#### RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE 23<sup>rd</sup> Navajo Nation Council --- Fourth Year, 2018

#### AN ACTION

#### RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AND CERTIFYING LOW MOUNTAIN CHAPTER COMMUNITY BASE LAND USE PLAN

#### BE IT ENACTED:

#### SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A).
- B. The Resources and Development Committee approves and certifies Community Base Land Use Plans presented by chapters. 2 N.N.C. § 501(B)(2)(d) and 26 N.N.C. § 2004(D)(2).

#### SECTION TWO. FINDINGS

- A. Low Mountain Chapter is a certified chapter of the Navajo Nation. 26 N.N.C. §3(A).
- B. Navajo Nation chapters, among other authorities, develop Community Base Land Use Plans. Pursuant to 26 N.N.C. § 215, "'Community based land use plan' means a document adopted by chapter resolution setting forth current and proposed uses of land within chapter boundaries, illustrating such uses by map or plat." See also, 26 N.N.C. § 2004.
- C. On July 11, 2017, the Low Mountain Chapter updated and approved its Community Base Land Use Plan. This was approved by resolution entitled "Approving the Low Mountain Chapter Updated Comprehensive Community-Based Land Use Plan."
- D. Pursuant to 26 N.N.C. § 2004(D)(2), the "Resources and Development Committee by resolution shall certify the community based land use plan. Every five (5) years the plan shall be reevaluated and readjusted to meet the needs of the changing community."
- E. The Low Mountain Chapter, pursuant to the 5-year reevaluation requirement of 26 N.N.C. §2004(D)(2), is submitting for approval its Community Base Land Use Plan. See Attached Exhibit "A."

#### SECTION THREE. APPROVING COMMUNITY BASED LAND USE PLAN

The Resources and Development Committee hereby approves the Low Mountain Community Development Plan, attached as Exhibit "A."

#### CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the Navajo Transportation Administrative Complex, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 3<sup>rd</sup> day of January, 2018.

Benjamin Bennett, Vice Chairperson Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Davis Filfred Second: Honorable Leonard Pete





## The Navajo Nation Low Mountain Chapter



Ta' Sahdii' Da' Askani'

Community Base Land Use Plan 2017

### Acknowledgements

Low Mountain Chapter Navajo Route 67 Post Office Box 4416 Blue Gap, AZ 86520 Telephone: 928-725-3700 Fax: 928-725-3703 http://lowmountain.navajochapters.com lowmountain@navajochapters.org

#### **COMMUNITY BASE LAND USE PLANNING COMMITTEE**

Rose Ann Charley, President Arlene Begay, Vice-President Ophelia Wood, Secretary Benedict Gonnie, Member Joseph Jimmy, Member

#### LOW MOUNTAIN CHAPTER OFFICIALS/ADMINISTRATION

Gerald Ahasteen, President Roger George, Vice-President Sampson Begay, Secretary/Treasurer Tommy Nodestine, Grazing Official Mareita Denny, Community Services Coordinator Ella Nelson, Accounts Maintenance Specialist Victoria Armboy, Community Land Use Plan Committee (CLUPC) Liaison Bo Robinson, 2016 College Student, Community Assessment Data Assistant Ashley Begay, Community Liaison

#### **CONTRIBUTORS**

Navajo Division of Community Development Capital Projects Management Department Administrative Services Center Navajo Land Department Navajo Tribal Utility Authority Jeehdeez'a Elementary School Jeddito Chapter Navajo County Navajo Area Agency on Aging, Low Mountain Senior Center Pinon Unified School District Navajo Housing Authority Bureau of Indian Affairs Navajo County

### RESOLUTION OF THE LOW MOUNTAIN CHAPTER

#### APPROVING THE LOW MOUNTAIN CHAPTER UPDATED COMPREHENSIVE COMMUNITY-BASED LAND USE PLAN.

#### WHEREAS:

- 1. The Low Mountain Chapter is a certified chapter of the Navajo Nation Government pursuant to 26 N.N.C..S.3.; AND,
- 2. Pursuant to Resolution No. CAP-34-98, The Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA); AND,
- 3. Pursuant to the LGA, all chapters shall develop and implement a comprehensive communitybased land use plan pursuant to 26 N.N.C. S 2004; AND,
- 4. The Low Mountain Chapter completed the development of the comprehensive community-based land plan in accordance with 26 N.N.C.2004; AND,
- 5. In the best interest of the community, the Low Mountain Chapter hereby approves the updated comprehensive community based land use plan, attached hereto as Exhibit "A".

**NOW, THEREORE BE IT RESOLVED THAT:** THE LOW MOUNTAIN CHAPTER HEREBY APPROVES THE UPDATED COMPREHENSIVE COMMUNITY-BASE LAND USE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNANCE ACT, ATTACHED HERETO AS EXHIBIT "A",

THE LOW MOUNTAIN CHAPTER FURTHER REQUESTS THE RESOURCES DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO GRANT CERTIFICATION OF THEIR COMPREHENSIVE COMMUNITY-BASE LAND USE PLAN.

#### C-E-R-T-I-F-I-C-A-T-I-O-N

We, hereby certify that the foregoing resolution was duly considered by the Low Mountain Chapter at a duly called meeting at Low Mountain, (Navajo Nation), Chapter, at which a quorum was present, and the same was passed by a vote of <u>29</u> in favor, <u>0</u> opposed, and <u>2</u> abstained, on this <u>11/K</u> day of <u>uly</u>\_\_\_\_\_, 2017.

Motioned By: _	Crerild Ahesteen	
Seconded By: _	Rose Ann Charley	<u></u>
An	Bug	Roger B: George, Chapter Vice-President
Sampson Begay,	Chapter President	Roger B: George, Chapter Vice-President
	É Q	mar

Edgerton Gene, Secretary/Treasurer

#### RESOLUTION OF THE (LMC) LOW MOUNTAIN CHAPTER

#### RELATING TO LOW MOUNTAIN CHAPTER (LMC) COMMUNITY LAND USE PLANNING COMMITTEE (CLUPC) PLAN OF OPERATION, HEREBY SUPPORTING, APPROVING AND ADOPTING THE COMMUNITY LAND USE PLANNING COMMITTEE'S PLAN OF OPERATION. WHEREAS:

- 1. The LMC is a duly Certified Chapter of the Navajo Nation Government pursuant to Title 26 N.N.C, Section 3 (A) and title 11 N.N.C. Part 1, Section 10 and as such preserve or promote community interests; AND,
- To accommodate the short and long-term basic needs of the chapter relating to community, economic and infrastructure development and no preserve grazing and culturally signified areas, the Low Mountain Chapter determines that, the reestablishment of the Community Land Use Planning Committee, ("CLUPC") and its Plan of Operation is necessary to continue the Planning process; AND,
- 3. The LMC by chapter Resolution and its Plan of Operation to develop and implement a comprehensive community based land use plan, did reestablish a Community Land Use Planning Committee (CLUPC) comprised of voting member of the LMC with expertise whom have provided valuable contributions to the overall land planning process and approving the process for planning and overseeing all planning activities and the CLUPC have worked closely with the ASC designated Planner with leadership qualities and organization abilities along with her experience and education in the discipline of coordinating land planning activities; AND,
- 4. Planning and coordinating all land planning activities and developing a comprehensive land use involved but not limited to developing a community education and participation plan through Public Hearings, various media outlets and Chapter Meetings, Land use variations utilization of withdrawn lands as defined by the adopted plan, inventorying and assessing pertinent data, etc.; AND,
- 5. After consideration for public input the CLUPC will make necessary adjustments, finalize the plan and submit the plan to the pertinent Navajo Nation Standing Committee of the Navajo Nation Council.

#### NOW, THEREFORE BE IT RESOLVED, THAT:

 Relating to LMC Community Land Planning Committee (CLUPC) Plan of Operation, hereby supporting, approving and adopting the Community Land Use Planning Committee's Plan of operation.

aseph. Time Motion Byx

Second BY: Dana Larson

#### CERTIFICATION

I hereby certify that the forgoing Chapter Resolution was duly considered by the LMC at a duly called Chapter Meeting at Low Mountain Chapter, (Arizona) Navajo Nation at which a quorum was present and that the same was passed by a vote of \_\_\_\_\_\_\_ in favor, \_\_\_\_\_ opposed and \_\_\_\_\_ abstained, this \_\_\_\_\_ day of \_\_\_\_\_\_, 2015.

Gerald Ahasteen, Chapter President



## Community Vision, Mission Statement, Values, and Guiding Principles

#### **Community Vision**

Provide for the future of Low Mountain Chapter Community by instilling and nurturing realistic projects; maintaining family heritage, instilling respect, and promoting educational opportunities.

#### **Mission Statement**

The Low Mountain Chapter Community shall promote community involvement by providing positive customer services, integrity and accountability.

#### Values

The values of the community are; Youth, Education, Elderly teaching, Language, Family ties – Ke, Family, stewards of the land, Respect and Honesty, Integrity, Leadership, Dedication, Spirituality, Livestock, Hogan teachings, and Patriotism.

#### **Guiding Principles:**

- Community development and infrastructure
- Economic opportunity and development
- Develop and maintain a sustainable community
- Preservation of sacred sites and culturally sensitive areas
- Conservation of land, water, and natural resources
- Social and community health

#### THE NAVAJO NATION LOW MOUNTAIN CHAPTER COMMUNITY LAND USE PLANNING COMMITTEE

#### Section I. Establishment:

1. There is hereby established the Low Mountain Chapter Community Land Use Planning Committee ("CLUPC").

#### Section II. Purpose:

1. The purpose of the "CLUPC" is to develop duties and responsibilities for local land use planning, oversee land use planning activities, and, after thorough review and analysis, present a community land use planning to the Low Mountain Chapter membership for consideration and approval.

#### Section III. Committee Duties and Responsibilities:

- 1. The "CLUPC" shall exercise the following duties and responsibilities consistent with the Navajo Nation Local Governance Act 26, NNC Section 2004:
  - A. Educate the community on the concepts, needs, and process for planning and implementing a land use plan.
  - B. May hire, subject to availability of funds, a land use planner, to assist in the preparation of the community land use plan. The hiring and supervision of a land use planner shall be consistent with 25 NNC Section 2004 (C) (2).
  - C. Ensure that the development of the community comprehensive land use plan is based upon the guiding principles, priorities, goals and visions as articulated by the community, and approve a public participation plan.
  - D. Shall work closely with the chapter membership, if applicable, the designated planning progresses.
  - E. Upon approval of the community comprehensive land use plan by the chapter membership and by the Resource and Development Committee (RDC), the "CLUPC" shall seek approval of the plan from the "RDC," pursuant to 26 NNC, Section 102 (C).
  - F. Upon approval of the community comprehensive land use plan by the chapter membership and by the "RDC" the "CLUPC" shall develop recommended for implementation of the land use plan.

#### Section IV. Committee Membership:

- The members of the "CLUPC" shall be comprised of four "CLUPC" members of the chapter that have expertise to provide valuable input to the land use planning process and two ex-officio members who shall be the voting members of the chapter. Subcommittees such as technical, and public advisory committees, comprising of voting and non-voting members of the chapter may be established to assist the "CLUPC."
- 2. All community members shall have an opportunity to apply for the "CLUPC" position. The selection of the "CLUP" members shall be base on experiences, skills, knowledge, and qualification in land use-planning and activities. In addition, ex-officio membership will be the one chapter official and grazing official, this makes up the six "CLUPC."

#### Section V. Meetings and Compensation:

- The "CLUPC" shall hold enough meetings to accomplish the overall purpose of the committee.
- Three out of four, "CLUPC" members will make a quorum to start a scheduled meeting.
- 3. "CLUPC" meetings every 1<sup>st</sup> Monday of each month at 9:00 AM at Low Mountain Chapter meeting room.
- Waiting time to make a quorum to begin the "CLUPC" meeting is 30 minutes; if quorum is not met, reschedule the "CLUPC" meeting.
- 5. Contingent upon availability of funds and the annual chapter budget, each member of the "CLUPC" shall receive a stipend of \$100.00 per meeting.
- 6. Attendance is critical, any member that fails to attend two (2) consecutive meetings, without giving prior notification or reasonable excuse, shall be replaced by a chapter membership. Two ex-officio members shall be allowed to vote but shall not receive stipend payments.
- Unless an individual has been replaced by chapter membership as stated in Section V (6); any member may voluntarily terminate his/her membership by submitting a letter of resignation two weeks in advance.

Section VI. Selection of; and Duties and Responsibilities of Committee Officers:

- 1. The members of the "CLUPC" shall, at their first duly called meeting, elect committee President, committee Vice-President, committee Secretary and committee member of the "CLUPC."
- 2. The committee President must call a special "CLUPC" meeting if necessary.
  - A. The committee president is to preside over in and "CLUPC" meetings, unless otherwise directed.
  - B. The committee vice-president shall act in the absence of the committee President preside over meeting.
  - C. The committee secretary shall maintain records of the "CLUPC" meeting activities, i.e., roll call, meeting minutes etc.

#### Section VII. Duties and Responsibilities of the Land Use Planner:

- 1. Pursuant to 26 NNC Section 2004 (C) (3), includes but not limited to the following:
  - A. Coordinate all land planning activities.
  - B. Develop a community education and participation plan describing methods that will foster public education participation through public hearings, newspaper, and radio. Chapter members will be periodically informed on the progress of the land use planning activities. All information pertaining to the plan shall be available to the public.
  - C. Develop and implement, in coordination with the "CLUPC," a community assessment ascertaining the goals, priorities, and vision for the future of the community.
  - D. Inventory and assess pertinent data. The planner shall request data and seek technical assistance when necessary for compilation of all available data from the Navajo Nation, Federal, and State Agencies for inventorying and assessing natural, cultural, and human resources, as well as community infrastructure including commercial, industrial, and grazing assessment.

#### Section VIII. Ethics, Conducts and Conflict of Interest:

1. Low Mountain Chapter "CLUPC" members shall maintain a high standard of conduct in all chapter related business consistent with all Navajo Nation Applicable Laws including, and not limited to Navajo Nation Ethics and Government Law, and otherwise stated in Five Management System ("FMS") policy procedure of the Low Mountain Chapter.

#### Section IX. Amendments:

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1. The Low Mountain Chapter "CLUPC," "Plan of Operation" may be amended from time to time, as needed or recommended by the CLUPC members.

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### 1. Introduction

The Low Mountain Chapter began working on the Chapter Community Base Land Use Plan in March 2015 by reestablishing the Community Land Use Planning Committee (CLUPC). After a series of monthly meetings, research, and fieldwork, the work was completed on the Chapter Community-Base Land Use Plan update. The Low Mountain CLUPC elected to update the community-based Land Use Plan using local resources rather than getting a consultant to do the work.

Presented herein is an updated work that provides a description of the elements that are collectively formulated into the Low Mountain Community-base Land Use Plan manual. This document is to be treated as a general guide and planning tool as the community works toward realizing its goals. The document will provide development guidance over the next five years.



#### Background

Initially, the Land Use Plan Manual was developed by *Rez Star Point* in response to the request for new housing throughout Indian country by native leadership, the U.S. Congress approved the Native American Housing Assistance and Self Determination Act (NAHASDA). In 2007, the Low Mountain Land Use Plan Manual was certified by the Transportation and Community Development Committee (TCDC) of the Navajo Nation Council. The manual is required to be updated every five (5) years.

#### **Location**

The Low Mountain Chapter is situated at the northwestern edge of the Fort Defiance Agency, and is a member of Land Management District 7. The Low Mountain community is in an isolated part of the Navajo Nation and has limited physical and natural resources that the Chapter government can rely on for development purposes.

The settlements around the Low Mountain community area are primarily in the foothills of the mesas, such as the Middle Valley, Smoke Signal, Cow Springs, and the Gold Water Loop, where a majority of the community members reside. Located in the vicinities are the Jeehdeez'a Elementary School housing and the Navajo Housing Authority housing subdivision complex.

#### Land Status

The Low Mountain Chapter shares its Chapter land boundary with the Steamboat, Whippoorwill, Jeddito, Tachee/Blue Gap, and Tselani/ Cottonwood Chapters, and also borders the Hopi Partitioned Lands (HPL). The Chapter area extends into both the Navajo and Apache Counties. Although Low Mountain Chapter is geographically in Ft. Defiance Agency, all programmatic services are administered under the Chinle Agency.

The Low Mountain Chapter has approximately 41,382 acres of land, (Chapter Images, 2004). Of this land base, 33% is considered Trust Lands while the remainder is categorized as Navajo Partitioned Lands (NPL). The Low Mountain Chapter lost 67,200 acres of its land base to the Navajo-Hopi Land Settlement Act of 1974.

The Navajo and Hopi land dispute and eventual land partitions have kept the Chapter from needed development. However, recent improvements include: a Chapter House, a new Senior Citizens Center, a new school, road improvements, a pre-school, new telephone services, electric power line extensions and domestic water development.

#### <u>Authority</u>

The Navajo Nation Council through Resolution CAP-34-98 enacted the Navajo Nation Local Governance Act (LGA). The LGA is Title 26, Navajo Nation Code. The LGA confers certain authorities upon Navajo Nation Chapters to engage in a local governance process, including the authority to conduct all manner of local planning for the community.

The Local Governance Act of 1998 contains explicit authorities to be granted to governancecertified Navajo Chapters to "do for themselves." These provisions include:

#### Subchapter 1, B. Purpose

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition.

2. Enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Navajo leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation.

The LGA provides specific authorities that give governance-certified Chapters the means to exercise decision-making powers on the following elements that pertain to the regulation and planning in general of land. The Chapters would enact ordinances via Chapter resolution to affect these authorities.

Subchapter 3, Section 103, Chapter Authority

- 1. To issue homesite leases.
- 2. To amend the land use plan to meet changing needs of the community.
- 3. To acquire property by eminent domain.
- 4. To adopt zoning ordinances consistent with the land use plan.

The LGA further provides the following authorities for governance-certified Chapters to maintain a Community-based Land Use Plan.

Subsection 7, Section 2004; Zoning, Community-based Land Use Plans, Land Use Variations.

- 1. Chapters may enact zoning ordinances.
- 2. Chapters shall enforce zoning ordinances.
- 3. Chapters can approve land use variations.

The Land Use Plan update developed by the Chapter CLUPC was adopted by Chapter resolution. See exhibit

#### <u>Purpose</u>

The purpose of updating the Low Mountain Chapter Community-based Land Use Plan is to have in place a document that describes the community's hopes and aspirations for community and economic development based on the vision of the people. The plan will result in several benefits for the community, including:

- 1. To have the CLUP Committee, the Chapter leadership and the community members learn the Community Base Land Use Planning process. A planning process that can be applied to other community based planning efforts.
- 2. To facilitate community capacity building by empowering Chapter community members.
- 3. To generate interest, develop community support and participation in the planning process.
- 4. To ensure planned community growth.
- 5. To assure availability of infrastructure systems for anticipated community growth.
- 6. To insure that future generations have adequate housing and sufficient space to live and grow.
- 7. To identify and secure the resources necessary to accomplish the desired development.

#### **Planning Process**

The process that was used by the CLUP Committee and the Low Mountain Chapter leadership involved series of meetings including regular monthly CLUP Committee meetings. List of meetings are included herein.

In these sessions, committee members articulated and defined their goals and vision for the Community-based Land Use Plan. There were other meetings held at different locations with the intent of developing assessments to collect data and to address specific needs regarding infrastructure systems. Some of the specific activities included the following:

- 1. Participated in planning sessions with the Low Mountain Chapter, in which strategies were developed to complete tasks to update the Land Use Plan.
- 2. Conducted community assessments with CLUP Committee members, Chapter Officials, and Administration to determine the state of the community and the resources that are available.
- 3. Provided orientation on the Community-Base Land Use Planning process elements as a part of the community orientation process. This is the public hearings required by Title 26, Navajo Nation Code.
- 4. Reviewed various documents used in the planning process with the CLUP Committee and leadership to ensure accuracy and to get concurrence completion of the manual update.
- 5. Held public hearings to inform the community of the planning process and progress therein.
- 6. Attended meetings with resources to determine the most viable strategies to bring adequate infrastructure systems to the community.
- 7. Reviewed the final manual with the community members, obtain input, and adoption by the Chapter membership.
- 8. Prepare for the next manual update in five years.

#### **Community Participation Process**

The following is the process that was followed in the Low Mountain Community base Land Use Planning Committee:

#### Chapter/Community Involvement:

Reports were given to the community by the CLUPC during Chapter planning and regular meetings. The community was encouraged to attend monthly CLUPC meetings on the Land Use Plan update to pose questions and concerns. It was essential to have the community clearly understand the update process in order that the manual may be updated with the most community input. This information sharing was a part of the community involvement process.

With their involvement, the community members are receptive to supporting the project. This support was demonstrated through the responses to the survey questionnaires that were circulated and other elements of the project where community participation was sought.

#### **Identification of Development Sites:**

Community participation was solicited when the CLUP Committee commenced with the update. The previously identified potential land sites that were deemed to be available for the planning of new community housing and other community and economic development were reviewed. This form of community involvement with the land users was important in the land identification process to assure that adequate potential sites were identified and that the interests of impacted community members were considered.

#### Cultural Significance and Traditional Sensitivity:

Members of the community who have traditional and cultural knowledge of the proposed use of land were consulted. These individuals provided insight on the specific potential development sites. These community members provided valuable information in determining the suitability for development of the identified areas, with respect to the cultural significance and traditional sensitivity issues.

