

RESOLUTION OF THE
RESOURCE AND DEVELOPMENT COMMITTEE
of the 25th NAVAJO NATION COUNCIL- Second Year, 2024

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AMENDMENTS TO RDCS-21-22 "APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF-WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS; AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF AUTHORITY"

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council has 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) lands. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals and terminations. 2 N.N.C. § 501 (B) (2) (a).
- B. The Resources and Development Committee can delegate its final approval authority for the transactions listed in 2 N.N.C. § 501 (B) (2) (a) to appropriate divisions, governance-certified Chapters, Townships or appropriate entities for efficiency and streamlining of government processes provided that the Committee first grants final approval of rules and regulations governing such delegations and rescission of such delegations. 2 N.N.C. § 501 (B) (3).

SECTION TWO. FINDINGS

- A. Pursuant to RDCS-21-22, the Resources and Development Committee delegated to the Department Manager of the Navajo Land Department the authority to approve rights-of-way for proposed overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, substation tracts, fiber optic cable and roads and service line drops for Navajo residents on fee and trust lands, including the Eastern Navajo Agency. RDCS-21-22 is herein attached as **Exhibit 1**.

- B. With the approval of RDCS-21-22, the Resources and Development Committee also approved the Departmental Administrative Rules and Regulations for the Delegation of Authority to the Department Manager of the Navajo Land Department to Approve Rights-of-Way for Proposed Overhead and Underground Electric, Water, Sewer, Natural Gas Distribution Lines, Transmission Lines, Substation Tracts, Fiber Optic Cable and Roads and Service Line Drops for Navajo Residents on Fee and Trust Lands Including the Eastern Navajo Agency Residents (herein referred to as the "Departmental Administrative Rules and Regulations").
- C. The purpose of the delegation to the Department Manager of the Navajo Land Department was to shorten the amount of time it takes to approve rights-of-way and, thereby, provide for expeditious development of much needed infrastructure on the Navajo Nation.
- D. In certain instances, the right-of-way applicant is seeking a waiver of consideration, thus delaying the issuance of the right-of-way, which in turn, delays the development of much needed infrastructure for the Navajo people.
- E. The Resources and Development Committee hereby amends RDCS-21-22, specifically, to amend the Departmental Administrative Rules and Regulations, to clarify that the ability to waive right-of-way consideration shall be delegated to the Department Manager of the Navajo Land Department for certain rights-of-way, as discussed below.
- F. This delegation to the Department Manager of the Navajo Land Department to waive right-of-way consideration will only apply to any right-of-way issued pursuant to RDCS-21-22 for a "public purpose", which is defined to mean any residence, governmental building, including chapter houses, healthcare facility, school, including higher education entities, daycare, Head Start building, senior center, library, or public safety building."
- G. The Departmental Administrative Rules and Regulations will also be amended to delegate to the Department Manager of the Navajo Land Department the authority to waive valuation on behalf of the Navajo Nation pursuant to 25 C.F.R. § 169.110 (a) for any right-of-way issued in accordance with this amended delegation. The Resources and Development Committee shall retain the authority to grant any other waiver requested under 25 C.F.R. Part 169.

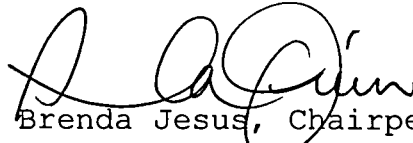
- H. 25 C.F.R. § 169.110 (a) addresses how much monetary compensation must be paid for a right-of-way over and across tribal land. It states: (a) A right-of-way over or across tribal land may allow for any payment amount negotiated by the tribe, and we will defer to the tribe and not require valuation if the tribe submits a tribal authorization expressly stating that it: (1) Has agreed upon compensation satisfactory to the tribe; (2) Waives valuation; and (3) Has determined that accepting such agreed-upon compensation and waiving valuation is in its best interest.
- I. Other major amendments to the Departmental Administrative Rules and Regulations include the following:
1. A definition of "commercial" rights-of-way has been created. "Commercial" means a right-of-way for which its use/purpose, either in whole or in part, is commercial/for profit in nature, regardless of whether or not the right-of-way applicant is commercial/for profit in nature, but does not include any uses/purposes defined under "public purpose".
 2. If any right-of-way application includes both a "public purpose" and non-public purpose component (e.g. a commercial component), the right-of-way must be approved by the Resources and Development Committee.
 3. References to "service line drops" were deleted because the Navajo Nation now issues "service line agreements".
- J. The Resources and Development Committee finds it is in the best interest of the Navajo Nation to approve the amendments to the Departmental Administrative Rules and Regulations herein attached as **Exhibit 2**.
- K. Executive Official Review Document No. 022108 is attached as **Exhibit 3**.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee hereby approves the amendments to the Departmental Administrative Rules and Regulations herein attached as **Exhibit 2**.

