



25th Navajo Nation Council

# 25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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## **Resources and Development Committee approves a Right of Way to move road improvement projects forward in the Northern Navajo Agency**



**The Resources and Development Committee deliberated a right of way and the potential revenue it could generate.**

**WINDOW ROCK, Ariz.** - On Thursday, Sept. 19, the Resources and Development Committee unanimously approved a legislation granting a Right of Way (ROW) to the New Mexico Department of Transportation (DOT) to address bridge and roadway improvement projects located on U.S. Route 64 between the Arizona state line and Shiprock Chapter.

RDC member Council Delegate Otto Tso supported the intent of the legislation but questioned the waiving of ROW fees and the request of a perpetual lease.

"If we give the green light for perpetual, 50 years later our leaders will say why did the 25th Navajo Nation Council agree to this," Council Delegate Tso said. "In this case, I see that it serves the general public pertaining to transportation needs, education, general health, social welfare, employment and the local economy."

Tso said he supported the current legislation that calls for a 20 year lease, which can be reassessed after the stated timeframe.

Legislation sponsor Council Delegate Amber Kanazbah Crotty said the route is a major tourism corridor that brings visitors from the Grand Canyon and Four Corners into Shiprock and other Navajo chapters.

“There are two bridges along this road. One has washed out twice in the last three months which had rerouted major traffic going through the Four Corners area,” Crotty said.

Council Delegate Crotty noted that the 25th Navajo Nation Council’s New Mexico Caucus recently met with N.M. Transportation Secretary Rickie Serna who requested that the Council fast track this legislation so that the Shiprock and Rattlesnake Wash Bridge improvement projects could move forward.

According to Crotty, federal funding was made available to this project over 10 years ago but the project still faced a funding shortfall. Working with congressional leadership, the legislation sponsor secured over \$80 million in additional funding to address the shortfall.

“Part of this additional funding requires the granting of the Right of Way and bond waivers in working with the state of New Mexico,” she said.

RDC Chair Brenda Jesus said waiving ROW assessment fees defeats the purpose of increasing revenue streams back to the Navajo Nation considering the dwindling revenues provided by mining activities and power plants.

Chair Jesus cited negotiations with Utah DOT in which the agency agreed to pay ROW fees for an existing road they have on the Navajo Nation.

N.M. DOT P.E. North Regional Assistant Manager Dana Garcia said that N.M. DOT would pay the fee but it would delay the project and affect the additional shortfall funding.

“If we were to pay the ROW fees, it would delay the project as the Federal Highway Administration has to approve the amount and they are currently shut down for the end of the fiscal year close-out,” Garcia said. “I propose a compromise that we consider paying the evaluation fees for the next two construction projects so that we’re not in a time sensitive situation.”

Council Delegate Shawna Ann Claw said the compromise was considerable and directed the RDC’s legal counsel to add this language provision into an amendment to this legislation.

Considering the timeliness of the legislation, as it pertains to road and bridge improvement projects, Delegate Crotty agreed that standing committees should consider how waiving ROWs impacts the Nation’s revenues.

“I want to respect the committee in terms of how you’ve looked at ROWs and these opportunities,” Crotty said. “Like with the Budget and Finance Committee, we might have to look at the impact of waiving ROWs and what it looks like in the future.”

The Resources and Development Committee voted four in favor and none opposed in approving Legislation 0203-24. The Committee serves as the final authority for the legislation.

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