

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0253-24

SPONSOR: Danny Simpson

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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0253-24

DATE: November 21, 2024


TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, APPROVING THE BRIMHALL TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE NAVAJO NATION AND SW DINEHNET, LLC IN THE COYOTE CANYON 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 Coyote Canyon 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 
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. 0253-24

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT, APPROVING THE
12 BRIMHALL TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE
13 NAVAJO NATION AND SW DINEHNET, LLC IN THE COYOTE CANYON
14 CHAPTER; AND, APPROVING A REDUCTION IN THE TELECOMMUNICATION
15 TOWER SITE LEASE ANNUAL RENTAL RATE FOR THE
16 TELECOMMUNICATION TOWER 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 Coyote Canyon Chapter community. SW DinehNet, LLC proposed Brimhall
30 Telecommunication Tower Site Lease is attached hereto as **Exhibit A.**

- 1 B. The proposed SW DinehNet, LLC Brimhall 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 Coyote Canyon Chapter resolution "... SUPPORTING A FIBER OPTIC
11 BROADBAND BUILDOUT AND ESTABLISHMENT OF BRANCH
12 LIBRARIES AT THE CHAPTER TO BE FUNDED BY FCC E-RATE FUNDING
13 AND OTHER FUNDING SOURCES" is attached hereto as **Exhibit G**.
- 14 F. A letter from SW DinehNet to the Division of Natural Resources dated October 26,
15 2023 describing the Telecommunication Tower Site Lease project is attached as
16 **Exhibit H**.
- 17 G. The Executive Official Review Document No. 022434 is attached as **Exhibit I**.
- 18 H. The annual consideration, or fee, for a telecommunication tower lease is \$12,000 per
19 year. RCAP-25-07 (amended certain exhibits in RCJY-98-06 which approved the
20 delegation of authority to the Director of the Land Department to approve
21 telecommunication leases).
- 22 I. SW DinehNet, LLC says "[t]he cost to construct the towers has increased
23 considerably due to, i.e., supply and demand, terrain, physical location of structure,
24 requirements for power and back-haul, obtaining land-owner consents, etc. Further,
25 the costs to maintain the towers will exceed the anticipated customers we expect to
26 serve." *See*, **Exhibit H**.
- 27 J. SW DinehNet, LLC has requested a reduction of the annual rental rate of \$12,000 to
28 an annual rental rate of \$6,000 for the Telecommunication Tower Site Lease. *See*,
29 **Exhibit H**.
- 30

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

2 The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the SW DinehNet, LLC Telecommunication Tower Site Lease within the
4 Coyote Canyon Chapter community, subject to, but not limited to the Terms and
5 Conditions attached hereto as **Exhibit A**. The location is more particularly described
6 on the survey maps attached as **Exhibit B**.

7
8 **Section Four. Approval of a Reduction of the Annual Rental Rate**

9 The Resources and Development Committee of the Navajo Nation Council hereby
10 approves reduction of the \$12,000 annual telecommunication tower site lease fee to
11 \$6,000 annual fee for the SW DinehNet, LLC for the Telecommunication Tower Site
12 Lease within the Coyote Canyon Chapter community.