

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0085-19

DATE: April 5, 2019

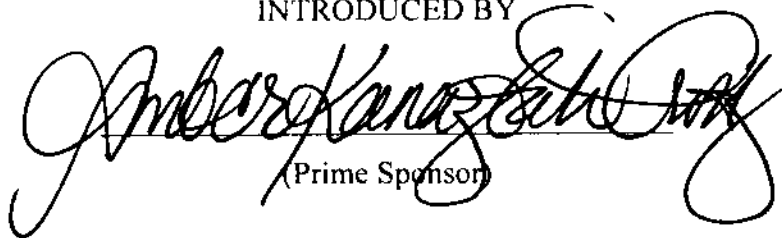
TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN REACHES 4C - 8 NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL 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

1 construction easement application to construct, operate and maintain Reaches 4C-
2 8 Navajo Gallup Water Supply Project located on, over and across Navajo Nation
3 Trust Lands in Sanostee, Two Grey Hills, Newcomb, Sheep Springs And
4 Naschitti Chapters, San Juan County, New Mexico. The applications are attached
5 and incorporated as **Exhibit D-1 and Exhibit D-2.**

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

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

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

26 E. The Bureau of Reclamation requests a waiver of valuation and waiver of
27 compensation for the right-of-way and temporary construction easement. See, 25
28 CFR § 169.110 (a) (1) (2). The Bureau of Reclamation requests all customary
29 fees be waived as allowed by the Omnibus Public Land Management Act of 2009,
30 Title X, Part III (Public Law 111-11).

1 F. The Bureau of Reclamation requests a waiver of bond, insurance, or alternative
2 form of security. See, 25 CFR § 169.103 (f) (2).

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

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

12
13 **Section Three. Approval**

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

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

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

27 D. The Resources and Development Committee of the Navajo Nation Council hereby
28 waives valuation and waives compensation for the Right-of-Way and Temporary
29 Construction Easement because it has determined that accepting the agreed-upon
30 compensation and waiving valuation is in its best interest of the Navajo Nation, pursuant
to Title 25 CFR § 169.110.

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- 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.