

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0204-26

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating to the Resources and Development Committee;
Approving the Grant of Right-of-Way to United States Department of Energy for
the Purposes of Constructing, Operating, and Maintaining a Groundwater
Remediation Project Located on Navajo Nation Trust Lands in Shiprock Chapter,
Navajo Nation (San Juan County, New Mexico)**

Date posted: September 11, 2026 at 8:24 AM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0204-26

DATE: July 31, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHT-OF-WAY TO UNITED STATES DEPARTMENT OF ENERGY FOR THE PURPOSES OF CONSTRUCTING, OPERATING, AND MAINTAINING A GROUNDWATER REMEDIATION PROJECT 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 to the United States Department of Energy to construct, operate and maintain a groundwater remediation project located on Navajo Nation Trust Lands in Shiprock Chapter, Navajo Nation (San Juan County, New Mexico). The United States Department of Energy requests a waiver of valuation and consideration for the right-of-way upon a determination that accepting the agreed- upon compensation and waving valuation is in its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.

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: AMKIA
Website Posting Time/Date: _____
Posting End Date: 9/16/26
Eligible for Action: 9/17/26

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

Introduced By:



Primary Sponsor

Tracking No. 0204-26

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE GRANT OF RIGHT-OF-WAY TO UNITED STATES
DEPARTMENT OF ENERGY FOR THE PURPOSES OF CONSTRUCTING,
OPERATING, AND MAINTAINING A GROUNDWATER REMEDIATION
PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN SHIPROCK
CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITIES

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.

SECTION TWO. FINDINGS

A. The United States Department of Energy has submitted an application for a right-of-way for the purposes of constructing, operating, and maintaining the groundwater

1 remediation project located on Navajo Nation Trust Lands in Shiprock Chapter,
2 Navajo Nation (San Juan County, New Mexico). The Terms and Conditions is
3 attached as **Exhibit A**. The proposed right-of-way map is attached as **Exhibit B**.

4 B. The application, statement of work and memoranda from the U.S. Department of
5 Energy regarding the application are attached as **Exhibit C**.

6 C. There are no land use permittees in the area requested for the right-of-way. The Field
7 Clearance Checklist and the Resolution of the District 12 Grazing Committee are
8 attached as **Exhibit D**.

9 D. The Navajo Nation Department of Fish and Wildlife Biological Resources
10 Compliance Form is attached as **Exhibit E**.

11 E. The Navajo Nation Heritage and Historic Preservation Department Cultural
12 Compliance Form is attached as **Exhibit F**.

13 F. In memorandum dated August 3, 2026, attached as **Exhibit G**, the Navajo Nation
14 Minerals Department has determined the value of consideration at \$8,625,381.20 for
15 the twenty (20) year term of the right-of-way.

16 G. The United States Department of Energy requests a waiver of valuation and waiver
17 of compensation for the right-of-way. **Exhibit C**.

18 H. The Terms and Conditions document, **Exhibit A**, states that the term of the right-of-
19 way shall be for twenty (20) years and is renewable at the option of the U. S.
20 Department of Energy.

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

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

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

27 *(2) Waives valuation; and*

28 *(3) Has determined that accepting such agreed-upon compensation and waiving*
29 *valuation is in its best interest.*
30

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

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

8 J. Shiprock Chapter Resolution No. 04-13-25-043 "SHIPROCK CHAPTER
9 RESOLUTION SUPPORTING THE U.S. DEPARTMENT OF ENERGY AND
10 NAVAJO NATION ABANDONED MINE LANDS THROUGH THE
11 COOPERATIVE AGREEMENT: DELM0000466-LEGACY MANAGEMENT IN
12 THEIR REMEDIATION OF RESIDUAL URANIUM MILL IMPACTED
13 GROUNDWATER WITH THE DESIGNATED REMEDIAL SITE" is attached as
14 **Exhibit H.**

15 K. Executive Official Review Document Number 025098 and the General Land
16 Development Department Environmental Compliance Determination are attached as
17 **Exhibit I.**

18 19 **SECTION THREE. APPROVAL**

20 A. The Resources and Development Committee of the Navajo Nation Council hereby
21 approves the grant of right-of-way to the United States Department of Energy to
22 construct, operate and maintain a groundwater remediation project located on Navajo
23 Nation Trust Lands in Shiprock Chapter, Navajo Nation (San Juan County, New
24 Mexico). This grant of right-of-way is subject to, but not limited to, the terms and
25 conditions attached as **Exhibit A** as described in maps attached as **Exhibit B.**

26 B. The Resources and Development Committee of the Navajo Nation Council hereby
27 waives valuation and consideration for the right-of-way. It has determined that
28 accepting the agreed-upon compensation and waiving valuation is in its best interest
29 of the Navajo Nation, pursuant to Title 25 CFR § 169.110.
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1 C. The Resources and Development Committee of the Navajo Nation Council hereby
2 authorizes the President of the Navajo Nation to execute any and all documents to
3 affect the intent and purpose of this resolution.
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