

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0097-19

SPONSOR: Nelson BeGaye

TITLE: An Action Relating To Resources And Development; Approving The Temporary Construction Easement To The Bureau Of Indian Affairs To Construct Road Project No. N12 (19-4) 1, 2 & 4, Located In Tsaile-Wheatfields Chapter (Apache County, Arizona)

Date posted: April 25, 2019 at 5:20 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0097-19

DATE: April 23, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE TEMPORARY CONSTRUCTION EASEMENT TO THE BUREAU OF INDIAN AFFAIRS TO CONSTRUCT ROAD PROJECT NO. N12 (19-4) 1, 2 & 4, LOCATED IN TSAILE-WHEATFIELDS CHAPTER (APACHE COUNTY, ARIZONA)

PURPOSE: Approving a temporary construction easement to Bureau of Indian Affairs, Navajo Region, Division of Transportation for construction of road project N101 (1) (2), 2 & 4 on, over and across Navajo Nation Trust Lands in Tsaile-Wheatfields Chapter vicinity (Apache County, Arizona).

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.

5-DAY BILL HOLD PERIOD: Rear Bgg
Website Posting Time/Date: _____
Posting End Date: 4.30.19
Eligible for Action: 5.1.19

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0097-19

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10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE
12 TEMPORARY CONSTRUCTION EASEMENT TO THE BUREAU OF INDIAN
13 AFFAIRS TO CONSTRUCT ROAD PROJECT NO. N12 (19-4) 1, 2 & 4, LOCATED
14 IN TSAILE-WHEATFIELDS CHAPTER (APACHE COUNTY, ARIZONA)

15
16 **BE IT ENACTED:**

17 **SECTION ONE. AUTHORITY**

18 Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee
19 of the Navajo Nation Council has the authority to grant final approval for all land
20 withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and
21 bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority
22 shall include subleases, modifications, assignments, leasehold encumbrances, transfers,
23 renewals, and terminations.

24
25 **SECTION TWO. FINDINGS**

26 A. Bureau of Indian Affairs, Navajo Region, Division of Transportation, P.O. Box 1060,
27 Gallup, New Mexico 87301, has submitted request for a temporary construction
28 easement application for construction of road project N101 (1) (2), 2 & 4 on, over and
29 across Navajo Nation Trust Lands in Tsaille-Wheatfields Chapter vicinity (Apache
30 County, Arizona). The request is attached hereto and incorporated herein as **Exhibit**
F.

- 1 B. The proposed temporary construction easement is more particularly described in the
2 maps attached hereto and incorporated herein as **Exhibit B**.
- 3 C. The District Grazing Committee Member has determined that land users consents are
4 not needed for this temporary construction easement because “the land had already
5 been with-drawn and the road improvement is on exiting BIA road.” A memorandum
6 dated April 9, 2019 from the District Grazing Committee Member is attached as
7 **Exhibit C**.
- 8 D. Finding of No Significant Impact, EA-18-34381, is attached as **Exhibit D**.
- 9 E. The environmental and archaeological studies have been completed and are attached as
10 **Exhibit E**.
- 11 F. The Resources and Development Committee of the Navajo Nation Council hereby finds
12 the agreed upon compensation is satisfactory to the Navajo Nation, and has determined
13 that accepting such agreed upon compensation and waiving of valuation is in its best
14 interest pursuant to 25 C.F.R. § 169.110.
- 15 G. The Resources and Development Committee finds a waiver of the bond, insurance, or
16 alternative form of security, is in the best interest of the Navajo Nation. 25 C.F.R. §
17 169.103 (f).
- 18 H. The application for the Temporary Construction Easement as submitted by the United
19 States Bureau of Indian Affairs has been reviewed by the Fish and Wildlife; Historic
20 Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural
21 Resources and the Department of Justice and “Approved” or found “Sufficient.”. See
22 documents included **Exhibit G**.

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24 **SECTION THREE. APPROVAL**

- 25 A. The Resources and Development Committee of the Navajo Nation Council hereby
26 approves the temporary construction easement to Bureau of Indian Affairs, Navajo
27 Region, Division of Transportation, for construction of road project N101 (1) (2), 2 &
28 4 on, over and across Navajo Nation Trust Lands in Tsaile-Wheatfields Chapter
29 vicinity (Apache County, Arizona). The location is more particularly described on
30 the survey map attached hereto as **Exhibit B**.

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B. The Resources and Development Committee of the Navajo Nation Council hereby waives compensation for the right-of-way project because the project will benefit Navajo residents.

C. The Resources and Development Committee of the Navajo Nation Council hereby finds the agreed upon compensation is satisfactory to the Navajo Nation, the Navajo Nation waives valuation and has determined that accepting such agreed upon compensation and waiving of valuation is in its best interest pursuant to 25 C.F.R. § 169.110.

D. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirements for a bond, insurance, or alternative form of security as being in the best interest of the Navajo Nation pursuant to 25 C.F.R. § 169 (f).

E. The Resources and Development Committee of the Navajo Nation Council hereby approves the temporary construction easement subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit A**.

F. 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.