

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0118-26

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development Committee; Approving the Grant of Right-of-Way and Temporary Construction Easement to New Mexico Department of Transportation for the Purposes of Roadway Reconstruction and Shoulder Widening for NMDOT US 64 CN 5101176, MP 14.34 to 19.47 Serving East of Beclabito to West of Shiprock, NM, Located on Navajo Nation Trust Lands in Shiprock Chapter, Navajo Nation (San Juan County, New Mexico)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-26

DATE: June 12, 2026

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF ROADWAY RECONSTRUCTION AND SHOULDER WIDENING FOR NMDOT US 64 CN 5101176, MP 14.34 TO 19.47 SERVING EAST OF BECLABITO TO WEST OF SHIPROCK, NM, LOCATED ON NAVAJO NATION TRUST LANDS IN SHIPROCK CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: The purpose of this legislation is to approve a grant of a right-of-way and temporary construction easement to New Mexico Department of Transportation for the purposes of roadway reconstruction and shoulder widening for NMDOT US 64 CN 5101176, MP 14.34 to 19.47 serving east of Beclabito to west of Shiprock, New Mexico located on Navajo Nation Trust Lands in Shiprock Chapter, Navajo Nation (San Juan County, New Mexico). The New Mexico Department of Transportation requests a waiver of valuation and consideration for the right-of-way and temporary construction 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. There is also a request for waiver of the requirement for a bond, insurance or alternative form of security on the part of the Grantee based on the determination that such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

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:
Website Posting Time/Date:
Posting End Date: 06-24-26
Eligible for Action: 06-25-26

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PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Primary Sponsor
R. Nez

Tracking No. 0118-26

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE GRANT OF RIGHT-OF-WAY AND TEMPORARY
CONSTRUCTION EASEMENT TO NEW MEXICO DEPARTMENT OF
TRANSPORTATION FOR THE PURPOSES OF ROADWAY
RECONSTRUCTION AND SHOULDER WIDENING FOR NMDOT US 64 CN
5101176, MP 14.34 TO 19.47 SERVING EAST OF BECLABITO TO WEST OF
SHIPROCK, NM, LOCATED ON NAVAJO NATION TRUST LANDS IN
SHIPROCK CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW
MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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.

1 **SECTION TWO. FINDINGS**

- 2 A. The New Mexico Department of Transportation has submitted a request for approval
3 of a right-of-way and temporary construction easement for the purposes of roadway
4 reconstruction and shoulder widening for NMDOT US 64 CN 5101176, MP 14.34 to
5 19.47 serving east of Beclabito to west of Shiprock, New Mexico.
- 6 B. The Right of Way Terms and Conditions and Temporary Construction Easement
7 Terms and Conditions are attached as **Exhibit A**.
- 8 C. The proposed right-of-way map is attached as **Exhibit B**.
- 9 D. The BIA Right-of-Way application for the right-of-way and the temporary
10 construction easement is attached as **Exhibit C**.
- 11 E. The New Mexico Department of Transportation Temporary Construction Permit is
12 attached as **Exhibit D**.
- 13 F. The land user clearances are attached as **Exhibit E**.
- 14 G. The Finding of No Significant Impact and Environmental Compliance Determination
15 are attached as **Exhibit F**.
- 16 H. The Environmental Assessment for the US 64 Alignment Study: Arizona Border to
17 Shiprock, New Mexico is attached as **Exhibit G**.
- 18 I. The Navajo Nation Heritage & Historic Preservation Department concurrence, on
19 memorandum dated November 3, 2020, that the proposed undertaking “will have no
20 adverse effect to historic properties” is attached as **Exhibit H**.
- 21 J. The Biological Resources Compliance Form is attached as **Exhibit I**.
- 22 K. The General Land Development Department Environmental Compliance
23 Determination forms for the right-of-way and temporary construction easement are
24 attached as **Exhibit J**.
- 25 L. Shiprock Chapter Resolution No. 03-09-23-038-SHIP “Reaffirming Support of the
26 State of New Mexico, San Juan County, Federal, and Navajo Nation Department of
27 Transportation Entities to Continue in Partnership to Develop and Seek
28 Grant/Funding for Improving of New Mexico Highway 64 NM/AZ Shiprock to AZ
29 Stateline for Highway Reconstruction, Replacement of Bridges, Guard Rails, Repair
30 Right of Way Fencing, Signage, Turn outs for School Buses, Safety Corridor Pull

1 Out Zones, Street Lights and all necessary safety needs of the highway Improvement
2 Projects.” is attached as **Exhibit K**.