CERTIFICATION

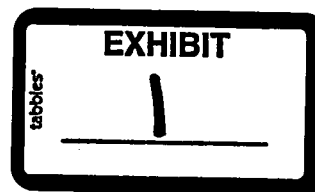
I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 25th Navajo Nation Council at a duly called meeting at Chilchinbeto Chapter, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, on this 20th day of March 2024.

A handwritten signature in black ink, appearing to read 'Brenda Jesus', is written over the printed name.

Brenda Jesus, Chairperson
Resources and Development Committee
Of the 25th Navajo Nation Council

Motion: Honorable Shawna Ann Claw

Second: Honorable Danny Simpson



RDCS-21-22

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
of the 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF- WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS; AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF AUTHORITY

BE IT ENACTED.

Section One. Authority

- A. Pursuant to 2 N.N.C. § 500, the Resources and Development Committee was established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. § 501 (B) (2) (a), the Resources and Development Committee grants final approval for all rights-of-way.
- C. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee is authorized to delegate its powers to appropriate divisions of the Navajo Nation for efficiency and streamlining of government processes provided the Committee first grants final approval of rules and regulations governing such delegations.

Section Two. Findings

- A. The Navajo Nation Council's Resources and Development Committee and its predecessor the Resources Committee have over the years delegated authority to approve land usage on the Navajo Nation lands to the Navajo Nation Land Department's Department Manager. These delegations include the Resources and Development Committee delegating to the Navajo Land Department approval of tribal authorization authorizing access (TAA) without BIA approval for independent legal entities wholly owned and operated by the Navajo Nation pursuant to the requirement stated in 25 CFR § 169.4 (b)(3)(iii). RDCJN-17-20. Delegating land withdrawals is another instance when the Resources and Development Committee approved a delegation of authority to the Navajo Nation Land Department. RDCJN-33-15.

- B. The Departmental Administrative Rules and Regulations for the Delegation of Authority to the Department Manager of the Navajo Land Department to approve rights-of-way for proposed overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, substation tracts, fiber optic cable and roads and service line drops for Navajo residents on fee and trust lands including the Eastern Navajo Agency Residents is attached as Exhibit A.
- C. The Navajo Nation Right-of-Way Standard Terms and Conditions for Trust Lands is attached as Exhibit B. The Navajo Nation Right-of-Way Standard Terms and Conditions for Fee Lands is attached as Exhibit C.
- D. The Resources and Development Committee's delegation of rights-of-way authority to the Department Manager of the Navajo Nation Land Department would shorten the amount of time it takes to approve rights-of-way and, thereby, provide for expeditious development of much needed infrastructure on the Navajo Nation.

Section Three. Approval of Delegation of Authority, Approval of Rules and Regulations; and Approval of Terms and Conditions

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the delegation of authority to the Department Manager of the Navajo Land Department, Division of Natural Resources, to grant rights-of-way on Navajo Nation trust and fee lands. The Resources and Development Committee will reexamine the delegation of this authority on or before December 31, 2026. If the Resources and Development Committee does not make a determination as to whether to terminate the delegation by that date, the delegation will continue.
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Departmental Administrative Rules and Regulations for the Delegation of Authority to the Department Manager of the Navajo Land Department as described in Exhibit A.
- C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Terms and Conditions attached as Exhibits B and C.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, on this 28th day of September 2022.

A handwritten signature in cursive script that reads "Thomas Walker, Jr.".

Thomas Walker, Jr., Vice-Chairperson
Resources and Development Committee
Of the 24th Navajo Nation Council

Motion: Honorable Wilson C. Stewart, Jr.
Second: Honorable Kee Allen Begay, Jr.



