

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0097-26

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development; Naabik'iyáti' Committee; and Navajo Nation Council; Amending Resolution CF-08-11 By Approving the Amendment of the term of the Existing Right-of-Way to Arizona Public Service Company; Approving the Reissuance of the Existing Right-Of-Way for Transmission Lines from the Four Corners Power Plant on the Navajo Nation Trust Lands, Navajo Nation (San Juan County, New Mexico; Apache County, Navajo County, and Coconino County, Arizona); Approving a Waiver of Bond, Insurance, or Alternative form of Security, 25 CFR § 169.103 (f) (2); Approving a Waiver of Due Diligence, 25 CFR § 169.105; and, Approving a Waiver of Valuation. 25 CFR § 169.110

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0097-26

DATE: May 8, 2026

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE; AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CF-08-11 BY APPROVING THE AMENDMENT OF THE TERM OF THE EXISTING RIGHT-OF-WAY TO ARIZONA PUBLIC SERVICE COMPANY; APPROVING THE REISSUANCE OF THE EXISTING RIGHT-OF-WAY FOR TRANSMISSION LINES FROM THE FOUR CORNERS POWER PLANT ON NAVAJO NATION TRUST LANDS, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO; APACHE COUNTY, NAVAJO COUNTY, AND COCONINO COUNTY, ARIZONA); APPROVING A WAIVER OF BOND, INSURANCE, OR ALTERNATIVE FORM OF SECURITY, 25 CFR § 169.103 (f) (2); APPROVING A WAIVER OF DUE DILIGENCE, 25 CFR § 169.105; AND, APPROVING A WAIVER OF VALUATION, 25 CFR § 169.110

PURPOSE: The purpose of the resolution is to amend CF-08-11 to approve the amendment of the term of the existing right-of-way to Arizona Public Service Company from July 6, 2041 to July 6, 2031; approve the reissuance of the existing right-of-way for transmission lines from the Four Corners Power Plant on Navajo Nation trust lands, Navajo Nation (San Juan County, New Mexico; Apache County, Navajo County, and Coconino County, Arizona) from 2031 to 2066; approve a Waiver of Bond, Insurance, or Alternative Form of Security, 25 CFR § 169.103 (f) (2); and, approve a Waiver of Due Diligence, 25 CFR § 169.105; and approve a Waiver of Valuation, 25 CFR § 169.110.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Majority Vote

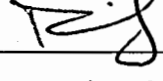
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: AM 6/11
Website Posting Time/Date: _____
Posting End Date: 5/17/26
Eligible for Action: 5/18/26

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - Fourth Year, 2026

3 Introduced by:

4 
5 _____ (Rick Noz)

6 Prime Sponsor

7 Tracking No. 0097-26

8
9 AN ACTION

10 RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI'
11 COMMITTEE; AND NAVAJO NATION COUNCIL; AMENDING
12 RESOLUTION CF-08-11 BY APPROVING THE AMENDMENT OF THE TERM
13 OF THE EXISTING RIGHT-OF-WAY TO ARIZONA PUBLIC SERVICE
14 COMPANY; APPROVING THE REISSUANCE OF THE EXISTING RIGHT-OF-
15 WAY FOR TRANSMISSION LINES FROM THE FOUR CORNERS POWER
16 PLANT ON NAVAJO NATION TRUST LANDS, NAVAJO NATION (SAN JUAN
17 COUNTY, NEW MEXICO; APACHE COUNTY, NAVAJO COUNTY, AND
18 COCONINO COUNTY, ARIZONA); APPROVING A WAIVER OF BOND,
19 INSURANCE, OR ALTERNATIVE FORM OF SECURITY, 25 CFR § 169.103 (f)
20 (2); APPROVING A WAIVER OF DUE DILIGENCE, 25 CFR § 169.105; AND,
21 APPROVING A WAIVER OF VALUATION, 25 CFR § 169.110

22
23 BE IT ENACTED:

24
25 SECTION ONE. AUTHORITY

- 26 A. The Resources and Development Committee of the Navajo Nation Council has
27 oversight authority over land, utilities, economic and community development,
28 commerce and trade, rights-of-way. 2 N.N.C. § 500 (C)(2).
29 B. The Resources and Development Committee is authorized to "review and make
30 recommendations to the Navajo Nation Council for final approval [of] energy

1 development agreements.” 2 N.N.C. § 501 (B)(4).

