

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0105-26_

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development Committee, the Naabik'iyáti' Committee and the Navajo Nation Council; Amending CF-08-11 to Authorize the Resources and Development Committee to Approve Amendments to Rights-of-Way Agreements Approved buy CF-08-11; Ratifying Rights-of-Way Resolutions Approved by the Resources and Development Committee Involving Energy Development Agreements; and Authorizing the Resources and Development Committee to Approve Rights-of Way Agreements Involving Energy Development Agreements

Date posted: May 27, 2026 at 8:30PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0105-26

DATE: May 27, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CF-08-11 TO AUTHORIZE THE RESOURCES AND DEVELOPMENT COMMITTEE TO APPROVE AMENDMENTS TO RIGHTS-OF-WAY AGREEMENTS APPROVED BY CF-08-11; RATIFYING RIGHTS-OF-WAY RESOLUTIONS APPROVED BY THE RESOURCES AND DEVELOPMENT COMMITTEE INVOLVING ENERGY DEVELOPMENT AGREEMENTS; AND AUTHORIZING THE RESOURCES AND DEVELOPMENT COMMITTEE TO APPROVE RIGHTS-OF-WAY AGREEMENTS INVOLVING ENERGY DEVELOPMENT AGREEMENTS

PURPOSE: The purpose of this legislation is to amend CF-08-11 to authorize the Resources and Development Committee to approve amendments to rights-of-way approved by CF-08-11; ratify rights-of-way resolutions approved by the Resources and Development Committee which may have involved energy development agreements; and, authorize the Resources and Development Committee to approve rights-of-way involving energy development agreements.

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: [Signature]
Website Posting Time/Date: _____
Posting End Date: 06-01-26
Eligible for Action: 06-02-26

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

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

Introduced by:

[Signature]
(Prime Sponsor) (Erick Nez)

Tracking No. 0105-26

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
AMENDING CF-08-11 TO AUTHORIZE THE RESOURCES AND
DEVELOPMENT COMMITTEE TO APPROVE AMENDMENTS TO RIGHTS-
OF-WAY AGREEMENTS APPROVED BY CF-08-11; RATIFYING RIGHTS-OF-
WAY RESOLUTIONS APPROVED BY THE RESOURCES AND
DEVELOPMENT COMMITTEE INVOLVING ENERGY DEVELOPMENT
AGREEMENTS; AND AUTHORIZING THE RESOURCES AND
DEVELOPMENT COMMITTEE TO APPROVE RIGHTS-OF-WAY
AGREEMENTS INVOLVING ENERGY DEVELOPMENT AGREEMENTS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation Council Standing Committee. All proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A) (9), 700 (A).

1 C. The Resources and Development Committee (RDC) is established as a Standing
2 Committee of the Navajo Nation Council with oversight authority over land and
3 rights-of-way. 2 N.N.C. § § 500 (C) and 501 (B)(2)(a).
4

5 **SECTION TWO. FINDINGS**

6 A. The Navajo Nation Council approved Resolution CF-08-11, AN ACTION
7 RELATING TO THE NABIK'ÍYÁTI COMMITTEE RECOMMENDING AND
8 APPROVING AMENDMENT AND SUPPLEMENT NO. 2 TO THE
9 SUPPLEMENTAL AND ADDITIONAL INDENTURE OF LEASE BETWEEN
10 THE NAVAJO NATION AND ARIZONA PUBLIC SERVICE (APS), EL PASO
11 ELECTRIC COMPANY (EL PASO), PUBLIC SERVICE COMPANY OF NEW
12 MEXICO (PNM), SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT
13 AND POWER DISTRICT (SRP), SOUTHERN CALIFORNIA EDISON
14 COMPANY (SCE) AND TUCSON ELECTRIC POWER COMPANY (TEP) AND
15 AMENDMENT AND SUPPLEMENT NO. 3 TO SUPPLEMENTAL AND
16 ADDITIONAL INDENTURE OF LEASE BETWEEN THE NAVAJO NATION
17 AND APS, EL PASO, PNM, SRP, AND TEP. Resolution CF-08-11 (without
18 exhibits) is attached as **Exhibit 1**.

19 B. Resolution CF-08-11 approved amendments to the Four Corners Power Plant lease
20 and rights-of-way agreements transmitting the power through the Navajo Nation.

21 C. The Navajo Nation Council's authority to approve CF-08-11 is stated at the beginning
22 of CF-08-11 as follows:

23 "A. Pursuant to 2 N.N.C. § 102(A), the Navajo Nation Council is the
24 governing body of the Navajo Nation; and

25 B. 2 N.N.C. § 695(A)(3) [now, 2 N.N.C. § 501(B)(4)(a)] authorizes the
26 Resources [and Development] Committee to recommend to the Navajo
27 Nation Council mineral agreements and energy development agreements[.]”

28 D. It should be noted that in 2011, and currently, the Resources Committee (now the
29 Resources and Development Committee) is authorized to provide final approval
30 authority for rights-of-way pursuant to 2 N.N.C. § 501 (B)(2). However, Resolution

1 CF-08-11 did not separate the rights-of-way agreement from the Four Corners Power
2 Plant lease amendments. Rather, CF-08-11 was enacted under the Resources
3 Committee’s authority to “recommend to the Navajo Nation Council mineral
4 agreements and energy development agreements[.]” In this manner, the Navajo
5 Nation Council in 2011 viewed the rights-of-way and the Four Corners Lease
6 approved in Resolution CF-08-11 as “energy development agreements.” The Navajo
7 Nation Council’s action demonstrated its authority to approve rights-of-way in these
8 situations involving “energy development agreements.”