#### Land Use:

Through the CLUP meetings, the members provided input on elements that could be incorporated into the land use planning. These elements were presented to discuss the possible plans on the potential uses of the sites.

#### **Comprehensive Report and Implementation Recommendations:**

The CLUPC and the Chapter leadership presented the final comprehensive report to the community members upon the completion on the updated manual. The community members were orientated on the process along with the conclusions that were reached. With this, the community understood the steps needed to proceed with the desired planning in a timely manner. *The meetings conducted are shown herein*.

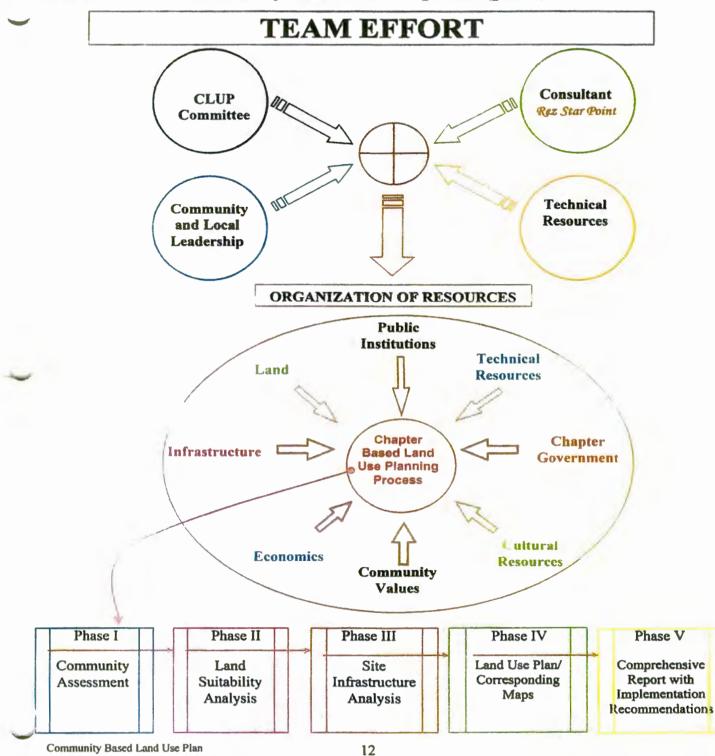
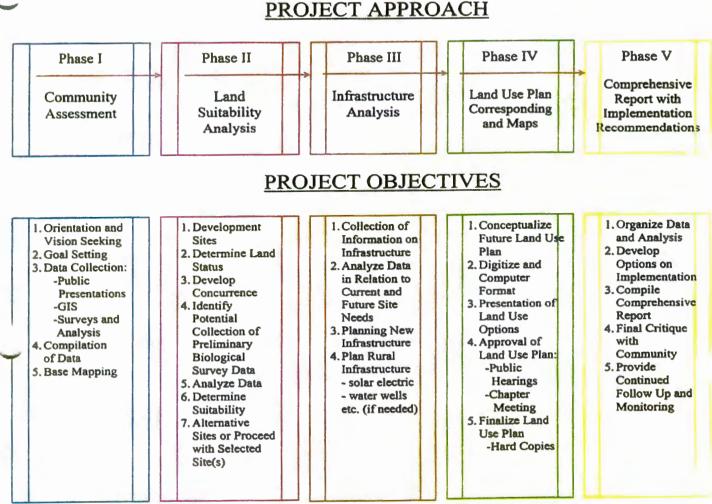


Exhibit 1.9.1 Low Mountain Chapter Land Use Planning Process (general)

Low Mountain Chapter, Navajo Nation



#### Exhibit 1.9.2 Low Mountain Chapter Land Use Planning Process (specific)

### TO ANSWER THE OUESTIONS OF:

What is the Community NAHASDA Vision?Where Will the Community NAHASDA Vision Be Built?	What Infrastructure Community NAHASDA Vision Will Need?	How Will the Community NAHASDA Vision Look?
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How Can the Community NAHASDA Vision Be Realized?

Community Based Land Use Plan Low Mountain Chapter. Navajo Nation

Date	<b>Type of Meeting</b>	Purpose/Results
August 2017	CLUPC	PREPARATION FOR THE 2022 UPDATE
August 2017	Chapter	RDC Recertification of Updated Manual
July 12, 2017	Chapter Meeting	Resolution to adopt the updated manual
July 5, 2017	Planning Meeting	Adoption of Updated Manual
June 19, 2017	Special Meeting	Finalize the updated manual
June 5, 2017	Regular Meeting	Review printed manual, Land Use issues, cemetery
May 16, 2017	Special Meeting	Review of the Manual updates
May 1, 2017	Regular Meeting	Homesite lease, community cemetery, GPS
April 3, 2017	Regular Meeting	CLUP manual, Rural Addressing, events
March 29, 2017	Regular Meeting	New member, updates, budget, supplies
February 8, 2017	Regular Meeting	Community cemetery, Grazing official & CLUPC
January 13, 2017	Regular Meeting	Discussion on the next step for the CLUP manual.
December 19-20, 2016	Work session	Revision/Update of Manual with Chapter administration and officials
December 18, 2016	Informal Meeting	Editing of manual
December 10, 2016	Informal Meeting	Editing of manual
December 5, 2016	Regular Meeting	Discussion on Community cemetery; community concerns
November 28, 2016	Special meeting	Discussion on Chapter Boundaries with neighboring chapters
November 7, 2016	Regular Meeting	Reports, update on CLUP manual, community cemetery
October 23, 2016	Public Hearing	Update for Community based Land Use Plan Public Hearing
October 3, 2016	Regular Meeting	Budget Report, discussion on Land uses
September 6, 2016	Regular Meeting	Report on Public Hearing. Title 26 Training. Continue to update manual
August 29, 2016	Public Hearing	Present the draft for Update and input from the Community
August 17, 2016	Preparation Meeting	Complete assignments for the CLUP update Public Hearing
August 1, 2016	Regular Meeting	Review of CLUP manual update assignment. Land Withdrawl
July 18, 2016	Special Meeting	<i>Review CLUP manual update. Powerpoint presentation,</i> <i>Cemetery concerns</i>
July 12, 2016	Regular Meeting	NNCIO Master planning, land withdrawal for economic development
June 6, 2016	Regular meeting	Election of new CLUPC Vice-president, CLUPC Manual update, Survey
May 6, 2016	Regular Meeting	New CLUP member, Meeting with NN Rural Addressing, Priority Listing
April 26, 2016	Special Meeting	Chapter Priority Projects, Reaffirm site 4 areas, and CLUPC Liaison position
April 11, 2016	Regular Meeting	Work session on the CLUP manual, power point session, assignments
March 11, 2016	Regular Meeting	Reviewed the CLUPC community assessment survey forms, CLUP Liaison position, New CLUP member and the scheduling of the work session
February 08,2016	Special Meeting	Chapter boundaries/Mapping with Jeddito Chapter CLUPC
February 01, 2016	Regular Meeting	LRAC Training, survey/mapping of smoke signal mission store Meeting with Jeddito Chapter
January 25, 2016	Regular Meeting	Resolution to Chapter officers, CLUPC Liaison, CLUP Manual update, H60, LRC training, Smoke Signal Store

### Low Mountain Chapter Land Use Planning Process/Meetings:

December 7, 2015	Regular Meeting	Community assessment survey form, continue updating CLUPC manual, arrange to meet with surrounding
		chapters,
November 02, 2015	Regular Meeting	Introduction of new CLUPC member and update the "to
November 02, 2015	Regular Meeting	do" list from the strategic planning.
October 29, 2015	Special Meeting	Strategic Plan updates, discuss and finalize for
·		presentation oat the planning meeting and update the CLUPC manual
October 05, 2015	Regular Meeting	Review CLUPC manual, convert to word format, need new CLUPC member
September 14-15, 2015	Strategic planning	Twin Arrows strategic planning with Chapter officials
September 01, 2015	Regular Meeting	Letters, supporting resolution consultant fee, carry over
		budget, grazing representative
August 25, 2015	Special Meeting	Vision/mission statement. Supporting documents for
0		project ready, Chapter boundary and chapter center point
August 17-19	Strategic planning	Strategic planning
August 03, 2015	Regular Meeting	Agenda for the strategic Planning with chapter officials and the grazing
July 06, 2015	Regular Meeting	Community assessment survey forms
June 08, 2015	Regular Meeting	Community Recreation: Little League baseball field
May 05, 2015	Chapter Meeting	Presented CLUPC Plan of Operation. Approved by resolution
May 04, 2015	Regular Meeting	Surveys and strategic planning with Chapter officials: Topics: cemetery, sewer lagoons, septic tanks
April 12, 2015	Special Meeting	Review of CLUPC Plans, revision and amendment, Guest Speakers: Benedict Gonnie and Roger George
April 09, 2015	Regular Meeting	Budget Orientation, CLUPC Plan of Operation, Roles and Responsibilities
March 30, 2015	Regular Meeting	CLUPC Orientation by NNDCD, ASC. Election of officers
		Reviewed the NNTCDC Certified the Low Mountain Chapter Land Use Plan

## **PLEASE JOIN US**

### **A PUBLIC HEARING**

- WHEN: August 29, 2016
- TIME: 10:00 a.m. (DST)- 2:00 p.m.
- WHERE: Low Mountain Chapter, Arizona
- WHY: Review the Low Mountain Community Land Use Plan Manual
- DETAILS: Lunch will be provided

SPONSORED BY LOW MOUNTAIN CHAPTER & THE LOW MOUNTAIN COMMUNITY LAND USE COMMITTEE (CLUPC)

#### Low Mountain Chapter Community Land Use Plan Update Public Hearing

	ring Agenda August 29, 2016			
Public Hearing				
Time	Description			
	TPATER AND A TRANSPORT			
	Master of Ceremony: Sampson Begay, Chapter Secretary/Treasurer			
	Invocation: John Pekin, Community Member			
10:00 AM	Welcome Address: Gerald Ahasteen, Chapter President			
	Introduction: Low Mountain Community Land Use Planning Committee			
	(CLUPC), Chapter Officials, Guests, and Others.			
	Topic 1: Brief community history of the location of the chapter and the			
	vision/mission statement of the community			
	Rose Ann Charley, President, CLUPC			
	<ul> <li><u>Topic 2</u>: Community Participation Plan and Community Demographics</li> </ul>			
	Arlene Begay, Vice President, CLUPC			
	<u>Topic 3</u> : Identification of Existing Land Status, including cemetery			
	Existing and Future Grazing/Agricultural Information			
10:30 AM	Benedict Gonnie, CLUPC member			
	Topic 4: Existing Future Residential Needs and Community/Public			
	Facilities/Infrastructure Information			
	Ophelia Wood, CLUPC Member			
	<u>Topic 5</u> : Roads and bridges			
	Joseph Jimmy, CLUPC Member			
	Topic 6: Existing and Future Commercial Development Information     Gerald Ahasteen, Chapter President			
12:00 PM	Lunch Break			
	Open to the Public			
01:00 PM	Topic: Discussions			
	Topic: Conclusion			
	Rase Ann Charley, President, CLUPC			
02:00 PM	<ul> <li>Benediction: Rodger George, Chapter Vice-President</li> </ul>			

Thank you and have a safe trip homel 🕲

#### Low Mountain Chapter Community Land Use Plan Update Public Hearing

2<sup>nd</sup> Public Hearing Agenda

October 23, 2016

### 2<sup>nd</sup> Public Hearing

LOW MOUNTAIN COMMUNITY LAND USE PLAN MANUAL UPDATE

Time	Description			
	Master of Ceremony: Stacy Charley and Caleb Jim, Community Youth			
	Invocation: Jodie Nelson, Community Member			
10:00 AM	Welcome Address: Gerald Ahasteen, Chapter President			
	<ul> <li>Introduction: Low Mountain Community Land Use Planning Committee</li> </ul>			
	(CLUPC), Chapter Officials, Guests, and Others.			
	• Topic 1: Brief community history of the location of the chapter and the			
	vision/mission statement of the community			
	Rose Ann Charley, President, CLUPC			
	<u>Topic 2</u> : Community Participation Plan and Community Demographics <u>Arlene Begay</u> , Vice President, CLUPC			
	<u>Topic 3</u> : Identification of Existing Land Status, including cemetery			
	Existing and Future Grazing/Agricultural Information			
10:30 AM	Benedict Gonnie, CLUPC member			
	<u>Topic 4</u> : Existing Future Residential Needs and Community/Public			
	Facilities/Infrastructure Information			
	Ophelia Wood, CLUPC Member			
	<u>Topic 5</u> : Roads and bridges			
	Joseph Jimmy, CLUPC Member			
	Topic 6: Existing and Future Commercial Development Information			
	Gerald Ahasteen, Chapter President			
12:00 PM	Lunch Break			
	Open to the Public			
01:00 PM	Topic: Discussions			
	Topic: Conclusion			
	Rose Ann Charley, President, CLUPC			
02:00 PM	Benediction: Eugina Wood, Community Member			

Thank you and have a safe trin homel 🕲

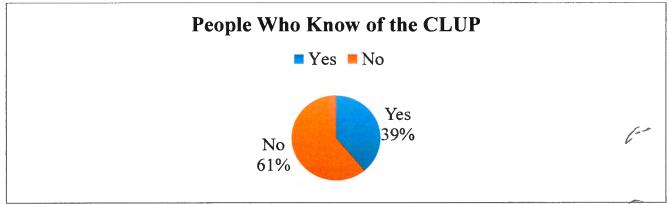


### . Community Assessments

A Community Assessment was completed with 315 households by visiting each home. The data was compiled and provided herein in an informal and nontechnical assessment, basically giving a picture of the community. The response to the survey questions was up to the individual giving a large marginal of error. Which or interspersed with the 2010 census data.

#### **DEMOGRAPHICS**

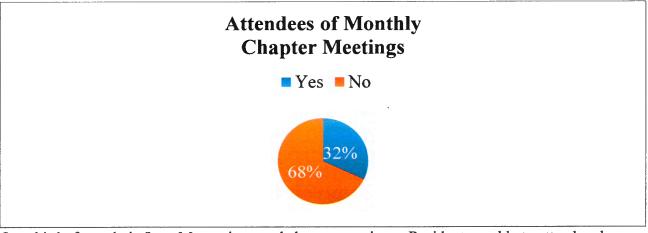
#### Low Mountain Chapter-Resident Coordination and Involvement



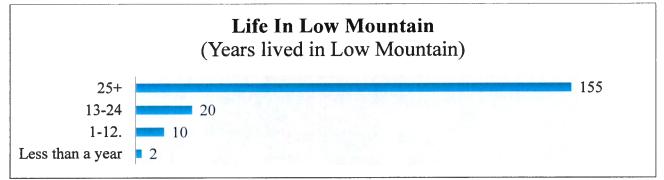
One-third of residents knew of the Community based Land Use Plan (CLUP).



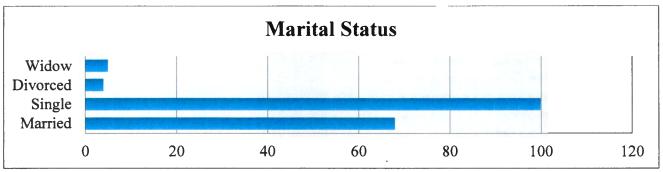
People who lived in the community were registered with Low Mountain Chapter.



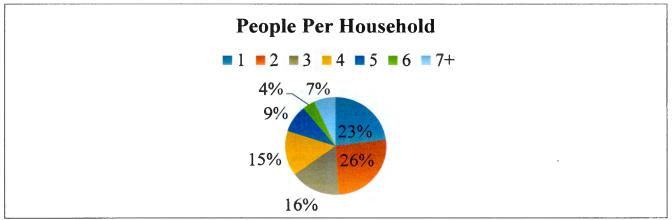
One third of people in Low Mountain attend chapter meetings. Residents unable to attend and many commented on at least going to one or two a year.



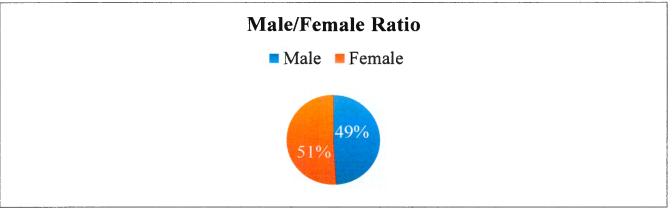
Most everyone in Low Mountain have lived in the community more than 25 years; few 12 years or less. One per household was surveyed and some did not respond therefore increased the margin of error.



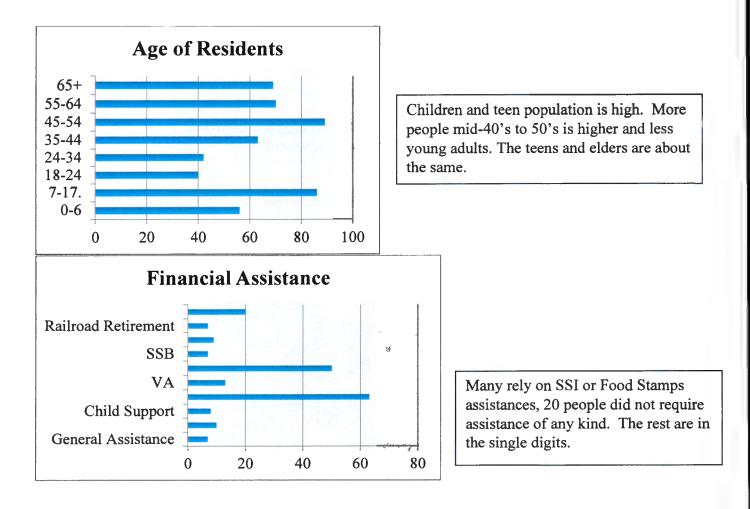
There are many single people in the area, 30 percent less than married people; few divorces and widows.

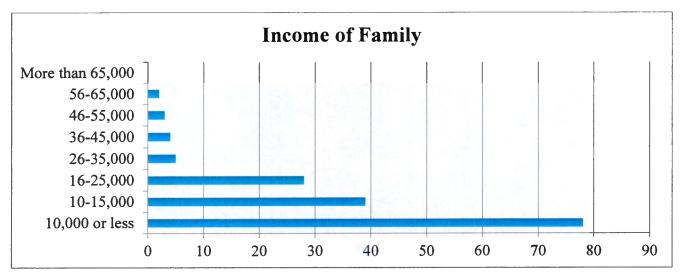


Households with one or two residents is about 50 percent of the community. The Percentage decreased as members increased with the exception of 6 which was the lowest



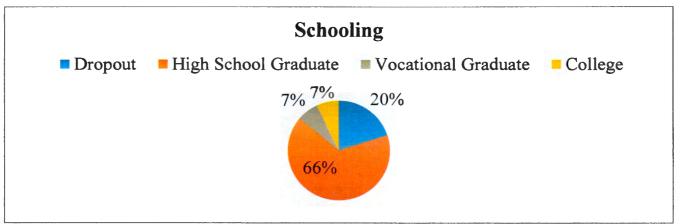
The male to female ratio was 1:1 with more males by only one percent.



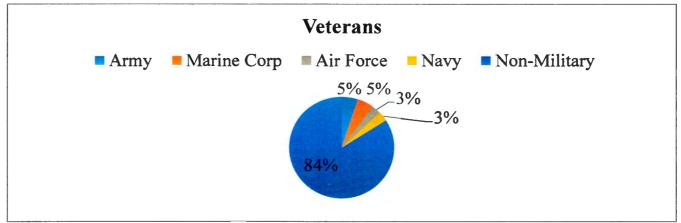


Majority of people reported an income of \$10,000 or less a year. Few reported more than \$35,000.

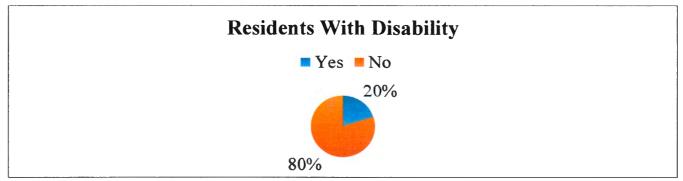
#### **RESIDENTS' EXPERIENCES**



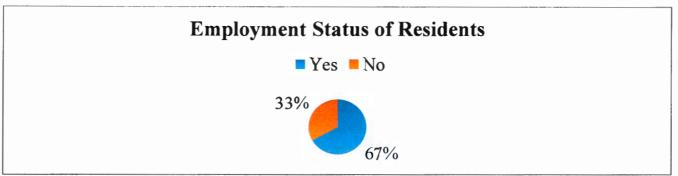
Exactly two-thirds of people stopped after high school. A fifth of people dropped out and never finished high school. While 14 percent were either graduates from vocational school or attended college



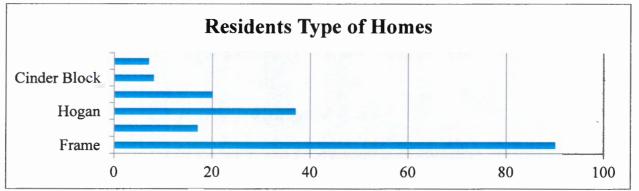
16 percent of residents were/are in the military. The Army and Marines were even at 5 percent, and the Air Force and Navy were even at 3 percent.



