

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0151-25_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to Resources and Development Committee; Approving a Right-of-Way to Frontier Communications for the Purposes of Construction, Operation, Maintenance of Frontier Communications First Net Located on Navajo Nation (Apache County, Arizona)

Date posted: June 20, 2025 at 6:34PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0151-25

DATE: June 18, 2025

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A RIGHT-OF-WAY TO FRONTIER COMMUNICATIONS FOR THE PURPOSES OF CONSTRUCTION, OPERATION, MAINTENANCE OF FRONTIER COMMUNICATIONS FIRST NET LOCATED ON NAVAJO NATION TRUST LANDS IN TSAILE/WHEATFIELDS CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA)

PURPOSE: The purpose of this legislation is to approve a grant of a right-of-way to Frontier Communications Company subject to, but not limited to, the terms and conditions attached as **Exhibit A**, for purposes of construction, operation, maintenance for fiber optic cable located on Navajo Nation Trust Lands in Tsaile/Wheatfields Chapter, Navajo Nation. The legislation will also waive valuation for the right-of-way upon a determination that accepting the agreed-upon compensation and waiving valuation is in its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.

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: AM MILETTA
Website Posting Time/Date: _____
Posting End Date: 06/25/25
Eligible for Action: 06/26/25

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

Primary Sponsor
TRACKING NO. 0151-25



AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
A RIGHT-OF-WAY TO FRONTIER COMMUNICATIONS FOR THE PURPOSES OF
CONSTRUCTION, OPERATION, MAINTENANCE OF FRONTIER
COMMUNICATIONS FIRST NET LOCATED ON NAVAJO NATION TRUST
LANDS IN TSAILE/WHEATFIELDS CHAPTER, NAVAJO NATION (APACHE
COUNTY, ARIZONA)

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. Frontier Communications Company has submitted a request for approval of a right-
2 of-way for construction, operation, maintenance for fiber optic cable in
3 Tsaille/Wheatfields Chapter, Navajo Nation (Apache County, Arizona).

4 B. The Terms and Conditions is attached as **Exhibit A**.

5 C. The proposed right-of-way map is attached as **Exhibit B**.

6 D. The application is attached as **Exhibit C**.

7 E. The clearances including Consent to Use Navajo Nation Lands, **Exhibit D**;
8 Biological Resources Compliance Form, **Exhibit E**; the Navajo Natural Heritage
9 Program biological memorandum, **Exhibit F**; the Cultural Resource Compliance
10 Form, **Exhibit G**; and, the General Land Development Department Environmental
11 Compliance Determination, **Exhibit H**, are attached.

12 F. Tsaille/Wheatfields Chapter Resolution No. 038 "APPROVING AND
13 SUPPORTING NAVAJO COMMUNICATIONS COMPANY, INC. DBA
14 FRONTIER COMMUNICATIONS REQUEST OF THE NAVAJO NATION FOR
15 THE PLACING OF A TELECOMMUNICATIONS FIBER OPTICS LINE FROM
16 NAVAJO ROUTE 12 TO CELLULAR ONE TOWER IN THE TSAILE AREA ON
17 NTUA POWER POLES" is attached as **Exhibit I**.

18 G. The Navajo Minerals Department has assessed consideration for the right-of-way
19 for 20 years at \$77,247.20. Terms and Conditions **Exhibit A**.

20 H. The Frontier Communications Company is requesting a waiver of valuation as
21 stated in **Exhibit J**.

22 I. 25 CFR § 169.110 addresses how much monetary compensation must be paid for a
23 right-of-way over or across tribal land. It states:

24 *(a) A right-of-way over or across tribal land may allow for any payment amount*
25 *negotiated by the tribe, and we will defer to the tribe and not require a valuation if*
26 *the tribe submits a tribal authorization expressly stating that it:*

27 *(1) Has agreed upon compensation satisfactory to the tribe;*

28 *(2) Waives valuation; and*

29 *(3) Has determined that accepting such agreed-upon compensation and waiving*
30 *valuation is in its best interest.*

1 ***(b) The tribe may request, in writing, that we determine fair market value, in which***
2 ***case we will use a valuation in accordance with § 169.114. After providing the tribe***
3 ***with the fair market value, we will defer to a tribe's decision to allow for any***
4 ***compensation negotiated by the tribe.***

5 ***(c) If the conditions in paragraph (a) or (b) of this section are not met, we will require***
6 ***that the grantee pay fair market value based on a valuation in accordance with §***
7 ***169.114.***

8 J. Executive Official Review Document Number 022924 is attached as **Exhibit K**.

9
10 **Section Three. Approval**

11 A. The Resources and Development Committee of the Navajo Nation Council hereby
12 approves a right-of-way to Frontier Communications Company subject to, but not
13 limited to, the terms and conditions attached as **Exhibit A**, for purposes of
14 construction, operation, maintenance for fiber optic cable located on Navajo Nation
15 Trust Lands in Tsaile/Wheatfields Chapter, Navajo Nation (Apache County,
16 Arizona), as described in maps attached as **Exhibit B**.

17 B. The Resources and Development Committee of the Navajo Nation Council hereby
18 waives valuation for the right-of-way. It has determined that accepting the agreed-
19 upon compensation and waiving valuation is in its best interest of the Navajo Nation,
20 pursuant to Title 25 CFR § 169.110.

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