TITLE: An Action Relating To Resources And Development; Amending RDCD-124-17 To Increase Acreage Of Reach 10 - Pumping Plant No. 7, Navajo Gallup Water Supply Project Located On Tribal Trust Lands In Twin Lakes Chapter (Mckinley County, New Mexico)

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DATE: August 24, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-124-17 TO INCREASE ACREAGE OF REACH 10—PUMPING PLANT NO. 7, NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN TWIN LAKES CHAPTER (MCKINLEY COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to amend RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley 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 -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0213-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-124-17
TO INCREASE ACREAGE OF REACH 10—PUMPING PLANT NO. 7, NAVAJO
GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN
TWIN LAKES CHAPTER (MCKINLEY 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
casements 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 an application to amend RDCD-124-17 which
was approved by the Resources and Development Committee on December 11,
2017. The request is to amend RDCD-124-17 to increase the acreage of the
Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico. The application is attached and incorporated as Exhibit 4 and RDCD-124-17 is attached as Exhibit 5.

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.” Exhibit 5 (Application).

C. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of Reclamation application states: “The increase in acreage is necessary to accommodate an increase in the anticipated build-out size of the pumping plant resulting from engineering design changes, and additional space needed for the construction of a turnout facility that will supply water the NGWSP to the Navajo Tribal Utility Authority, to supply treated water to the community of Twin Lakes and the surrounding area, through its water distribution system.” Exhibit 5 (Application).

D. The proposed amendment consists of Navajo Nation Trust Lands located in Twin Lakes Chapter (McKinley County, New Mexico) and the location is more particularly described on the survey maps attached and incorporated as Exhibit 2.

E. The Navajo Nation Department of Justice memorandum dated January 25, 2019 regarding land user consents and the Consent to Use Navajo Nation Lands Forms are attached as Exhibit 3.
F. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of
Reclamation application states: "It should be noted that field clearances have
already been obtained for this parcel with the work that was completed on the
Reach 9B-11 consent for ROW [DNR No. RDCJN-61-17], that was granted June
27, 2017, and the BIA grant of ROW on November 16, 2017, that is registered as
TAAMS No. 791 4200063668. A significant amount of the increased acreage
will overlap the Reach 9B-11 ROW." Exhibit 4 (Application) and Exhibit 3
(Consent Forms).

G. Resources and Development Committee Resolution RDCD-124-17 is attached as
Exhibit 5.

H. Bureau of Indian Affairs memorandum dated January 11, 2018 approving the
grant of easement BIA TAAMS No. 791 4200069180 is attached as Exhibit 6.

I. The United States Department of the Interior Bureau of Reclamation, letter dated
April 25, 2016 regarding the National Historic Preservation Act Section 106
Consultation for The Navajo-Gallup Water Supply Project, Class III Inventory
and Ethnographic Summer for the San Juan Lateral, Volume II: Reaches 9-11,
Navajo Nation and McKinley County, New Mexico, is attached as Exhibit 7.

J. Biological Resources Compliance Form, NNDFW Review No. 17usbr01 is
attaches as Exhibit 8.

K. The Navajo Nation President's later dated September 8, 2016 to the Assistant
Secretary of Indian Affairs regarding the Navajo Nation's support of the waiver of
the bond requirement, 25 CFR § 169.103 for the Gallup-Navajo Water Supply
Project rights-of-way is attached as Exhibit 9.

L. The Bahastl'ah Chapter resolution BAHAS-11-06-03-322 supporting the design
and construction of the Navajo Gallup Water Supply Project is attached as
Exhibit 10.

M. The Executive Official Review 014276 is attached as Exhibit 11.

Section Three. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby
amends RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico. The location is more particularly described on the map attached hereto as Exhibit 2.

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 1.

C. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation 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 waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the Reach 10, Pumping Plant No. 7 of the 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).

E. 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.