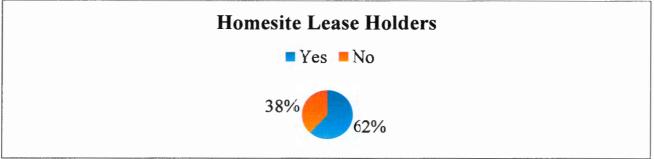
One out of every 5 houses had someone with a disability.



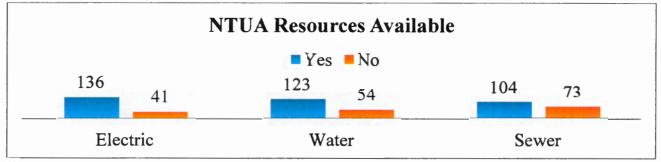
The employment rate of residents was slightly above two-thirds.



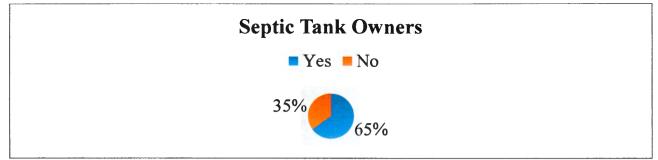
Most people lived in a frame house, hogans were next.



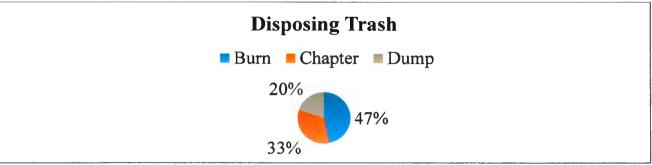
Two-thirds of people reported they had a home site lease.



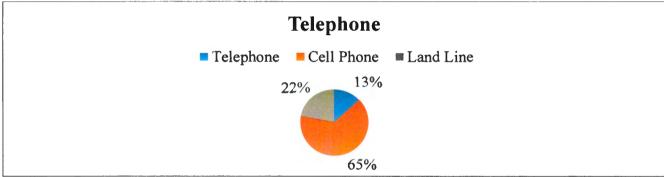
The resource most available to residents was electricity. The one that had the fewest people was sewer services. From the least accessed to most, the margin increase was about 11 people.



Two-thirds of people used a septic tank for their home.

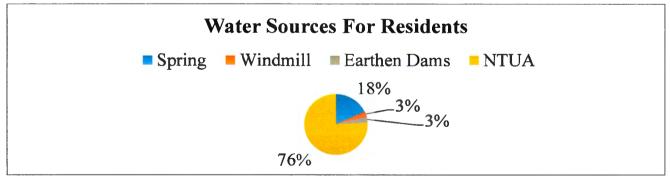


50 percent of people burned their trash while one-third used the chapter for disposal of their garbage. The remaining one-fifth used other dumpsters or washes to dispose of their trash.

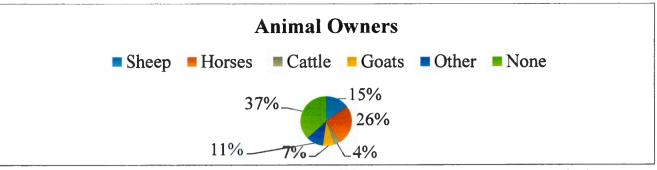


Two-thirds of people had a cell phone. 22 percent had a land line. 13 percent reported they had access.

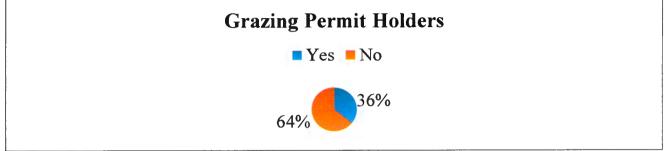
#### **RESOURCES**



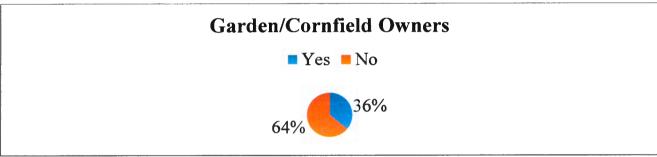
More than three-fourths of people used NTUA for water services. Windmill and earthen dams had only 3 percent.



Most people did not own any animals, but most of the people who did had horses. Some had other animals like chickens, ducks, or pigs.



One-third of people reported having a grazing permit.



36 percent reported having a garden or cornfield.

### U.S. Census Bureau

# FactFinder (

DP-1

Profile of General Population and Housing Characteristics: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://www.census.gov/prod/cen2010/doc/sf1.pdf.

-

Geography: Low Mountain Chapter; Navajo Nation Reservation and Off-Reservation Trust Land, AZ-NM-UT (part); Arizona

Subject	Number	Percent
SEX AND AGE		
Total population	754	100.0
Under 5 years	58	7.7
5 to 9 years	61	8.1
10 to 14 years	85	11.3
15 to 19 years	76	10.1
20 to 24 years	66	8.8
25 to 29 years	30	4.0
30 to 34 years	37	4.9
35 to 39 years	51	6.8
40 to 44 years	55	7.3
45 to 49 years	58	7.7
50 to 54 years	34	4.5
55 to 59 years	38	5.0
60 to 64 years	26	3.4
65 to 69 years	24	3.2
70 to 74 years	20	2.7
75 to 79 years	15	2.0
80 to 84 years	11	1.5
65 years and over	9	1.2
Median age (years)	<b>30.1</b> (	(X)
16 years and over	538	71.4
18 years and over	506	67.1
21 years and over	462	61.3
62 years and over	91	12.1
65 years and over	79	10.5
Male population	371	49.2
Under 5 years	29	3.8
5 to 9 years	33	4.4
10 to 14 years	40	5.3
15 to 19 years	37	4.9
20 to 24 years	35	4.6
25 to 29 years	24	3.2
30 to 34 years	19	2.5
35 to 39 years	32	4.2
40 to 44 years	24	3.2
45 to 49 years	23	3.1
50 to 54 years	16	2.1
55 to 59 years	18	2.4
60 to 64 years	14	1.9
65 to 69 years	8	1.1
70 to 74 years	4	0.5
75 to 79 years	6	0.8
80 to 84 years	7	0.9
85 years and over	2	0.3

10/17/2012

Subject Median age (years)	26.9	(X)
	to append a children and	viscon - a company
16 years and over	264	35.0
18 years and over	246	32.6
21 years and over	223	29.6
62 years and over	34	4.5
65 years and over	27	3.6
Female population	383	50.8
	A	
Under 5 years	29	3.8
5 to 9 years	28	3.7
10 to 14 years	45	6.0
15 to 19 years	39	5.2
20 to 24 years	31	4.1
25 to 29 years	6	0.8
		2.4
30 to 34 years	18	
35 to 39 years	19	2.5
40 to 44 years	31	4.1
45 to 49 years	35	4.6
50 to 54 years	18	2.4
55 to 59 years	20	2.7
60 to 64 years	12	1.6
and a second sec		
65 to 69 years	16	2.1
70 to 74 years	16	2.1
75 to 79 years	9	1.2
80 to 84 years	4	0.5
85 years and over	7	0.9
Median age (years)	33.5	(X)
and the second sec		36.3
16 years and over	274	
18 years and over	260	34.5
21 years and over	239	31.7
62 years and over	57	7.6
65 years and over	52	6.9
RACE		
Total population	754	100.0
And the second division of the second divisio	the same concernance & man	
One Race	744	98.7
White	16	2.1
Black or African American	0	0.0
American Indian and Alaska Native	728	98.6
Asian	0	0.0
Asian Indian	0	0.0
Chinese	0	0.0
Filipino	0	0.0
Japanese	0	0.0
Korean	0	0.0
Vietnamese	0	0.0
Other Asian [1]	0	0.0
Native Hawaiian and Other Pacific Islander		0.0
	0	
Native Hawailan	0	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0
Other Pacific Islander [2]	0	0.0
Some Other Race	0 !	0.0
Two or More Races	10	1.3
White; American Indian and Alaska Native [3]	6	0.8
White; Asian [3]	0	0.0
White; Black or African American [3]	0	0.0
White; Some Other Race [3]	0	0.0
Race alone or in combination with one or more other	1	
	1	
aces: [4]	thing success a burdering of a straightful with	
aces: [4]	22	2.9
aces: [4] White Black or African American	22	2.9 0.5

Subject	Number	Percent
Asian	0	0.0
Native Hawaiian and Other Pacific Islander	0	0.0
Some Other Race	0	0.0
ISPANIC OR LATINO		
fotal population	754	100.0
Hispanic or Latino (of any race)		0.7
A LAL AND PROPERTY A PLANT AND ADDRESS OF A DESCRIPTION O		
Mexican	3	0.4
Puerto Rican	0	0.0
Cuban	0	0.0
Other Hispanic or Latino [5]	2	0.3
Not Hispanic or Latino	749	99.3
SPANIC OR LATINO AND RACE		00.0
otal population	754	100.0
Hispanic or Latino	5	0.7
White alone	0	0.0
Black or African American alone	0	0.0
American Indian and Alaska Native alone	5	0.7
Asian atone		0.0
	0	
Native Hawalian and Other Pacific Islandar alone	0	0.0
Some Other Race alone	• •	0.0
Two or More Races	0 1	0.0
Not Hispanic or Latino	749	99.3
White alone	16	2.1
Black or African American alone		0.0
American Indian and Alaska Native alone	723	95.9
Asian alone	0	0.0
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	0	0.0
Two or More Races	10	1.3
A REAL PROPERTY AND A REAL		
LATIONSHIP		
otal population	754	100.0
In households	754	100.0
Hauseholder	226	30.0
Spause [6]	82	10.9
Child	273	38.2
Own child under 18 years		20.4
and the second sec	1944	19.6
Other salations	154	
Other relatives	148	
Under 18 years		
	148	12.5
Under 18 years	148 94	12.5
Under 18 years 65 years and over Nonrelatives	148 94 6 25	12.5 0.8 3.3
Under 18 years 65 years and over Nonrelatives Under 18 years	148 94 6 25 0	12.5 0.8 3.3 0.0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over	148 94 6 25 0 0	12.5 0.8 3.3 0.0 0.0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner	148 94 6 25 0 0 18	12.5 0.8 3.3 0.0 0.0 0.0 2.4
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters	148 94 6 25 0 0 18 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner	148 94 6 25 0 0 18	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner th group quarters	148 94 6 25 0 0 18 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmanied partner In group quarters Institutionalized population	148 94 6 25 0 0 18 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female	148 94 6 25 0 0 18 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Noninstitutionelized population	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Noninstitutionalized population Male Female DUSEHOLDS BY TYPE	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female DUSEHOLDS BY TYPE otal households	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Noninstitutionalized population Male Female 2025EHOLDS BY TYPE otal households Family households (families) [7]	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Nor/Institutionalized population Male Female DUSEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female DUSEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years Husband-wife family	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female DUSEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years Husband-wife family With own children under 18 years	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female DUSEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years Husband-wife family	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 18 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female DUSEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years Husband-wife family With own children under 18 years	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0
Under 16 years 65 years and over Nonrelatives Under 18 years 65 years and over Unmarried partner In group quarters Institutionalized population Male Female Norinstitutionalized population Male Female 2USEHOLDS BY TYPE otal households Family households (families) [7] With own children under 18 years Husband-wife family With own children under 18 years Male householder, no wife present	148 94 6 25 0 0 18 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12.5 0.8 3.3 0.0 0.0 2.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0

Subject	Number	Percent
Nonfamily households [7]	58 .	25.7
Householder living alone	52	23.0
Malo	29	12.8
65 years and over	4	1.8
Female	23	10.2
65 years and over	14	6.2
Households with individuals under 18 years	104	46.0
Households with individuals 65 years and over	60	26.5
Average household size	3.34	(X)
Average family size [7]	3.99	(X)
HOUSING OCCUPANCY	1	
Total housing units	333	100.0
Occupied housing units	226	67.9
Vacant housing units	107	32.1
For rent	2	0.6
Rented, not occupied	0	0.0
For sale only	1	0.3
Sold, not occupied	0	0.0
For seasonal, recreational, or occasional use	47	14.1
All other vacants	57	17.1
Homeowner vacancy rate (percent) [8]	0.6	(X)
Rental vacancy rate (percent) [9]	3.1	(X)
IOUSING TENURE	an en an anna anna a sa a sa a sa a sa a	
Occupied housing units	226 !	100.0
Owner-occupied housing units	164	72.6
Population in owner-occupied housing units	542	(X)
Average household size of owner-occupied units	3.30	(X)
Renter-occupied housing units	62	27.4
Population in renter-occupied housing units	212	(X)
Average household size of renter-occupied units	3.42	(X)

#### X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawailan and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.
[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may d to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries, it also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder, it does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

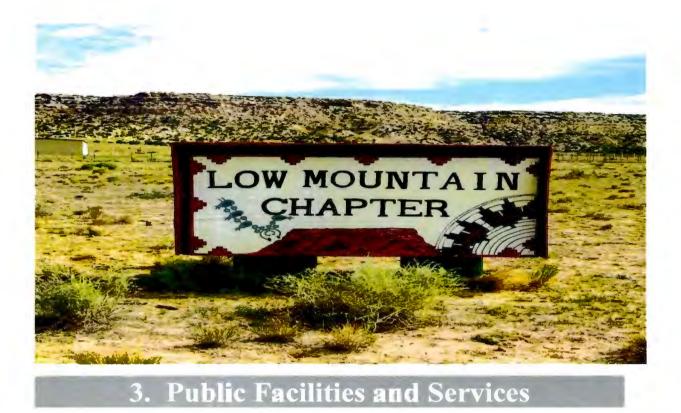
[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

(9) The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, Census 2010 Summary File 1, Tables P5, P6, P8, P12, P13, P17, P19, P20, P25, P29, P31, P34, P37, P43, PCT5, PCT8, PCT11, PCT12, PCT19, PCT23, PCT24, H3, H4, H5, H11, H12, and H16.

Source: U.S. Census Bureau, 2010 Census,



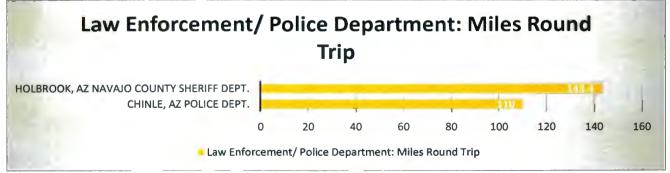
# **Chapter House**

The Chapter house is located on Navajo Route 67, approximately 50 miles west of Chinle, AZ., and 16 miles southwest of Blue Gap Navajo Petroleum Convenience Store. The community has a Chapter House built in 1995 that is used for all Chapter and tribal businesses.

The Low Mountain community has limited community and public facilities. The facilities include the Chapter House, the Head Start, Senior Citizens Center, and the storage/warehouse (1994) used by the Chapter. The only other community facilities are the Navajo Housing Authority housing subdivision and the Jeehdeez'a Elementary School, which includes 30 housing units.

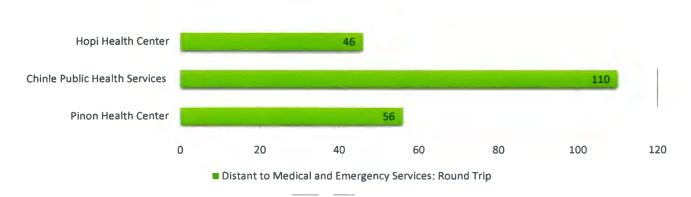
# **Police and Fire Station**

The community of Low Mountain does not have a Police Station and thus no officers are immediately available to serve the community. If needed, officers are called from the Chinle Police Department. In extreme emergency situations, the Hopi Police and first responders have provided assistance due to the close proximity of the shared boundary lines. There is a fire station and fire truck that are maintained by the Jeehdeez'a Elementary School. The Fire Department located in Chinle is available when needed. The community has an ALERT team for emergency response.



### **Health/Medical Facilities**

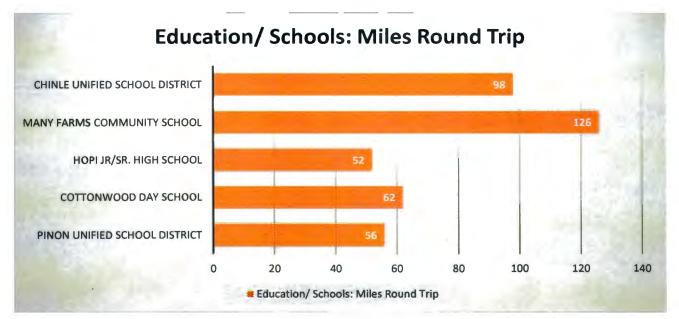
There is no health or medical facility available in the community. The nearest medical center is located in Pinon which is 20 miles away. The Chinle Hospital is 50 miles away. The people of the community also use the services from the Hopi Hospital which is located 28 miles using H60 which is an unimproved dirt road. The people can access health facilities in Fort Defiance, Ganado, Tuba City, and Winslow. In addition, off reservation facilities provide specialty services when needed.



# **Distant to Medical and Emergency Services: Round Trip**

# Schools

The Navajo Nation operates the Head Start center in Low Mountain. There is also a Bureau of Indian Education (BIE) operated school serving Kindergarten through fifth grade. Schools serving the community include Pinon Unified School District, Cottonwood BIE School, Pinon Community School, Hopi Jr./Sr. High School, Many Farms BIE/Community Schools, and Chinle Unified School District.



# **Churches**

There are three churches in the community. Smoke Signal Nazarene Church, Dine' Wesleyan Community Church, and Low Mountain Baptist Church. These faith-based organization provide spiritual services and activities for the community.



Church	of	the	Nazarene
Smoka	Ci.	nal	۸7

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Wesleyan Church Low Mountain, AZ



New Life Bible Church Low Mountain, AZ



# 4. Proposed Development Sites and Land Suitability Analysis

The Low Mountain Chapter selected five locations for development in the Low Mountain community. The proposed development sites are herein.

Archeological surveys or other similar assessments are completed in the immediate vicinity of the proposed development sites. The finalization of any proposed development plans for the area will be surveyed to determine any cultural resources and/or endangered wildlife and/or species.

# Site #1: Bathroom Addition

The Low Mountain Chapter community has 58-clients in need of Bathroom Addition, which recommendation made from the Low Mountain Head Start Center and Senior Center for their students and clients. These 58-clients area also are in need of Waterline Infrastructure from the main community waterline.

### Site #2: Convenience Store – Exhibit "A"

The Convenience Store and Gas Station will be located west of the Jeehdeez'a Elementary School on Navajo Route 60. The location is visible from the main highway and within walking distance of the elementary school and Navajo Housing Authority subdivision. The 2.61 acres have been withdrawn.

# Site #3/4: Chapter Tract-Multipurpose-Head Start-Veteran Hogan - Exhibit "B"

The Multipurpose Building will be in the chapter withdrawn tract. This will include a two classroom Head Start Building and a Veterans' Hogan. Paved parking lot for multipurpose building including sidewalks for accessibility is included.

# Site #5: 8059 Roads and Bridges - Exhibit "C"

Bridge on N8059 that washed out will be replaced. Partnership with BIA Roads, Navajo Division of Transportation, and Navajo County will be developed for design, clearances, and plans. Fund will be sought to pay for the needed bridge.

# Site #6: House Wiring Project

We have five (5) clients in dire need of Housewiring and fifty eight (58) bathroom addition electrical wiring project.

# Site # 7: Community Housing Construction

Serious housing needs finding family member relocating for ready excess to resources, employment, school and housing.

Overcrowded, Dilapidated housing invites:

-Social illness, alcoholism, abuse, and violence's

-Devastating permanent psychologist and physical damage

Housing Needs:

-30% immediate housing need

-Continued population growth, need multiplies

# Site # 8: Antelope Trails (Elderly Group Homes)

Housing units and services including elderly group home will be planned on 20 acres. Description is in Exhibit

# Site # 9: Warehouse Construction

The chapter is in dire need of a larger Warehouse to store the heavy equipment and other building materials.

# Site # 10: Community Land Line Telephone Project

The Low Mountain community is in need of Land Line Telephone to serve community members of high risk clients to use to call for other medical resource services.

# Site # 11: Sewer Main Line

Sewer Main Line- Community wide 315 potential house hold one going into Smoke Signal East and one going to Cow Springs East and one going to Low Mountain South

# Site # 12N.T.U.A Choice

The Low Mountain Chapter community of 317 household have cellular phone through Choice Wireless and Navajo Tribal Utility Authority, were our community members have network problem and continue to stress for better reliable wireless improvement in cases of first responders and innovative public safety communications.

Overcrowded, Dilapidated housing invites:

-Social illness, alcoholism, abuse, and violence's

# Site # 13: Recreation Field Exhibit "D"

Land withdrawal of 20 acres and surveys are completed. Site is for sports fields, recreation fields, Azee' Bee Nahagha of Dine Nation (ABNDN) ceremonial grounds, livestock arena. Work continue on needed infrastructure; water, electricity, and sewer connections.

# Strategies:

Each Development site will be identified with specific detail to:

- Existing Environment
  - Climate
  - Geology
- Site Analysis Elements
  - Ground and Surface Water
  - Soils Information
  - Slopes and Topography
- Vegetation and Wildlife
- Environmentally Sensitive Areas
- Endangered, Threatened and Sensitive Fauna
- Compilation of Field Data and Methodology
- Summary of Survey Result
- Accessibility



### **Veterans**

The Low Mountain Veterans' Association hereinafter the Association pursuant to Low Mountain Chapter Resolution LMVA-90-001, enacted May 8, 1990 was duly established and recognized and certified by the Low Mountain Chapter as a chapter veterans organization (CVO) and pursuant to the annual recertification of officers and its plan of operation. The Association is hereby empowered to advocate for the needs of eligible registered and enrolled Low Mountain Navajo veterans, whether they can be combat or peacetime, for better veterans related needs and services and benefits.

