

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0169-22_

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development Committee; Approving the Delegation of Authority to the Department Manager of the Navajo Land Department to Grant Rights-of-Way on Navajo Nation Trust Lands and Fee Lands; Approving the Departmental Administrative Rules and Regulations; and, the Terms and Conditions for the Delegation of Authority

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0169-22

DATE: September 22, 2022

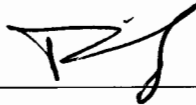
TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF- WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS; AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF AUTHORITY

PURPOSE: The purpose of this legislation is for the Resources and Development Committee to approve the delegation of authority to the Department Manager of the Navajo Land Department, Division of Natural Resources, to grant rights-of-way on Navajo Nation trust and fee lands; approve the Departmental Administrative Rules and Regulations for the Delegation of Authority to the Department Manager of the Navajo Land Department; and, approve the Terms and Conditions for the grant of rights-of-way.

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.

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

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0169-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT
MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF-
WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING
THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS;
AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF
AUTHORITY

BE IT ENACTED.

Section One. Authority

- A. Pursuant to 2 N.N.C. § 500, the Resources and Development Committee was established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. § 501 (B) (2) (a), the Resources and Development Committee grants final approval for all rights-of-way.
- C. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee is authorized to delegate its powers to appropriate divisions of the Navajo Nation for efficiency and streamlining of government processes provided the Committee first grants final approval of rules and regulations governing such delegations.

1 **Section Two. Findings**

2 A. The Navajo Nation Council’s Resources and Development Committee and its
3 predecessor the Resources Committee have over the years delegated authority to
4 approve land usage on the Navajo Nation lands to the Navajo Nation Land
5 Department’s Department Manager. These delegations include the Resources and
6 Development Committee delegating to the Navajo Land Department approval of
7 tribal authorization authorizing access (TAA) without BIA approval for independent
8 legal entities wholly owned and operated by the Navajo Nation pursuant to the
9 requirement stated in 25 CFR § 169.4 (b)(3)(iii). RDCJN-17-20. Delegating land
10 withdrawals is another instance when the Resources and Development Committee
11 approved a delegation of authority to the Navajo Nation Land Department. RDCJN-
12 33-15.

13 B. The Departmental Administrative Rules and Regulations for the Delegation of
14 Authority to the Department Manager of the Navajo Land Department to approve
15 rights-of-way for proposed overhead and underground electric, water, sewer, natural
16 gas distribution lines, transmission lines, substation tracts, fiber optic cable and roads
17 and service line drops for Navajo residents on fee and trust lands including the
18 Eastern Navajo Agency Residents is attached as **Exhibit A**.

19 C. The Navajo Nation Right-of-Way Standard Terms and Conditions for Trust Lands is
20 attached as **Exhibit B**. The Navajo Nation Right-of-Way Standard Terms and
21 Conditions for Fee Lands is attached as **Exhibit C**.

22 D. The Resources and Development Committee’s delegation of rights-of-way authority
23 to the Department Manager of the Navajo Nation Land Department would shorten
24 the amount of time it takes to approve rights-of-way and, thereby, provide for
25 expeditious development of much needed infrastructure on the Navajo Nation.

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27 **Section Three. Approval of Delegation of Authority, Approval of Rules and**
28 **Regulations; and Approval of Terms and Conditions**

29 A. The Resources and Development Committee of the Navajo Nation Council hereby
30 approves the delegation of authority to the Department Manager of the Navajo Land

1 Department, Division of Natural Resources, to grant rights-of-way on Navajo Nation
2 trust and fee lands.

3 B. The Resources and Development Committee of the Navajo Nation Council hereby
4 approves the Departmental Administrative Rules and Regulations for the Delegation
5 of Authority to the Department Manager of the Navajo Land Department as described
6 in **Exhibit A**.

7 C. The Resources and Development Committee of the Navajo Nation Council hereby
8 approves the Terms and Conditions attached as **Exhibits B and C**.

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