LEGISLATION NO: _0056-21__  SPONSOR: Charlaine Tso

TITLE: An Action Relating to Resources and Development; Approving the Red Mesa Tapaha Solar Project Lease for the Navajo Tribal Utility Authority to Construct and Operate a Solar Generation for Red Mesa Tapaha Solar Project, Red Mesa Chapter Vicinity, Navajo Nation (San Juan County, Utah)

Date posted: __March 25, 2021__ at 9:45PM

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.
DATE: March 25, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE RED MESA TAPAHA SOLAR PROJECT LEASE FOR THE NAVAJO TRIBAL UTILITY AUTHORITY TO CONSTRUCT AND OPERATE A SOLAR GENERATION FOR RED MESA TAPAHA SOLAR PROJECT, RED MESA CHAPTER VICINITY, NAVAJO NATION (SAN JUAN COUNTY, UTAH)

PURPOSE: The purpose of this legislation is to approve the Red Mesa Tapahe Solar Project Lease between the Navajo Nation and the Navajo Tribal Utility Authority.

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 -- Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0056-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE RED
MESA TAPAHA SOLAR PROJECT LEASE FOR THE NAVAJO TRIBAL UTILITY
AUTHORITY TO CONSTRUCT AND OPERATE A SOLAR GENERATION FOR
RED MESA TAPAHA SOLAR PROJECT, RED MESA CHAPTER VICINITY,
NAVAJO NATION (SAN JUAN COUNTY, UTAH)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

A. The Navajo Tribal Utility Authority seeks approval of the Red Mesa Tapaha Solar
Project Lease, attached as Exhibit A, which includes a sublease for a portion of the
land for the construction and operation of a 70MW solar generation facility, related
facilities and an access road that connects to BIA N5062 for the Red Mesa Tapaha Solar Project located in the Red Mesa Chapter vicinity, Navajo Nation (San Juan County, Utah).

B. The proposed Red Mesa Tapaha Solar Project Lease contains 700.09 acres, more or less, Navajo Nation, State of Utah, is described in Exhibit B. Five hundred fifty (550) acres are to be subleased to NTUA Generation-Utah, LLC which is a wholly owned entity of NTUA.

C. The Red Mesa Tapaha Solar Project will address the energy needs of both NTUA and the sixteen municipal members of the Utah Associated Municipal Power Systems ("UAMPS"). UAMPS has agreed to purchase 66-megawatts of the 70-megawatt for a period of 25 years. The remaining 4-megawatt will be purchased by NTUA and distributed by NTUA to serve its customers throughout the Navajo Nation.

D. A portion of the output from the Red Mesa Tapaha Solar Project shall be utilized to service the Navajo Nation and NTUA will need to have an interconnection facility to connect to NTUA’s utility system. NTUA’s utility system is required to meet the federal reliability requirements established by Federal Energy Regulatory Commission and North American Energy Reliability Corporation to operate a modern, safe reliable electric system.

E. Red Mesa Chapter Resolution RMC-07-041519, attached as Exhibit C, dated April 15, 2019, supports the Red Mesa Tapaha Solar Project.

F. The Right-of-Way Agent has obtained the necessary consents from the affected land users (grazing permittees) which are attached as Exhibit D.

G. The Biological Resources Compliance Form is attached as Exhibit E; the Cultural Resources Compliance Form is attached as Exhibit F; the Traditional Cultural Property (TCP) Record is attached as Exhibit G. The Biological Survey Report is attached as Exhibit H.

H. The proposed Red Mesa Tapaha Solar Project Lease has been reviewed through Executive Official Review Document Number 015806 which is attached as Exhibit I.

SECTION THREE. APPROVAL
A. The Resources and Development Committee of the Navajo Nation Council hereby approves the lease and sublease, attached hereto as Exhibit A, to the Navajo Tribal Utility Authority to construct, operate and maintain the Red Mesa Tapaha Solar Project as described herein. The location is more particularly described on the survey map attached hereto as Exhibit B.

B. 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.