The association's current approved registered and enrolled membership comprises (52) active veterans including (29) Army, (12) Marines, (6) Air Force and (5) Navy.

The Association meets the second Sunday of each month. Officers include Commander, Vice-Commander, and Recording Secretary.

### Goals:

- Provide needed support for veterans and active duty military personnel.
- There will be a veteran Hogan for meetings and needed services within the chapter tract.

- Identify an accessible location with Low Mountain CVO for the Hogan and services.
- Obtain needed clearances for pre-procurement purposes, construction, and operating cost.
- Seek funds for completion of the Hogan for veterans meeting purposes.
- Support the preference/discretion of the veterans for requested Hogan.
- Promote the health and wellness of the veterans by supporting activities and services.
- Develop partnerships with resources to cost-share, including Apache County, Navajo County, and Navajo Nation.

• Develop a policy for septic tank cleaning system such as a cost-share option.

# Solid Waste

The community does not currently have any solid waste stations or certified landfill. Trash is transported to trash bin at the chapter house. Community members burn their trash or illegally dump the trash in the washes and ravines. There is no enforcement of this illegal activity.

### Goal:

• Develop solid waste disposal system.

# Purpose:

- Work with Navajo Nation departments and programs to develop a plan for solid waste disposal.
- Eliminate illegal dumping within the community and keep our community beautiful.

# Strategies:

- The Chapter will work with the regulatory requirements to limit solid waste.
- Work with the Navajo Nation Departments and programs to remediate all existing illegal dump sites.
- Provide information to the public about the need to properly dispose of their trash.
- Seek funds to clean up the sites, transfer station costs, and developing a landfill.
- Partner with resources to match funds to resolve the solid waste problem.

### Strategies:

- Work with surrounding chapters to develop a regional solid waste location.
- Work with surrounding chapters to develop a regional recycling center.
- Provide public education on recycling (aluminum cans, electronics, glass, cardboard, plastics).

# Strategies:

• Work with the Navajo Nation Departments and programs to get a regional transfer station with recycling.

### Cell Phone

Goal:

• Provide communication systems for residents for cell services and accessing public safety services.

### Strategies:

• Improve cellular telephone services for residents by identifying cell tower locations to provide services.

- Advocate for the chapter to receive funds from cell tower lease agreements.
- Research wireless communications services.



# Roads

Roads is a priority in the community. Navajo Division of Transportation (NDOT) an executive branch of the Navajo Nation oversees transportation. NDOT develops plans and maintains roads, bridges, and airports on the Navajo Nation. The Chapter identifies 15 miles of road maintenance to be done by NDOT every quarter, primarily school bus routes. The bus route maps of schools serving the community is herein in EXHIBIT. Navajo Nation Long Range Transportation Plan (NNLRTP) is done every five years. The NNLRTP provides comprehensive analysis to address roads and other transportation needs to meet development needs of the communities. Navajo County provides road maintenance and equipment and is a partner in a road graveling project.

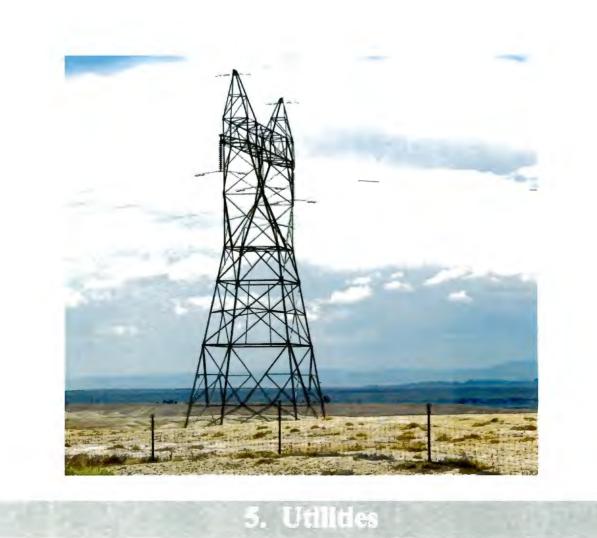
# Goal:

• Improve the road system within the Chapter community to provide access, public safety, education, community health and emergencies, and community and economic development opportunities.

# Purpose:

• Continue to maintain and pave all primary thoroughfares as identified in Exhibit.

- Identify priority road projects by 2017.
- Seek funding that will match Chapter funds to conduct the necessary environment review requirements order to move up road projects on BIA's priority list.
- The bridge on N67 over Low Mountain Wash located 0.5 mile north of Jeehdeez'a Elementary Sch-(JES) needs repair or replacement; is thirteen on the BIA priority list.
- Continue to gravel and maintain all secondary roads as identified.



Low Mountain Chapter has 95% of electrical lines completed and 95% of waterline completed within the chapter service area. This does not include any natural gas lines. Please view exhibits.

# **Electric**

All electrical lines are maintained and served by Navajo Tribal Utility Authority Services, an enterprise of the Navajo Nation.

# Goal:

• Provide all residents with electricity.

- Identify residents without electricity.
- Work with Navajo Nation on power line projects and funding sources for power line construction.
- Find alternative energy sources for residents in remote areas that cannot be near a power line.

# Strategies:

- Encourage alternative technologies to meet the need for electricity.
- Provide community awareness on various alternative energy sources such as solar, wind, and others.

# <u>Water</u>

All waterlines are maintained and served by Navajo Tribal Utility Authority Service, an enterprise of the Navajo Nation.

# Goal:

• Expand the community's water system to provide all residents with safe drinking water.

# Purpose:

• Work with Navajo Nation departments and programs to develop a plan for expanded waterlines.

# Strategies:

- Identify residents without water and request feasibility studies to developing water line projects.
- Continue to build bathroom additions for homes without running water in order to obtain assessments for the waterline completion.
- Work with Indian Health Services-Office of Environmental Health (IHS OEH) to determine waterline projects.
- Encourages homes be located along water lines in order to decrease infrastructure costs.
- Work with Grazing Official who signs Home-site Lease applications to provide information to residents-

# <u>Sewer</u>

There is one two-cell lagoon that serves the local school and the NHA housing.

# Goals:

- Review the existing lagoon for potential development.
- Develop sewer lagoons to serve the community.

# Purpose:

• Work with Navajo Nation departments and programs to develop a plan for waste water systems.

- Develop a plan to provide sewer lagoons for the community and economic development.
- Identify resources and seek funding such as Si haa siin.
- Assess the current septic tanks placed in the community and identify replacements needed.
- Clean up the former lagoon used by the school

# Strategies:

- Seek funds for replacement of aged septic tanks and leech systems.
- Develop a policy for septic tank cleaning system such as a cost-share option.

# Solid Waste

The community does not currently have any solid waste stations or certified landfill. Trash is transported to trash bin at the chapter house. Community members burn their trash or illegally dump the trash in the washes and ravines. There is no enforcement of this illegal activity.

# Goal:

• Develop solid waste disposal system.

# Purpose:

- Work with Navajo Nation departments and programs to develop a plan for solid waste disposal.
- Eliminate illegal dumping within the community and keep our community beautiful.

# Strategies:

- The Chapter will work with the regulatory requirements to limit solid waste.
- Work with the Navajo Nation Departments and programs to remediate all existing illegal dump sites.
- Provide information to the public about the need to properly dispose of their trash.
- Seek funds to clean up the sites, transfer station costs, and developing a landfill.
- Partner with resources to match funds to resolve the solid waste problem.

# Strategies:

- Work with surrounding chapters to develop a regional solid waste location.
- Work with surrounding chapters to develop a regional recycling center.
- Provide public education on recycling (aluminum cans, electronics, glass, cardboard, plastics).

# Strategies:

• Work with the Navajo Nation Departments and programs to get a regional transfer station with recycling.

# **Cell Phone**

# Goal:

• Provide communication systems for residents for cell services and accessing public safety services.

- Improve cellular telephone services for residents by identifying cell tower locations to provide services.
- Advocate for the chapter to receive funds from cell tower lease agreements.
- Research wireless communications services.



Low Mountain Chapter community has three Windmill, five earthen dams, and five Natural Springs Watering Points.

Gets extremely severe during summer drought season and livestock gets very limited watering sources.

- 1. Low Mountain Windmill # 409-7
- 2. Middle Valley Earthen Dam
- 3. Danny Lee Earthen Dam
- 4. Rat Springs
- 5. Middle Valley Windmill # 409-11
- 6. Cow Springs
- 7. Oak Springs
- 8. Antelope Springs
- 9. Tse Chizi Springs
- 10. Rock Sprnigs

### WINDMILL DATA & MAINTENANCE RECORD

### Windmill Data

Well No. <u>409-7</u> (7T-353)	Area Low Mountain	Date <u>November 05, 2003</u>
Type of Motor <u>Aermeter</u>	Mill Size <u>12 ft.</u>	Tower Type <u>4 Post Angle Iron</u>
Well Depth <u>186 ft.</u>	Pump Setting	Drop Pipe Size _3"
Cylinder Size _2 <u>%"</u>	Check Valve Type	Sucker Rod <u>#2 Airtight</u>
Date Drilled	Static Water Level 97 ft.	(02/12/03) Drop Pipe Joints <u>8</u>
Draw Down @	gpm for ho	ars .

### Maintenance Record:

July 6, 2016: KPlant: Pull 8 its of sucker rods and re-leather. Replace: Drop rod and releather. Re-use the same sucker rod and drop pipes. Parts used: 5-2 %" leather cup and 16 ft of sucker rod. Water is restored.

November 03, 2014: KPlant: Pull drop pipes, sucker rods and cylinder. Replace 8 jts of drop pipes and re-leather. Parts used: 8 jts of 3" pipes and 5-2 ¼" leather cups. Same sucker rods and cylinder used. NOTE: Windmill wheel needs 3 sails and 3 ribs replace. One sail is half broken and two others are crack and will soon break off. Damages is weather related. September 21, 2012: KPlant: Pull sucker rods, 8 jts of 3" drop pipes and cylinder, check and replace. 4 new leather cup to cylinder valves has been replaced. Well is pump tested and works good.

November 05, 2003: Replaced bolt on buffer device and pump rod. Replaced 2" union and 2"x 4" nipple on plumbing. <u>Well Material</u>: 1 ea. 2" union galv., 1 ea. 2" x 4" nipple, galv., 1 ea. brake handle (used), 3 ea. 12' sail ribs (new), 3 ea. 12' sails (new).

October 23, 2003: Changed out 3 sails w/bolts, ribs and replaced brake handle/cable. February 12, 2003: PMI, changed oil (1 gal.), measured static water level @ 97 ft. Replaced

tailbone pivot bolt and replaced brake spring and bolt guide.

August 31, 2000: Installed 8 jts 3' tubing w/cylinder and 8 jts 3'' rod w/plunger and check valve, assemble motor, tailbone, vane, mount on mast pipe, upright tower on new pad, tie down mill tower w/straps and bolts, connect all plumbing sucker rod to mump rod, filled motor w/oil. <u>Material list</u>: 1 ea. 2 34" x 36" cylinder w/plunger & check valve, 9 jts 34" #2 sucker rods, galv., 1 gallon windmill oil.

August 02, 2000: Pulled 8 jts 3" drop pipe w/cylinder, load on trailer and hauled to Pinon yard. July 26, 2000: Disconnect all plumbing, drained oil on motor, laid down tower w/motor, wheel and vane, pulled 8 jts H" sucker rods.

June 11, 1996: CDR: Replace 168 ft. of drop pipe and the cylinder.

June 07, 1995: Replaced 168 ft. of sucker rods and re-leathered.

July 11, 1991: Replace complete windmill. Also, replaced 8 joints of drop pipes and sucker rods, and the cylinder.

# Notes/Remarks:

April 17, 2013: Windmill itself is in good condition. No water is produce from what I can diagnose. I can't tell if this windmill is producing water. I need to return to this windmill with some tools to verify well operation and water production. EYabeny March 06, 2013: Low Mountain Chapter called to inform that water to the trough is leaking causing the tank to maintain low water volume. Later this day, this windmill was check and noted that the stop n waste valve at the trough is leaking. Referral is submitted for repair.

EYabeny

October 29, 2003: Need to pull all the sucker rods and re-leather. Probably need to change out plumbing. And make any necessary work to put the windmill back in productive service. October 20, 2003: Need to replace 2 sales that are broken off (missing), and repair the brake handle with cable. And make any necessary work to put the Wheel back working order. January 25, 2000: Need to replace 4 sails (12'), reconnect the vane spring, replaced brake cable. Pull all 8 joints of #2 sucker rod pipes and replace 2 ¾" leathers to plunger and check valve.

### WINDMILL DATA & MAINTENANCE RECORD

Windmill Data

Well No. 409-11	Area Low Mountian	Date <u>October 30, 2003</u>
Type of Motor <u>Dempster</u>	Mill Size <u>12 ft.</u>	Tower Type <u>4 Post Angle Iron</u>
Well Depth	Pump Setting	Drep Pipe Size
Cylinder Size _1 <u>%"</u>	Claeck Valve Type	
Date Drilled <u>04/05/85</u> S	Static Water Level <u>169 ft.</u>	10/31/13 11 (07/11/00) Drop Pipe Joints <u>14</u>
Draw Down <u>60 ft.</u> @ <u>6</u>	gpm for <u>4</u> hours	

#### Maintenance Record:

16

July 6. 2016: KPlant: Pull 14 jts of sucker rod and re-leather cylinder. Replace:  $4 - 17/8^{"}$  leather cup. Re-use same sucker rods and drop pipes. Parts used:  $4 - 17/8^{"}$  leather cup. Water is restored.

November 03, 2914: KPlant: Pull all sucker rods and re-leather cylinder. Parts used: 4-1 7/8" leather cups. Well back in service.

October 31, 2013: KPlant: Pull 14 jts drop pipes, sucker rods and cylinder. Modified to 11 jts drop pipes, replace 6 - 2" drop pipes, 11 jts of sucker rods and 1 7/8" cylinder. Drill weep hole. Well tested and water restored.

November 03, 2010: Ron Stauffer: Pull/remove sucker rods and re-leather cylinder. Did not pull drop pipes nor replace it. Windmill back in service.

October 22, 2007: KPlant: PM (added 1 gal), pulled 14 jts + 10 ft pc. sucker rods, re-leather 5 ea. 1 7/8 " leathers, SWL 120 ft, pump setting 294 ft. <u>Windmill Needs</u>: Water tank has 2 bullet holes in it.

June 15, 2006: KPlant: PM (changed oil), pulled 14 joints + 10ft pc. sucker rods, re-leathered Sea. 1 7/8" leathers. <u>Note</u>: Replaced stand pipe (no Extra Charge). <u>Material List</u>: 5 ea. 1 7/8" leathers. <u>Windmill Needs</u>: Water tank has been shot and is leaking.

October 30, 2003: Repaired ballet hole in water tank.

January 05, 2000: Drilled weep hole on tubing, re-leathered plunger and check valve. <u>Material</u> List: 4 ea. 1 7/8" leather pump cups. <u>Well Information</u>: SWL @ 198 ft.

September 02, 2000: Pulled 14 jts #2 44" sucker rods w/plunger and check valve, re-leather and reset rods into well, reconnect plumbing and rods to pump rod, windmill in service. <u>Material</u> List: 5 ca. 1 7/8" leather cup. <u>Well information</u>: SWL @ 186 ft.

July 11, 2000: Balok Windmill and Well Service: Install new motor, pulled sucker rods and drop pipes. Replaced three joints of pipes and replaced complete cylinder. SWL @ 160 ft. January 25, 2000: Measured Static Water Level @ 198 ft. Drilled weep hole, re-leathered plunger and checked valve.

May 12, 1999: Pulled 14+12' sucker rods. Re-leathered 5 rings. September 23, 1998: PMI. Changed oil, used 1 gal wm oil. Needs backfilling trough & tank. October 17, 1995: Re-leathered. July 19, 1994: Replaced cylinder and changed the oil. Bailed out well to 570 ft.

August 08, 1992: Replace 42 ft. sucker rod and re-leather.

# Notes/Remarks:

October 29, 2003: Need to do PMI and repair the bullet holes in water tank.

July 08, 2002: Need to pull all the sucker rods and replace the leathers to the plunger and check valve. Make any necessary work to put the windmill back in productive service. FBegay May 02, 2000: There is a task order out on this windmill (January 25, 2000) to replace the leathers. The windmill will also need a new Dempster motor. The motor can be picked up at NPL Pinon Sub-office. Please coordinate the work with NPL field office. We can provide some manpower to put this unit in operation.

May 25, 1999: This Dempster mill is leaking oil really bad. If it goes out, the mill and tower will have to be changed. Six (6) joints of 21'x 2" drop pipes are in the water at all times. Should consider to change the 14-2" pipes to 11-2 1/2" drop pipes plus the cylinder from 1 /7/8" to 2 1/4".

#### WINDMILL DATA & MAINTENANCE RECORD

#### Windmill Data

Well No. <u>409-2</u> (7T-377)	Area Low Mountian	Date <u>November 05, 2003</u>
Type of Motor <u>Aermotor</u>	Mill Size <u>12 ft</u> 294 ft (10	Tower Type <u>4 Post Pipe</u> (23/07)
Well Depth <u>600 ft.</u>	Pump Setting <u>315 ft.</u>	
Cylinder Size <u>1%</u> "	Check Valve Type <u>Ball</u> 135 ft. (1	
Date Drilled Sept to Oct. 19	58 Static Water Level 214 ft. (0	
Draw Down @	gpm for hours	

#### Maintenance Record:

November 06, 2914: KPlant: Remove and replace motor, wheel, tail assembly and pump rod. Parts used: 1 - 12 foot motor, 1 - 12 foot wheel assembly, 1 - 12 foot tail assembly, 1 - 12 foot pump rod. No well work was done. Windmill is back in service.

November 02, 2010: Ron Stauffer: Informed that he checked the motor to this windmill and hear no knocking sound coming from the motor. The knock comes from the well and assumes the valve is loose. He stated the contract does not cover pulling pipes but will work out a deal with his Prime-Contractor to see if there could be a trade off. In the meantime, the sucker rod is pull and left un-finish pending contract modification.

October 23, 2007: KPlant: PM (added 1 gal. oil). Pull 14 jts + 4 ft. sucker rods and drop pipe and re-leathered, replace tail spring, brake line, brake handle, made new standpipe, put on new union on discharge pipe. SWL 135 ft., pump setting 294 ft.

June 29, 2606: KPlant: PM (changed oil), pulled 14 joints + 4ft. pc., sucker rod, re-leathered 5 ea. 1 7/8 leathers. Replaced drop rod. <u>Material List</u>: 5 ea. 1 7/8" leathers. <u>Windmill needs</u>: Tail spring (none in stock).

November 05, 2003: Changed out damaged pump rod and repaired brake assembly. <u>Well</u> <u>Material</u>: 1 ea. 12' mill pump rod (used). Well Information: 214' static water level, 8-29-02. June 05, 2002: NPL crew dropped 2" tubing into well, when working on new tower pad, tried to fish out pipes using different tools, picked up pipes 4 times but tool unable to hold on to pipes, need to get more tools for retrieval.

September 23, 1998: PMI, Changed oil, used 1 gal.

April 28, 1998: Replaced 5 leathers.

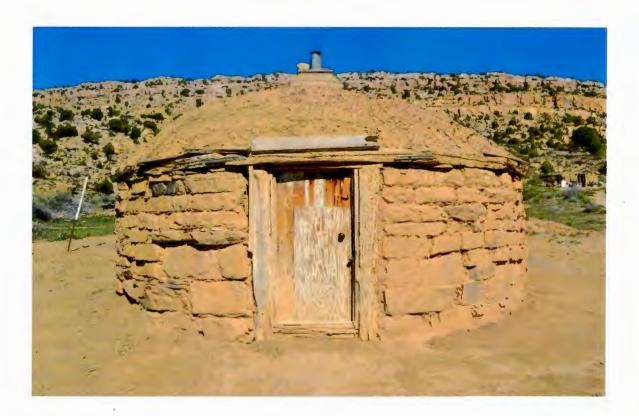
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January 05, 1999: Pulled out 15 joints of fiber glass sucker rods. Did not catch bottom check valve, will need to pull drop pipes.

January 06, 1999: Pulled out all pipes and re-leather. Replaced 2-2" drop pipes.

