

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0252-24

SPONSOR: Danny Simpson

TITLE: An Action Relating to Resources and Development, Approving a Telecommunication Tower Site Lease Between The Navajo Nation and SW DinehNet, LLC in Pinedale Chapter; and, Approving a Reduction In the Telecommunication Tower Site Lease Annual Rate for the Telecommunication Tower Site Lease

Date posted: November 22, 2024 at 4:40: PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0252-24

DATE: November 21, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, APPROVING A TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE NAVAJO NATION AND SW DINEHNET, LLC IN PINEDALE CHAPTER; AND, APPROVING A REDUCTION IN THE TELECOMMUNICATION TOWER SITE LEASE ANNUAL RENTAL RATE FOR THE TELECOMMUNICATION TOWER SITE LEASE

PURPOSE: The purpose of the resolution is to approve the SW DinehNet, LLC Telecommunication Tower Site Lease within the Pinedale Chapter community, and approve reduction of the \$12,000 annual telecommunication tower site lease fee to \$6,000 annual fee.

Final Authority: Resources and Development Committee

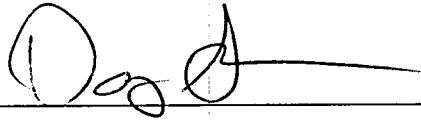
Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD Al Mike III
Website Posting Time/Date _____
Posting End Date: 11/27/24
Eligible for Action: 11/28/24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL -- Second Year, 2024

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0252-24

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10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT, APPROVING A
12 TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE NAVAJO
13 NATION AND SW DINEHNET, LLC IN PINEDALE CHAPTER; AND,
14 APPROVING A REDUCTION IN THE TELECOMMUNICATION TOWER SITE
15 LEASE ANNUAL RENTAL RATE FOR THE TELECOMMUNICATION TOWER
16 SITE LEASE

17
18 BE IT ENACTED:

19 **Section One. Authority**

20 A. The Resources and Development Committee of the Navajo Nation Council has
21 authority to give final approval for “[a]ll land withdrawals, non-mineral leases,
22 permits, licenses, rights-of-way, surface easements and bonding requirements on
23 Navajo Nation lands and unrestricted (fee) lands. This authority shall include
24 subleases, modifications, assignments, leasehold encumbrances, transfers, renewals,
25 and terminations. 2 N.N.C. § 501(B)(2).

26
27 **Section Two. Findings**

28 A. SW DinehNet, LLC is requesting a Telecommunication Tower Site Lease within the
29 Pinedale Chapter community. SW DinehNet, LLC proposed Pinedale
30 Telecommunication Tower Site Lease is attached hereto as **Exhibit A.**

- 1 B. The proposed SW DinehNet, LLC Pinedale Telecommunication Tower Site Lease
2 site is described in **Exhibit B**.
- 3 C. Environmental and archaeological studies and clearances have been completed and
4 are attached hereto and incorporated herein by this reference. The Biological
5 Resources Compliance Form is attached hereto as **Exhibit C**. The Navajo Nation
6 Department of Fish and Wildlife letter dated August 18, 2023 is attached hereto as
7 **Exhibit D**. The Heritage & Historic Preservation Department Cultural Resource
8 Compliance Form is attached hereto as **Exhibit E**.
- 9 D. The Field Clearance Checklist of land users is attached hereto as **Exhibit F**.
- 10 E. The Pinedale Chapter Resolution "RECOMMENDING AND SUPPORTING A
11 FIBER OPTIC BROADBAND BUILD OUT AND ESTABLISHMENT OF
12 BRANCH LIBRARIES AT THE CHAPTER TO BE FUNDED BY FCC E-RATE
13 FUNDING AND OTHER FUNDING SOURCES" is attached hereto as **Exhibit G**.
- 14 F. An Intragovernmental Agreement to be signed by the Department of Dine Education
15 and the Chapter President is attached hereto as **Exhibit H**.
- 16 G. A letter from SW DinehNet to the Division of Natural Resources dated October 26,
17 2023 describing the Pinedale Telecommunication Tower Site Lease project is
18 attached as **Exhibit I**.
- 19 H. The Executive Official Review Document No. 022575 is attached as **Exhibit J**.
- 20 I. The annual consideration, or fee, for a telecommunication tower lease is \$12,000 per
21 year. RCAP-25-07 (amended certain exhibits in RCJY-98-06 which approved the
22 delegation of authority to the Director of the Land Department to approve
23 telecommunication leases).
- 24 J. SW DinehNet, LLC says "[t]he cost to construct the towers has increased
25 considerably due to, i.e., supply and demand, terrain, physical location of structure,
26 requirements for power and back-haul, obtaining land-owner consents, etc. Further,
27 the costs to maintain the towers will exceed the anticipated customers we expect to
28 serve." *See*, **Exhibit I**.
- 29
30

1 K. SW DinehNet, LLC has requested a reduction of the annual rental rate of \$12,000 to
2 an annual rental rate of \$6,000 for the Pinedale Telecommunication Tower Site Lease.
3 *See, Exhibit I.*
4

5 **Section Three. Approval of Telecommunication Tower Site Lease**

6 The Resources and Development Committee of the Navajo Nation Council hereby
7 approves the SW DinehNet, LLC Pinedale Telecommunication Tower Site Lease
8 within the Pinedale Chapter community, subject to, but not limited to the Terms and
9 Conditions attached hereto as **Exhibit A**. The location is more particularly described
10 on the survey maps attached as **Exhibit B**.
11

12 **Section Four. Approval of a Reduction of the Annual Rental Rate**

13 The Resources and Development Committee of the Navajo Nation Council hereby
14 approves reduction of the \$12,000 annual telecommunication tower site lease fee to
15 \$6,000 annual fee for the SW DinehNet, LLC for the Pinedale Telecommunication
16 Tower Site Lease within the Pinedale Chapter community.
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