Exhibit "A"

DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS FOR THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO APPROVE RIGHTS-OF-WAY FOR PROPOSED OVERHEAD AND UNDERGROUND ELECTRIC, WATER, SEWER, NATURAL GAS DISTRIBUTION LINES, TRANSMISSION LINES, SUBSTATION TRACTS, FIBER OPTIC CABLE AND ROADS AND SERVICE LINE DROPS FOR NAVAJO RESIDENTS ON FEE AND TRUST LANDS INCLUDING THE EASTERN NAVAJO AGENCY RESIDENTS.

I. AUTHORTIES

Pursuant to 2 N.N.C. §500 (A) and (C) (1) and 2 N.N.C. §501 (C) (1), the Resources and Development Committee was established as a standing committee of the Navajo Nation Council to ensure the optimum utilization and protection of all resources of the Navajo Nation. The Resources and Development Committee serves as the Legislative oversight authority for the Division of Natural Resources.

Pursuant to 2 N.N.C §501 (B) (11), the Resources and Development Committee is authorized to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government processes to executive officials within the Division of Natural Resources provided that the Committee first approves rules and regulations governing such delegations.

By Resolution No. RDCO-80-16, the General Land Development Department is a Department under the Division of Natural Resources. This Department administratively processes applications for land withdrawals, non-mineral leases, permits and rights-of-way, on and across Navajo Nation lands, including any amendments, subleases, or assignments thereof. The General Land Development Department is further authorized to obtain, require, manage and record all land user consents for the issuance of mineral surface leases, permits, and rights-of-way on or across all Navajo Nation lands consistent with the requirements of Navajo Nation laws, regulations, procedures and policies including those governmental requirements codified at 16 N.N.C §§1401-1403.

II. PURPOSE AND SCOPE

The purpose of this Administrative Rule is to authorize and empower the Department Manager of the Navajo Land Department of the Division of Natural resources to approve rights-of-way overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads temporary construction easements and services line drops with applicable Federal and Navajo Nation Laws. Telecommunication tower land leases do not qualify as rights-of-way and do not fall under these regulations.

III. DELEGATION

The Resources and Development Committee hereby delegates to the Department Manager of the Navajo Land Department the following powers and authorities:

- a. To give final approval of rights-of-way applications for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, temporary construction easements and service line drops on Navajo Nation trust and fee lands. This delegation is separate from the delegation of Tribal Authorization Access.
- b. The Department Manager of the Navajo Land Department shall ensure that all applications for rights-of-way are accompanied by proper surveys, easements, evaluations, and clearances as may be required by Federal and Navajo Nation Laws and Regulations.
- c. The Department Manager of the Navajo Land Department shall ensure that all applications for rights-of-way are accompanied by proper environmental and cultural resources clearances, and reviewed by appropriate tribal departments.
- d. The Department Manager of the Navajo Land Department shall give final approval of all rights-of-way, subject to, but not limited to, the terms and conditions attached as Exhibit "B" and "C", attached hereto and incorporated herein by reference.
- e. This delegation of authority shall not be re-delegated to any other tribal official without the consent and approval of the Resources and Development Committee of the Navajo Nation Council.

IV. AUTHORITY, DUTY AND RESPONSIBILITY

- a. The Department Manager of the Navajo Land Department is authorized to implement and administer this delegation of authority to approve all rights-of-way for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads temporary construction easements and service line drops on Navajo Nation trust and fee lands.
- b. Requirements to process all rights-of-way applications and examples include:
 - 1. Letter of Application
 - 2. Survey of Right-of-Way and Location Maps with Legal Descriptions
 - 3. Biological Resource Compliance Forms (BRCF)
 - 4. Cultural Resources Compliance Forms
 - 5. Compliance Determination

6. Field Clearance Documents and Grazing Permittee Consent Documents
 7. Chapter Support Resolution
 8. Other pertinent documents if necessary
- c. Respective Departments (General Land Development Department, Fish and Wildlife Department, Heritage and Historic Preservation Department, Navajo Environmental Protection Administration and the Navajo Nation Department of Justice) shall receive one set of the right-of-way application forms with the Executive Official Review Signature Sheet that is sent electronically. Each Tribal Department shall concurrently review the right-of-way application. The respective Department's reviewer shall review, surname and return the right-of-way application with the signed Executive Official Review Signature Sheet to the Department Manager of the Navajo Land Department within ten (10) business days for final approval.
 - d. If the right-of-way application is not reviewed and surnamed within the said timeline, the Department Manager of the Navajo Land Department may approve the right-of-way application, provided; however, the Navajo Land Department is responsible for ensuring compliance with all applicable environmental laws.

