

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0183-19

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating To Resources And Development Committee;
Approving A Temporary Construction Easement For The Term Of One Year To
The Navajo Nation Water Resources Department For The Purpose Of Replacing
The Yellowman Siphon Located Within The Nenahnezad Chapter Vicinity (San
Juan County, New Mexico)**

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0183-19

DATE: June 28, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A TEMPORARY CONSTRUCTION EASEMENT FOR THE TERM OF ONE YEAR TO THE NAVAJO NATION WATER RESOURCES DEPARTMENT FOR THE PURPOSE OF REPLACING THE YELLOWMAN SIPHON LOCATED WITHIN THE NENAHNEZAD CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: Approving a temporary construction easement to the Navajo Nation Department of Water Resources, for the replacement of the Yellowman Siphon located within the Nenahnezad Chapter (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 -- Fourth Year, 2019

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0183-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
A TEMPORARY CONSTRUCTION EASEMENT FOR THE TERM OF ONE YEAR
TO THE NAVAJO NATION WATER RESOURCES DEPARTMENT FOR THE
PURPOSE OF REPLACING THE YELLOWMAN SIPHON LOCATED WITHIN THE
NENAHNEZAD CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

Section One. Authority

- A. Pursuant to 2 N.N.C. §500, the Resources and Development Committee is established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. §501 B 2(a), the Resources and Development Committee grants final approval for all, non-mineral leases, permits, licenses, rights of ways, and surface easements on Navajo Nation lands and unrestricted (fee) land.

Section Two. Findings

- A. The Navajo Nation Department of Water Resources has requested a temporary construction easement to enable the replacement of the Yellowman Siphon within the Fruitland-Cambridge Irrigation Project. See **Exhibit C**.
- B. The proposed Yellowman Siphon Temporary Construction Easement Survey is attached as **Exhibit B**.

- 1 C. The Finding of No Significant Impact (FONSI) and other Environmental and
2 archaeological studies have been completed and are attached hereto as **Exhibit D**.
- 3 D. The Nenahnezad Chapter supports replacement of Yellowman siphon pipe. See
4 **Exhibit E**.
- 5 E. The request for a temporary construction easement has been reviewed by the
6 appropriate Departments and Divisions and found legally sufficient by the
7 Department of Justice. See **Exhibit F**.
- 8 F. The Terms and Conditions for the Yellowman Siphon is found at **Exhibit A**.
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10 **Section Three. Approval**

- 11 A. The Resources and Development Committee of the Navajo Nation hereby approves
12 the request for a temporary construction easement to the Navajo Nation Department
13 of Water Resources, for the replacement of the Yellowman Siphon, subject but not
14 limited to the Terms and Conditions attached hereto and incorporated herein as
15 found at **Exhibit A**.
- 16 B. The Resources and Development Committee of the Navajo Nation hereby approves
17 a waiver of the requirement for a bond, insurance or alternative form of security on
18 the part of the Grantee, based on the determination that the project benefits the
19 Navajo Nation and such a waiver is in the best interest of the Navajo Nation,
20 pursuant to Title 25 CFR § 169.103 (f) (2).
- 21 C. The Resources and Development Committee hereby approves waiving valuation and
22 waiving compensation for the temporary construction easement because it has
23 determined that accepting the agreed-upon compensation and waiving valuation is in
24 its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.
- 25 D. The Resources and Development Committee of the Navajo Nation Council hereby
26 authorizes the President of the Navajo Nation to execute any and all documents
27 necessary to affect the intent and purpose of this resolution.
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