

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0192-21_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development; Approving a Lease for the Navajo Tribal Utility Authority to Construct, Maintain and Operate a Maintenance Yard for the Shiprock Compressor Station Located in the Shiprock Chapter, Navajo Nation (San Juan County, New Mexico)

Date posted: September 09, 2021 at 3:34PM

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. 0192-21

DATE: September 4, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE FOR THE NAVAJO TRIBAL UTILITY AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A MAINTENANCE YARD FOR THE SHIPROCK COMPRESSOR STATION LOCATED IN THE SHIPROCK CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to approve lease between the Navajo Nation and the Navajo Tribal Utility Authority for the purpose of constructing, maintaining and operating a maintenance yard for the Shiprock Compressor Station.

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: VERMINE

Website Posting Time/Date:

Posting End Date: SEPTEMBER 14, 2021

Eligible for Action: SEPTEMBER 15, 2021

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Third Year, 2021

3 INTRODUCED BY

4 

5
6 (Prime Sponsor)

7
8 TRACKING NO. 0192-21

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LEASE FOR
12 THE NAVAJO TRIBAL UTILITY AUTHORITY TO CONSTRUCT, MAINTAIN
13 AND OPERATE A MAINTENANCE YARD FOR THE SHIPROCK COMPRESSOR
14 STATION LOCATED IN THE SHIPROCK CHAPTER, NAVAJO NATION (SAN
15 JUAN COUNTY, NEW MEXICO)

16
17 BE IT ENACTED:

18
19 **SECTION ONE. AUTHORITY**

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

26
27 **SECTION TWO. FINDINGS**

28 A. The Navajo Tribal Utility Authority seeks approval of a lease for a maintenance yard
29 for the Shiprock Compressor Station located in Shiprock Chapter vicinity, Navajo
30 Nation (San Juan County, New Mexico). The lease is attached as **Exhibit A**.

- 1 B. The lease covers two (2) acres, more or less, as described in **Exhibit B**, a survey map.
- 2 C. In a letter dated February 3, 2020, the Navajo Tribal Utility Authority (NTUA) Deputy
3 General Manager requests the 2.0 acres, more or less, for the Shiprock Compressor
4 Station—Materials and Equipment Yard Project. He states that “NTUA will take over
5 the Questar/Southern Trail Pipeline Compressor Station operations and needs a nearby
6 material and equipment yard near the site. This will reduce the cost and time to
7 transport equipment and materials from another area in case of emergency
8 maintenance.” A copy of the Grant of Easement for Right-of-Way to Questar Southern
9 Tails, Reference No. UT/AZ/NM-02-01 and the NTUA Deputy General Manager letter
10 are attached as **Exhibit C**.
- 11 D. The Shiprock Grazing Committee Member’s letter dated September 24, 2019 states
12 that one grazing permittee has been identified “but he has not been in compliance due
13 to no livestock to date to complete a tally count, therefore... signature is no longer
14 necessary for this project. There will be no other permittees affected by the undertaking
15 and to the best of my knowledge there are no land disputes at the location of the project
16 area.” The Shiprock Grazing Committee Member’s letter is attached as **Exhibit D**.
- 17 E. The Biological Resources Compliance Form is attached **Exhibit E** and the Cultural
18 Resources Compliance Form is attached **Exhibit F**.
- 19 F. A letter dated June 3, 2019 from a Ecosphere Environmental Services biologist
20 regarding “Species—Specific Surveys at Shiprock Compressor Site is attached as
21 **Exhibit G**.
- 22 G. A July 2019 ETD, Inc. Environmental Assessment, Shiprock Compressor Station
23 Materials and Equipment Yard is attached as **Exhibit H**.
- 24 H. A memorandum dated March 23, 2021 from the Navajo Minerals Department Principal
25 Petroleum Engineer stating “Please be aware that the Minerals Department has
26 calculated the consideration for the subject lease request from Navajo Tribal Utility
27 Authority (NTUA). The calculations are based on our standard rates for this type of
28 rental property and the annual consideration has been set at \$1,442.21 which will be
29 updated annually using Consumer Price Index (CPI) for All Urban Consumers using
30 the January 2021 rates as the basis for each year’s update. If NTUA chooses to pay the

1 consideration for the entire 20-year lease, they would be allowed to pay \$28,844.29
2 upfront.” The March 23, 2021 Minerals Department memorandum is attached as
3 **Exhibit I.**

4 I. 16 N.N.C. § 2334 (F) states that “[t]he Navajo Nation may waive the rent, for ... (ii)
5 leases for use of Navajo Nation trust land by federal, state and local governments, non-
6 profits, public projects and public utilities, where such entities or projects are providing
7 essential governmental or utility services to Navajo people... .”

8 J. The Resources and Development Committee, pursuant to 2 N.N.C. Section §501
9 (B)(2), is authorized to set the lease payment for the lease to be approved through this
10 resolution.

11 K. The Executive Official Review Document Number 015724 which has been reviewed
12 by the Department of Water Resources, Fish and Wildlife, Navajo Nation Minerals
13 Management, Historic Preservation Department, Division of Natural Resources
14 Administration, Navajo Land Department, Navajo Nation Environmental Protection
15 Agency, the Office of the President and Vice-President and a Navajo Nation
16 Environmental Protection Agency memorandum dated September 2, 2021 are attached
17 as **Exhibit J.**

18
19 **SECTION THREE. APPROVAL**

20 A. The Resources and Development Committee of the Navajo Nation Council hereby
21 approves the lease, attached as **Exhibit A**, to the Navajo Tribal Utility Authority for
22 the purpose of constructing, maintaining and operating a maintenance yard for the
23 Shiprock Compressor Station. The location is more particularly described in legal
24 description and map attached hereto as **Exhibit B.**

25 B. The Resources and Development Committee of the Navajo Nation Council hereby
26 approves the annual rental rate at _____. This amount is to be inserted in the
27 lease, attached as **Exhibit A.**

28 C. The Resources and Development Committee of the Navajo Nation Council hereby
29 authorizes the President of the Navajo Nation to execute any and all documents
30 necessary to affect the intent and purpose of this resolution.