

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0104-25_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development Committee; Approving an Amendment to RDCMY-13-25 by waiving the valuation of the Temporary Construction Easement to New Mexico Department of Transportation for Construction, Operation, Maintenance of NMDOT US 64 MP 8.1 to 13.8 Located on Navajo Nation Trust Lands in Beclabito Chapter, Navajo Nation (San Juan County, New Mexico)

Date posted: June 05, 2025 at 4:52PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0104-25

DATE: June 4, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AN AMENDMENT TO RDCMY-13-25 BY WAIVING THE VALUATION OF THE TEMPORARY CONSTRUCTION EASEMENT TO NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION, OPERATION, MAINTENANCE OF NMDOT US 64 MP 8.1 TO 13.8 LOCATED ON NAVAJO NATION TRUST LANDS IN BECLABITO CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to approve an amendment to RDCMY-13-25 by waiving the valuation of the temporary construction easement to New Mexico Department of Transportation because the agreed upon compensation is satisfactory and it has been determined that accepting such agreed-upon compensation and waiving valuation is in the Nation's best interest.

FINAL AUTHORITY: Resources and Development Committee

VOTE REQUIRED: Majority vote

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: AMUST
Website Posting Time/Date: _____
Posting End Date: 06-10-25
Eligible for Action: 06-11-25

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL—Third Year, 2025

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0104-25

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING AN AMENDMENT TO RDCMY-13-25 BY WAIVING THE
VALUATION OF THE TEMPORARY CONSTRUCTION EASEMENT TO NEW
MEXICO DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION,
OPERATION, MAINTENANCE OF NMDOT US 64 MP 8.1 TO 13.8 LOCATED
ON NAVAJO NATION TRUST LANDS IN BECLABITO CHAPTER, NAVAJO
NATION (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITIES

Pursuant to 2 N.N.C. § 500 (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, right-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

- 1 A. The Resources and Development Committee by resolution RDCMY-13-25 approved
2 a temporary construction easement to the New Mexico Department of Transportation
3 for construction, operation, maintenance for NMDOT US 64 Milepost 8.1 to 13.8.
4 RDCMY-13-25 (without exhibits) is attached as **Exhibit A**.
- 5 B. The New Mexico Department of Transportation requests an amendment to RDCMY-
6 13-25 to approve a waiver of valuation pursuant to 25 CFR § 169.110.
- 7 C. 25 CFR § 169.110 addresses waiver of valuation for a right-of-way over or across
8 tribal land. It states:
- 9 *(a) A right-of-way over or across tribal land may allow for any payment amount*
10 *negotiated by the tribe, and we will defer to the tribe and not require a valuation if*
11 *the tribe submits a tribal authorization expressly stating that it:*
- 12 *(1) Has agreed upon compensation satisfactory to the tribe;*
13 *(2) Waives valuation; and*
14 *(3) Has determined that accepting such agreed-upon compensation and waiving*
15 *valuation is in its best interest.*
- 16 *(b) The tribe may request, in writing, that we determine fair market value, in which*
17 *case we will use a valuation in accordance with § 169.114. After providing the tribe*
18 *with the fair market value, we will defer to a tribe's decision to allow for any*
19 *compensation negotiated by the tribe.*
- 20 *(c) If the conditions in paragraph (a) or (b) of this section are not met, we will require*
21 *that the grantee pay fair market value based on a valuation in accordance with §*
22 *169.114.*

23

24 **SECTION THREE. APPROVING WAIVER OF VALUATION OF THE**
25 **TEMPORARY CONSTRUCTION EASEMENT**

- 26 A. The Resources and Development Committee of the Navajo Nation Council hereby
27 approves an amendment to RDCMY-13-25 by waiving the valuation of the temporary
28 construction easement to New Mexico Department of Transportation because the
29 agreed upon compensation is satisfactory and it has determined that accepting such
30 agreed-upon compensation and waiving valuation is in the Nation's best interest.