# Notes/Remarks:

October 29, 2003: Need to reconnect the pump rod onto sucker rods and do the PMI. January 08, 2003: PMI, change oil, check static water level and well depth. April 04, 2002: Need to lay down the Tower in order to break up the old concrete pad and form a new pad. Brected back up, when new pad is set up. Pelix Begay



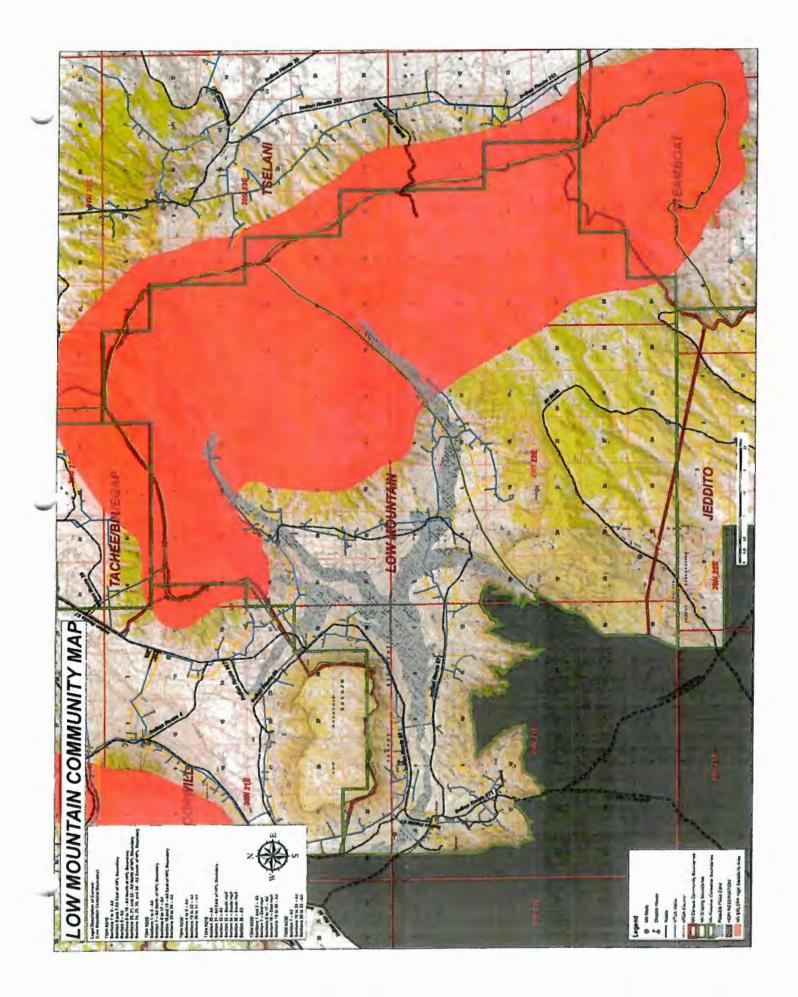
# 7. Culturally and Traditionally Sensitive Areas

The relationship between people and the land is special from time immemorial to the present day and beyond. The community is committed to caring for the lands and its resources with respect. The land and natural resources provides and supports the elements of our way of life and culture from subsistence on sheep and livestock.

There are sacred places, including natural springs and ceremonial sites throughout the community that are not publicized to protect the locations and is known by the traditional practitioners.

Water is sacred, Toh Bee iina and is vital to our subsistence, cultural practices, health and welfare, farming, and development.

Protection of Resources and Culturally and Traditionally Sensitive Areas



### Goal:

• Protect and preserve the sacred resources and location to sustain the community for future generations.

# Purpose:

• To honor the teachings of elders and the medicine people.

# Strategies:

- Identify the sacred sites, ceremonial grounds, shrines and record internally within the chapter records.
- Understand the special significance of the sites for references.
- Protect the sites from intrusion and illegal dumping.
- Identify, list, and map natural watersheds along with irrigations sites.
- Protect and restore natural springs and watershed areas: identified natural springs, Tse'Chizzi watershed.
- Preserve and protect gathering grounds of traditional medicine and herbs from intrusion and illegal dumping.
- Identify and preserve historical sites.
- Develop a plan to protect the sacred resources by working with Navajo Historical Preservation.

# Goal:

• To protect and preserve the natural resources.

# Purpose:

• To save and limit impact on the natural resources.

- Develop a plan to preserve natural resources areas working with neighboring chapters with shared boundaries.
- Seek funds to complete the natural resource protection project.
- Preserve wildlife corridors and habitat from intrusion and illegal dumping.
- Work with neighboring chapters in developing a wildlife refuge and preserve.
- Ensure that grazing adheres to conservation and preservation of the land.

1	Business Site Lease Survey & Legal Tract Description
2	a. Underground Storage Tank Removal b. Above Surface Clean-Up
3	Archaeological Survey Environmental Assessment Biological Assessment Cultural Resources Compliances
4	Site Market Feasibility Study Report
5	<ul> <li>DEVELOPMENT COST</li> <li>a. NTUA Infrastructure Upgrade</li> <li>b. Convenience Store/Gas Station (1,200–1,400 sq. ft.)</li> <li>c. Others: Low Mtn. Chapter Resolution February 10, 2015</li> </ul>

Exhibit A

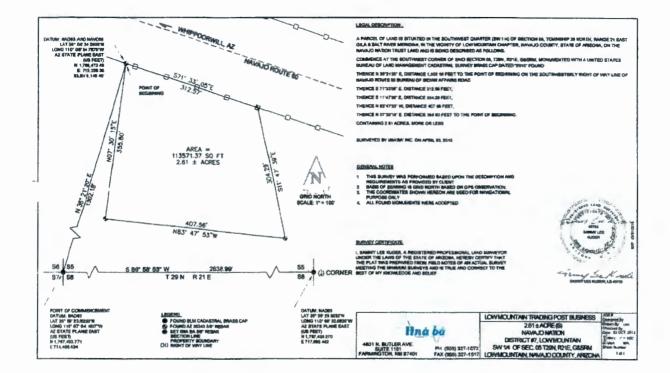


Exhibit A

3



Photo 1: View NW to SE, of the Navajo Nation Commercial Property (2.58-Acre of the Former Low Mountain Trading Post). Jeedeeza Academy is in Background



Exhibit A

Photo 2: View, from the Indian Route 60, of the Proposed Development Property (2.58 Acres of the Former Low Mountain Trading Post Site).



Photo 3: View, East to West, of the Navajo Nation 2.58-Acre Commercial Property, the Former Low Mountain Trading



Photo 4: View, SW to NE, of the Navajo Nation Commercial Development Property Proposed for Convenience Store, Gas, Laundromat and U.S Post Offi

	Waste Reg P.O. Box 339,	IVIRONMENTAL PR ulatory Compliance I Window Rock, Navajo Nav 8) 871-7993 Fax (928) 8	ion, AZ 86515 71-7996	
Joe Shirley Jr. PRESIDENT	*	JUL 2 8 2005	Penak	J. Dayish, Jr. RESIDENT
Navajo Nation D P.O. Box 663 Window Rock, A Subject: 2004 Us Dear Mr. Begay: This corresponde 1 lina ba or 2 lina ba or 3 lina ba or 4 lina ba or 5 Ironhors: 7 Zia TSW 6 Jionhors: 7 Zia TSW 6 John C. 8 Zia TSW 7/01/04. The analytical re assisted NNEPA threat to human I time. If new US NNEPA within 3 Please call Henry you have any qu Sincarely. Stephen D. Ensit Navajo Nation E SC: Steven C. I Walter Gu Arland Dow Low Wath Dow Low Wath Dow	, Executive Director ivision of Economic Developmentiziona 86515 anderground storage tank closure ince refers to eight underground a 1/31/05, NAV# 162 Round To a 12/10/04, NAV# 201 Rocky B a 12/22/04, NAV# 202, Rocky B a 12/22/04, NAV# 203, Rocky B a 0.9/004, NAV# 203, Pine Spr e on 9/30/04, NAV# 205, Low D on 8/06/04, NAV# 235, Low D man, Ar, Manager, USPA Region IX, UST I gendenter, Engineer, USPA Region IX, UST I gendenter, Station HD and, Ar, Manager, Navglo Nation 800 and Ar, Manager, Navglo Nation 800 and Ar, Manager, Mangor Milpoorvill Ref Salielah, Program Manager, Chinto #BDO Touchth, Program Manager, Fort Defnare	storage tank removal rej py Trading Post, Ganado Kidge Trading Post, Ganado Kidge Trading Post, Lukachu ings Trading Post, Lukachu ings Trading Post, Lukachu ings Trading Post, Lukachu kise Trading Post, Lukachu dountain Trading Post, Sz dountain Trading Post, Sz esignal	borts, prepared by: AZ, fror USTs removed of tebito, AZ., four USTs removed bai, AZ., four USTs removed onkai, AZ., one USTs removed ow Mountain, AZ, three USTs removed ow Mountain, AZ, case US moke Signal, AZ, two USTs no hydrocarbon concentration up levels. The information these sites do not appear to A are not requiring any faul forms must be submitted to	td on 3/16/04, d on 5/25/04, wed on 3/15/04 oved on 5/20/04 d on 5/14/04. F removed on removed on removed on submitted has pose a correct ter action at this EPA and
No. A A STATE			1	

#### **ENVIRONMENTAL ASSESSMENT**

PROPOSED DEVELOPMENT AND OPERATION OF CONVENIENCE STORE, FUELING FACILITY, LAUNDROMAT AND POST OFFICE ON ±2.58 ACRES OF NAVAJO NATION COMMERCIAL PROPERTY IN LOW MOUNTAIN, NAVAJO COUNTY, ARIZONA



**Prepared For:** 

LOW MOUNTAIN CHAPTER P.O. BOX 4416 BLUE GAP, ARIZONA 86520

Prepared By:

ilná bá

1011

612 EAST MURRAY DRIVE FARMINGTON, NEW MEXICO 87401

Prepared In Accordance With National Environmental Policy Act of 1969, As Amended IAM Part 59 Chapter 3

October 2007





# Biological Assessment for a Proposed Business Site Lease for the Low Mountain Chapter of the Navajo Nation, Navajo County, Arizona

#### Prepared by

Doug Loebig, Biologist Múukui-ci Cultural and Environmental Services, LLC

#### Prepared for

Mr. Duane Aspaas iiná-bá, Inc., for Low Mountain Chapter 612 E. Murray Drive Farmington, New Mexico 87401 (505) 327-1072

#### Submitted to

Navajo Nation Department of Fish & Wildlife P.O. Box 1480 Window Rock, AZ 86515 (928)-871-7068

> Múukui-ci Cultural and Environmental Services, LLC P.O. Box 787 Aztec, New Mexico 87410 (505) 334-6748

NNFWD Permit 17NNC; 23NNC 16USC;18USC NNFWD Special Permit No. 141 USFWS Permit TE069847-0 MCES Project No. 07-114 September 2007

BA for a Proposed Business Site Lease for the Low Mountain Chapter of the Navajo Nation, Nevajo County, AZ MCES 07-114 September 2007

#### 5.5.3 Navajo Sedge

The Navajo sedge (*Carex specuicola* J.T. Howell) is a member of the sedge family (*Cyperaceae*), is listed under Group 3 of the NESL, and is a federally listed threatened species under the Endangered Species Act of 1973. The Navajo sedge is identified by the unique trait of having two-branched styles with lenticular achenes and three-branched styles with trigonous achenes. It occurs in elevation from 4,600-7,200 feet on vertical cliffs and walls along seeps and hanging gardens. The distribution of the Navajo sedge is restricted to northern Arizona and San Juan County in Utah. On the Navajo Nation, the plant is known to occur from Navajo Canyon to Tsegi Canyon and the Rock Point area of Apache County (NNHPDFW 2005). Habitat suitable for the Navajo sedge does not occur at the project site and none were observed. The project will have no effect on the Navajo sedge.

#### 5.5.4 Welsh's Milkweed

The Welsh's milkweed (Asclepias welshii N & P Holmgren) is listed as threatened under the Endangered Species Act of 1973. Welsh's milkweed is a rhizomatous, herbaceous perennial and member of the milkweed family (Asclepiadaceae). The plant is distinguished by its spherical inflorescence, height (10-40 cm), opposite and broadly ovate leaves, cream colored flowers with rose-tinged center blooming from May to June, dense white-wooly tomentum on stems and leaves, large seeds (> 20 mm long), and spreading to pendulous follicles. It is known from the Paria Wilderness area in Arizona, as well as in Utah where critical habitat has been designated. Habitat for the Welsh's milkweed consists of active dunes (leeward side) and open stabilized dunes with sparse desertscrub between 4,700 and 6,250 ft amsl (ARPC 2001; USFWS, AESFO 2005). Recently, a small population has been reported east of Kayenta near Combs Ridge. Active dunal habitat suitable for Welsh's milkweed does not occur in the project area and none were observed. The project will have no effect on the Welsh's milkweed.

#### 5.6 Migratory Bird and Non-Endangered Raptor Concerns

Pursuant to the Migratory Bird Treaty Act (U.S. Code Title 16, Chapter 7, 703-712), take of migratory birds is prohibited by federal law. If migratory birds are found to be nesting in the project vicinity, the Navajo Nation recommends no disturbance within 50 m (165 ft) of active nests of migratory birds from incubation to fledgling. Also, the NDFW recommends that no disturbance occurs within 0.15 km (490 ft) of active non-endangered raptor nests during the breeding season (NNHPDFW 2005).

#### 6.0 Summary and Conclusions

The proposed business site lease for the Low Mountain Chapter should have no effect on protected species listed on the Navajo Endangered Species List (Groups 2 and, 3) or those listed under the Endangered Species Act of 1973 by the USFWS. The project will have no effect on the alcove bogorchid, American dipper, Apache trout, bald eagle, black-footed ferret, California brown pelican, California condor, Chiricahua leopard frog, Colorado pikeminnow, desert bighorn sheep, ferruginous hawk, golden eagle Goodding's onion, humpback chub, Little Colorado spinedace, loach minnow, Mexican gray wolf, Mexican spotted owl, Navajo sedge, Northern leopard frog, pronghorn, razorback sucker, roundtail chub, Southwestern willow flycatcher, spikedace, Welsh's milkweed, Western seep fritillary, or yellow-billed cuckoo as suitable habitat is not present and none were observed. Furthermore, the project should have no impacts on the sensitive animal and plant species listed in Tables 5.1 and 5.2 given the location fronting the Navajo Route 60 right-of-way, the presence of housing complexes and a high school, heavily disturbed soils, and surrounding rural residences. As protected, listed species and

> BA for a Proposed Business Site Lease for the Low Mountain Chapter of the Navajo Nation, Navajo County, AZ MCES 07-114 September 2007 20

> > Exhibit A

unprotected species of concern are not likely to be affected by the proposed project, biological clearance to proceed with the proposed business site lease for the Low Mountain Chapter is recommended.

#### 7.0 Bibliography

AGFD

2007	Arizona Game & Fish Department website at
	http://www.azgfd.gov/w c/edits/species concern.shtml

#### ARPC

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#### BISONM.

2004 Biota Information System of New Mexico. Species List/Species Accounts, New Mexico Department of Game and Fish. New Mexico Natural Heritage Program website, <u>http://nmnhp.unm.edu/bisonm.cfm</u>, University of New Mexico, Biology Department, Albuquerque.

#### Burt, W.H. and R.P. Grossenheider

1980 A Field Guide to the Mammals of North America and Mexico. The Peterson Field Guide Series. Houghton Mifflin Company, Boston.

#### CBD

2000 Center for Biological Diversity, August 2000. Information compiled from website: http://www.biologicaldiversity.org/swcbd/species/cuckoo/cukool.html.

#### Cooley, M.E., J.W. Harshbarer, J.P. Akers, and W.F. Hardt

1969 Regional Hydrogeology of the Navajo ad Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521-A. Government Priting Office, Washington D.C.

#### Degenhardt, W.G., C.W. Painter, and A.H. Rice

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#### Finch, D.M.

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#### Harrington, H.D.

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#### Howe, W.H.

1986 Status of the Yellow-billed Cuckoo (Coccyzus americanus) in New Mexico. New Mexico Department of Game and Fish, Santa Fe.

#### Ligon, J.S.

1961 New Mexico Birds and Where to Find Them. University of New Mexico Press, Albuquerque.

#### BA for a Proposed Business Site Lease for the Low Mountain Chapter of the Navajo Netion, Navajo County, AZ MCES 07-114 September 2007 21

#### Exhibit A

23 July 2007

THE NAVA IO

File#07MCES05

Doug Loebig, TES/Wetlands Biologist Muukui-ci Cultural & Environmental Services, LLC 530 Cow Canyon Road Ignacio, CO 81137

#### SUBJECT: MCES PROJECT NO. 07-114: BIOLOGICAL ASSESSMENT FOR THE PROPOSED FOW MOUNTAIN TRADING POST IN LOW MOUNTAIN, NAVAJO COUNTY, AZ UTM ZONE 12, 0581240E, 3977190N

Mr. Lochig:

The following information on species of concern<sup>1</sup> is provided in response to your 20 June 2007 request concerning the subject project, which consists of the Whippoorwill Regional Business Development Office's proposed implementation of a 0.58-acre site lease for the Low Mountain Trading Post in Low Mountain, A $\mathbb{Z}$ 

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5-minute *Low Mountain, AZ* quadrangle(s) containing the project boundaries include the following. Potential is based primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

Aquila chrysaeros (Golden Eagle); NESL group 3; MBTA; EPA.

2. Falco peregrinus (Peregrine Falcon); NESI. group 4: MBTA.

Potential for <u>Puccinellia parishii</u> should be evaluated if wetland conditions exists that contain white alkaline crusts.

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.<sup>4</sup> Further questions pertaining to surveys should be referred

variable travel thange on our website at http://mhp.navajofi.shandwildlife orw

<sup>&</sup>quot;Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain tative species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with <u>mUy</u> ESA candidate or NESI group 4 status, please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the fature. Species without ESA or NESL legal protectori (e.g., NESL, group 4 species) are only meluded in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species, contact me if you need a copy.

to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (David Mikesic) for animals at 871-7070, and Botanist (Daniela Roth) for plants at (928)523-8445. Questions regarding biological evaluation should be directed to Jeff Cole (Acting Environmental Reviewer) at 871-7060.

Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

The information in this report was identified by the NFWD's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is strongly recommended. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on site surveys. Also, because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at <u>www,navajofishandwildlife.org</u>.

An invoice for this information is attached.

If you have any questions I may be reached at (928) 871-6472.

Sonjá Decsoi, Wildlife Tech. Natural Heritage Program Department of Fish and Wildlife

xx file chrono

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# Cultural Resources Inventory of a Proposed Business Site Lease for Low Mountain Chapter of the Navajo Nation in Navajo County, Arizona

#### Written by

Doug Loebig Múukui-ci Cultural and Environmental Services, LLC On behalf of iiná-bá

#### Prepared for

Mr. Duane Aspaas iiná-bá, Inc. for Low Mountain Chapter 612 E. Murray Drive Farmington, New Mexico 87401 (505) 327-1072

#### Submitted to

Navajo Nation Historic Preservation Department P.O. Box 4950 Window Rock, AZ 86515 (928) 871-7145

#### Submitted by

Doug Loebig, Principal Investigator Múukui-ci Cultural and Environmental Services, LLC P.O. Box 787 Aztec, NM 87410 (505) 334-6748

> NNHPD Survey Permit No. B07421 MCES Project No. 07-114 September 2007

layout of the remains of a sidewalk suggests the associated residence may have been located to the south, although no structural remnants exist.

Most of the trash on the site is comprised of bottle glass, and 90 percent is from beverage bottles, including clear, brown, and green glass. While Coca-Cola soda bottle fragments are common, much of the glass is from liquor bottles. An inordinate amount of the clear bottle bases are stamped with "WINE." Numerous bottle bases were found in which the bottle makers mark was clearly legible, all dating between the 1960s and 1970s, which supports the interview data with local residents. Notable bottle marks on base fragments include several Owens-Illinois Glass Company bottle bases with an "T" encircled by an "O," which has been used since 1954 (Toulouse 1972: 402). A manufacturing date of 1968 was found to the right of the bottle maker's mark on one of these bottle base fragments. A Brockway bottle base with a "B" enclosed within a circle, used since 1925 (Toulouse 1972: 59), was found with a 1973 manufacturing date. Several other bottle bases were found with manufacturing dates of 1968, 1972, and 1976. Much of the bottle glass occurs in two small mounds at the west end of the site against the berm of a small, runoff catchment pond. Less than 100 tin cans are scattered about the site area, mostly aluminum, pull tab beverage cans, manufactured between 1963 and 1983. Based on the artifact assemblage and interview data from local residents, the store was probably occupied between 1958 and the mid 1970s.

Previous Work: None

<u>Significance:</u> The site is recommended as ineligible for inclusion on the NRHP as the site is under 50 years old. Furthermore, there are no unique architectural elements represented and all structures have been largely demolished, with materials salvaged for use elsewhere. The site does not retain significant research or historical value. The site is under 100 years old and does not warrant protection under ARPA. The site has no known qualities meriting protection under AIRFA.

<u>Recommendation:</u> No further cultural resource work is recommended and the project should proceed as field recording has adequately characterized the limited information potential of the site.

### 8.0 Summary and Conclusions

The cultural resources inventory for the proposed business lease site encountered and documented one newly recorded site (AZ-O-08-183). Previously recorded sites, TCPs, or isolated occurrences were not located within the project area. Site AZ-O-08-183 is recommended ineligible for nomination to the NRHP as it is under 50 years old and does not retain significant research or historical value. Detailed recording of the site in the field has sufficiently characterized its limited information potential. Cultural resources clearance for the proposed business site lease is recommended as no historic properties will be affected.

### 9.0 References Cited

Cooley, M.E., J.W. Harshbarer, J.P. Akers, and W.F. Hardt

1969 Regional Hydrogeology of the Navajo ad Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521-A. Government Printing Office, Washington D.C.