The Department Manager of the Navajo Land Department shall provide the Resources and Development Committee with an annual report on the status of all granted access for rights-of-way and service line applications.

V. REVIEW AND AMENDMENT

The scope and administration of this delegation of authority to the Department Manager of the Navajo Land Department and Administrative Rules and Regulations may be amended or rescinded by the Resources and Development Committee of the Navajo Nation Council.

Edited 7/21/22 4:45 pm



EXHIBIT " _ "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS
(GRANTEE)

1. The term of the right-of-way shall be for _____ (____) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.
2. Consideration for the right-of-way is assessed at \$_____, and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provide to the Navajo Nation Minerals Department, or its successor, within _____ days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of _____. The Grantee may not develop, use or occupy the right-of-way for any other purpose, now allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. §§ 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
 - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.

15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary of the Interior shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

Y:\NRU\DNRLand\Rights of Way\Terms and Conditions\2015-07-21 FORM Standard ROW Trust Land Terms and Conditions



EXHIBIT " _ " "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

_____ (GRANTEE)

1. The term of the right-of-way shall be for _____ () years, beginning on the date the right-of-way is granted by the Navajo Nation.
2. Consideration for the right-of-way is assessed at \$_____ and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within _____ days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

Consideration for the grant of the Right-of-Way is hereby waived.

☐ NO ☐ YES

If consideration has been waived, then the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo Residents.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of _____. The Grantee may not develop, use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169, subject to the terms of this right-of-way;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection be can made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two (2) year period;
 - c. An abandonment of the right-of-way.
 - d. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.

15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

25. The Grantee shall construct the power line in accordance with "suggested practices for Raptor Protection on Power Lines: State of the Art in 2006."

As a condition of the grant of right-of-way, the grantee agrees to the above referenced terms and conditions.

In witness whereof, the parties hereto have executed the grant of right-of-way this _____ day of _____, 20____.

THE NAVAJO NATION

By: _____
Jonathan Nez, President

By: _____
_____, _____

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

**ROLL CALL
VOTE TALLY SHEET**

**LEGISLATION #0169-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF-WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS; AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF AUTHORITY. *Sponsor:*
*Honorable Rickie Nez***

Date: September 28, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (VCNV)
In Favor: Rickie Nez; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Thomas Walker, Jr., *Vice-Chairperson*

Amendment #1:

M: Herman M. Daniels **S:** Wilson C. Stewart, Jr. **V:** 5-0-1 (VCNV)
In Favor: Rickie Nez; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Thomas Walker, Jr., *Vice-Chairperson*



Honorable Thomas Walker, Jr., *Vice-Chairperson*
Resources and Development Committee

Rodney L. Tate
Rodney L. Tate, *Legislative Advisor*
Office of Legislative Services

Exhibit "A"

DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS FOR THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO APPROVE RIGHTS-OF-WAY FOR PROPOSED OVERHEAD AND UNDERGROUND ELECTRIC, WATER, SEWER, NATURAL GAS DISTRIBUTION LINES, TRANSMISSION LINES, SUBSTATION TRACTS, FIBER OPTIC CABLE AND ROADS ~~AND SERVICE LINE DROPS FOR NAVAJO RESIDENTS ON FEE AND TRUST LANDS INCLUDING THE EASTERN NAVAJO AGENCY RESIDENTS.~~

I. AUTHORITIES

Pursuant to 2 N.N.C. §500 (A) and (C) (1) and 2 N.N.C. §501 (C) (1), the Resources and Development Committee was established as a standing committee of the Navajo Nation Council to ensure the optimum utilization and protection of all resources of the Navajo Nation. The Resources and Development Committee serves as the Legislative oversight authority for the Division of Natural Resources.

Pursuant to 2 N.N.C. §501 (B) (11), the Resources and Development Committee is authorized to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government processes to executive officials within the Division of Natural Resources provided that the Committee first approves rules and regulations governing such delegations.

By resolution No. RCDO-80-16, the General Land Development Department is a Department under the Division of Natural Resources. This Department administratively processes applications for land withdrawals, non-mineral leases, permits and rights-of-way, on and across Navajo Nation lands, including any amendments, subleases, or assignments thereof. The General Land Development Department is further authorized to obtain, require, manage and record all land user consents for the issuance of mineral surface leases, permits, and rights-of-way on or across all Navajo Nation lands consistent with the requirements of Navajo Nation laws, regulations, procedures and policies including those governmental requirements codified at 16 N.N.C §§1401-1403.