9 E. 2 N.N.C. § 501(B)(4)(a) authorizes the Resources and Development Committee “[t]o
10 review and make recommendations to the Navajo Nation Council for final approval:
11 a. Mineral agreements... and energy development agreements.” However, the Navajo
12 Nation Council has not explicitly defined the term “energy development agreements”
13 used in 2 N.N.C. § 501(B)(4)(a).

14 F. In 2013, the Navajo Nation Council approved the Navajo Nation Energy Policy of
15 2013 (or “the Energy Policy of 2013”). Rights-of-way including the transmission of
16 energy are included in the Energy Policy of 2013. Resolution CO-50-13 is attached
17 as **Exhibit 2**.

18 G. Portions of the CO-50-13 Navajo Nation Energy Policy of 2013 specifically state
19 “transmission” of energy and “rights-of-way”:

20 1. “By developing and executing a comprehensive energy strategy, the Nation can
21 establish energy independence and build its economy for future generations.
22 Diverse revenue streams from a balanced portfolio of energy extraction,
23 generation and **transmission** will provide the Diné with economic stability,
24 career opportunities and business opportunities.” CO-50-13 (paragraph “r”), page
25 4 of 5. (emphasis added)

26 2. “The Nation is situated to provide pipeline and electrical **transmission** service
27 providers with access to more direct routes between energy sources and energy
28 customers. The Nation’s non-renewable and renewable energy resources require
29 **transportation and transmission** to energy markets. Pipeline and transmission
30 infrastructure can have a substantial impact on the environment, communities and

1 viewscape. Establishing energy corridors are encouraged to enable the Nation to
2 increase its revenues while minimizing the impact on the Nation.” CO-50-13,
3 Adopting the Navajo Nation Energy Policy of 2013, Preamble, Whereas Clause
4 No. 17, page 3 of 12. (emphasis added)

- 5 3. “When negotiating **renewals of rights-of-ways**, leases for existing power
6 generating facilities, **transmission infrastructure and pipeline infrastructure**
7 and related water allocations, the Nation will maximize the total value of
8 consideration to be received by the Nation.” CO-50-13, Exhibit A, Navajo Nation
9 Energy Policy of 2013, Section 6: General Provisions Section 604, page 7 of 12.
10 (emphasis added)

11 H. The Navajo Nation Energy Policy of 2013 includes both rights-of-way agreements
12 and leases in its discussion of energy agreements.

13 I. There is now a request to amend the rights-of-way agreements approved in the
14 Navajo Nation Council’s Resolution CF-08-11.

15 J. The purposes of this legislation are to authorize the Resources and Development
16 Committee:

- 17 1. To provide final approval for rights-of-way involving the energy development
18 agreements amended in Resolution CF-08-11 and other rights-of-way agreements
19 or amendments that involve the Four Corners Power Plant;
20 2. To ratify any Resources and Development Committee approved rights-of-way
21 agreements which may have involved “energy development agreements”;
22 3. To authorize the Resources and Development Committee to approve all rights-
23 of-way agreements going which may involve “energy development agreements.”
24

25 **SECTION THREE. AMENDING CF-08-11 TO AUTHORIZE THE RESOURCES**
26 **AND DEVELOPMENT COMMITTEE TO APPROVE AMENDMENTS TO THE**
27 **RIGHTS-OF-WAY AGREEMENTS APPROVED IN CF-08-11**

28 The Navajo Nation Council hereby amends CF-08-11 as follows:

29 ***
30

1 5. The Navajo Nation Council hereby authorizes the Resources and Development
2 Committee to provide final approval of rights-of-way terms and conditions involving
3 the Four Corners Power Plant approved in Resolution CF-08-11 and other rights-of-
4 way coming from the Four Corners Power Plant.

5
6 **SECTION FOUR. RATIFYING RIGHTS-OF-WAY RESOLUTIONS**

- 7 A. The Navajo Nation Council recognizes that without a definition of the term “energy
8 development agreement” the validity of other Resources and Development rights-
9 of-way resolutions may be called into question.
- 10 B. The Navajo Nation Council hereby ratifies all rights-of-way resolutions approved
11 by the Resources and Development Committee which may have involved “energy
12 development agreements.”

13
14 **SECTION FIVE. AUTHORIZING THE RESOURCES AND DEVELOPMENT**
15 **COMMITTEE TO PROVIDE FINAL APPROVAL AUTHORITY FOR ALL**
16 **RIGHTS-OF-WAY INVOLVING “ENERGY DEVELOPMENT**
17 **AGREEMENTS”**

18 The Navajo Nation Council hereby authorizes the Resources and Development
19 Committee to provide final approval authority for all rights-of-way agreements
20 involving “energy development agreements” described in the Navajo Nation Energy
21 Policy of 2013.

22
23 **SECTION SIX. EFFECTIVE DATE**

24 The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).