

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0070-22_

SPONSOR: Seth Damon

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

Date posted: March 31, 2022 at 5:45 PM

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. 0070-22

DATE: March 24, 2022

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 GILBERT YAZZIE POWERLINE 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 the Gilbert Yazzie Powerline Project to construct, operate and maintain a 14.4/24.9 kV electrical/fiber optic distribution line on, over and across Navajo Nation Trust Lands in Chichiltah Chapter vicinity (McKinley County, New Mexico). The legislation would waive the consideration/compensation pursuant to RDCF-08-20.

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: Johnson

Website Posting Time/Date: _____

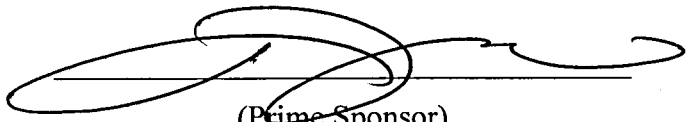
Posting End Date: 04-05-22

Eligible for Action: 04-06-22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0070-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE
GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE, INC., FOR THE GILBERT YAZZIE POWERLINE 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 construct, operate and
maintain 14.4/29.9 kV electrical/fiber optic distribution line to serve the Chichiltah
Chapter. The Terms and Conditions is attached hereto and incorporated herein as

1 **Exhibit A.**

- 2 B. The proposed right-of-way is described in map and description attached hereto and
3 incorporated herein as **Exhibit B.**
- 4 C. The District 16 Grazing Official/Land Board member in a document dated
5 September 28, 2021, identified three grazing permittees with land use rights in the
6 affect lands. The land users consented to the use of the lands for the purposes of
7 the right-of-way easement for construction, operation, and maintenance of
8 14.4/24.9 kV electric distribution power line and fiber optic line and its
9 appurtenances to serve Chichiltah Chapter "Gilbert Yazzie Project." The District
10 16 Grazing Official/Land Board member's document dated September 28, 2021 and
11 the land users consent forms are attached as **Exhibit C.**
- 12 D. A waiver of compensation for this right-of-way is requested. *See*, 25 CFR §
13 169.110. **Exhibit A**, the terms and conditions document states that the
14 compensation for a twenty-year right-of-way is \$54,307.08.
- 15 E. The Resources and Development Committee, through resolution number RDCF-
16 08-20 allows for one-hundred (100%) waiver of right-of-way consideration for
17 non-profit electric utility companies that provide service to Navajo residents on
18 Navajo Trust land in the Eastern Navajo Agency.
- 19 F. The requested right-of-way is located on Navajo trust land in the Eastern Navajo
20 Agency and Continental Divide Electric Company is a non-profit electric company.
- 21 G. The environmental studies and archaeological clearances including **Exhibit D**, the
22 Finding of No Significant Impact (FONSI) dated July 23, 2021; **Exhibit E**, the
23 Heritage and Historic Preservation Department Cultural Resources Compliance
24 Form HPD-20-074; **Exhibit F**, the Biological Resources Compliance Form,
25 NNDFW Review No. 19dan1103; **Exhibit G**, the Gilbert Yazzie Power Line
26 Biological Evaluation prepared by Denali Environmental Services dated February
27 2020; and **Exhibit H**, the Gilbert Yazzie Power Line Environmental Assessment
28 prepared by Denali Environmental Services dated July 2020 are attached.
- 29 H. The Right of Way Application is attached as **Exhibit I.**
- 30 I. The application for the Right-of-Way as submitted by the Continental Divide

1 Electric Cooperative, Inc., has been reviewed Executive Official Review process,
2 including review by the Department of Justice and "Approved" or found
3 "Sufficient". Executive Official Review Document No. 017540 is attached as
4 **Exhibit J.**

5
6 **Section Three. Approval**

- 7 A. The Resources and Development Committee of the Navajo Nation Council hereby
8 approves the Grant of Right-of-Way to Continental Divide Electric Cooperative,
9 Inc. for the Gilbert Yazzie Powerline Project to construct, operate and maintain a
10 14.4/24.9 kV electrical/fiber optic distribution line on, over and across Navajo
11 Nation Trust Lands in Chichiltah Chapter vicinity (McKinley County, New
12 Mexico). The location is more particularly described on the survey map attached
13 hereto as **Exhibit B.**
- 14 B. The Resources and Development Committee of the Navajo Nation Council hereby
15 waives compensation of one-hundred percent (100%) of the assessed \$54,307.08
16 for the right-of-way project for 20-year term because it has been determined that
17 accepting the agreed-upon compensation is in its best interest of the Navajo Nation,
18 pursuant to Title 25 CFR § 169.110.
- 19 C. 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 D. 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.
25
26
27
28
29
30