

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0176-25_

SPONSOR: Danny Simpson

**TITLE: An Action Relating to the Resources and Development Committee;
Approving a waiver of the Chapter Support Resolution Requirement for any Tribal
Authorization Access Application Concerning a Project Funded by American
Rescue Plan Act Fiscal Recovery Funds Either in Whole or in Part**

Date posted: July 18, 2025 at 5:10PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0176-25

DATE: July 18, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A WAIVER OF THE CHAPTER SUPPORT RESOLUTION REQUIREMENT FOR ANY TRIBAL AUTHORIZATION ACCESS APPLICATION CONCERNING A PROJECT FUNDED BY AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS EITHER IN WHOLE OR IN PART

PURPOSE: This purpose of this proposed resolution is to approve a waiver of the requirement that a Tribal Authorization Access (“TAA”) application contain a Chapter Support Resolution. This waiver only applies to TAA applications related to projects funded in whole or in part by the American Rescue Plan Act’s Fiscal Recovery Fund. All other TAA application requirements remain in effect.

FINAL AUTHORITY: Resources and Development Committee

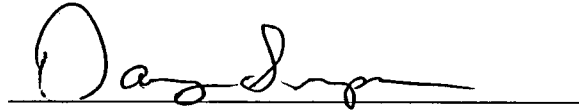
VOTE REQUIRED: Simple Majority

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.

OLC No. 25-337-1

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

Introduced by:



(Prime Sponsor)

Tracking No. 0176-25

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A WAIVER OF THE CHAPTER SUPPORT RESOLUTION
REQUIREMENT FOR ANY TRIBAL AUTHORIZATION ACCESS
APPLICATION CONCERNING A PROJECT FUNDED BY AMERICAN
RESCUE PLAN ACT FISCAL RECOVERY FUNDS EITHER IN WHOLE OR IN
PART**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council has 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) lands. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals and terminations. 2 N.N.C. § 501 (B)(2)(a).
- B. The Resources and Development Committee can delegate its final approval authority for the transactions listed in 2 N.N.C. § 501(B)(2)(a) to appropriate divisions, governance-certified Chapters, Townships or appropriate entities for efficiency and streamlining of government processes provided that the Committee first grants final

1 approval of rules and regulations governing such delegations and rescission of such
2 delegations. 2 N.N.C. § 501 (B)(3).

3 **SECTION TWO. FINDINGS**

- 4 A. The Code of Federal Regulations, Title 25, Part 169. Rights-of-way over Indian Land
5 Subpart A. Purpose, Definitions, General Provisions, 25 CFR § 169.4 (b)(3)(iii) states
6 “You do not need a right-of-way if you are... (iii) An independent legal entity wholly
7 owned and operated by the tribe that owns 100 percent of the trust or restricted interests
8 in the land.” 25 CFR § 169.4 (b)(3)(iii) further states: “but the following conditions
9 apply . . . The tribal governing body must pass a tribal authorization authorizing access
10 without BIA approval and including a legal description, and you must submit both
11 documents to BIA for our records.”
- 12 B. In 2020, the Resources and Development Committee approved the Tribal
13 Authorization Access (“TAA”) without BIA approval for its independent legal entities
14 wholly owned and operated by the Navajo Nation in accordance with the requirements
15 of 25 C.F.R. § 169.4 (b)(3)(iii) and delegated certain authorities to the Department
16 Manager of the Navajo Land Department via RDCJN-17-20.
- 17 C. With the approval of RDCJN-17-20, the Resources and Development Committee also
18 approved the Departmental Administrative Rules and Regulations for the Delegation
19 of Authority to the Department Manager of the Navajo Land Department to Grant
20 Tribal Authorization Access for Proposed Overhead and Underground Electric, Water,
21 Sewer, Natural Gas Distribution Lines, Transmission Lines, Substation Tracts, Fiber
22 Optic Cable and Roads, for Navajo Residents on Fee and Trust Lands Including the
23 Eastern Navajo Agency” (herein referred to as the “Departmental Administrative
24 Rules and Regulations”).
- 25 D. In 2024, the Resources and Development Committee approved certain amendments to
26 the Departmental Administrative Rules and Regulations via Resolution RDCMA-13-
27 24.
- 28 E. The current version of the Departmental Administrative Rules and Regulations is
29 attached as **Exhibit A**.
- 30 F. The Navajo Nation has received more than two billion dollars (\$2,000,000,000) from
the federal government under the American Rescue Plan Act (“ARPA”)’s Fiscal

1 Recovery Fund ("FRF") partly to respond to the health, social and economic impacts
2 of the Covid-19 pandemic suffered by the Navajo people and Navajo businesses.

3 G. Through various approvals, including CJN-29-22, as amended, and numerous FRF
4 Delegate Region Project Plans, the Navajo Nation has allocated millions of dollars to
5 fund critical infrastructure projects like water and wastewater, broadband, home
6 electricity connections and electric capacity projects.

7 H. Pursuant to ARPA, FRF-funded projects must be completed, and all FRF-funds must
8 be expended, by December 31, 2026.

9 I. Many of the Navajo Nation's FRF-funded projects require the approval of a TAA.

10 J. Among other things, the Departmental Administrative Rules and Regulations require a
11 TAA application include a Chapter Support Resolution. Departmental Administrative
12 Rules and Regulations § IV(B)(7).

13 K. Given the deadlines imposed by ARPA and the fact that the Navajo Nation Chapters
14 have been heavily involved in the selection of projects utilizing the Navajo Nation's
15 FRF dollars, the Resources and Development Committee finds it is unnecessary to
16 require a Chapter Support Resolution for any TAA application related to an FRF-
17 funded project.

18 L. The Resources and Development Committee therefore finds it is in the best interest of
19 the Navajo Nation to waive the Departmental Administrative Rules and Regulations'
20 requirement for a Chapter Support Resolution found at Section IV(B)(7) if the TAA
21 application at-issue involves FRF funding in whole or in part.

22 **SECTION THREE. APPROVAL**

23 A. The Resources and Development Committee of the Navajo Nation Council hereby
24 approves a waiver of the requirement for a Chapter Support Resolution found at
25 Section IV(B)(7) of the Departmental Administrative Rules and Regulations if the
26 TAA application at-issue involves FRF funding in whole or in part. All other
27 requirements of the Departmental Administrative Rules and Regulations remain in
28 effect.