

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0061-24\_

SPONSOR: Crystalayne Curley

**TITLE: An Action Relating to Resources and Development, Waiving the Telecommunication Tower Site Lease Consideration for Navajo Tribal Utility Authority's Low Mountain South and Jedeezah Tower Site Leases Applications**

***Date posted:*** March 14, 2024 at 6:56PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0061-24

**DATE:** March 14, 2024

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, WAIVING THE TELECOMMUNICATION TOWER SITE LEASE CONSIDERATION FOR NAVAJO TRIBAL UTILITY AUTHORITY'S LOW MOUNTAIN SOUTH AND JEDEEZAH TOWER SITE LEASES APPLICATIONS

**PURPOSE:** The purpose of the resolution is to approve waiver of the \$12,000 consideration for the Navajo Tribal Utility Authority Low Mountain South and the Jedeezah tower site lease applications.

**Final Authority:** Resources and Development Committee

**Vote Required:** Simple Majority

**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 Jan  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 03-19-24  
Eligible for Action: 03-20-24

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL -- Second Year, 2024

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

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8 TRACKING NO. 0061-24

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10 AN ACTION  
11 RELATING TO RESOURCES AND DEVELOPMENT, WAIVING THE  
12 TELECOMMUNICATION TOWER SITE LEASE CONSIDERATION FOR NAVAJO  
13 TRIBAL UTILITY AUTHORITY'S LOW MOUNTAIN SOUTH AND JEDEEZAH  
14 TOWER SITE LEASES APPLICATIONS

15  
16 BE IT ENACTED:

17 **Section One. Authority**

18 A. The Resources and Development Committee of the Navajo Nation Council has  
19 authority to give final approval for “[a]ll land withdrawals, non-mineral leases,  
20 permits, licenses, rights-of-way, surface easements and bonding requirements on  
21 Navajo Nation lands and unrestricted (fee) lands. This authority shall include  
22 subleases, modifications, assignments, leasehold encumbrances, transfers, renewals,  
23 and terminations. 2 N.N.C. § 501(B)(2).

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25 **Section Two. Findings**

26 A. The Resources Committee (now the Resources and Development Committee),  
27 through Resolution RCAP-25-07, delegated the authority to approve  
28 telecommunication projects to the Navajo Nation Land Department, Director (now  
29 the Department Manager). RCAP-25-07 is attached as **Exhibit 1**.

1 B. Pursuant to 21 N.N.C. § 5 (A) (1), the purposes of the Navajo Tribal Utility Authority  
2 (NTUA) are:

3 *To operate, maintain, and promote existing utility systems furnishing electric, gas,*  
4 *water, sewer utility services, generation, and telecommunications and information*  
5 *services (as such services are defined in the Communications Act of 1934, as amended*  
6 *by the Telecommunications Act of 1996, 47 U.S.C. § 151 et seq.) for the benefit of*  
7 *residents of the Navajo Nation, including the establishment, ownership, operation*  
8 *and maintenance of electric generating, telecommunications and information*  
9 *services on or off the Navajo Reservation.*

10 C. The annual consideration, or fee, for a telecommunication tower lease is \$12,000 per  
11 year. RCAP-25-07 Paragraph 2, Exhibit A-1, Exhibit A-1-A. RCAP-25-07 is  
12 attached as **Exhibit 1**.

13 D. NTUA is applying for the Low Mountain South and Jedeezah tower site leases, both  
14 within the Low Mountain Chapter community.

15 E. The community of Low Mountain does not have broadband access and has poor  
16 cellular communication access. This underserved community has a low population  
17 density and a limited number of potential customers. NTUA has determined that there  
18 are not enough customers to sustain the operating costs, including the \$12,000 fee, to  
19 support ongoing operation of the telecommunication service. Therefore, NTUA will  
20 have to pass along all costs associated with the \$12,000 fee to the customer.

21 F. A request has been made to waive or greatly reduce the \$12,000 assessment for the  
22 Low Mountain South and Jedeezah tower site leases.

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24 **Section Three. Approvals**

25 A. The Resources and Development Committee of the Navajo Nation Council hereby  
26 approves waiver of the \$12,000 tower site lease fees for the Navajo Tribal Utility  
27 Authority Low Mountain South and Jedeezah tower site lease applications.

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29 **Section Four. Navajo Tribal Utility Authority must complete the Navajo Nation's**  
30 **Telecommunication Regulations Process**

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A. The Navajo Nation conditions the waiver of the Low Mountain South and Jedeezah tower site lease payments on Navajo Tribal Utility Authority's completion of the Navajo Nation's telecommunication application process and compliance with all applicable laws, regulations, and policies and addressing the comments of Executive Official Reviewers.