

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0214-21_

SPONSOR: Mark Freeland

TITLE: An Action Relating to Resources and Development; Approving the Grant of Right-Of-Way to Continental Divide Electric Cooperative, Inc., for the Chichiltah Single Phase 14.4 KV Electrical Powerline Extension Project Located on Navajo Nation Trust Lands in Chichiltah Chapter Vicinity (McKinley County, New Mexico)

Date posted: October 012, 2021 at 7:00 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0214-21

DATE: October 7, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE CHICHILTAH SINGLE PHASE 14.4 KV ELECTRICAL POWERLINE EXTENSION PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN CHICHILTAH CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to approve the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for a 14.4 kV electrical distribution line, on, over and across Navajo Nation Trust Lands in Chichiltah Chapter vicinity, McKinley County, New Mexico. The legislation would waive the consideration.

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.

VSRLAHNM

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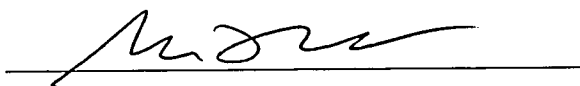
October 17, 2021

Eligible for Action:

October 18, 2021

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

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0214-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE
GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE, INC., FOR THE CHICHILTAH SINGLE PHASE 14.4 KV
ELECTRICAL POWERLINE EXTENSION PROJECT LOCATED ON NAVAJO
NATION TRUST LANDS IN CHICHILTAH CHAPTER VICINITY (MCKINLEY
COUNTY, NEW MEXICO)

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 Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020, has submitted a right-of-way application to renew right-of-way

1 number E-NM-99-22, a 14.4 kV electrical distribution line, on, over and across
2 Navajo Nation Trust Lands in Chichiltah Chapter vicinity, McKinley County, New
3 Mexico. The application request is attached hereto and incorporated herein as
4 **Exhibit D.** The Terms and Conditions document is attached hereto and
5 incorporated herein as **Exhibit A.**

6 B. The proposed right-of-way is described in map and description attached hereto and
7 incorporated herein as **Exhibit B.**

8 C. The Grazing Committee/Land Board Member of District Number 16 has identified
9 land users who consent to the use of the land by the Continental Divide Electric
10 Cooperative, Inc. The "Consent to Use, Navajo Nation Lands" and the "Field
11 Clearance Checklist" documents are attached as **Exhibit C.**

12 D. A waiver of valuation of the right-of-way and waiver of compensation for a twenty
13 year right-of-way is requested. *See*, 25 CFR § 169.110 (a)(1), (2) and (3). **Exhibit**
14 **A,** the terms and conditions states that the compensation for a twenty year right-of-
15 way is \$755,233.06.

16 E. The Resources and Development Committee, through resolution number RDCF-
17 08-20 allowed for one-hundred (100%) waiver of right-of-way consideration for
18 non-profit electric utility companies that provide service to Navajo residents on
19 Navajo Trust land in the Eastern Navajo Agency.

20 F. The requested right-of-way is located on Navajo trust land in the Eastern Navajo
21 Agency and Continental Divide Electric Company is a non-profit electric company.

22 G. A waiver of the bond, insurance, or alternative form of security on the part of
23 Continental Divide Electric Cooperative, Inc. is requested.

24 H. The environmental studies and archaeological clearances, including the Finding of
25 No Significant Impact (FONSI) dated October 7, 1997, are attached as **Exhibit E.**

26 I. The application for the right-of-way as submitted by the Continental Divide Electric
27 Cooperative, Inc., has been reviewed Executive Official Review process, including
28 review by the Department of Justice and "Approved" or found "Sufficient.". See
29 documents included in Executive Official Review Document No. 009791, **Exhibit**
30 **F.**

1 **Section Three. Approval**

2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the Grant of Right-of-Way to Continental Divide Electric Cooperative,
4 Inc. for a 14.4 kV electrical distribution line, on, over and across Navajo Nation
5 Trust Lands in Chichiltah Chapter vicinity, McKinley County, New Mexico. The
6 location is more particularly described on the survey map attached hereto as
7 **Exhibit B.**

8 B. The Resources and Development Committee of the Navajo Nation Council hereby
9 waives valuation and waives compensation of one-hundred percent (100%) of the
10 assessed \$755,233.06 for the right-of-way project for 20 year term because it has
11 been determined that accepting the agreed-upon compensation and waiving
12 valuation is in its best interest of the Navajo Nation, pursuant to Title 25 CFR §
13 169.110.

14 C. The Resources and Development Committee of the Navajo Nation Council hereby
15 waives the requirement for a bond, insurance or alternative form of security on the
16 part of the Grantee, based on the determination that the project benefits the Navajo
17 Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to
18 Title 25 CFR § 169.103 (f) (2).

19 D. The Resources and Development Committee of the Navajo Nation Council hereby
20 approves the right-of-way subject to, but not limited to, the following terms and
21 conditions incorporated herein and attached as **Exhibit A.**

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