

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCJN-58-17,
REGARDING A GRANT OF A RIGHT-OF-WAY TO CONTINENTAL DIVIDE
ELECTRIC COOPERATIVE, INC., TO WAIVE THE BOND REQUIREMENT
PURSUANT TO 25 CFR 169.103 (F) (2)**

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (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, rights-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 Resources and Development Committee passed resolution RDCJN-58-17 which granted a right-of-way to Continental Divide Electric Cooperative, Inc., for constructing and maintaining the 14.4 kV electrical distribution line for the Molly Brown Power Line Project, on, over and across Navajo Nation Trust Lands in the Casamero Lake vicinity, McKinley County, New Mexico. Resolution RDCJN-58-17 (excluding exhibits) is attached as Exhibit "A."
- B. A waiver of the bond, insurance, or alternative form of security on the part of Continental Divide Electric Cooperative, Inc. is requested.

SECTION THREE. APPROVAL

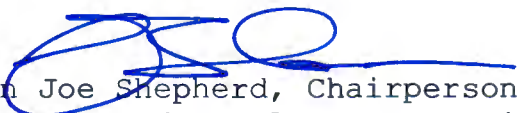
- A. The Resources and Development Committee of the Navajo Nation Council hereby amends RDCJN-58-17 by approving a waiver of the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the

determination that the project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

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

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Tonalea Senior Center, Tonalea, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 11th day of October, 2017.


Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Benjamin Bennett



RDCJN-58-17

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.,
LOCATED ON NAVAJO NATION TRUST LANDS ON THE NAVAJO NATION
(MCKINLEY COUNTY, NEW MEXICO) FOR CONSTRUCTING AND MAINTAINING
THE 14.4 KV ELECTRICAL DISTRIBUTION LINE FOR THE MOLLY BROWN
POWER LINE PROJECT

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (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, rights-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. Continental Divide Electric Cooperative, Inc., has submitted a right-of-way application for a 14.4 KV Electrical Distribution Line for the Molly Brown Power Line Project, on, over and across Navajo Nation Trust Lands, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as Exhibit "A."

B. The proposed right-of-way is described in the map is attached hereto and incorporated herein as Exhibit "B."

C. The General Land Development Department with the Navajo Land Department identified one land user. The General Land

Development Department memorandum dated March 20, 2017 and the user consent are attached hereto as Exhibit "C."

D. A waiver of consideration is requested. The right-of-way project would serve a public purpose because the project will benefit Navajo residents.

E. The environmental and archaeological studies has been completed and attached hereto and made a part hereof. Exhibit "E," the FONSI; Exhibit "F," Environmental Assessment; Exhibit "G," Biological Resources Compliance Form; Exhibit "H," Cultural Resources Compliance Form; Exhibit "I," Archaeological Inventory Report; and, Exhibit "J," Historic Preservation Department Traditional Cultural Property Report.

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc., on, over and across Navajo Nation Trust Lands, McKinley County, New Mexico. The location is more particularly described on the survey map attached hereto as Exhibit "B."

B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo residents.

C. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as Exhibit "D."

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

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Red Rock Chapter House, Red Rock (Navajo Nation) New Mexico, at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 13th day of June, 2017.

A handwritten signature in black ink, appearing to read 'Benjamin Bennett', with a long horizontal line extending to the right.

Benjamin Bennett, Vice Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Jonathan Perry
Second: Honorable Walter Phelps

Document No. 007267Date Issued: 12/23/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: CDEC, ROW Molly Brown 14.4/24.9 kv Line Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: michellehoskie@frontier.com Phone Number: 928-871-6447

☐	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	☐	☐
	2. Office of the Controller:	_____	Date: _____	☐	☐
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	☐	☐
	2. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	☐	☐
	2. Office of the Controller:	_____	Date: _____	☐	☐
	3. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	☐	☐
	2. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	☐	☐
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	☐	☐
	2. Office of the Controller:	_____	Date: _____	☐	☐
	3. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	☐	☐
	2. Office of the Attorney General:	_____	Date: _____	☐	☐
☐	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	☐	☐
	2. Elections:	_____	Date: _____	☐	☐
	3. Office of the Attorney General:	_____	Date: _____	☐	☐

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐

☐ Rights of Way

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: _____ Date: _____ ☐ ☐
7. OPVP _____ Date: _____ ☐ ☐

☐ Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

☒ ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ (ic) _____ Date: 4/12/17 ☒ ☒
8. OPVP _____ Date: 5-15-17 ☒ ☒

☐ OTHER:

1. _____ Date: _____ ☐ ☐
2. _____ Date: _____ ☐ ☐
3. _____ Date: _____ ☐ ☐
4. _____ Date: _____ ☐ ☐
5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
03/22/17 308p
DATE / TIME
☐ 7 Day Deadline
DOC #: 007267#3
SAS #:
UNIT: NM

☒ RESUBMITTAL
(John)

