

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0017-22_

SPONSOR: Charlaine Tso

TITLE: An Action Relating to Resources and Development; Approving the Grant of Navajo Nation Tribal Authorization Access (TAA) to Navajo Tribal Utility Authority for the Red Mesa Commercial Transmission Line Located on Navajo Nation Trust Lands on the Navajo Nation (Utah)

Date posted: January 24, 2022 at 6:12PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0017-22

DATE: January 19, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF NAVAJO NATION TRIBAL AUTHORIZATION ACCESS (TAA) TO NAVAJO TRIBAL UTILITY AUTHORITY FOR THE RED MESA COMMERCIAL TRANSMISSION LINE LOCATED ON NAVAJO NATION TRUST LANDS ON THE NAVAJO NATION (UTAH)

PURPOSE: The purpose of this legislation is to approve the Navajo Nation Tribal Authorization Access (TAA) Terms and Conditions for Navajo Tribal Utility Authority (NTUA) Red Mesa Transmission Line with Distribution Underbuild and Fiber Optic Cable Project, Work Order No. 12-200-0001.

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.

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0017-22

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10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT
12 OF NAVAJO NATION TRIBAL AUTHORIZATION ACCESS (TAA) TO NAVAJO
13 TRIBAL UTILITY AUTHORITY FOR THE RED MESA COMMERCIAL
14 TRANSMISSION LINE LOCATED ON NAVAJO NATION TRUST LANDS ON THE
15 NAVAJO NATION (UTAH)

16
17 BE IT ENACTED:

18
19 **SECTION ONE. AUTHORITY**

- 20 A. The Resources and Development Committee of the Navajo Nation Council has the
21 authority to grant final approval for all land withdrawals, non-mineral leases, permits,
22 licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation
23 lands and unrestricted (fee) land. This authority shall include subleases, modifications,
24 assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C.
25 §501 (B) (2).
- 26 B. The Resources and Development Committee of the Navajo Nation Council approved
27 Resolution RDCJN-17-20 which delegated approvals of Tribal Authorization Access
28 (TAA) to the Navajo Land Department, Department Manager. In Resolution RDCJN-
29 17-20, Exhibit A, Administrative Rules and Regulations Section III(d), "The Resources and
30

1 Development Committee retains the authority to approve all commercial tribal authorization
2 accesses.”

3
4 **SECTION TWO. FINDINGS**

5 A. The Navajo Nation Council created the Navajo Tribal Utility Authority (NTUA) on
6 January 22, 1959, pursuant to Resolution No. CJA-14-59, by which NTUA was
7 authorized to construct, operate and maintain utility systems throughout the Navajo
8 Nation. NTUA is further authorized to “expand and execute such extensions of existing
9 utility systems as are efficient and feasible.” *See* 21 N.N.C. § 5(A) (2).

10 B. NTUA through memorandum dated September 24, 2021, attached as **Exhibit A**,
11 submitted an “Application for Tribal Access Authorization (TAA) pursuant to RDCJN-
12 17-20 to upgrade existing Red Mesa to Aneth transmission line with distribution
13 underbuild and fiber optic cable in the vicinity Red Mesa Chapter, San Juan County,
14 Utah. The proposed project will consist of 18.10 plus or minus miles and/or 219.35
15 plus or minus acres. The transmission line with fiber optic cable is to provide the much
16 needed upgrade to the Red Mesa community.”

17 C. The Navajo Nation Tribal Authorization Access (TAA) Terms and Conditions Navajo
18 Tribal Utility Authority (NTUA) Red Mesa Transmission Line with Distribution
19 Underbuild and Fiber Optic Cable Project, Work Order No. 12-200-0001 is attached as
20 **Exhibit B**.

21 D. The proposed transmission line is described in map and description attached hereto and
22 incorporated herein as **Exhibit C**.

23 E. The Right-of-Way Agent’s memorandum dated April 30, 2021 states that NTUA
24 met with the affect grazing permittees identified by the grazing official and that
25 NTUA obtained the written consents from the affected grazing permittees. The
26 memorandum and Consent Forms are attached as **Exhibit D**.

27 F. The Heritage and Historic Preservation Department Cultural Resource Compliance
28 Form NNHHPD NO. HPD-21-377, **Exhibit E**; the Biological Resources
29 Compliance Form, NNDFW Review No. 21ntua147, **Exhibit F**, the Navajo
30 Wildlife Manager, Navajo Natural Heritage Program memorandum dated
September 21, 2021, **Exhibit G**, are attached.

1 G. The Red Mesa Chapter Resolution No. RMC-07-041921, attached as **Exhibit H**,
2 supports the NTUA proposed transmission line and fiber optic cable.

3 H. The application for the Tribal Authorization Access (TAA) as submitted by the
4 NTUA, has been reviewed through Executive Official Review Document No.
5 017372, and “Approved” by the reviewers. Review by the Department of Justice
6 stated that the “Document is legally sufficient.” See documents included in
7 Executive Official Review Document No. 017372, **Exhibit I**.

8
9 **SECTION THREE. APPROVAL**

10 A. The Resources and Development Committee of the Navajo Nation Council hereby
11 approves the Navajo Nation Tribal Authorization Access (TAA) for the Navajo Tribal
12 Utility Authority (NTUA) Red Mesa Transmission Line with Distribution Underbuild
13 and Fiber Optic Cable Project, Work Order No. 12-200-0001. The location is more
14 particularly described on the survey map attached hereto as **Exhibit C**.

15 C. The Resources and Development Committee of the Navajo Nation Council hereby
16 approves the Navajo Nation Tribal Authorization Access (TAA) subject to, but not
17 limited to, the following terms and conditions incorporated herein and attached as
18 **Exhibit B**.

19 D. The Resources and Development Committee of the Navajo Nation Council hereby
20 authorizes the Navajo Land Department, Department Manager, pursuant to Resolution
21 RDCJN-17-20, to execute any and all documents necessary to affect the intent and
22 purpose of this resolution.