> CRI of a Proposed Business Site Lease for Low Mountain Chapter of the Navajo Nation in Navajo County, Arizona MCES 07-114 September 2007

	CULTURAL RESOURCES COMPLIANCE FORM
, ŝ	RC'JTING COPIES (10 AZ. SHPO REAL PROPERTY MGT 330 XX. MCES 07-114
4	PROJECT TITLE: Cultural Resources Inventory of a Proposed Business Size Lease for Low Mount in Chapter of the Navajo Nation in Navajo County, Arizona
	LEAD AGENCY, BIA/NR
ŧ	SPONSOR: Duane Aspaas, ilna-ba, Inc. for the Low Mountain Chapter, 612 E. Murray Drive, Farmington, New Mexico 87401
**	PROJECT DESCT IFTION: The proposed undertaking will involve a business site lesse and the construction of a new convenience store as station, & laundromat. The area of effect is 2.58 screes. Ground disturbance will be intensive and extensive with the use of heavy equipment.
477 - 486 - 4	LAND STATUS: Tribel Trust CHAPTER: Low Mountain LOCATION: Unplatted & Projected T30N, R21E; Low Mountain Quadrangle, Navajo Courty, Arizona G&SRPM&B
1	PROJECT ARCHAEOLOGIST: Doug Loebig NAVAJO ANTIQUITIES PERMIT NO.: 807421
110 400	DATE INSPECTED: 08/30/07 DATE OF REPORT: 10/10/07 TOTAL ACREAGE INSPECTED: 4.14 mc
1	METHOD OF INVESTIGATION: Class Ill pedestrian inventory with fransects spaced 12-15 m apart.
3	L'ST OF CULTURAL RESOURCES FOUND: (1) Site (AZ-O-B-183) LIST OF ELIGIBLE PROPERTIES: None LIST OF NUM-ELIGIBLE PROPERTIES: (1) Site (AZ-O-B-183) LIST OF ARCHA SOLOGICAL RESOURCES: None
	EFECT/COND'TIONS OF COMPLIANCE: No historic properties affected.
	In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not imited to archaeological deposits, human remains, of locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the namediate vicinity of the discoverymust cease, and the Navajo Nation Historic Preservation Department must be relified at (928) 871-7148.
	FORM PREPARED BY: Tamara Billis FINALIZED: November 9, 2007
	Notification to Proceed Recommended: Yes No
	Historic Preservation Officer
	Navajo Region Approval: Yos X No Actim Regional Director Date

Exhibit A

### **"MARKET AND ECONOMIC FEASIBILITY STUDY"**

For Low Mountain COMMUNITY

## FINAL REPORT November 5, 2012



Submitted To: Tony Little Program Manager Whippoorwill Regional Business Development Office Division of Economic Development THE NAVAJO NATION Post Office Box 1004 Pinon, Arizona 86510 (928)725-3707

Submitted By: Indian Affiliates, Inc. Frank Talker Vice President of Operationa Post Office Box 1138 Window Rock, Arizona 86515 (928)729-2832

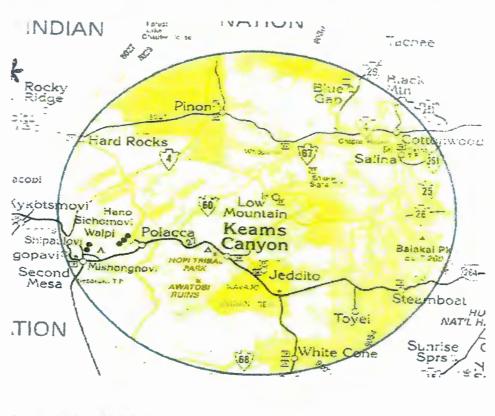
#### V. Market and Economic Feasibility Study Conclusion

This Final Report and the analysis of the information contained supports the development of the Convenience Store and Gas Station in Low Mountain Community. The following are a few suggested recommendations:

A. Recommendations

- The site must be engineer designed to determine the exact number of gas pumps and above ground storage tanks to serve.
- 2. The food goods to be sold, must be equal or better than what is currently being served in Pinon.
- 3. A diversified store to provide laundry services is essential to capture more customers to buy more in one location.
- 4. The building design of the store can be provided by the gas provider, i.e. Chevron, Conoco, or Giant stores. Plans can be modified to meet local building code requirements.
- 5. The market feasibility study provided should be included in the business plan.
- Traffic Impact Analysis (TIA) will need to be done to meet BIA requirements for turnout traffic for new store.
- 7. Advertising signs must be placed at key intersections of Indian Route 4, U.S. 191, and AZ 264.

B. Documents and references provided.



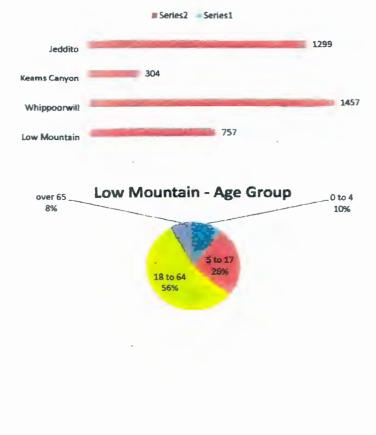
LOW MOUNTAIN AND SURROUNDING COMMUNITIES

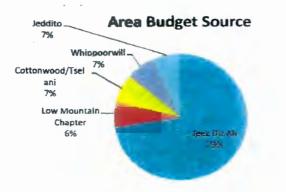
Low Mountain Whippoorwill Pinon Blue Gap Keams Canyon Polacca Jeddito

. 2004				Age	Bracket	Homes			
<u>Area</u> Chapters		Census	<u>0 to 4</u>	<u>5 to 17</u>	<u>18 to 64</u>	over 65	Owned	Vacant	Total
Low Mountain		757	75	200	421	61	188	72	260
Whippoorwill		1457	189	386	795	87	314	29	343
Keams Canyon		304	22	91	191	. 0	88	0	88
Jeddito		1299	141	315	717	125	267	89	356
, & day 2	TOTAL	3817	427	992	1903	413	857	190	1047

## LOW MOUNTAIN DEMOGRAPHICS

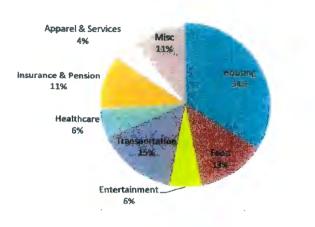






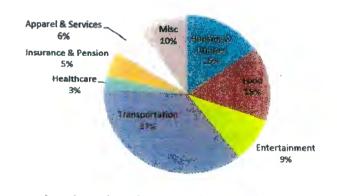
1

Area Business	Estin	mated Revenue
Jeez Diz Ah	\$	3,000,000.00
Low Mountain Chapter	\$	270,742.00
Cottonwood/Tselani	\$	300,951.00
Whippoorwill	\$	284,995.00
Jeddito	\$	277,719.00
	\$	4,134,407.00



## **U.S.** Consumer Expenses





# Geographic Aren: Pinon Chapter, Havajo Nation Reservat and Off-Reservation Trust Land, AZ-MB-UT (AZ part), Arizona

Sabject	Number	Percent	Subject HISPANIC OR LATING AND RACE	Number	Per
Tetal population	3,966	400		3.066	-
	3,999	108	Tetni population Hispanic or Latino (of any race)	35	
SEX AND AGE	1.000	20.4	Principalities of Latimo (of any faice)	30	-
	1,536		Mexican		
Female	1,530		Puerto Rican	1	
			Cuban	0	
Under 5 years	353		Other Hispanic or Latino	8	
5 to 9 years	369		Not Hispanic or Latino	3,031	
10 to 14 years	430		White alone	114	-
15 to 19 years	310	10.1			-
20 to 24 years	237		RELATIONSHIP		_
25 to 34 years	379	12.4		3,066	
35 to 44 years	392		In households	3,066	-
45 to 54 years	253		Householder	741	<u> </u>
66 to 69 years	85		Spouse	396	
60 to 64 years	70		Child	1,445	
65 to 74 years	118		Own child under 18 years	1,061	
75 to 64 years	53		Other relatives	445	
85 years and over	17	06	Under 18 years	281	
			Nonrelatives	37	
Median age (years)	21.3	(20)	Unmarried partner	27	
	· · · · · · ·		In group quarters	0	
18 years and over	1,720	56.1	Institutionalized population	0	
Male	828	27	Noninstitutionalized population	0	
Fomale	692	29,1			
21 years and over	1.547	50.6	HOUSEHOLDS BY TYPE		-
62 years and over	235	77		741	
65 years and over	188	6.1	Family households (families)	612	
Male	81		With own children under 16 years	390	
Female	107		Married-couple family	398	
	107	9.9	With own children under 18 years	277	
RACE			Female householder, no husband present	174	
One tace	3,000	99.8	With own children under 16 veers	93	
White	116		Nonfamily households	129	
Black or African American	0		Householder living alone	125	
American Indian and Alaska Native	2,937		Householder 65 years and over	26	
Acian	2	0.1			+
Asian Indian	0		Households with individuals under 18 years	474	-
Chinese	0		Households with individuals 55 years and over	144	
Filipino	2				1
Jacanese	0		Average household size	4.14	1
Koreen	0		Average family size	4.74	
Vietnamese	0			2.14	1
	0		HOUSING OCCUPANCY		+
Other Asian				1.097	1
Native Haweiian and Other Pacific Islander	1		Total housing units	741	
Native Hewalian	1	-	Occupied housing units	356	
Guamanian or Charmorro	0		Vacant housing units	232	
Semoen	0		For sessonal, recreational, or occasional use	232	-
Other Pacific Islander <sup>2</sup>	0				-
Some other race	4		Homeowner vecancy rate (percent)	(	
Two or more races	6	0.2	Rental vecency rate (percent)	56	-
Race alone or in combination with one or more other races <sup>3</sup>			HOUSING TENUNE		T
White	119		Occupied housing units	741	
Bisok or African American	1		Owner-occupied housing units	367	
American Indian and Alaska Native	2,943		6 Renter-occupied housing units	354	1
Asian	3	0.1	1		1
Native Hawaiian and Other Paoific Islander	2	0.	Average household size of owner-occupied unit	4 2	
Some other race		1 07	2 Average household size of renter-occupied unit		0

<sup>1</sup> Other Asian plans, or two or m

<sup>2</sup> Other Pacific Isla uter alone, or two or more highly Hig in and Other Peoffic

ADDITIONAL INFORMATION

1. AGENCY: Chinis 3. SERVICE UNIT: Chinis

3. COLINTY: Nevelo 4. STATE: Anama

Exhibit A

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#### Geographic Area. Jeddito Chapter, Navajo Nation Reservation and Off-Reservation Trust Land, AZ-NM-UT

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Subject	Number	Percent	Subject	Number	Pe
	-		HISPANIC OR LATINO AND RACE		
Total population	1,299	100		1,286	
SEX AND AGE			Hispanic or Latino (of any race)	15	-
Male	611		Mexican	5	
Female	668		Puerto Rican	0	
			Cuben	0	
Under 5 vaars	143		Other Hispanic or Latino	9	-
5 to 9 years	162		Not Hispenic or Latino	1.284	-
10 to 14 years	153		While alone	28	-
15 to 19 years	123				
20 to 24 years	84		RELATIONSHIP		
25 to 34 years	140		Total population	1,299	
35 to 44 years	175		in households	1,299	-
45 to 54 years	117		Householder	356	
55 to 59 years	39			177	-
60 to 64 years	39		Spouse Child		
65 to 74 years	89			564	
	30		Own child under 18 years	433	
75 to 64 years			Other relatives	170	
65 years and over	7		Under 18 years	103	
	-		Norrelatives	32	
Median age (years)	23.9		Unmarried pertner	28	
	1		in group quarters	0	
18 years and over	762		Institutionalized population		
Male	358		Noninstitutionalized population	0	Ň.
Femäle	404				E
21 years and over	690	53.7	HOUSEHOLDS BY TYPE		1
62 years and over	157	12.1	Total households	156	1
55 years and over	126	9.7	Family households (families)	276	
Mele	55	4.2	With own children under 18 years	160	-
Female	71		Married-couple tamity	177	
	1		With own children under 16 years	87	1
RACE	1		Female householder, no husband present	73	
One race	1,293	99.5	With own children under 18 years	53	
White	25		Nontematy households	71	
Black or African American	6		Householder twing alone	70	1
Amencan Indian and Alaska Native	1.262		Householder 65 years and over	23	
Asian	1				1
Asian Indian	-		Households with individuals under 18 years	193	<del>1</del>
Chinese	1 0		Households with individuals 65 years and over	98	
Filipino	1 0				
Japanese	1		Average household size	3.6	H.
Koman					
Vietnamese			Average family size	4.21	η
					+
Other Asian 1	5	<u> </u>	HOUSING OCCUPANCY	- lin	1
Native Heweven and Other Pacific Islander			Total housing units		
Native Heweilan	0		Occupied housing units	354	
Guamanian or Chamorro			Vecent housing units	24	
Sencen	1		For sessonal, recreational, or occasional use	19	4
Other Pacific Islander 2			a	1	1
Some other race		0.1	Homeowner vecancy rate (percent)		0
Two or more races		0.0	SRental vacancy rate (percent)		0
Rece slone or in combination with one or more other			HOUSING TENURE		+
White	30			36	
Black or African American	1		Owner-gooupled housing units	25	
Amendan Indian and Ataska Native	1,28	BI 97.1	SRenter-occupied housing units		9
Asian		0.	2		T
Native Hawaven and Other Pacific Islander			Average household size of owner-occupied unit	3.6	2
Some other race			Average household size of renter-occupied unit	37	

<sup>(A)</sup> other Asian alone, or two or more Asian or

ific Islander Alene, or two or more Nutrie Plawbact and Oper-eer enlegenes <sup>2</sup> Cline Panite

THEY I TO TROUT

Source U.S. Centrus Borbeu, Consus 2000 Summary Fiel 1. Matrians P1, P3, P4, P5, P5, P12, P13, P17, P18, P18, P30, P23, P27, P26, P33, PC76, PCT8, PCT11, PCT15, H1, H3, H4, H5, H11, and H12

ADDITIONAL INFORMATION

1 AGENCY <sup>II</sup>L Delance 2 STATE Angew 3 SERVICE LINIT WINSOW

#### WHIPPOORWILL SPRING

Selected Characteristics from Census 2000

	Number	Percent
TOTAL POPULATION	1,457	100.0
SEX AND AGE		-
Male	723	
Female	734	50.4
Under 5 years	189	13.0
5 to 9 years	194	
10 to 14 years	192	13.2
15 to 19 years	157	10.8
20 to 24 years	102	7.0
25 to 34 years	180	
35 to 44 years	189	
45 to 54 years	- 98	
55 to 59 years	28	
00 to 64 years	- 41	
65 to 74 years	60	
75 to 84 years	18	
85 years and over	9	
Median age (yrs)	19.9	(X)
RACE		
White	2	
Black or African American	0	
Amer Indian/Alaska Nativo	1,452	
Asian	0	0.0
Native Hawaiian/Other P1	0	
Some other race	0	0.0
Two or more races	3	0.2
Amer Indian/Alaska Native	1,454	99.6
combination w/Other race		
HOUSEHOLDS BY TYPE		
Total households	343	100.0
Family households	281	61.6
Non-family households	62	18.1
Average household size	4.25	
Average family size	4.88	
HOUSING TENURE		· ·
Occupied housing units	343	
Owner-occupied housing	314	1
Renter-occupied housing	29	8.5
MARITAL STATUS		
Population 15 years & over	787	100.0
Never married	329	
Now married	348	
Separated	34	
Widowed	23	1
Divorced	53	
	53	
VETERAN STATUS		
	704	100.0
Civilian Pop 16 years & over	14	2.0
Civilian Pop 18 years & over Civilian veterans		
Civilian veterana	1,193	100.0
Civilian veterans	1,193	
Civilian veterana LANGUAGE AT HOME Population 5 years and over English only Navajo/Native American	1	7.0
Civilian veterans LANGUAGE AT HOME Population 5 years and over English only	83	7.0
Civilian veterana LANGUAGE AT HOME Population 5 years and over English only Navajo/Native American	83 1,110	7.0 93.0 59.0

SCHOOL ENROLLMENT	Number	Percent
Population 3 years & over	592	100.0
Nursery school, preschool	30	5.6
Kindergarten	30	5.6
Elem school (grades 1-8)	338	63.5
High school (grades 8-12)	118	22.2
College or graduate school	10	3.0
EDUCATIONAL ATTAINMENT		
Population 25 years & over	584	100.0
Less than 9th grade	213	37.8
9th to 12th grd, no diploma	198	35.1
High school grad (inc GED)	85	16.1
Some college, no degree	58	10.3
Associate degree	10	1.8
Bachelor's degree	0	0.0
Greduate/professional deg	0	0.0
Perc HS graduate/higher	27.1	(X)
Perc bachelor's deg/higher	0	(X)
EMPLOYMENT STATUS		
Population 16 years & over	783	100.0
In labor force	227	29.0
Civilian labor force	227	29.0
Employed	123	15.7
Unemployed	104	13.3
Percent Unemployed	45.8	00
Not in labor force	556	71.0
COMMUTING TO WORK		
Workers 16 years & over	119	100.0
Car/tuck/van(drove alone)	73	81.3
Car/truck/van - carpooled	34	28.6
Public transportation	6	5.0
Walked	6	5.0
Other means	0	0.0
Worked at home	0	0.0
Travel time to work (minutes)	49.2	(X)
CLASS OF WORKER		
Private wage/salary workers	71	57.7
Government workers	52	42.3
Self-employed workers	0,	0.0
Unpeid family workers	0	0.0
INCOME IN 1999		
No. of Households	280	100.0
Median household income	\$17,500	(2)
No. of Families	260	100.0
Median family income	\$12,917	00
Per capita income	\$4,402	00
Median earnings:		
Male full-time, year-round	\$32,813	(X)
Female full-time, year-round	\$15,278	X
POVERTY STATUS IN 1999		
No. & (%) of families in poverty	149	57.3
No. & (%) of persons in poverty		54.7
	1 100	LP1.6

	Number	Percent
Total housing units	453	
UNITS IN STRUCTURE		
1-unit, detached	394	87.0
1-unit, attached	0	0.0
2 units	0	0.0
3 or 4 units	0	0.0
5 to 9 units	0	0.0
10 to 19 units	0	0.0
20 or more units	0	
Mobile home	59	
YEAR STRUCTURE BUILT		
1999 to March 2000	29	6.4
1995 to 1998	106	23.4
1990 to 1994	62	13.7
1980 to 1989	111	24.5
1970 to 1979	95	21.0
1980 to 1989	37	6.2
1940 to 1959	13	2.9
1939 or earlier	0	
ROOMS		
Median (rooms)	1.4	(X)
VEHICLES AVAILABLE		
None	108	
1	137	
2	18	
3 or more	51	16.2
HOUSE HEATING FUEL		
Utility gas	0	
Bottled, tank, or LP gas	75	
Electricity	16	
Fuel all, kensene, etc	0	
Coal or colos	0	
Wood	224	
Solar energy	0	
Other fuel	0	
No fuel used	0	0.0
PLUMBING & TELEPHONE		
Lacking complete plumbing	140	44.4
Lacking kitchen facilities	114	
No telephone service	272	86.3
OCCUPANTS PER ROOM	315	100.0
1.00 or iess	85	
1.01 to 1.50	33	
1.51 or more	197	
MORTGAGE & RENT		
Owner-occupied units	207	100.0
VALUE in Median dollars	\$26,900	)
With a morigage	8	
Median mortgage payments	\$350	
Renter-occupied units	41	
No cash rent Median rent payments	23 \$225	

Source: United States Census 2000; Extracted and formatied by LSR Innovations; November 2003

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## Keams Canyon, Arizona Population: Census 2010 and 2000 Interactive Map, Demographics, Statistics, Quick Facts



#### Compare Versions Free Version

Compare population statistics about Keams Canyon, AZ by race, age, gender, Latino/Hispanic origin etc. <u>CensusViewet</u> delivers detailed demographics and population statistics from the 2010 Census, 2000 Census, American Community Survey (ACS), registered voter files, commercial data sources and more.

Experience breakthrough technology for census data discovery, population analysis and visualization over Bing Maps. Visually "fly over" a state, viewing in great detail the census blocks, census tracts, cities, counties and various political districts in your selection or "zoom down" to the street level to get demographic statistics and information about the population in an individual census block or census tract.

Click on any map link to see our blazing-fast data visualization over Bing Maps in action. If the brain about the unprecedented demographic insight and analytical power of Census Viewer interactive maps

CensusViewer maps data and statistics pages for all states, counties and cities.

Keams Canyon, Arizona - Overview

2010 Census 2000 Census 2000-2010 Change Counts Percentages Counts Percentages Change Percentages

Total Population						
Total Population	304	100.00%	260	100.00%	44	16 92%
Population by Race						
American Indian and Alaska native alone	270	88.82%	233	89.62%	37	15.88%
Asian alone	1	0.33%	0	0%	ł	0%
Black or African American alone	1	0.33%	1	0.38%	0	0%
Native Hawaiian and Other Pacific native alone	0	0%	0	0%	0	0%
Some other race alone	0	0%	0	0%	0	0%
Two or more races	8	2.63%	6	2.31%	2	33.33%
White alone	24	7.89%	20	7.69%	4	20.00%
Population by Hispanic or Latino Origin (o	of any n	ace)				
Persons of Hispanic or Latino Origin	11	3.62%	5	1.92%	6	120.00%
Persons Not of Hispanic or Latino Origin	293	96.38%	255	98.08%	38	14.90%
Population by Gender						
Male	147	48.36%	144	55.38%	3	2.08%
Female	157	51.64%	116	44.62%	41	35.34%
Population by Age						
Persons 0 to 4 years	23	7 57%	13	5.00%	10	76.92%
Persons 5 to 17 years	71	23.36%	49	18.85%	22	44.90%
Persons 18 to 64 years	178	58,55%	189	72.69%	-11	-5.82%
Persons 65 years and over	32	10.53%	9	3.46%	23	255.56%

special.

