

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0254-24

SPONSOR: Danny Simpson

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

Date posted: November 22, 2024 at 5:09 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0254-24

DATE: November 22, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, APPROVING THE TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE NAVAJO NATION AND SW DINEHNET, LLC IN THE TOHATCHI 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 Tohatchi 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. 0254-24

9
10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT, APPROVING THE
12 TELECOMMUNICATION TOWER SITE LEASE BETWEEN THE NAVAJO
13 NATION AND SW DINEHNET, LLC IN THE TOHATCHI 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 Tohatchi Chapter community. SW DinehNet, LLC proposed Coyote
30 Telecommunication Tower Site Lease is attached hereto as **Exhibit A**.

- 1 B. The proposed SW DinehNet, LLC Telecommunication Tower Site Lease site located
2 in Tohatchi Chapter 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. Supporting resolutions from the Tohatchi Chapter, Resolution TOH: 043-05-2022,
11 and the Coyote Canyon Chapter, Resolution COY-22-09-096 COVID 19, are
12 attached hereto as **Exhibit G**.
- 13 F. A letter from SW DinehNet to the Division of Natural Resources dated October 26,
14 2023 describing the Telecommunication Tower Site Lease project is attached as
15 **Exhibit H**.
- 16 G. The Executive Official Review Document No. 022435 is attached as **Exhibit I**.
- 17 H. The annual consideration, or fee, for a telecommunication tower lease is \$12,000 per
18 year. RCAP-25-07 (amended certain exhibits in RCJY-98-06 which approved the
19 delegation of authority to the Director of the Land Department to approve
20 telecommunication leases).
- 21 I. SW DinehNet, LLC says “[t]he cost to construct the towers has increased
22 considerably due to, i.e., supply and demand, terrain, physical location of structure,
23 requirements for power and back-haul, obtaining land-owner consents, etc. Further,
24 the costs to maintain the towers will exceed the anticipated customers we expect to
25 serve.” *See*, **Exhibit H**.
- 26 J. SW DinehNet, LLC has requested a reduction of the annual rental rate of \$12,000 to
27 an annual rental rate of \$6,000 for the Telecommunication Tower Site Lease. *See*,
28 **Exhibit H**.

29
30 **Section Three. Approval of Telecommunication Tower Site Lease**

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

6
7 **Section Four. Approval of a Reduction of the Annual Rental Rate**

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