

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING RDCJY-74-17 "APPROVING THE RENEWAL TO NEW MEXICO GAS COMPANY, INC. FOR THE "2" NATURAL GAS DISTRIBUTION LINE TO DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL, HEALTH CENTER, AND NAVJO HOUSING AUTHORITY LOCATED ON NAVAJO NATION TRUST LANDS IN THE HUERFANO CHAPER VICINITY, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO) TO PROVIDE FOR A WAIVER OF BONDING REQUIREMENT PURSUANT TO 25 CFR PART 169

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. 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 of the Navajo Nation approved Resolution RDCJY-74-17 on July 11, 2017. See Exhibit "A".
- B. The Resources and Development Committee waived consideration in the amount of \$18,513.21 in granting the Right-of-Way. See Exhibit "A".
- C. On November 19, 2015, the United States Department of the Interior published Final Rules governing "Rights-of-Way On Indian Land" 25 CFR Part 169.
- D. These final rules state in part that the Bureau of Indian Affairs "...may waive the requirement for a bond, insurance, or alternative form of security:....(2) For tribal land, deferring, to the maximum extent possible, to the tribe's

determination that a waiver of a bond, insurance or alternative form of security is in its best interest." 25 CFR § 169.103 (f) (2).

- E. The Resources and Development Committee of the Navajo Nation determines that amending RDCJY-74-17 to provide for a waiver of the requirement for a bond, insurance, or alternative form of security is in the best interest of the Navajo Nation.

### Section Three. Approval

The Resources and Development Committee of the Navajo Nation hereby amends RDCJY-74-17 to provide for the 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 25 CFR § 169.103 (f) (2).

### CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Budget and Finance Conference Room, Window Rock, 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 13th day of October, 2017.



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

Motion: Honorable Leonard Pete  
Second: Honorable Jonathan Perry



RDCJY-74-17  
(Corrected)

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE RENEWAL OF  
RIGHT-OF-WAY TO NEW MEXICO GAS COMPANY, INC. FOR THE "2" NATURAL  
GAS DISTRIBUTION LINE TO DZILTH-NA-O-DITH-HLE COMMUNITY GRANT  
SCHOOL, HEALTH CENTER, AND NAVAJO HOUSING AUTHORITY LOCATED ON  
NAVAJO NATION TRUST LANDS IN THE HUERFANO CHAPTER VICINITY,  
NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

**Section One. Authority**

Pursuant to 2 N.N.C. §501 (B) (2), the Resources and Development Committee of the Navajo Nation Council has authority to grant final approval of 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; and

**Section Two. Findings**

A. The New Mexico Gas Company, Inc., P.O. Box 97500, Albuquerque, New Mexico 87199, has submitted a Right-of-Way renewal application for a 2" natural gas distribution line on, over and across Navajo Nation Trust Lands in Huerfano Chapter vicinity, Navajo Nation (San Juan County, New Mexico) attached hereto and incorporated herein as **Exhibit "A."**

B. The existing Right-of-Way is described in maps attached hereto and incorporated herein as **Exhibit "B"**.

C. The Resources and Development Committee hereby finds that waiving consideration is in the best interest of the Navajo Nation as the natural gas distribution line will benefit Navajo Nation residents.

D. The application for the Right-of-Way as submitted by the New Mexico Gas Company has been reviewed by the General Land Development Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and found "Sufficient" or "Approved" by all. See **Exhibit "D."**

**Section Three. Approval**

A. Resources and Development Committee of the Navajo Nation Council hereby approves the Renewal of Right-of-Way to New Mexico Gas Company, Inc., P.O. Box 97500, Albuquerque, New Mexico 87199, has submitted a Right-of-Way renewal application for A 2" natural gas distribution line on, over and across Navajo Nation Trust Lands in Huerfano Chapter vicinity, Navajo Nation (San Juan County, New Mexico). The location is more particularly described on the survey map attached hereto as **Exhibit "C."**

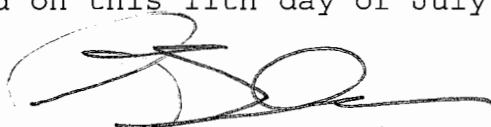
B. The Resources and Development Committee of the Navajo Nation Council hereby waives the consideration of \$18,513.21 because the grant of right-of-way will provide services to the Navajo Nation in the vicinity of the Huerfano Chapter.

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 attached hereto and incorporated herein as **Exhibit "E"**.

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 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Black Mesa Chapter House, Black Mesa, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 11th day of July, 2017.



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

Motion: Honorable  
Second: Honorable