II. PURPOSE AND SCOPE

The purpose of these Administrative Rules is to authorize and empower the Department Manager of the Navajo Land Department of the Division of Natural Resources to approve rights-of-way for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads, and temporary construction easements ~~and service line drops~~ consistent with applicable Federal and Navajo Nation Laws. Telecommunication tower land leases do not qualify as rights-of-way and do not fall under these regulations.

III. DELEGATION

The Resources and Development Committee hereby delegates to the Department Manager of the Navajo Land Department the following powers and authorities:

- a. To give final approval of rights-of-way applications for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads and temporary construction easements~~and service line drops~~ on Navajo Nation trust and fee lands. This delegation is separate from the delegation of Tribal Authorization Access.
- b. The Department Manager of the Navajo Land Department shall ensure that all applications for rights-of-way are accompanied by proper surveys, easements, evaluations, and clearances as may be required by Federal and Navajo Nation Laws and Regulations.
- c. The Department Manager of the Navajo Land Department shall ensure that all applications for rights-of-way are accompanied by proper environmental and cultural resources clearances, and reviewed by appropriate tribal departments.
- d. The Department Manager of the Navajo Land Department shall give final approval of all rights-of-way, subject to, but not limited to, the terms and conditions attached as Exhibit "B" and "C", attached hereto and incorporated by reference. The Resources and Development Committee retains the authority to approve all commercial rights-of-way for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads, and temporary construction easements on Navajo Nation trust and fee lands. "Commercial" means a right-of-way for which its use/purpose, either in whole or in part, is commercial/for profit in nature, regardless of whether or not the right-of-way applicant is commercial/for profit in nature, but does not include any uses/purposes defined under "public purpose".
- e. If any right-of-way application includes both a "public purpose" and non-public purpose component (e.g. a commercial component), the right-of-way must be approved by the Resources and Development Committee of the Navajo Nation Council.
- f. This delegation of authority shall not re-delegate to any other tribal official without the consent and approval of the Resources and Development Committee of the Navajo Nation Council.

IV. AUTHORITY, DUTY, AND RESPONSIBILITY

- a. The Department Manager of the Navajo Land Department is authorized to implement and administer this delegation of authority to approve all rights-of-way for overhead and underground electric, water, sewer, natural gas distribution lines, transmission lines, utility fiber optic, roads, and temporary construction easements~~and service line drops~~ on Navajo Nation trust and fee lands.

- b. Requirements to process all rights-of-way applications ~~and examples~~ include:
1. Letter of Application
 2. Survey of Right-of-Way and Location Maps with Legal Descriptions
 3. Biological Resource Compliance Forms (BRCF)
 4. Cultural Resources Compliance Forms
 5. Compliance Determination
 6. Field Clearance Documents and Grazing Permittee Consent Documents
 7. Chapter Support Resolution
 8. Other pertinent documents if necessary
- c. Respective Tribal Departments (*e.g.* General Land Development Department, Fish and Wildlife Department, Heritage and Historic Preservation Department, Navajo Environmental Protection ~~Agency Administration~~ and the Navajo Nation Department of Justice) shall receive one set of the right-of-way application forms with the Executive Official Review Signature Sheet that is sent electronically. Each Tribal Department shall concurrently review the right-of-way application. The respective Department's reviewer shall review, surname and return the right-of-way application with the signed Executive Official Review Signature Sheet to the Department Manager of the Navajo Land Department within ten (10) business days for final approval.
- d. The Department Manager of the Navajo Land Department shall have the authority to waive consideration for any right-of-way issued under this delegation related to a "public purpose". "Public purpose" means any residence, governmental building, including chapter houses, healthcare facility, school, including higher education entities, daycare, Head Start building, senior center, library, or public safety building.
- e. The Department Manager of the Navajo Land Department shall also have the authority to waive valuation on behalf of the Navajo Nation pursuant to 25 C.F.R. § 169.110(a) for any right-of-way issued in accordance with this delegation. The authority to grant any other waiver requested pursuant to 25 C.F.R. Part 169 shall be retained by the Resources and Development Committee of the Navajo Nation Council.
- f. This delegation of authority to the Department Manager of the Navajo Land Department shall also apply to any renewal or amendment to any right-of-way meeting the requirements of these Administrative Rules and Regulations.
- g. If the right-of-way application is not reviewed and surnamed within the said timeline, the Department Manager of the Navajo Land Department may approve the right-of-way application; provided, however, the Navajo Land Department is responsible for ensuring compliance with all applicable environmental and natural resources laws.

