

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0091-22\_

SPONSOR: Edmund Yazzie

**TITLE: An Action Relating to Resources and Development; Approving the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the Sundance Right-of-Way #2 Powerline/Fiber Optic Line Project Located on Navajo Nation Trust Lands in Church Rock Chapter Vicinity (McKinley County, New Mexico)**

*Date posted:* May 4, 2022 at 1:57 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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. 0091-22

**DATE:** March 23, 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 SUNDANCE RIGHT-OF-WAY #2 POWERLINE/FIBER OPTIC LINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN CHURCH ROCK CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

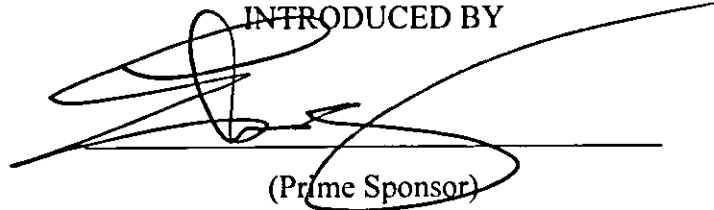
**PURPOSE:** The purpose of this legislation is to approve the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for construction, operation and maintenance of a 14.4/29.9 kV distribution powerline, fiber optic line on, over and across Navajo Nation Trust Lands in Church Rock Chapter vicinity, McKinley County, New Mexico. The legislation would waive the consideration/compensation for this project.

**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: 05-09-22  
Eligible for Action: 05-10-22

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

3 INTRODUCED BY

4   
5  
6 (Prime Sponsor)

7  
8 TRACKING NO. 0091-22

9  
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
12 GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC  
13 COOPERATIVE, INC. FOR THE SUNDANCE RIGHT-OF-WAY #2  
14 POWERLINE/FIBER OPTIC LINE PROJECT LOCATED ON NAVAJO NATION  
15 TRUST LANDS IN CHURCH ROCK CHAPTER VICINITY (MCKINLEY  
16 COUNTY, NEW MEXICO)

17  
18 BE IT ENACTED:

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  
23 easements and bonding requirements on Navajo Nation lands and unrestricted (fee)  
24 land. This authority shall include subleases, modifications, assignments, leasehold  
25 encumbrances, transfers, renewals, and terminations.

26  
27 **Section Two. Findings**

28 A. The Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New  
29 Mexico 87020, has submitted a right-of-way application to construct, operate and  
30 maintain 14.4/29.9 kV distribution powerline/fiber optic line to serve the Church

1 Rock Chapter. The Terms and Conditions is attached hereto and incorporated  
2 herein as **Exhibit A**.

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

5 C. The District 16 Land Board member through the "Field Clearance Checklist" dated  
6 November 2, 2021 identified one grazing permittee with land use rights in the affect  
7 lands. The land user consented to the use of the lands for the purposes of the right-  
8 of-way easement for construction, operation, and maintenance of 14.4/24.9 kV  
9 electric distribution power line and fiber optic line and its appurtenances to serve  
10 Church Rock Chapter Sundance #2. The "Field Clearance Checklist" dated  
11 November 2, 2021 and the land user's consent form 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 \$13,147.72.

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-20-251; **Exhibit F**, the Biological Resources Compliance Form,  
25 NNDFW Review No. 20danl102-tk; **Exhibit G**, the Sundance #2 Biological  
26 Evaluation prepared by Denali Environmental Services dated April 2020; and  
27 **Exhibit H**, the Sundance #2 Biological Evaluation prepared by Denali  
28 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. 017949 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 construction, operation and maintenance of a 14.4/29.9 kV distribution  
10 powerline, fiber optic line on, over and across Navajo Nation Trust Lands in Church  
11 Rock Chapter vicinity (McKinley County, New Mexico). The location is more  
12 particularly described on the survey map attached hereto as **Exhibit B.**
- 13 B. The Resources and Development Committee of the Navajo Nation Council hereby  
14 waives compensation of one-hundred percent (100%) of the assessed \$13,147.72  
15 for the right-of-way project for 20-year term because it has been determined that  
16 accepting the agreed-upon compensation is in its best interest of the Navajo Nation,  
17 pursuant to Title 25 CFR § 169.110.
- 18 C. The Resources and Development Committee of the Navajo Nation Council hereby  
19 approves the right-of-way subject to, but not limited to, the following terms and  
20 conditions incorporated herein and attached as **Exhibit A.**
- 21 D. The Resources and Development Committee of the Navajo Nation Council hereby  
22 authorizes the President of the Navajo Nation to execute any and all documents  
23 necessary to affect the intent and purpose of this resolution.
- 24  
25  
26  
27  
28  
29  
30