TITLE: An Action Relating to Resources and Development; Amending RDCD-109-18, to provide additional waivers to the approved grant of right-of-way to Bureau of Indian Affairs for Upper Fruitland Chapter – Ojo Amarillo Road Project No. N101 (1) (2) 2&4, located on Navajo Nation Trust Lands in Upper Fruitland Chapter, Navajo Nation (San Juan County, New Mexico)

Date posted: May 7, 2020 at 4:55 PM

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DATE: April 28, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-109-18, TO PROVIDE ADDITIONAL WAIVERS TO THE APPROVED THE GRANT OF RIGHT-OF-WAY TO BUREAU OF INDIAN AFFAIRS FOR UPPER FRUITLAND CHAPTER – OJO AMARILLO ROAD PROJECT NO. N101 (1) (2) 2&4, LOCATED ON NAVAJO NATION TRUST LANDS IN UPPER FRUITLAND CHAPTER. NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: Approving amendment of RDCD-109-18 which approved a right-of-way to the Bureau of Indian Affairs for the Ojo-Amarillo Road Project No. N101 (1) (2). These amendments include: a waiver of the due diligence provisions stated in 25 CFR § 169.105 (c); a waiver of 25 CFR § 169.125 (c) (2) thereby allowing the grantee rights to any of the products or resources of the land; and, to include construction of utilities within the right-of-way.

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. 011-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-109-18, TO PROVIDE ADDITIONAL WAIVERS TO THE APPROVED THE GRANT OF RIGHT-OF-WAY TO BUREAU OF INDIAN AFFAIRS FOR UPPER FRUITLAND CHAPTER – OJO AMARILLO ROAD PROJECT NO. N101 (1) (2) 2&4, LOCATED ON NAVAJO NATION TRUST LANDS IN UPPER FRUITLAND CHAPTER.

NAVAJO NATION (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 Resources and Development Committee approved Resolution RDCD-109-18 attached as Exhibit A.
B. The Bureau of Indian Affairs requests amendments to the right-of-way resolution RDCD-109-18 for the Ojo-Amarillo Road Project No. N101 (1) (2); these amendments are additional waivers. These requested amendments include: a waiver of the due diligence provisions stated in 25 CFR § 169.105 (c); a waiver of 25 CFR § 169.125 (c) (2) thereby allowing the grantee rights to any of the products or resources of the land; and, to include construction of utilities within the right-of-way.

C. The Resources and Development Committee finds a waiver of the due diligence provisions stated in 25 CFR § 169.105 (c) is in the best interest of the Indian land owners.

D. The Resources and Development Committee finds a waiver 25 CFR § 169.125 (c) (2) to allow the grantee rights to any of the products or resources of the land is in the best interest of the Indian land owners.

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby amends Resolution RDCD-109-18 by waiving the due diligence provisions stated in 25 CFR § 169.105 (c) because a waiver is in the best interest of the Indian landowners. 25 CFR § 169.105 (c).

B. The Resources and Development Committee of the Navajo Nation Council hereby amends Resolution RDCD-109-18 by waiving 25 CFR § 169.105 (c) (2) thereby allowing the grantee rights to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources. 25 CFR § 169.125 (c) (2).

C. The Resources and Development Committee of the Navajo Nation Council hereby amends Resolution RDCD-109-18 by approving the grant of right-of-way to include existing utilities or future utilities within the grantee’s right-of-way. The utility companies must first obtain the consent from the Navajo Nation in writing if the utility is to enter and cross Navajo Nation land. The utility conveyance construction and maintenance must not interfere with the integrity of the road prism, road ditches, road design features and other road appurtenances.