The Department Manager of the Navajo Land Department shall provide the Resources and Development Committee with an annual report on the status of all granted ~~access for~~ rights-of-way ~~and service line~~ applications.

V. AMENDMENT

The scope and administration of this delegation of authority to the Department Manager of the Navajo Land Department and Administrative Rules and Regulations may be amended or rescinded by the Resources and Development Committee of the Navajo Nation Council.

Document No. 022108Date Issued: 01/2**EXECUTIVE OFFICIAL REVIEW**Title of Document: ROW Delegation/Authority Amendment Contact Name: ANDERSON ABASTA, ETTIEProgram/Division: DIVISION OF NATURAL RESOURCESEmail: eaabast@navajo-nsn.govPhone Number: 928-871-6447☐ **Business Site Lease**

Sufficient Insufficient

- | | | | | |
|---|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Navajo Housing Authority Request for Release of Funds**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NNEPA: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Lease Purchase Agreements**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (recommendation only) | | | | |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Grant Applications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Relinquishment of Navajo Membership**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Land Department: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Elections: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **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: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **OTHER:**

1. <u>DNR</u>	<u>[Signature]</u>	Date: <u>20 Jan. 24</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>DOJ</u>	<u>[Signature]</u>	Date: <u>1-29-24</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>OPVP</u>	<u>[Signature]</u>	Date: <u>02/14/24</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

NAVAJO NATION DEPARTMENT OF JUSTICE



DOCUMENT REVIEW REQUEST COVER SHEET

DOJ USE ONLY

January 29, 2024
DATE / TIME

NNDOJ #: See HighQ

DOC #: 22108

UNIT: Natural Resources Unit

RESUBMITTAL: {...}

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

CLIENT TO COMPLETE

DATE OF REQUEST: January 29, 2024 DIVISION: Division of Natural Resources

CONTACT NAME: Ettie Anderson-Abasta

PHONE NUMBER: 928-871-6447 E-MAIL: eaabasta@navajo-nsn.gov

TITLE OF DOCUMENT: EOR 22108- ROW Delegation/Authority Amendment. These amendments add new authority to the NLD Manager, reaffirms RDC authority over commercial ROW, and adds minor language provisions.

UNIT REVIEW

DATE/TIME IN UNIT: January 29, 2024 REVIEWING ATTORNEY/ADVOCATE: Blackhat, Veronica

DATE/TIME ATTORNEY REVIEW COMPLETE: {...}

DATE/TIME OUT OF UNIT: See email transmitting completed document

DOJ ATTORNEY / ADVOCATE COMMENTS

Legally sufficient. SN 1:23PM 1/29/24

LEGAL STATUS: Sufficient

SURNAMED BY: NRU AAG

See Document Review signature sheet for date/time

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2024

**ROLL CALL
VOTE TALLY SHEET
(CONSENT AGENDA)**

LEGISLATION #0057-24: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AMENDMENTS TO RDCS-21-11 "APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO GRANT RIGHTS-OF-WAY ON NAVAJO NATION TRUST LANDS AND FEE LANDS; APPROVING THE DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS; AND, THE TERMS AND CONDITIONS FOR THE DELEGATION OF AUTHORITY". *Sponsor: Honorable Casey Allen Johnson*
Co-Sponsors: Honorable Brenda Jesus and Carl R. Slater

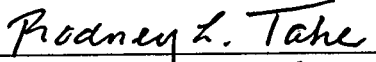
Date: March 20, 2024 – Regular Meeting (Kayenta, Arizona)
Location: Chilchimbeto Chapter – East Highway 160 & Navajo Route 59 – Kayenta, Arizona
86033

Consent Agenda Motion:

M: Shawna Ann Claw **S:** Danny Simpson **V:** 3-0-1 (CNV)
In Favor: Shawna Ann Claw; Rickie Nez; Danny Simpson
Opposition: None
Excused: Casey Allen Johnson; Otto Tso
Not Voting: Brenda Jesus, *Chairperson*



Honorable Brenda Jesus, *Chairperson*
Resources and Development Committee



Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services