23RD NAVAJO NATION COUNCIL
OFFICE OF THE SPEAKER

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Resources and Development Committee seeks to improve the rights-of-way process for Eastern Navajo Agency projects

Tsé Lichíí', N.M.– On Tuesday, the Resources and Development Committee held its regular meeting at the Tsé Lichíí' Chapter and received a report from Continental Divide Cooperative, Inc., Navajo Nation Land Department manager Mike Halona, Council Delegate Seth Damon (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí', Rock Springs, Tsayatoh), and Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), regarding the Nation's rights-of-way process for projects within the Eastern Navajo Agency.

Pursuant to Title II Section 501, the RDC has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, rights-of-way, surface easements, and bonding requirements on Navajo Nation lands and unrestricted land.

"The Nation's rights-of-way process is time consuming and the process should be convenient because many of the electric, road, and water projects in Eastern Agency are not completed because of the time it takes to complete the process. For example, power line projects have not been completed in years because of the process and few of our constituents have passed on before they could see electric and water in their homes," stated Delegate Damon, who represents the Tsé Lichíí' community.

Delegate Damon explained that off-reservation companies are required to have rights-of way requests reviewed through the Navajo Nation's 164-review process, Navajo Nation Fish and Wildlife, Navajo Nation Historic Preservation, Navajo Nation Environmental Protection Agency, and the Bureau of Indian Affairs before construction may begin.

RDC chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) agreed that the Nation's rights-of-way process needs improvement.

"We need to identify the barriers of the process and address how we can streamline it for our Eastern Agency constituents. In Arizona, the process is easier because RDC granted a blanket waiver for rights-of-way for Navajo Tribal Utility Authority, but that is not the case for Eastern Agency," stated Delegate Shepherd.

RDC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) recommended asking the federal government for regulatory relief.

"We need to identify what we don't want and work with our congressmen to waive or amend the regulations. We need to step-up and make these changes for our constituents," stated Delegate Phelps.

"To my understanding the National Environmental Policy Act can be amended. For example, the NEPA does not specify Indian lands and that needs to be revisited. The Nation's process also needs to be changed because the process has too much duplication of services. We make the process harder for ourselves," stated Delegate Tsosie.

RDC member Council Delegate Davis Filfred (Mexican Water, Aneth, Teecnospos, Tółikan, Red Mesa) directed all stakeholders to come together and provide policy recommendations to make the Nation's rights-of-ways process more efficient.

RDC member Council Delegate Jonathan Perry (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock) also recommended for the committee to create a sub-committee or task force to address the concerns.

The Resources and Development Committee approved the report with one directive with a 5-0 vote.

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