TITLE: An Action Relating To Resources And Development; Amending RDCAP-008-19 To Waive 100% Of The Compensation For The Grant Of Right-of-Way To Continental Divide Electric Cooperative, Inc., For The Red Willow Powerline Project Located On Navajo Nation Trust Lands In Mariano Lake Chapter Vicinity (McKinley County, New Mexico)

Date posted: June 30, 2020 at 11:46 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: June 26, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCAP-008-19 TO WAIVE 100% OF THE COMPENSATION FOR THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE RED WILLOW POWERLINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

PURPOSE: Amending Resolution RDCAP-008-19 which granted a Right-of-Way to Continental Divide Electric Cooperative, Inc. for the Red Willow Powerline Project on Navajo Nation Trust Lands in Mariano Lake Chapter, McKinley County, New Mexico. The Continental Divide Electric Cooperative, Inc., requests an amendment of Resolution RDCAP-008-19 authorizing a 100% waiver of the assessed consideration of $288,917.29.

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. 0142-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCAP-008-19 TO WAIVE 100% OF THE COMPENSATION FOR THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE RED WILLOW POWERLINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE CHAPTER VICINITY (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 grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

Section Two. Findings

A. Resources and Development Committee Resolution RDCAP-008-19 approved a grant of right-of-way to the Continental Divide Electric Cooperative, Inc., for the
Red Willow Powerline Project on, over and across Navajo Nation Trust Lands in Mariano Lake Chapter vicinity, (McKinley County, New Mexico). RDCAP-008-19 is attached as Exhibit A (without attachments).

B. Resources and Development Committee Resolution RDCD-97-18 limited the amount of a waiver of consideration to no more than 50% for utility companies. Pursuant to RDCD-97-19, RDCAP-008-19 waived $144,458.65 which is half of the assessed consideration of $288,917.29.

C. The Continental Divide Electric Cooperative, Inc., requests an amendment of Resolution RDCAP-008-19 authorizing a 100% waiver of the assessed consideration of $288,917.29.

Section Three. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby amends Resolution RDCAP-008-19 SECTION THREE as follows:

   “B. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation of $144,458.65, which is fifty one hundred percent of the assessed $288,917.29 for the right-of-way project because it has been determined that accepting the agreed-upon compensation and waiving valuation is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.

B. 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.