

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0111-20__

SPONSOR: Rickie Nez

TITLE: 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)

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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0111-20

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.

5-DAY BILL HOLD PERIOD: 9/13/20
Website Posting Time/Date: _____
Posting End Date: 05-12-20
Eligible for Action: 05-13-20

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020

3 INTRODUCED BY

4 _____
5
6 (Prime Sponsor)

7
8 TRACKING NO. 0111-20

9
10 AN ACTION

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

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

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

27
28 SECTION TWO. FINDINGS

29 A. The Resources and Development Committee approved Resolution RDCD-109-18
30 attached as **Exhibit A**.

1 B. The Bureau of Indian Affairs requests amendments to the right-of-way resolution
2 RDCD-109-18 for the Ojo-Amarillo Road Project No. N101 (1) (2); these
3 amendments are additional waivers. These requested amendments include: a
4 waiver of the due diligence provisions stated in 25 CFR § 169.105 (c); a waiver of
5 25 CFR § 169.125 (c) (2) thereby allowing the grantee rights to any of the products
6 or resources of the land; and, to include construction of utilities within the right-of-
7 way.

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

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

14
15 SECTION THREE. APPROVAL

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

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

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