## CensusViewer - Graphs & Tables: Race by Age

CensusViewer - Graphs & Tables: Hispanic/Latino Origin



## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION June 13, 2016

Mr. Anthony Little Program Manager Whippoorwill Regional Business Office P.O. Box 1004 Pinon, Arizona 86510

RE: Business Development Infrastructure Cost for Low Mountain Trading Post Navajo County, Arizona

Dear Mr. Little,

Provide herein, preliminary cost estimates for infrastructures for the following business site:

1.	Low Mountain Trading Post, Low Mo	ountain, AZ.	
	Electric Service Installation & Upgrade		\$80,000.00
	Water Line Installation:		\$75,000.00
	Sewer Line Installation:		\$70,000.00
		Sub Total	\$225,000.00
		<b>Grand Total</b>	\$225,000.00

The cost increased for new and existing infrastructures on-site, new installations and conversion with recommendations accommodating of the new developments. For instance some area may require three phase structures overhead and underground main and services depending load and type of services requires. The water & waste deposal facilities installations, new main and services, upgrade to date standards, and specifications per NTUA, Indian Health Services, and NNEPA and etc.

Any questions concerning this request, you may contact our Customer Services or Engineering Department at (928) 729-4717 or 4735.

Wallage Yazzie

ET/Project Manager NTUA CHINLE DISTRICT

Attachments:

Home Office: KAYENTA P.O. BOX 170 FT. DEFLANCE, AZ MISO4

P.O. 80X 37 P.O. BOX 3 KAYENTA, AZ BROSS TUBA CITY, AZ 88045

TUBA CITY

P.O. BOX 1749 P.O. BOX 54 SHIPROCK, NM 87420 CHINLE, AZ 86503

CHINLE

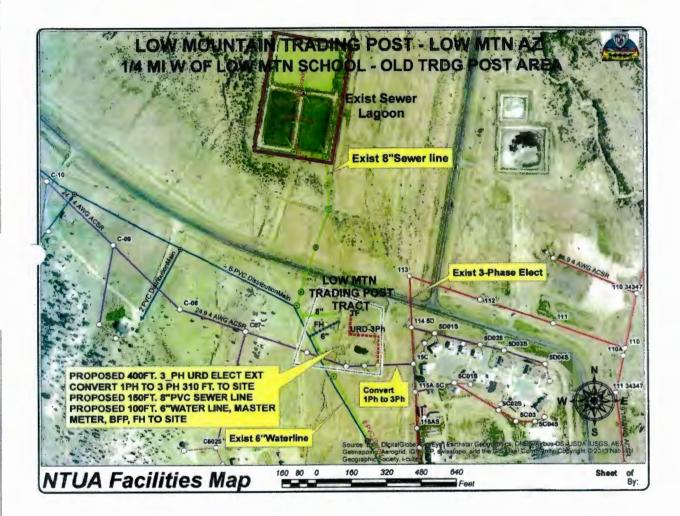
FORT DEFLANCE P.O. BOX 587 PT. DEFIANCE, AZ 8

DECON CROWNPOINT HC 63 BOX D SLOW, AZ BEDA7

P.O. BOX 1825 NNPOINT, NM 87313 CRO

CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

SHIPROCK





THE NAVAJO NATION

RUSSELL BEGAYE

May 10, 2016

Low Mountain Chapter Pinon, Arizona 86510

# RE: Development and Construct Cost for a Convenience Store and Gas Station

Dear Mr. Ahastiin:

I am submitting per your request a price quotation herein referenced above for the development of a convenience store and gas station in your chapter.

The cost is based on a 1,200 - 1,400 square foot building taking into consideration the cost of concrete and materials, cost of design, and the construct of building based on the nearest available cost from Gallup, New Mexico.

Depending on type of signature gas selected, Conoco, Chevron, and the like, a determination would then be made on design. Chevron, for example has an existing design to be applied, but the site development would have to be complete for the foundation development along with engineered soil tests.

Sincerely,

Tony Little Program Manager Chinle RBDO Post Office Box 565 Chinle, Arizona 86503

CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE • DIVISION OF ECONOMIC DEVELOPMENT POST OFFICE BOX 565 • CHINLE, NAVAJO NATION( ARIZONA) 86503 • (928) 674-2240 • FAX (928) 674-2244



## THE NAVAJO NATION

RUSSELL BEGAYE

#### Low Mountain Convenience Store and Gas Station Cost Estimate for Development and Construct

May 10, 2016

I. Pre-Development Cost \$ 25,000.00 II. Development Cost and Assessment \$ 27,900.00

III. Site Development and Design \$ 35,000.00

IV. A/E Design \$ 20,000.00

V. Business Plan & Financials \$ 27,000.00

VI. Infrastructure & Site Construction \$280,000.00
(sewer, water, & power)

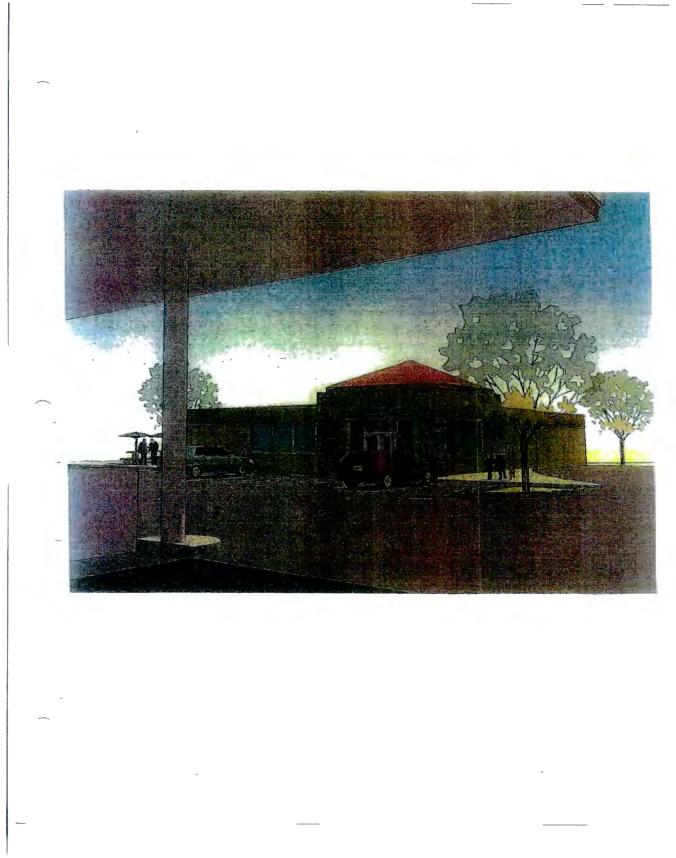
VII. Convenience Store & Gas Station \$980,000.00

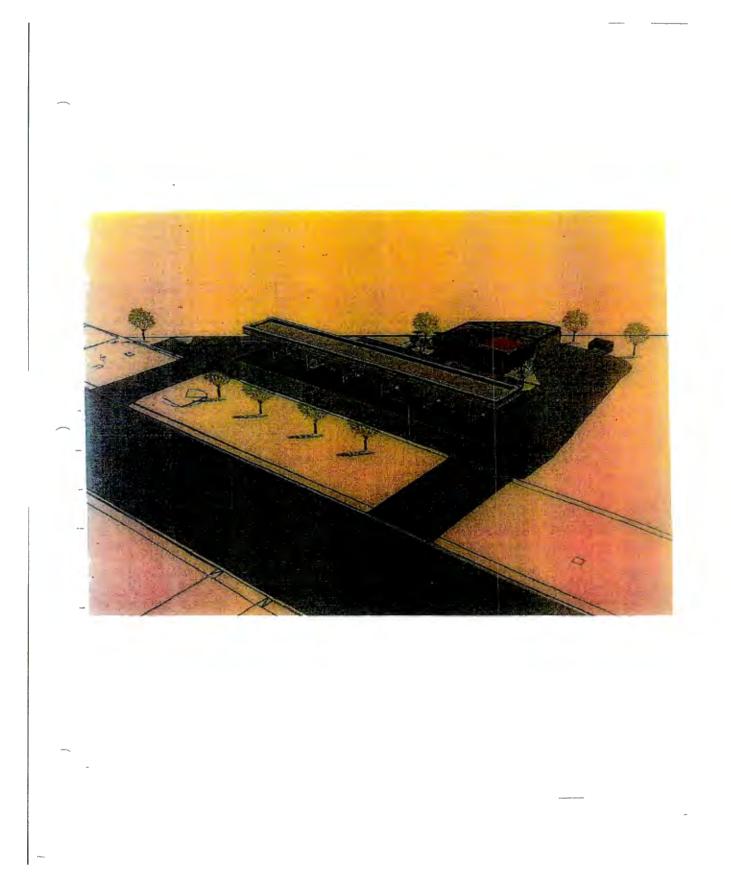
(foundation, canopy & 3 pumps (2 regular and 1 diesel) , 10,000 & 5,000 Gallon tanks, equipment, refrigerators, Satellite communication, storage building, Air compressor system, telephone system, Paved parking and pad, fencing, Signage, and ancillary cost)

VIII.Start-up Cost (merchandise and payroll for two months, including insurances and first two months payment on note due) \$142,000.00

XI. Total Amount of Investment and Cost \$1,536,000.00

CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE • DIVISION OF ECONOMIC DEVELOPMENT POST OFFICE BOX 565 • CHINLE, NAVAJO NATION( ARIZONA) 86503 • (928) 674-2240 • FAX (928) 674-2244





612 E. Murray Drivit Farmington, NM 87499

March 22, 2007

Whippoorwill Regional Business Development Office Atten: Bertina Brown, EDS P.O. Box 1004 Pinon, Arizona 86510 Suprock. NM 87420

UD. Box 958

RE: Proposal to Provide Archaeological Surveys, Biological Assessments and Environmental Assessments for Two Business Sites Located in Smoke Signal and Low Mountain, Navajo Nation

iiná bá

Dear Ms. Brown:

**Ilná bá** respectfully submits the foregoing Cost and Proposal to the Whippoorwill Regional Business Development Office in response to the Request For Proposals dated March 09, 2007 for Archaeological Surveys, Biological Assessments and Environmental Assessments for two (2) Business Sites located in Smoke Signal and Low Mountain, Navajo Nation, Arizona.

*ilná bá* stands ready to assist the Whippoorwill RBDO with these important tasks and I do appreciate the opportunity to be of service to the Navajo Nation and Whippoorwill RBDO. Cost to provide professional services for these projects has also been FAX to you on March 22, 2007 and this proposal will serve as hard copies. Needless to say, I have also included *iiná bá*, including Certificate of Eligibility for Navajo Preference and Certificate of Liability Insurance.

If you have any questions, please do not hesitate to call me at the above the telephone number.

Sincerely.

Duane M. Aspaas President

Enclosures: Two (2) sets of Proposal

MAINTAINING HARMONY BETWEEN MAN AND HIS ENVIRONMENT

## **IRONHORSE ENVIRONMENTAL** SERVICES, INC. DEDICATED TO PROTECTING MOTHER EARTH



Ironhorse Environmental Services, Inc. P.O. Box 1809 Window Rock, Arizona 86515

Cost Breakdown Project: Low Mountain Trading Post Low Moutain, Arizona General Clean-up Services

I.	Labor	\$4,400.00
II.	Equipment	\$3,600.00
Ш.	Transportation	\$4,000.00
IV.	Disposal Cost	\$2,000.00
	Sub-Total N.N. Tax 4%	\$14,000.00 \$560.00
	Grand Total	\$14,560.00

P.O. Box 1809 • Window Rock, AZ 86515 928-871-5361

Office • Navajo Nation Shopping Center, Space 13A Fax: 928-871-5354

Exhibit A

p.3

- A. Complete Clean Up
  - 1.) This work includes all labor; tools and equipment to do a complete general clean up.
  - 2.) This is an old frame structure which was damaged by fire within the 2.58 tract of land in Low Mountain, Arizona. Site contains ruins from the former trading post.
  - 3.) Removal of concrete foundation including reinforcing steel, concrete floor slabs, stone walls concrete block walls, and concrete sidewalks.
  - 4.) Shut-off, cap and otherwise protect existing public utility lines in accordance with the requirements of the public agency or utility having jurisdiction, which would be Navajo Tribal Utility Authority (NTUA).
  - 5.) Remove all the underground sewer line, water lines, gas lines, clean outs, shut-off values and water meter. Cap all utility lines at the property lines.
  - 6.) Remove fire damaged tree on the property.
  - 7.) Remove structure in the middle of business tract.
  - 8.) Backfill basement or underground cellar with local soil, after the clean-up is completed finish grade the entire area and make it level.
  - 9.) The debris and any other materials on site shall be disposed of properly according to the Environmental Protection Agency (EPA) policies and at the nearest EPA approved landfill. All concrete should be transported to a nearby Sand and Gravel company for recycling.

#### Other pertinent information:

The site is the demolished remains of the former trading post at Low Mountain. This site currently consists of six features and a scatter of 10,000+ artifacts, the vast majority if which is broken bottle glass.

Feature 1 measures 16 by 12 m and is a cinder block outlined concrete foundation, presumably the store. An attached 3 by 4 room occurs at the northwest end of the foundation, and still has standing walls and a roof. The small room probably represents a walk-in refrigeration or storage room. The exterior of the standing room is painted with much recent graffiti. The walls of the entire structure were apparently made from cinder blocks with concrete mortar, with a chicken wire layer between the wall exterior and the cement stucco.

*Feature 2* is a 1.3 m diameter circular open pit of unknown purpose and appears to be about 1.5 m in dept. While it could be an outhouse depression, it looks as if something had been buried there and subsequently removed.

*Feature 3* is 2 by 2 m square cinder block foundation with an 8-inch diameter steel pipe that is still standing and the feature may represent an incinerator or outhouse.

*Feature 4* is a 4.5 by 4 m concrete foundation so heavily oil stained and it likely represents a genitor foundation as the original store probably pre-dated electrical service to the Low Mountain community.

Feature 5 is a c-shape, 1.5 by 1 m alignment of sandstone barbeque area.

Feature 6 is a 10.5 m long sandstone slab alignment that may represent landscaping, a parking area delineation, or possibly the remains of a salvaged structure. However, the layout of the remains of a sidewalk suggests the associated residence may have been located to the couth, although no structural remnants exist. Most of the trash on the site is comprised if bottle glass and 90 percent is from beverage bottles, including clear, brown, and green glass. While Coca-Cola soda bottle fragments are common, much of the glass is from liquor bottles. An inordinate amount if the clear bottle bases can be found on the business site.

#### PRG& ESSIONAL SERVICES CONTACT BETWEEN THE NAVAJO NATION AND IRONHORSE ENVIRONMENTAL SERVICES, INC. ("CONSULTANT")

CONTRACT NO: \_\_\_\_\_\_\_\_

#### FOR THE PROJECT: <u>FORMER LOW MOUNTAIN TRADING POST CLEAN UP</u>

#### THIS CONTRACT IS FOR THE PERIOD:

BEGINNING AS OF: date of signature execution below by the Navajo Nation President

THIS CONTRACT EXPIRES ON: MARCH 31, 2010

PAYMENTS TO BE MADE FROM: Business Unit/Account No(s) 110013 . 6921

MAXIMUM ORIGINAL CONTRACT AMOUNT NOT TO EXCEED: \$14,560.00

## CONTRACT ENTERED INTO PURSUANT TO TERMS, CONDITIONS, AND COVENANTS SET FORTH IN:

ATTACHMENT A – MUTUAL PROMISES AND AGREEMENTS ATTACHMENT B – SCOPE OF WORK FOR PROJECT

#### **REQUIRED SUPPORTING DOCUMENTS:**

EXHIBIT A BUDGET EXHIBIT B CONSULTANT'S CREDENTIALS EXHIBIT C – PROOF OF INSURANCE (signed by Insurer) EXHIBIT D – DEBARMENT FORM (signed by Consultant)

#### SIGNATURES OF PARTIES FOR EXECUTION OF CONTRACT:

We hereby certify that the CONSULTANT named herein and the Navajo Nation have duly negotiated and executed this agreement, and that this Contract is within the powers vested in the Parties:

For the Consultant:

Gary Puerte, Owner fronhouse Environmental Services, Inc. PO Box 1809 Window Rock, Arizona 86515 SSN: 527-47-6571

For the Navajo Nation on behalf of the Low Mountain Chapter:	
S Ahella	IDEC 1 2009
Joe Shirtey, Jr., President The Navajo Nation Office of the President/Vice-President P. O. Box 9000 Window Rock, AZ 86515	Date

I hereby certify that this agreement, with its accompanying Attachments and Exhibits, has been reviewed and is in accordance with Navajo Nation law:

Printed	Name,	Assi	stant	Attorney	General,	Unit
Navajo	Nation	Depa	artmo	ent of Just	lice	
P.O. Bo	x 2010					
Window	v Rock	AZ	865	15		

Date

PROFESSIONAL SERVICES/CONSTRUCTION SERVICES CONTRACT

FRONT PAGE (Page | of !)

0ct-08-07 04:31pm From-Mavajo Environmental Protection Agency T-493 P.002/002 F-782 · NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY Waste Regulatory Compliance Department P.O. Box 339, Window Rock, Navajo Nation, AZ 86515 Tel. (928) 871-7993 Fax (928) 871-7996 FII F COPY Joe Shirley Jr Frank J. Dayish, Jr. JUL 2 8 2005 PRESIDENT Mr. Alan Begay, Executive Director Navajo Nation Division of Economic Development P.O. Box 663 - .' Window Rock, Arizona 86515 Subject: 2004 Underground storage tank closures at abandoned sites on the Navajo Nation Dear Mr. Begay: This correspondence refirs to eight underground storage tank removal reports, prepared by:
I., Jina ba on 1/31/05, NAV# 162 Round Top Trading Post, Ganado, AZ., four USTs removed on 6/18/04.
2. Jina ba on 12/10/04, NAV# 201 Rocky Ridge Trading Post, Demebito, AZ., one UST removed on 3/15/04.
3., Jina ba on 12/22/04, NAV# 229, Vinceni Trading Post, Lukachukai, AZ., four USTs removed on 3/15/04.
4. Jina ba on 8/04/04, NAV# 229, Vinceni Trading Post, Lukachukai, AZ., one UST removed on 3/15/04.
5. Jina ba on 9/04/04, NAV# 209, Vinceni Trading Post, Lukachukai, AZ., one UST removed on 3/15/04.
6. Jironhorse on 9/30/04, NAV# 100, Kannedy Trading Post, Comfields, AZ., one UST removed on 5/20/04.
6. Jironhorse on 9/13/04, NAV# 235, Low Mountain Trading Post, Low Mountain, AZ., one UST removed on 5/14/04.
7. Zia TSW on 8/06/04, NAV# 235, Low Mountain Trading Post, Low Mountain, AZ., one UST removed on 6/14/04. 6/30/04. 8. Zia TSW on \$/06/04, NAV# 402, Smoke Signal Trading Post, Smoke Signal, AZ, two USTs removed on 7/01/04 The analytical results for soil samples collected at the UST site indicates no hydrocarbon concentrations above appropriated EPA, Region IX or Navajo Nation EPA (NNEPA) soil clearup levels. The information submitted has assisted NNEPA in assessing the stans of these sites. Based on this data, these sites do not appear to pose a carrent threat to human health and the environment. Therefore, EPA and NNEPA are not requiring any further action at this time. If new USTs are installed at this site, the appropriated Notification forms must be submitted to EPA and NNEPA within 30 days after startup of the new installation. Please call Henry Haven of my staff at (928) 871-871-7993, or Walter Gragenheimer of EPA at (415) 972-3377. if you have any questions or need more information. Sincerely, 1 R. 2 Stephen D. Etsitty, Executive Director Navajo Nation Environmental Protection Agency hall Steven C. Linder, Manager, USEPA Region IX, UST Prugram Wahter Guggenhaimer. Engineer, USEPA Region IX, UST Program Ariens Luther, Program Manager, NNEPA Wasto Regulatory Compliance Henry Baven, Geologin, Navajo PA, Lenking UST Program Alan Dovner, Navajo Nation HPD Leo Watchman, Ir, Manager, Maydo Nation Ecoscopic Development RBI Mr. Tany Edite, Program Manager, Ohiop 2010 Mr. Meury Baktab, Program Manager, Christo RBIDO Ms. Alunto Touchth, Program Manager, Christo RBIDO Ms. Alunto Touchth, Program Manager, Ento Definace REDO MC: nic Development RBDO

LMC-15-046

#### Resolution of the Low Mountain Chapter

**Resolution Number:** 

Requesting the Whippoorwill RBDO, Division of Economic Development and the Resources and Development Committee of the 23<sup>rd</sup> Council to seek all possible resources to fund the Low Mountain community Convenience Store and Gas Station development.

