LEGISLATION NO: _0085-19__ SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating To Resources And Development; Approving A Right-Of-Way And Temporary Construction Easement To U.S Bureau Of Reclamation To Construct, Operate And Maintain Reaches 4C – 8 Navajo Gallup Water Supply Project Located On Tribal Trust Land In Sanostee, Two Grey Hills, Newcomb, Sheep Springs And Naschitti Chapters, San Juan County, New Mexico

Date posted: April 11, 2019 at 9:39 AM

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
DATE: April 5, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN REACHES 4C – 8 NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN SANOSTEE, TWO GREY HILLS, NEWCOMB, SHEEP SPRINGS AND NASCHITTI CHAPTERS, SAN JUAN COUNTY, NEW MEXICO

PURPOSE: Approving a right-of-way application and temporary construction easement to construct, operate and maintain Reaches 4C-8 Navajo Gallup Water Supply Project located on, over and across Navajo Nation Trust Lands in Sanostee, Two Grey Hills, Newcomb, Sheep Springs And Naschitti Chapters, San Juan County, New Mexico.

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.
PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0085-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN REACHES 4C – 8 NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN SANOSTEE, TWO GREY HILLS, NEWCOMB, SHEEP SPRINGS AND NASCHITTI CHAPTERS, SAN JUAN COUNTY, NEW MEXICO

BE IT ENACTED:

Section One. Authority

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

Section Two. Findings

A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted a right-of-way application and a temporary
construction easement application to construct, operate and maintain Reaches 4C-8 Navajo Gallup Water Supply Project located on, over and across Navajo Nation Trust Lands in Sanostee, Two Grey Hills, Newcomb, Sheep Springs And Naschitti Chapters, San Juan County, New Mexico. The applications are attached and incorporated as **Exhibit D-1 and Exhibit D-2**.

B. "The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality, treated water provided by the NGWSP will bring immediate benefits, including improved health and well-being to tribal members.” Applications, **Exhibit D-1 and D-2**.

C. The proposed permanent right-of-way and temporary construction easement consists of Navajo Nation Trust Lands located in San Juan County, New Mexico and the location is more particularly described on the survey maps attached and incorporated as **Exhibit B**.

D. It has been determined that there are nineteen (19) valid permit holders; the Consent Forms and the Navajo Nation Department of Justice memorandum dated April 5, 2019 are attached as **Exhibit C**.

E. The Bureau of Reclamation requests a waiver of valuation and waiver of compensation for the right-of-way and temporary construction easement. See, 25 CFR § 169.110 (a) (1) (2). The Bureau of Reclamation requests all customary fees be waived as allowed by the Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11).
F. The Bureau of Reclamation requests a waiver of bond, insurance, or alternative form of security. See 25 CFR § 169.103 (f)(2).

G. The Phase I Environmental Site Assessment for Reaches 4C to 8 of the Navajo-Gallup Water Supply Project in San Juan County, New Mexico is attached as Exhibit E.

H. The applications for the Rights-of-Way and Temporary Construction Easement as submitted by the United States Bureau of Reclamation have been reviewed by the Navajo Nation Environmental Protection Agency, Department of Water Resources, Fish and Wildlife Department, Historic Preservation Department, Minerals Department, Division of Natural Resources and the Department of Justice and “Approved” or found “Sufficient.” See Exhibit F.

Section Three. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby grants approval of a Right-of-Way and Temporary Construction Easement to U.S. Bureau of Reclamation to construct, operate and maintain Reaches 4C-8 Navajo Gallup Water Supply Project located on, over and across Navajo Nation Trust Lands in Sanostee, Two Grey Hills, Newcomb, Sheep Springs And Naschitti Chapters, San Juan County, New Mexico. The location is more particularly described on the map attached hereto as Exhibit B.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions incorporated herein as Exhibit A-1.

C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Temporary Construction Easement subject to, but not limited to, the terms and conditions incorporated herein as Exhibit A-2.

D. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation for the Right-of-Way and Temporary Construction Easement because it has determined that accepting the agreed-upon compensation and waiving valuation is in its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.
E. The Resources and Development Committee of the Navajo Nation Council hereby
waives the requirement for a bond, insurance or alternative form of security on the part of
the Grantee, based on the determination that the Reaches 4C-8 Navajo Gallup Water
Supply Project benefits the Navajo Nation and such a waiver is in the best interest of the
Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

F. The Resources and Development Committee of the Navajo Nation Council hereby
grants the Right-of-Way and Temporary Construction Easement as long as the
Grantee Bureau of Reclamation or its successors or assigns use the right-of-way and
temporary construction easement for the construction, operation and maintenance of
the Navajo Gallup Water Supply Project.

G. The Resources and Development Committee of the Navajo Nation Council hereby
authorizes the President of the Navajo Nation to execute any and all documents
necessary to affect the intent and purpose of this resolution.