



Navajo Nation Council allocates \$1 million to powerline ROWs and service line agreements for Light Up Navajo II

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WINDOW ROCK, Ariz. — Funding to support rights of way (ROWs) and service lines agreements for residential electrical powerline connections for more than 300 Navajo homes was approved by the 24th Navajo Nation Council in the amount of \$1 million from the Sihásin Fund to the Navajo Tribal Utility Authority (NTUA). The allocation was approved on Wednesday, Jul. 22, during the 2020 Summer Session.

“When it comes to rights of way, you need service line agreements. You need things such as [archeological] clearances. You need things such as Fish and Wildlife clearances, and so forth,” said Council Delegate Otto Tso (To’ Nanees Dizi), sponsor of Legislation No. 0330-19. He continued to emphasize the scale of the need for residential electrical connections, especially during a time like the coronavirus (COVID-19) pandemic.

NTUA representative Heather Clah indicated that the \$1 million would be leveraged through a new U.S. Department of Energy matching grant program along with 139 electrical linemen workers from around the country to build out the connections. That initiative is known as the Light Up Navajo II (LUN) project.

A typical electrical powerline project on the Navajo Nation requires an extensive set of studies and evaluations before the project is cleared for construction. That ROW process involves input from the Navajo Nation Department of Fish and Wildlife, botany experts, archaeologists and others to certify that projects will not result in destruction of significant cultural or biological sites.

The \$1 million in Sihásin Funding will pay for the services of those professionals, which are typically the responsibility of the customer. It was noted that some local Navajo Nation chapter governments assist residents with funding for the process, since these services can range in cost from \$550 to \$1800.

“I wish every day we didn’t have to do this process, but it’s important in protecting endangered species, cultural sites and our history,” stated Delegate Otto Tso.

“NTUA is going to pick-up the labor costs related to this project,” Delegate Tso said, adding that funds will support residential connections to homes previously identified by NTUA through an application process. Most residences are located within 1,000 feet of an NTUA electricity powerline and include project locations in all five Navajo Nation agencies.

Delegate Tso distinguished the funding request from Legislation No. 0039-20, which was a separate \$1 million Sihásin Funding request to support materials purchases, such as meter poles, meter loops and electrical wiring for homes that need upgrades.

The 24th Navajo Nation Council discussed and widely supported the intent of the legislation, but questioned the financial components of NTUA’s request.

Council Delegates Kee Allen Begay, Jr. (Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) and Elmer P. Begay (Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) voiced support for the legislation, along with Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) who added, “I am supportive of this because every time we go before [the Resources and Development Committee], or anytime there’s chapter projects within our chapters, it’s always being supported.”

When asked by Council Delegate Eugenia Charles-Newton (Shiprock) about how the COVID-19 pandemic has affected the timeline for LUN projects to be completed, Clah said LUN will start up when, and as soon as, NTUA partners are able to safely travel from different parts of the country. In the meantime, NTUA's own lineworkers have been proceeding with work and have completed connections to 20 homes since the legislation was introduced.

Council Delegate Daniel E. Tso (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) focused on the legislation's request for ROW funding and the Jun. 3 resolution by the Resources and Development Committee to streamline the process of granting access to Navajo Nation trust lands for development.

The Office of the Controller explained that Sihásin Fund projects are typically funded by either a grant or loan. This particular legislation would not be completed in the form of a donation by the Navajo Nation to NTUA.

Council Delegate Amber Kanazbah Crotty (Cove, Toadlena/Two Grey Hills, Red Valley Tse'alnaozt'i'i, Sheepsprings, Beclabito, Gadiiahi/To'Koi) pointed to the large amounts of chapter carryover funding for capital outlay projects, which could support NTUA's request. She questioned why NTUA chose to wait for Sihásin Funds when existing funding source was available. Delegate Crotty also asked for clarification on the eligibility of the federal Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act criteria.

Navajo Nation Controller Pearline Kirk explained that the U.S. Department of the Treasury, which is in charge of ensuring federal CARES Act funds are spent properly, is likely to use a broad interpretation of a legal clause against using the CARES funds for previously budgeted items. Passing Legislation No. 0330-20 may create an audit risk if the same projects were included in expenditures authorized by the Navajo Nation Council from the Navajo Nation CARES Fund.

"I support this legislation, I just needed to ask those questions as my fiduciary responsibility," said Delegate Daniel Tso.

Council Delegate Thomas Walker, Jr. (Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) spoke in support of the legislation, adding that NTUA's service area the Eastern Navajo Agency.

Due to the complexity of land-statuses in the Eastern Navajo Agency, NTUA serves Navajo people in the region alongside two other utility companies: Jemez Mountains Electric Cooperative and Continental Divide Electric Cooperative. Delegate Otto Tso indicated that he would support a similar allocation if those companies created an initiative similar to NTUA's Light Up Navajo project.

Council Delegate Pernell Halona (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') pointed out that community members that were part of the first LUN project in 2019 reported being asked by NTUA to pay for connections through the program ahead of time. He asked why LUN was being put forward to the public without notice that community members would be asked to provide funding.

Clah explained that, for electrical powerline connections, NTUA is responsible for costs up to the meter itself. Delegate Otto Tso added that, through the existing process, customers are responsible for connection costs. This is different from other utility companies, like APS in Arizona, which cover those costs for their customers.

"Every connection requires a certain amount of due diligence," said Delegate Otto Tso, reiterating that Legislation No. 0330-20 was intended for ROW and clearance costs and that Legislation No. 0039-20 would provide assistance for the other material costs for customers.

Although Council Delegate Eugene Tso (Chinle) agreed with the legislation, he expressed issues with some of the language used pertaining to homesite leases. "I don't like the language, home site lease, it's the laws, but which law? We are contradicting ourselves as lawmakers if we make laws that limit people or don't help people," said Delegate Tso. "The land is already bonded by K'é," he said.

Council delegates then further discussed the recent legislative actions that provided waivers, funds and other benefits to NTUA from the Navajo Nation. “I wonder, at what point, work is going to be done,” said Delegate Charles-Newton. Providing overall support for the project, Council Delegate Jamie Henio (Alamo, Ramah, Tohajiilee) indicated that, ultimately, the funding will provide NTUA with more customers at a time when many members of the Navajo public have voiced complaints that NTUA is overcharging customers during the pandemic.

Expressing, first, his support for getting Navajo people connected to electrical powerlines, Council Delegate Rickie Nez (T’iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse’ Daa’ Kaan, Newcomb, San Juan) explained that he would vote to oppose the funding request because it is NTUA’s responsibility to pay for the projects. He indicated that NTUA’s frequent funding requests for projects can be met by NTUA’s own revenues.

Legislation No. 0330-20 was approved by the 24th Navajo Nation Council with a vote of 20 in favor and 2 opposed. The legislation was previously considered at the 2020 Spring Session but was tabled until Jul. 22 when the Council voted to take it off the table.

Later that day, the Council deliberated on the second \$1 million SÍhásin Fund request through Legislation No. 0039-20, which ultimately failed to gain the required two-thirds majority vote to pass the Council.

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