2 C. A proposed resolution that requires final action by the Navajo Nation Council shall
3 be assigned to the standing committee(s) having authority over the subject matter at
4 issue and the Naabik'iyáti' Committee. 2 N.N.C. § 164(A)(9).

5 D. “The Navajo Nation Council shall establish standing committees of the Council and
6 delegate such authority to such committees as it deems necessary and proper for such
7 committees to execute the purposes or powers delegated.” 2 N.N.C. § 102(E).

8 E. “All powers not delegated are reserved to the Navajo Nation Council.” 2 N.N.C.
9 Section § 102(B).

10
11 **SECTION TWO. FINDINGS**

12 A. Navajo Nation Council in 2011 through resolution CF-08-11 amended portions of
13 the Four Corners lease and rights-of-way agreement. In that resolution at CF-08-11
14 (1)(B), the Navajo Nation Council stated that the Resources Committee (now the
15 Resources and Development Committee) is authorized to “recommend to the Navajo
16 Nation Council mineral agreements and energy development agreements.”

17 B. The Arizona Public Service Company (“APS”) is requesting an amendment of CF-
18 08-11 of the term of the existing right-of-way to Arizona Public Service Company
19 for the Cholla and El Dorado (Moenkopi Substation) transmission lines from the
20 Four Corners Power Plant on Navajo Nation Trust Lands, Navajo Nation (San Juan
21 County, New Mexico; Apache County, Navajo County, and Coconino County,
22 Arizona) from July 6, 2041 to July 6, 2031; and requesting the reissuance to APS of
23 the existing right-of-way from July 6, 2031 through 2066 with automatic renewal for
24 25 years.

25 C. The Right-of-Way Consent Agreement is labeled **Exhibit A**. Portions of **Exhibit A**
26 are redacted because the Navajo Department of Justice has determined them to be
27 “confidential.” Confidential exhibits are not posted on the website or otherwise
28 released pursuant to 2 N.N.C. § 164 (A)(6).

29 D. The right-of-way maps are attached as **Exhibit B**.

30 E. The Bureau of Indian Affairs Right-of-Way Application is attached as **Exhibit C**.

- 1 F. The Arizona Public Service Company 345kV and 500kv Transmission line rights-
2 of-way renewal application is attached as **Exhibit D**.
- 3 G. The Navajo Nation Department of Fish and Wildlife Biological Resources
4 Compliance Form NNDFW Review No. 25solr103 dated 6/23/25 is attached as
5 **Exhibit E**.
- 6 H. The Navajo Nation Heritage and Historic Preservation Department concurs with the
7 statement: "The proposed Administrative Action will have no impact on any known
8 cultural resources within the two extant APS transmission line ROW." Memorandum
9 is attached as **Exhibit F**.
- 10 I. The CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS, approved 12/29/25
11 and the Bureau of Indian Affairs NEPA Tracking System 2.0 are attached as **Exhibit**
12 **G**.
- 13 J. The Memorandum dated December 23, 2025, from the Navajo Nation Environmental
14 Protection Agency approving the project is attached as **Exhibit H**.
- 15 K. The General Land Development Department Environmental Compliance
16 Determination is attached as **Exhibit I**.
- 17 L. Arizona Public Service Company requests a waiver of bond, insurance, or alternative
18 form of security. *See 25 CFR § 169.103 (f) (2)*.
- 19 M. 25 CFR § 169.103 addresses bond, insurance or alternative forms of security. It
20 states:
- 21 *(a) You must include payment of bonds, insurance, or alternative forms of security*
22 *with your application for a right-of-way in amounts that cover:*
- 23 *(1) The highest annual rental specified in the grant, unless compensation is a one-*
24 *time payment;*
- 25 *(2) The estimated damages resulting from the construction of any permanent*
26 *improvements;*
- 27 *(3) The estimated damages and remediation costs from any potential release of*
28 *contaminants, explosives, hazardous material or waste;*
- 29 *(4) The operation and maintenance charges for any land located within an irrigation*
30 *project;*

