

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0088-23\_

SPONSOR: Steven R. Arviso

**TITLE: An Action Relating to Resources and Development; Approving the Grant of Right-of-Way to Continental Divide Electric Cooperative, INC., for the Thoreau Well Distribution Line with Optic Cable Project Located on Navajo Nation Trust Lands in Thoreau Chapter Vicinity (McKinley County, New Mexico)**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0088-23

DATE: April 21, 2023

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 THOREAU WELL DISTRIBUTION LINE WITH OPTIC CABLE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN THOREAU 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 single phase 14.4/24.9 kV electrical distribution line for the Baca Thoreau Well Distribution Line with Fiber Optic Cable Project Chapter vicinity, McKinley County, New Mexico; and, to waive the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

**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.**

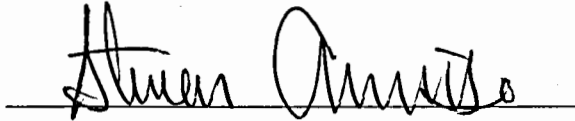
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Posting End Date: 05-01-23

Eligible for Action: 05-02-23

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0088-23

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE THOREAU WELL DISTRIBUTION LINE WITH OPTIC CABLE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN THOREAU 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 requested a right-of-way to construct, operate and maintain a

1 single phase 14.4/24.9 kV electrical distribution line for the Baca Thoreau Well  
2 Distribution Line with Fiber Optic Cable Project. The Terms and Conditions is  
3 attached hereto and incorporated herein as **Exhibit A**.

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

6 C. A document entitled Consent to Use Navajo Nation Lands is attached as **Exhibit**  
7 **C**.

8 D. The application submitted by the Continental Divide Electric Cooperative, Inc.,  
9 requests a waiver of the requirement for bond, insurance, or alternative form of  
10 security. *See*, 25 CFR § 169.103. Continental Divide Electric Cooperative, Inc.,  
11 application is attached as **Exhibit D**.

12 E. The Resources and Development Committee, through resolution number RDCF-  
13 08-20 allowed for one-hundred (100%) waiver of right-of-way consideration for  
14 non-profit electric utility companies that provide service to Navajo residents on  
15 Navajo Trust Land in the Eastern Navajo Agency. Resolution RDCF-08-20 is  
16 attached as **Exhibit E**.

17 F. The requested right-of-way is located on Navajo Trust Land in the Eastern Navajo  
18 Agency and Continental Divide Electric Company is a non-profit electric company.

19 G. The Finding of No Significant Impact (FONSI) dated April 12, 2019, **Exhibit F**;  
20 Environmental Assessment, Proposed Baca-Thoreau Well Project, **Exhibit G**; the  
21 Cultural Resource Inventory, **Exhibit H**; the Cultural Resources Compliance Form,  
22 **Exhibit I**; the Biological Resources Compliance Form, NNDFW Review No.  
23 18em101, **Exhibit J**; Biological Evaluation for Proposed Thoreau Well Project,  
24 **Exhibit K**; a Memorandum dated February 14, 2022 concerning Environmental  
25 Compliance Determination for Continental Divide Electric Cooperative, Inc. Right-  
26 of-Way, **Exhibit L**, are attached hereto and incorporated herein.

27 H. The Thoreau Chapter supports the Thoreau/Baca Well Project. Supporting  
28 Resolution TCH-074-19-040 is attached as **Exhibit M**.

29 I. The Continental Divide Electric Cooperative, Inc., application for the right-of-way  
30 has been reviewed through Executive Official Review Document No. 018203,

1           **Exhibit N**, and includes review by the Department of Justice and found  
2           “Sufficient.”  
3

4           **Section Three. Approval**

5           A. The Resources and Development Committee of the Navajo Nation Council hereby  
6           approves the Grant of Right-of-Way to Continental Divide Electric Cooperative,  
7           Inc. for construction, operation and maintenance of single phase 14.4/24.9 kV  
8           electrical distribution line for the Baca Thoreau Well Distribution Line with Fiber  
9           Optic Cable Project, Thoreau Chapter vicinity, McKinley County, New Mexico.  
10          The location is more particularly described on the survey map attached hereto as  
11          **Exhibit B**.

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

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

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