

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0213-20__

SPONSOR: Rickie Nez

TITLE: An Action Relating To Resources And Development; Amending RDCD-124-17 To Increase Acreage Of Reach 10 - Pumping Plant No. 7, Navajo Gallup Water Supply Project Located On Tribal Trust Lands In Twin Lakes Chapter (Mckinley County, New Mexico)

Date posted: August 26, 2020 at 5:53 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0213-20

DATE: August 24, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-124-17 TO INCREASE ACREAGE OF REACH 10—PUMPING PLANT NO. 7, NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN TWIN LAKES CHAPTER (MCKINLEY COUNTY, NEW MEXICO)

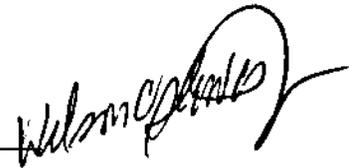
PURPOSE: The purpose of this legislation is to amend RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico.

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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 5:40pm 08-26-20
Posting End Date: 08-31-20
Eligible for Action: 09-01-20

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. 0213-20

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCD-124-17
12 TO INCREASE ACREAGE OF REACH 10—PUMPING PLANT NO. 7, NAVAJO
13 GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS IN
14 TWIN LAKES CHAPTER (MCKINLEY COUNTY, NEW MEXICO)

15
16 BE IT ENACTED:

17
18 **Section One. Authority**

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

25
26 **Section Two. Findings**

27 A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington,
28 New Mexico 87401 has submitted an application to amend RDCD-124-17 which
29 was approved by the Resources and Development Committee on December 11,
30 2017. The request is to amend RDCD-124-17 to increase the acreage of the

1 Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7
2 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands
3 in McKinley County, New Mexico. The application is attached and incorporated
4 as **Exhibit 4** and RDCD-124-17 is attached as **Exhibit 5**.

5 B. "The Omnibus Public Land Management Act of 2009, Title X, Part III (Public
6 Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-
7 Gallup Water Supply Project (NGWSP) that includes water treatment plants,
8 pipeline, several pumping stations and ancillary facilities. Once completed, the
9 NGWSP will deliver a reliable source of potable water, sourced from the San Juan
10 River, to Navajo communities in northwestern New Mexico, the City of Gallup,
11 NM, and the southwest portion of the Jicarilla Apache Reservation for municipal
12 and industrial use. The NGWSP will connect to existing and future water
13 distribution systems operated on the reservation by the Navajo Tribal Utility
14 Authority (NTUA), and in Gallup, by the City of Gallup. The high quality,
15 treated water provided by the NGWSP will bring immediate benefits, including
16 improved health and well-being to tribal members." **Exhibit 5** (Application).

17 C. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of
18 Reclamation application states: "The increase in acreage is necessary to
19 accommodate an increase in the anticipated build-out size of the pumping plant
20 resulting from engineering design changes, and additional space needed for the
21 construction of a turnout facility that will supply water the NGWSP to the Navajo
22 Tribal Utility Authority, to supply treated water to the community of Twin Lakes
23 and the surrounding area, through its water distribution system." **Exhibit 5**
24 (Application).

25 D. The proposed amendment consists of Navajo Nation Trust Lands located in Twin
26 Lakes Chapter (McKinley County, New Mexico) and the location is more
27 particularly described on the survey maps attached and incorporated as **Exhibit 2**.

28 E. The Navajo Nation Department of Justice memorandum dated January 25, 2019
29 regarding land user consents and the Consent to Use Navajo Nation Lands Forms
30 are attached as **Exhibit 3**.

- 1 F. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of
2 Reclamation application states: "It should be noted that field clearances have
3 already been obtained for this parcel with the work that was completed on the
4 Reach 9B-11 consent for ROW [DNR No. RDCJN-61-17], that was granted June
5 27, 2017, and the BIA grant of ROW on November 16, 2017, that is registered as
6 TAAMS No. 791 4200063668. A significant amount of the increased acreage
7 will overlap the Reach 9B-11 ROW." **Exhibit 4** (Application) and **Exhibit 3**
8 (Consent Forms).
- 9 G. Resources and Development Committee Resolution RDCD-124-17 is attached as
10 **Exhibit 5**.
- 11 H. Bureau of Indian Affairs memorandum dated January 11, 2018 approving the
12 grant of easement BIA TAAMS No. 791 4200069180 is attached as **Exhibit 6**.
- 13 I. The United States Department of the Interior Bureau of Reclamation, letter dated
14 April 25, 2016 regarding the National Historic Preservation Act Section 106
15 Consultation for The Navajo-Gallup Water Supply Project, Class III Inventory
16 and Ethnographic Summer for the San Juan Lateral, Volume II: Reaches 9-11,
17 Navajo Nation and McKinley County, New Mexico, is attached as **Exhibit 7**.
- 18 J. Biological Resources Compliance Form, NNDFW Review No. 17usbr01 is
19 attaches as **Exhibit 8**.
- 20 K. The Navajo Nation President's later dated September 8, 2016 to the Assistant
21 Secretary of Indian Affairs regarding the Navajo Nation's support of the waiver of
22 the bond requirement, 25 CFR § 169.103 for the Gallup-Navajo Water Supply
23 Project rights-of-way is attached as **Exhibit 9**.
- 24 L. The Bahastl'ah Chapter resolution BAHAS-11-06-03-322 supporting the design
25 and construction of the Navajo Gallup Water Supply Project is attached as
26 **Exhibit 10**.
- 27 M. The Executive Official Review 014276 is attached as **Exhibit 11**.
- 28

29 **Section Three. Approval**

- 30 A. The Resources and Development Committee of the Navajo Nation Council hereby

1 amends RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply
2 Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres
3 on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico.
4 The location is more particularly described on the map attached hereto as **Exhibit 2**.

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

8 C. The Resources and Development Committee of the Navajo Nation Council hereby
9 waives valuation and waives compensation because it has determined that accepting
10 the agreed-upon compensation and waiving valuation is in its best interest of the
11 Navajo Nation, pursuant to Title 25 CFR § 169.110.

12 D. The Resources and Development Committee of the Navajo Nation Council hereby
13 waives the requirement for a bond, insurance or alternative form of security on the
14 part of the Grantee, based on the determination that the Reach 10, Pumping Plant No.
15 7 of the Navajo Gallup Water Supply Project benefits the Navajo Nation and such a
16 waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR §
17 169.103 (f) (2).

18 E. The Resources and Development Committee of the Navajo Nation Council hereby
19 authorizes the President of the Navajo Nation to execute any and all documents
20 necessary to affect the intent and purpose of this resolution.