1 (5) *The restoration of the premises to their condition at the start of the right-of-way*
2 *or reclamation to some other specified condition if agreed to by the landowners.*

3 * * * *

4 (f) *We may waive the requirement for a bond, insurance, or alternative form of*
5 *security:*

6 * * * *

7 (2) *For tribal land, deferring, to the maximum extent possible, to the tribe's*
8 *determination that a waiver of a bond, insurance or alternative form of security*
9 *is in its best interest.*

10 N. Arizona Public Service Company requests a waiver of due diligence. *See* 25 CFR §
11 169.105.

12 O. 25 CFR § 169.105 addresses a waiver of due diligence. It states:

13 (a) *If permanent improvements are to be constructed, the right-of-way grant must*
14 *include due diligence requirements that require the grantee to complete*
15 *construction of any permanent improvements within the schedule specified in the*
16 *right-of-way grant or general schedule of construction, and a process for*
17 *changing the schedule by mutual consent of the parties. If construction does not*
18 *occur, or is not expected to be completed, within the time period specified in the*
19 *grant, the grantee must provide the Indian landowners and BIA with an*
20 *explanation of good cause as to the nature of any delay, the anticipated date of*
21 *construction of facilities, and evidence of progress toward commencement of*
22 *construction.*

23 (b) *Failure of the grantee to comply with the due diligence requirements of the grant*
24 *is a violation of the grant and may lead to cancellation of the right-of-way under*
25 *§ 169.405 or § 169.408.*

26 (c) *BIA may waive the requirements in this section if we determine, in writing, that a*
27 *waiver is in the best interest of the Indian landowners.*

28 P. Arizona Public Service Company requests a waiver of valuation and that agreed upon
29 compensation is satisfactory to the Nation. *See* 25 CFR § 169.110.

30 Q. 25 CFR § 169.110 addresses waiver of valuation for the right-of-way over or across
tribal lands. It states:

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

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

5 (2) Waives valuation; and

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

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

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

15 R. The application for the Right-of-Way has been reviewed by the Fish and Wildlife;
16 Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division
17 of Natural Resources and the Department of Justice and “Approved” or found
18 “Sufficient.” Executive Official Review Document Number 025850 is attached as
19 **Exhibit J**.

20 S. An April 11, 2025 legal memorandum from the Department of Justice is labeled
21 “confidential” and is attached as **Exhibit K**. Confidential exhibits are not posted on
22 the website or otherwise released pursuant to 2 N.N.C. § 164 (A)(6).

23 T. Resolution CF-08-11 (without exhibits) is attached as **Exhibit L**.

24
25 **SECTION THREE. AMENDMENT AND APPROVAL**

26 A. The Navajo Nation hereby amends Resolution CF-08-11 by approving an
27 amendment of the term of the existing right-of-way to Arizona Public Service
28 Company to from July 6, 2041 to July 6, 2031; approves the reissuance to APS of
29 the existing right-of-way from 2031 to 2066 for the Cholla and El Dorado (Moenkopi
30 Substation) transmission lines from the Four Corners Power Plant on Navajo Nation
Trust Lands, Navajo Nation (San Juan County, New Mexico; Apache County,

1 Navajo County, and Coconino County, Arizona) subject to, but not limited to, the
2 Right-of-Way Consent attached as **Exhibit A** and as described in maps attached as
3 **Exhibit B.**

4 B. The Navajo Nation hereby waives the requirement for a bond, insurance or
5 alternative form of security on the part of the Grantee, based on the determination
6 that the project benefits the Navajo Nation and such a waiver is in the best interest
7 of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

8 C. The Navajo Nation hereby waives due diligence because it has determined that it is
9 in its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.105.

10 D. The Navajo Nation hereby waives valuation for the right-of-way. It has determined
11 that accepting the agreed-upon compensation and waiving valuation is in the best
12 interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.

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

16
17 **SECTION FOUR. FUTURE AMENDMENTS TO THE RIGHTS-OF-WAY**

18 The Navajo Nation Council hereby authorizes the Resources and Development Committee,
19 or its successor committee, to approve amendments to the rights-of-way that is the subject
20 of this resolution.