3 M. The Gadii’ahi/To’koi Chapter Government Resolution GAD/TOK FY 2024-036
4 resolution SUPPORTING THE NEW MEXICO STATE DEPARTMENT OF
5 TRANSPORTATION US 64 IMPROVEMENT PROJECT CN 5101174 is attached
6 as **Exhibit L**.

7 N. The Navajo Minerals Department has assessed consideration for the Temporary
8 Construction Easement for 1 year at \$14,853.46 and \$111,217.80 for the right-of-way
9 for 20 years. The New Mexico Department of Transportation May 7, 2026
10 memorandum requesting waiver of consideration for Rights-of-Way and Temporary
11 Construction Easement is attached as **Exhibit M**.

12 O. The New Mexico Department of Transportation’s May 7, 2026 memorandum is
13 also requesting a waiver of bond, insurance or other security, waiver of valuation
14 and grant of easement for the lifetime of the US highway 64 as stated in **Exhibit**
15 **M**.

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

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

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

22 *(2) Waives valuation; and*

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

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

29
30

1 (c) *If the conditions in paragraph (a) or (b) of this section are not met, we will require*
2 *that the grantee pay fair market value based on a valuation in accordance with §*
3 *169.114.*

4 Q. 25 CFR § 169.103 address bond, insurance or alternative forms of security. It states:

5 (a) *You must include payment of bonds, insurance, or alternative forms of security*
6 *with your application for a right-of-way in amounts that cover:*

7 (1) *The highest annual rental specified in the grant, unless compensation is a one-*
8 *time payment;*

9 (2) *The estimated damages resulting from the construction of any permanent*
10 *improvements;*

11 (3) *The estimated damages and remediation costs from any potential release of*
12 *contaminants, explosives, hazardous material or waste;*

13 (4) *The operation and maintenance charges for any land located within an irrigation*
14 *project;*

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

17 * * * *

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

20 * * * *

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

24 R. 25 CFR § 169.110 addresses how long the duration of a grant of right-of-way may
25 be. It states:

26 (a) *All rights-of-way granted under this part are limited to the time periods stated*
27 *in the grant.*

28 (b) *For tribal land, we will defer to the tribe's determination that the right-of-way*
29 *term is reasonable.*

30 S. Executive Official Review Documents Number 026646 and Number 026647 are
attached as **Exhibit N**.

1 **SECTION THREE. APPROVAL**

2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the Right-of-Way and Temporary Construction Easement to New Mexico
4 Department of Transportation subject to, but not limited to, the terms and conditions
5 attached as **Exhibit A**, for the purposes of roadway reconstruction and shoulder
6 widening for NMDOT US 64 CN 5101176, MP 14.34 to 19.47 serving east of
7 Beclabito to west of Shiprock, New Mexico located on Navajo Nation Trust Lands
8 in Shiprock Chapter, Navajo Nation (San Juan County, New Mexico), as described
9 in maps attached as **Exhibit B**.

10 B. The Resources and Development Committee of the Navajo Nation Council hereby
11 waives valuation and consideration for the right-of-way and temporary construction
12 easement. It has determined that accepting the agreed-upon compensation and
13 waiving valuation is in its best interest of the Navajo Nation, pursuant to Title 25
14 CFR § 169.110.

15 C. The Resources and Development Committee of the Navajo Nation Council hereby
16 waives the requirement for a bond, insurance or alternative form of security on the
17 part of the Grantee, based on the determination that constructing, operating,
18 upgrading and maintaining roadway and travel lanes along U.S. Highway 64, benefits
19 the Navajo Nation and such a waiver is in the best interest of the Navajo Nation,
20 pursuant to Title 25 CFR § 169.103 (f) (2).

21 D. 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.