

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0127-24_

SPONSOR: Otto Tso

**TITLE: An Action Relating to the Resources and Development Committee;
Approving a Surface Use Lease for the Navajo Tribal Utility Authority for a
Wastewater Treatment Facility Located on Navajo Nation Trust Lands within
Kerley Valley, Coalmine Canyon, Arizona**

Date posted: June 13, 2024 at 5:45PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0127-24

DATE: June 11, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A SURFACE USE LEASE FOR THE NAVAJO TRIBAL UTILITY AUTHORITY FOR A WASTEWATER TREATMENT FACILITY LOCATED ON NAVAJO NATION TRUST LANDS WITHIN KERLEY VALLEY, COALMINE CANYON, ARIZONA

PURPOSE: The purpose of this legislation is to approve a surface use lease for the Navajo Tribal Utility Authority for 7.40 acres of Navajo Nation Trust Lands for the Kerley Valley Wastewater Treatment Facility.

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 committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

JSD

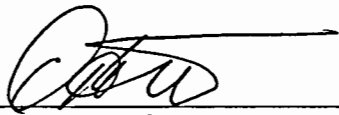
Website Posting Time/Date

Posting End Date: 06-18-24

Eligible for Action: 06-19-24

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL—Second Year, 2024

INTRODUCED BY



OTTO TSO
Primary Sponsor

TRACKING NO. 0127-24

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A SURFACE USE LEASE FOR THE NAVAJO TRIBAL UTILITY
AUTHORITY FOR A WASTEWATER TREATMENT FACILITY LOCATED ON
NAVAJO NATION TRUST LANDS WITHIN KERLEY VALLEY, COALMINE
CANYON, ARIZONA

BE IT RESOLVED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council has oversight authority with respect to 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. 2 N.N.C. § 501(B)(2)(a).

SECTION TWO. FINDINGS

A. The Navajo Tribal Utility Authority (“NTUA”) currently operates several wastewater treatment facilities on the Navajo Nation, including a wastewater treatment facility in Tuba City, Arizona.

- 1 B. NTUA’s Tuba City wastewater treatment facility has experienced violations of its
2 permit issued under the federal Clean Water Act, including violations related to
3 total suspended solids, pH and total ammonia. The Moenkopi Wash’s continued
4 erosion toward the facility also creates a chance of a catastrophic release of
5 sewage at some point in the future. The facility is also located in a flood plain and
6 could be significantly compromised by floods in the future due to the effects of
7 climate change.
- 8 C. NTUA is seeking approval of a surface use lease for 7.40 acres of Navajo Nation
9 trust land to build a new wastewater treatment facility in the Kerley Valley in the
10 Chapter of Coalmine Canyon, Arizona (herein referred to as the “Kerley Valley
11 Wastewater Treatment Facility”). The Lease is attached as **Exhibit 1**.
- 12 D. Allowing NTUA to build, operate and maintain the Kerley Valley Wastewater
13 Treatment Facility will directly benefit the environment and protect public health
14 and would allow NTUA to meet the growing economic demands in the Tuba City
15 vicinity.
- 16 E. NTUA is requesting a waiver of rent pursuant to 16 N.N.C. § 2334(F), which
17 states that the Navajo Nation may waive rent for leases “for use of Navajo Nation
18 Trust Land by federal, state and local governments, non-profits, public projects
19 and public utilities, where such entities or projects are providing essential
20 governmental or utility services to Navajo people...”.
- 21 F. A Biological Resources Compliance Form and a Cultural Resource Compliance
22 Form are attached as **Exhibit 2** and **Exhibit 3**, respectively.
- 23 G. Supporting resolutions from the Coalmine Canyon Chapter and To’nanees’dizi
24 Local Government are attached as **Exhibit 4**.
- 25 H. The General Land Development Department’s Environmental Compliance
26 Determination is attached as **Exhibit 5**.
- 27 I. Land user consent forms are attached as **Exhibit 6**.
- 28 J. Executive Official Review document number 021882, including a memorandum
29 from the Navajo Nation Department of Justice providing guidance on certain land
30 user consents, is attached as **Exhibit 7**.

1 K. It is in the best interest of the Navajo Chapters, surrounding communities, and the
2 Navajo people to approve NTUA's Lease for the Kerley Valley Wastewater
3 Treatment Facility.
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5 **SECTION THREE. APPROVAL**

6 A. The Resources and Development Committee of the Navajo Nation Council hereby
7 approves the Lease to NTUA for the Kerley Valley Wastewater Treatment
8 Facility, for 7.40 acres of Navajo Nation Trust Land, which is herein attached as
9 **Exhibit 1.**

10 B. The Resources and Development Committee of the Navajo Nation Council hereby
11 approves the waiver of rental fees pursuant to 16 N.N.C. § 2334(F) to support
12 NTUA's efforts to provide essential wastewater treatment services to the Navajo
13 people.

14 C. The Navajo Nation hereby authorizes the President of the Navajo Nation to
15 execute any and all documents necessary to implement the intent and purpose of
16 this resolution.
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