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	3/22/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT: CDEC ROW MOLLY BROWN 14.4/24.9 kV Line			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	3/22/17 4pm	REVIEWING ATTORNEY/ADVOCATE:	4/7/17 Irvin Chae
DATE TIME OUT OF UNIT:	4.12.17 4:35 PM	RJ	
DOJ ATTORNEY / ADVOCATE COMMENTS			
Document is legally sufficient. NNDJ REC: That ROW application be updated to reflect current ROW regs before it goes before RDC. Sample application was provided to CDEC.			
REVIEWED BY: (Print)	Irvin Chae	DATE / TIME	4-4-17
SURNAMED BY: (Print)	VBlackhat	DATE / TIME	4/12/17 3:50pm
DOJ Secretary Called: Michelle for Document Pick Up on 4.12.17 at 415 By: pin			
PICKED UP BY: (Print)	DATE / TIME:		

NNDJ/DRRF-July 2013

COMPLETED

2017-04-12

NNDJ recommend that ROW application be updated to reflect current ROW regs before it goes before RDC. Sample application was provided to CDEC. VBlackhat

Navajo Land Title Data System (NLTDs)
Navajo Land Title, Navajo Land Title Data System - Windowrock AZ:
Document Information

Document Name: 003_C005_00007267.zip
Revision:
Version: 1
Document Desc:
Document Author: Michelle Hoskie NLD (Navajo Land Title Data System - Windowrock AZ)
Document Status: Sufficient
Document Type: 164 Review Process
Effective Date: 02-Feb-2017
Expires: Never
Uploaded from: Navajo Land Title Data System (NLTDs) Phase 1: Plan for Quality Management System
Step 954: 003_C005_00007267
Task 1: Upload and Manage Documents
Size: 57626 KB
Date Uploaded: 27-Dec-2016
Maintained by: Project Management Team

No Document Distribution Locations

Table 1: Document Voting Results						
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. The project will be beneficial to individuals. No other comments.	1.	30-Dec-2016
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	25-Jan-2017
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. BRCF 16jrae1o2 attached	1.	09-Jan-2017
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. Needs Navajo Nation Terms and Conditions	1.	04-Jan-2017
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This sufficiency vote is conditioned on the inclusion of the attached Terms and Conditions document. slp	1.	04-Jan-2017
Tamara Billie HPD (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. Approved. HPD-16-331	1.	25-Jan-2017

Table 2: Document Voting Results						
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Bildtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	no comments	No Reply	01-Feb-2017
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. any surface disturbance one acre or more requires a SWPPP.	1.	01-Feb-2017
Rowena Cheromiah MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. Approval is contingent upon inclusion of the attached Final Terms and Conditions.	1.	01-Feb-2017
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	25-Jan-2017
Tamara Billie HPD (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	no comments	No Reply	25-Jan-2017
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	no comments	No Reply	25-Jan-2017



RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
5/14/17 @ 4:01 PM	
DATE / TIME	
☐ 7 Day Deadline	
DOC #:	007267#2
SAS #:	
UNIT:	nm

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST:	2/14/2017	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	michellehoskie@frontier.com

TITLE OF DOCUMENT: CDEC ROW Molly Brown 14.4/24.9 KV Line

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	2-14-17 4:30 PM	REVIEWING ATTORNEY/ADVOCATE:	Michelle Hoskie 2-24-17
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DATE TIME OUT OF UNIT:

DOJ ATTORNEY / ADVOCATE COMMENTS

- Rtd. doc. to GLDD to include Field Clearance doc. & land user consent forms which are missing from the packet.

REVIEWED BY: (Print)	Date / Time	URNAMED BY: (Print)	Date / Time
JAME HARR	2/22/17		

DOJ Secretary Called: _____ for Document Pick Up on _____ at _____ By: _____

PICKED UP BY: (Print) _____ DATE / TIME: _____



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT
REVIEW
REQUEST
FORM



DOJ
02/06/17 @ 10:17 AM
DATE / TIME
☐ 7 Day Deadline
DOC # 007267
SAS #:
UNIT: New

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: Feb 6, 2017		ENTITY/DIVISION: DNR	
CONTACT NAME: Michelle Hoskie		DEPARTMENT: GLDD	
PHONE NUMBER: x6447		E-MAIL: michellehoskie@frontier.com	
TITLE OF DOCUMENT: CDEC ROW Molly Brown 14.4/24.9 KV line			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 2/6/17 1:45		REVIEWING ATTORNEY/ADVOCATE: Irvin Choe	
DATE/TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Rtd. doc. to GLDD. Wrong Terms & Conditions. Please attach the right Terms & Conditions which should be dated 7-21-15.			
REVIEWED BY: (PRINT) <u>James Choe</u>		DATE / TIME <u>2/14/17</u>	
SURNAMED BY: (PRINT)		DATE / TIME	
DOJ Secretary Called:		for Document Pick Up on at By.	
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDJ/DRRF-July 2013

✓ Rtd. doc. to DOJ after corrections are made so ~~we~~ we can complete our review. Thx. - ic