vote of 8 for, 0 against, 0 abstaining, at a duly called meeting at which a quorum of the Legislative Council members were present.

ATTEST:



Secretary of the Nation – Merldine Oka