TITLE: An Action Relating To Resources And Development Committee; Approving A Temporary Construction Easement For The Term Of One Year To The Navajo Nation Water Resources Department For The Purpose Of Replacing The Yellowman Siphon Located Within The Nenahnezad Chapter Vicinity (San Juan County, New Mexico)

Date posted: July 2, 2019 at 3:15 PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0183-19

DATE: June 28, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A TEMPORARY CONSTRUCTION EASEMENT FOR THE TERM OF ONE YEAR TO THE NAVAJO NATION WATER RESOURCES DEPARTMENT FOR THE PURPOSE OF REPLACING THE YELLOWMAN SIPHON LOCATED WITHIN THE NENAHNEZAD CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: Approving a temporary construction easement to the Navajo Nation Department of Water Resources, for the replacement of the Yellowman Siphon located within the Nenahnezad Chapter (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 -- Fourth Year, 2019

INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 0183-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A TEMPORARY CONSTRUCTION EASEMENT FOR THE TERM OF ONE YEAR TO THE NAVAJO NATION WATER RESOURCES DEPARTMENT FOR THE PURPOSE OF REPLACING THE YELLOWMAN SIPHON LOCATED WITHIN THE NENAHNEZAD CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

Section One. Authority

A. Pursuant to 2 N.N.C. §500, the Resources and Development Committee is established as a standing committee of the Navajo Nation Council.

B. Pursuant to 2 N.N.C. §501 B 2(a), the Resources and Development Committee grants final approval for all, non-mineral leases, permits, licenses, rights of ways, and surface easements on Navajo Nation lands and unrestricted (fee) land.

Section Two. Findings

A. The Navajo Nation Department of Water Resources has requested a temporary construction easement to enable the replacement of the Yellowman Siphon within the Fruitland-Cambridge Irrigation Project. See Exhibit C.

B. The proposed Yellowman Siphon Temporary Construction Easement Survey is attached as Exhibit B.
C. The Finding of No Significant Impact (FONSI) and other Environmental and archaeological studies have been completed and are attached hereto as Exhibit D.

D. The Nenahnezad Chapter supports replacement of Yellowman siphon pipe. See Exhibit E.

E. The request for a temporary construction easement has been reviewed by the appropriate Departments and Divisions and found legally sufficient by the Department of Justice. See Exhibit F.

F. The Terms and Conditions for the Yellowman Siphon is found at Exhibit A.

Section Three. Approval

A. The Resources and Development Committee of the Navajo Nation hereby approves the request for a temporary construction easement to the Navajo Nation Department of Water Resources, for the replacement of the Yellowman Siphon, subject but not limited to the Terms and Conditions attached hereto and incorporated herein as found at Exhibit A.

B. The Resources and Development Committee of the Navajo Nation hereby approves a waiver of the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the 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).

C. The Resources and Development Committee hereby approves waiving valuation and waiving compensation for the 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.

D. 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.