

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0204-25_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to Resources and Development Committee; Approving a Tribal Authorization Access to the Navajo Department of Transportation for the Purpose of Construction Maintenance Easements for N12 (13-2) 1, 2, & 4 Located Within the Tsaille/Wheatfields Chapter Vicinity and Approving a Waiver of Consideration and Perpetual Term for the Tribal Authorization Access

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0204-25

DATE: August 25, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A TRIBAL AUTHORIZATION ACCESS TO THE NAVAJO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTION MAINTENANCE EASEMENTS FOR N12 (13-2) 1, 2 & 4 LOCATED WITHIN THE TSAILE/WHEATFIELDS CHAPTER VICINITY AND APPROVING A WAIVER OF CONSIDERATION AND PERPETUAL TERM FOR THE TRIBAL AUTHORIZATION ACCESS

PURPOSE: This purpose of this proposed resolution is to approve a Tribal Authorization Access (or "TAA") for the Navajo Department of Transportation for a construction easement related to a roadway improvement project on N12 in the Tsaille/Wheatfields vicinity. The Temporary Construction Easement is for a three-year term and covers nineteen different locations consisting of 2.3193 acres.

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:
Website Posting Time/Date:
Posting End Date: 08-31-25
Eligible for Action: 09-01-25

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

Introduced By:

(Prime Sponsor)

Tracking No. 0204-25

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A TRIBAL AUTHORIZATION ACCESS TO THE NAVAJO
DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF
CONSTRUCTION MAINTENANCE EASEMENTS FOR N12 (13-2) 1, 2 & 4
LOCATED WITHIN THE TSAILE/WHEATFIELDS CHAPTER VICINITY AND
APPROVING A WAIVER OF CONSIDERATION AND PERPETUAL TERM
FOR THE TRIBAL AUTHORIZATION ACCESS

BE IT ENACTED

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council and grants final approval for all, non-mineral leases, permits, licenses, rights of ways, and surface easements on Navajo Nation lands and unrestricted (fee) land. 2 N.N.C. §§ 500, 501(B)(2)(a).

SECTION TWO. FINDINGS

A. The Code of Federal Regulations, Title 25. Part 169. Rights-of-Way Over Indian Land Subpart A. Purpose, Definitions, General Provisions 25 C.F.R. § 169.4(b)(3)(iii) states: "you do not need a right-of-way if you are... (iii) An independent legal entity wholly

1 owned and operated by the tribe that owns 100 percent of the trust or restricted interests
2 in the land”. 25 C.F.R. § 169.4(b)(3)(iii) further states: “but the following conditions
3 apply...The tribal governing body must pass a tribal authorization authorizing access
4 without BIA approval and including a legal description, and you must submit both
5 documents to BIA for our records.”

6 B. The Navajo Department of Transportation is requesting a Tribal Authorization Access
7 (or “TAA”) for construction maintenance easements for N12 (13-2) 1, 2 & 4 in
8 Tsaile/Wheatfields, Arizona related to roadway and bridge improvements that will add
9 shoulders, upgrade the drainage system, reconstruct the pavement, and replace the
10 Whiskey Creek Bridge to alleviate hardship/difficult traveling conditions during the
11 winter and rainy seasons, especially for community travelers, school buses, public safety
12 agencies, health care facilities, government service providers, and emergency responders.

13 C. The Terms and Conditions for the TAA are attached as **Exhibit A**.

14 D. The TAA covers lands along N12 consisting of 0.0886 acres, with the corresponding
15 legal land surveys herein attached as **Exhibit B**.

16 E. The Navajo Department of Transportation is requesting that the term of the Tribal
17 Authorization Access be perpetual so long as the TAA is used for its intended purpose.

18 F. The Tribal Authorization Access term is twenty (20) years, with the value assessed by
19 the Navajo Nation Minerals Department totaling \$2,015.80. The assessment is attached
20 as **Exhibit C**.

21 G. The Navajo Department of Transportation is seeking a waiver of the compensation for
22 the TAA given the benefits of this road improvement project to the Tsaile/Wheatfields
23 community and the general public.

24 H. The Cultural Resources Compliance Form, Biological Resources Compliance Form,
25 Environmental Compliance Determination and a Finding of No Significant Impact
26 executed by the Bureau of Indian Affairs Regional Director Gregory Mehojah dated
27 September 9, 2023 are attached as **Exhibit D**.

28 I. The grazing permittee consents are herein attached as **Exhibit E**.

29 J. Tsaile/Wheatfields Chapter Resolution TWFY-24-104 and Crystal Chapter Resolution
30 CRY-06-2024-06 supporting the TAA are attached as **Exhibit F**.

1 K. Executive Official Review document number 024504 is attached as **Exhibit G**.

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3 **SECTION THREE. APPROVAL**

4 A. The Resources and Development Committee of the Navajo Nation Council hereby
5 approves the request for a Tribal Authorization Access to the Navajo Department of
6 Transportation subject but not limited to the Terms and Conditions attached hereto and
7 incorporated herein as found at **Exhibit A**. The legal land surveys are attached as **Exhibit**
8 **B**.

9 B. The Resources and Development Committee of the Navajo Nation Council also approves
10 the waiver of the consideration for the Tribal Authorization Access and agrees and
11 approves the term of the Tribal Authorization Access being perpetual in nature so long
12 as the TAA is used for its intended purpose.

13 C. The Resources and Development Committee of the Navajo Nation Council hereby
14 authorizes the President of the Navajo Nation to execute any and all documents necessary
15 to affect the intent and purpose of this resolution.
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