Whereas:

1. The Low Mountain chapter is a duly certified chapter of the Navajo Nation and as such may preserve and promote community interest; and,

 The Low Mountain chapter through the assistance of the local Whippoorwill RBDO is providing needed economic development by making a Convenience Store and Gas Station development a priority project by restoring the .58 acre former trading post lease; and,

3. As such the Whippoorwill RBDO has funded the underground storage tank removal, above surface clean up, up dated survey (legal tract description), up dated archaeological and environmental site clearance and most recently the market feasibility study; and,

4. The Low Mountain chapter has identified and set aside \$ 173,575.00 for economic development related activities to supplement other cost for convenient store and gas station development on the above mentioned business site; and,

5. Further, the Low Mountain chapter proposes to the Navajo Nation Division of Economic Development to develop a sound strategic plan for development.

NOW THEREFORE BE IT RESOLVED THAT:

The Low Mountain chapter request the Whippoorwill RBDO, Division of Economic Development and the Resources and Development Committee of the 23<sup>rd</sup> Council to seek all possible resources to fund the Low Mountain community Convenience Store and Gas Station Development.

Motion by Base charley

second by Donna Lovron

11:28:24 9'm. 03-05-2015

6/2

8028-228-3203

#### CERTIFICATION

I certify that the foregoing resolution was duly considered at a duly called Low Mountain Chapter Meeting at Low Mountain, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of  $\Delta S$  in favor and  $\Delta$  opposed with ( abstaining this 10 th day of February, 2015.

ha Q. w President Low Mountain chapter

SLOZ-50-E0 WE 19:82:11

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828-725-3703

# **Environmental Assessment**

## For the Proposed Low Mountain Chapter Compound Multipurpose Project Low Mountain Chapter, Navajo Nation, Navajo County, Arizona



Prepared For: Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520

**Prepared By**: Dodge Environmental, LLC.

P.O. Box 75 Fruitland, New Mexico (505) 330-1361

October 2016

Exhibit B

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Photo 3: View of project area (existing Low Mountain Chapter compound) looking south from the
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## ACRONYMS

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ACS	American Community Survey
ARPA	Archaeological Resources Protection Act
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
IPaC	Information, Planning, and Conservation
IO	Isolated Occurrence
IUS	In-Use Site
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NNAD	Navajo Nation Archaeology Department
NNDFW	Navajo Nation Department of Fish and Wildlife
NNEPA	Navajo Nation Environmental Protection Agency
NNHPD	Navajo Nation Historic Preservation Department
NRCS	Natural Resources Conservation Services
SWPPP	Storm Water Pollution Prevention Plan
USCB	United States Census Bureau
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WIC	Women, Infants & Children

Photograph 1: (Cover Page) View of project area looking north from existing chapter compound access road near BIA Highway 67.

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## 1. SUMMARY OF PROPOSED ACTION

Low Mountain Chapter, of the Fort Defiance Navajo Agency, is proposing to modify their existing 10.0acre Chapter compound site lease on Navajo Tribal Trust lands by adding an additional 1.0 acre on the southeastern corner of the existing Chapter compound site lease. The additional 1.0 acre is located on Navajo Tribal Trust lands in Navajo County, Arizona. The lease modification would reconcile the current Low Mountain Chapter compound site with the correct legal description of the lease use permit. This would consolidate the construction and operation of a new Head Start building on a 1.0-acre tract, a new veterans building on a 1.0-acre tract, and a new multipurpose building on a 2.0-acre tract. The new facilities would be confined within the existing 10.0-acre Low Mountain Chapter compound including the lease modification of 1.0 acre for the proposed new multipurpose building site. The proposed project would allow the Low Mountain Chapter to promote community activities.

Through a Chapter Resolution (No. LMC-16-049), the Low Mountain Chapter of the Fort Defiance Navajo Agency has agreed to grant a land withdrawal of 3.0 acres within the Low Mountain Chapter tract and 1.0 acre adjacent to the Chapter tract for a new Head Start building, a new veterans building, and a new multipurpose building within the Low Mountain Chapter area. A copy of the Low Mountain Chapter Resolution (No. LMC-16-049) is provided in Appendix A.

The Low Mountain Chapter retained Dodge Environmental, LLC to prepare an Environmental Assessment (EA) for the construction and long-term operation of the proposed action. This EA describes the pre-project environment and describes impacts (both construction and long-term operation) of the Action and the No-Action Alternatives. The content and format of this EA is in accordance with the simplified version of the 30 Bureau of Indian Affairs (BIA) Manual Supplement 1. The long- and shortterm consequences and cumulative impacts of the action and other actions in the general project area vicinity are described.

### 1.1 Purpose and Need for Action

The purpose of the proposed action is to extend the Chapter lease for the Low Mountain Chapter compound by 1.0 acre on Navajo Tribal Trust lands in Navajo County, Arizona. The proposed lease modification is needed to reconcile the Low Mountain Chapter site lease (11.0 acres) to provide the citizens, especially senior citizens, veterans, and youth, in the immediate community of Low Mountain with accessible facilities for education, mixed-use cultural and community activities. Appurtenant utility services include water and electrical. The new facilities are needed for a safe public activities building; an application for a permit on Navajo Nation lands would be required to allow for the construction and long-term operation of the public services facilities within the site lease modification area of 11.0 acres. The need for the project is established by the Low Mountain Chapter responsibility under the Chapter Resolution LMC-16-049 (Appendix A) as well as by the BIA's responsibility under 25 Code of Federal Regulations (CFR), Part 162 and Part 169.

## **1.2 Location and Maps**

The proposed project area is located in the central region of the Navajo Nation about 450 feet north of BIA Highway 67 and 13 miles southeast of Pifion, Arizona (Figure 1). A legal land survey plat is

Low Mountain Chapter

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provided as Appendix B. Photographs of the proposed project area in its current condition are provided in Appendix C.

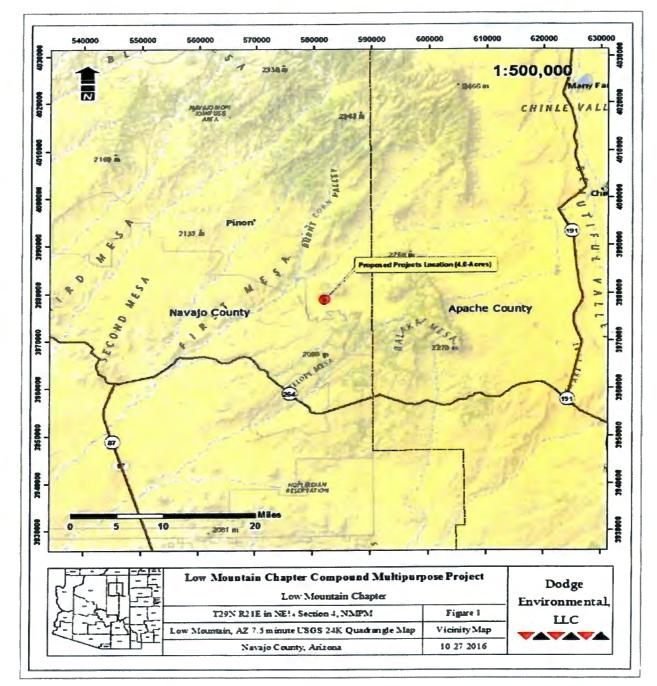
The proposed project can be found on the Low Mountain, Arizona U.S. Geological Survey (USGS) 7.5minute quadrangle map (Figure 2). The legal description of the proposed project is the northeast quarter of Section 4 in Township 29 North and Range 21 East, Gila & Salt River Meridian, Navajo County, Arizona on Navajo Tribal Trust within the Low Mountain Chapter of the Fort Defiance Navajo Agency. Figure 3 shows the aerial photograph of the proposed project area. Table 1-1 provides the land status and acreage of disturbance for each proposed project components.

Proposed Project Components	Indian Allotment	Navajo Nation	Bureau of Land Management	Private (fee)
Head Start Building	-	1.01	-	-
Veterans Building	-	1.01	-	-
Multipurpose Building	-	2.0 <sup>1 &amp; 2</sup>	-	-
Grand Total Permitted Acres	0	4.0	0	0

Table 2-1. Land stats and	l permitted a	creage for the	proposed projects.
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<sup>1</sup>Collocated within the existing Low Mountain Chapter 10.0-acre compound lease site.

<sup>2</sup>1.0 acres additional Low Mountain Chapter lease site adjacent to the existing Chapter lease site.





Low Mountain Chapter

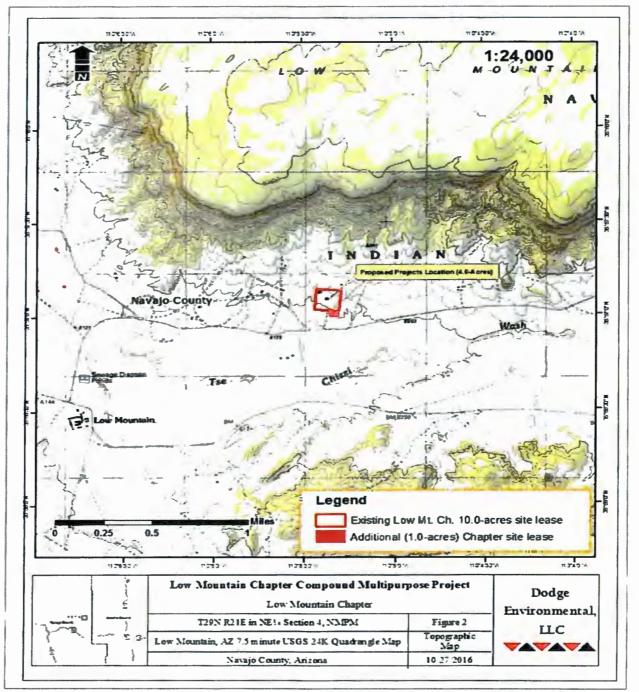


Figure 2: Proposed Low Mountain Chapter Multipurpose Development Project --- Topographic Map

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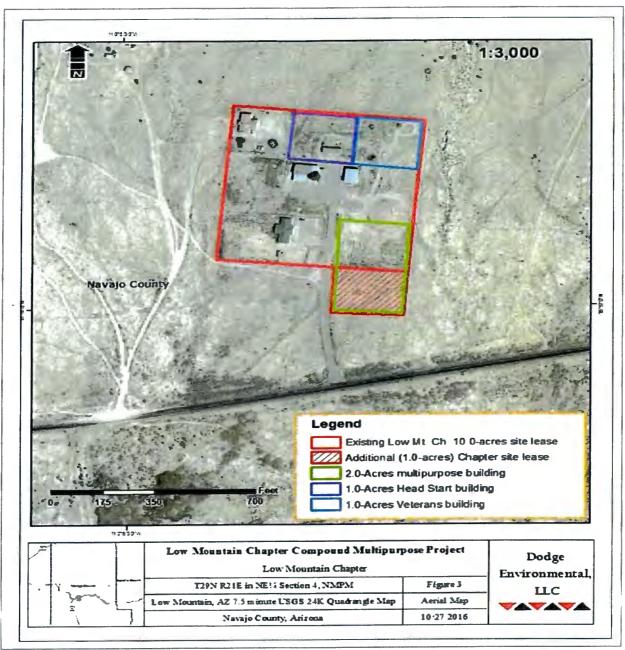


Figure 3: Proposed Low Mountain Chapter Multipurpose Development Project - Aerial Map

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## 2.1 Alternative A – No Action

Under the No-Action Alternative, the application for the Low Mountain Chapter lease modification and construction and operation of new development facilities buildings would not be issued. Use of the existing area would continue at the current level. However, the No-Action Alternative would not meet the purpose and need identified, which is to develop and construct new facilities in order to meet Low Mountain Chapter's purpose for the Low Mountain Chapter area.

## 2.2 Alternative B - Proposed Action

Under the proposed action, Low Mountain Chapter is proposing to modify their existing 10.0-acre Chapter compound site lease on Navajo Tribal Trust lands by adding an additional 1.0 acre on the southeastern corner of the existing Chapter compound site lease. The additional 1.0 acre is located on Navajo Tribal Trust lands in Navajo County, Arizona.

The Chapter compound legal boundary is 10.0 acres in size. The existing compound contains the following facilities: Low Mountain chapter house building, senior citizen center building, preschool building, storage building, warehouse building, and a parking lot. The compound is enclosed by a chain-link fence.

The Low Mountain Chapter passed a resolution in support of the proposed project on March 14, 2016. A copy of the resolution is provided in Appendix A.

The lease modification would reconcile the current Low Mountain Chapter compound site with the correct legal description of the lease use permit in order to consolidate the construction and operation of a new Head Start building, a new veterans building, and a new multipurpose building. Structures built for the proposed action would be designed and constructed to meet, or exceed where practical, all applicable federal and tribal regulations. A summary description of the proposed action would include:

- The proposed action is the construction of a new Head Start building, a new veterans building, and a multipurpose building. The exact size of the facilities' structures are not known at this time but would be contained within the modified, 11-acre tract, Low Mountain Chapter compound site lease.
- Other elements of the proposed action would include paved parking areas, sidewalks, exterior lighting, and xeriscape landscaping that would be constructed within the 11.0-acre tract.
- The proposed development facilities would require the extension of public utilities (i.e., electricity, septic, propane gas, and water) that are located within the Low Mountain Chapter compound site lease. Electric and water services would be provided by local utility companies from the existing overhead electrical line and subsurface water line located in the project area.

All construction activities would be completed within the modified chapter compound boundary. No temporary use areas outside of the compound boundaries would be required.

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During construction, traffic to the project area would consist of various construction equipment and vehicles. Access to the proposed project location would be from the existing chapter compound access road off of BIA Highway 67. No improvements to existing access roads are required at this time (see Photograph 1, cover page). Construction is tentatively scheduled upon receipt of the necessary agencies approval and permits. Construction hours would adhere to the Navajo Nation requirements.

#### **2.3 Action Alternative**

The Low Mountain Chapter chose the project area due to the proximity of existing infrastructure and the limited availability of alternative land sites. This location meets the purpose and need of the proposed project. No other alternative locations were considered for the proposed project.

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#### 3. DESCRIPTION OF AFFECTED ENVIRONMENT

This section describes the existing condition of the environmental components in the project area that would be affected by the implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues.

Under the No-Action Alternative, the proposed action would not be implemented. The No-Action Alternative would result in the continuation of the current land and resource uses in the area. This alternative will not be evaluated further in this EA.

The analysis area for this EA is defined as the project footprint of the proposed Low Mountain Chapter multipurpose development site lease area.

#### 3.1 Land Resources

#### 3.1.1 Topography

The topography of the proposed project is within a region characterized by a broad alluvium stream terrace bordered by eroded terrace mesas. The project lies on a gently sloping plain with a southerly aspect of 0 to 2 percent slopes. Elevation at the proposed project area is about 6,200 feet.

#### 3.1.2 Solls

The majority of the soils within the proposed project area have been previously compacted and extensively mixed due to the construction of existing development. Soils on the surface of the proposed project area are variable and range from fine sandy loam to fine sand texture (USDA/NRCS 2008). No biological soil crusts were observed within the proposed project area.

Two primary soil mapping units occur within the project area, including the Betonnie-Pinavetes family complex, 3 to 10 percent slopes; and the Evpark-Vessilla-Arabrab complex, 1 to 25 percent slopes (USDA/NRCS 2014). The following descriptions are summarized from the Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and McKinley and San Juan Counties, New Mexico from the Natural Resources Conservation Services (NRCS) Web Soil Survey (USDA/NRCS 2008):

The Betonnie-Pinavetes family complex, 3 to 10 percent slopes is found on dunes on fan terraces, and fan terraces at elevations that range from 6,200 to 6,500 feet. The soil mapping unit is formed from summit, backslopes over colian deposits and fan alluvium derived from sandstone. This soil unit exhibits very low runoff, has high to very high permeability, has no frequency of flooding to no ponding, and is somewhat excessively drained to excessively drained. Depth to the restricted feature in this soil ranges from more than 80 inches. This unit is composed of 50 percent Betonnie, 30 percent Pinavetes, and 20 percent minor components (i.e., Zia family, and Penistaja family) (USDA/NRCS 2008).

Evpark-Vessilla-Arabrab complex, 1 to 25 percent slopes is found on plateaus, mesas and hills at elevations that ranges from 6,300 to 7,800 feet. The soil mapping unit is formed from summit and backslope over eolian deposits and slope alluvium derived from sandstone and shale. This soil unit exhibits low to medium runoff, has moderately low to high to moderately high permeability, has no

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frequency of flooding to no ponding, and is well drained. Depth to the restricted feature in this soil unit ranges from 10 to 40 inches to lithic bedrock. This unit is composed of 40 percent Evpark, 25 percent Vessilla, 20 percent Arabrab, and 15 percent minor components (i.e., rock outcrop, Fraguni, Parkelei family) (USDA/NRCS 2008).

## 3.1.3 Geological Setting and Mineral Resources

The proposed project is located within the Black Mesa Basin within the Colorado Plateau physiographic region. Surface geology underlying the proposed project area consists of Mancos Shale from the upper Cretaceous (Cooley et al. 1969, Ulrich el at. 1984). These deposits are predominantly light- to dark-gray claystone and siltstone containing lesser amounts of tan, fine-grained sandstone and siltstone, bedded limestone, and concretionary limestone (Cooley et al. 1969). Low Mountain, or "Tá Sahdí Dá Askaní", (translated as "lone mesa" in Navajo), is a prominent terrace mesa that rises about 580 feet above the area; it is located about 0.3 miles north of the project area. Additionally, Gum Point, or "Jeeh Deeźa" (translated as "piñon gum point" in Navajo), is a prominent topographical feature that is located about 1.5 miles south of the proposed project area. No prominent geologic features occur in or near the proposed project area.

There are no mineral resource deposits available in the Low Mountain Chapter (Navajo Nation 2004). There are no active mines or other mineral development activities in the proposed project area or general vicinity.

## 3.2 Water Resources

The proposed project would be located in the Little Colorado Watershed within the Little Colorado River drainage area, which is part of the Lower Basin Colorado River. Surface water is short-lived and occurs primarily as spring runoff from snowmelt as well as summer and fall monsoon thunderstorms. Factors that influence surface water quality in the proposed project area are atmospheric deposition, resource extraction, and agricultural and rangeland activities.

There are no perennial water resources in the form of rivers, lakes, ponds or streams, or any wetlands within the proposed project area. No aquatic vegetation occurs within the proposed project area or immediate vicinity. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area. Drainages in the project area, characterized as sheet drainages, flow south toward the main draw of Tse Chizzi Wash located approximately 0.5 mile south of the project area.

## 3.2.1 Clean Water Act Section 401

There are no perennial or intermittent streams located within the proposed project area. The proposed construction and development activities would not impact any wetlands, riparian areas or jurisdictional waters of the U.S. as defined by the U.S. Army Corp of Engineers. Also, there would be no discharge associated with construction activities or other disturbance within jurisdictional waterways. Therefore, Section 401 of the Clean Water Act water quality certification is not applicable to the proposed action.

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#### 3.2.2 Clean Water Act Section 402

The Navajo Nation Environmental Protection Agency (NNEPA) regulates stormwater runoff from construction activities on the Navajo Nation through the National Pollutant Discharge Elimination System program. Only construction projects greater than 1 acre are regulated. The construction activities would include new ground disturbing activities affecting up to 1 acre. As part of the permitting process for the proposed action, the construction activities would require preparation of a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System program. At this time, the development activities have not been finalized and a project specific SWPPP has not been prepared. Once the development activities are approved, a project specific SWPPP would be prepared by the contractor for the project.

#### 3.2.3 Clean Water Act Section 404

The construction activities would not occur within any wetlands or jurisdictional waters of the U.S.; therefore, Clean Water Act Section 404 permitting is not required. There would not be discharges of dredged or fill material into any wetlands or jurisdictional waters of the United States.

#### 3.2.4 Floodplains

Executive Orders 11988 and 11990 require an evaluation of potential impacts to floodplains and wetlands. The proposed project area is not located within a floodplain and does not cross any major drainages. A search of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the proposed project and vicinity were performed and accessed in June 27, 2016 (Map Number 04017C1675E). The flood hazards are undetermined but possible, according to FEMA (FEMA 2016). There are no wetlands within the proposed project area or vicinity.

The proposed project area is located approximately 0.5 miles south of Tse Chizzi Wash, and approximately 40 feet above the floodplain boundaries; therefore, the project area is not within the Tse Chizzi Wash floodplain boundaries.

#### 3.2.5 Groundwater

Ground water resources beneath the proposed project area include the C-aquifer system, the largest and most productive within the Little Colorado River ground water basin. The C-aquifer, named for its primary water-bearing unit the Coconino Sandstone, lies below the project area with an aerial extent of 21,655 square miles. It is utilized as a water supply south of the Little Colorado River and along the eastern edge of the basin. North of the Little Colorado River, the C-aquifer is too deep to be economically useful or it is unsuitable for most uses because of high concentrations of total dissolved solids. Alluvial aquifers along washes and stream channels are important for domestic uses in this area (ADWR 2009).

Water quality issues for wells, springs, and mine sites within the Little Colorado River Plateau Basin include arsenic, radionuclides, thallium, lead, and total dissolved solids (ADWR 2009).

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A search of the Arizona Department of Water Resources Web site for the project area and vicinity (1-mile radius) was performed on June 27, 2016 at http://www.azwater.gov/AzDWR/ default.aspx. The database has no records of registered wells located within the project area or vicinity (ADWR 2016).

There are no springs within the project area. A livestock well powered by an overhead electric power line is located within the southern portion of the project area. The proposed action would not require drilling of a water well.

#### 3.3 Air Resources

#### 3.3.1 Air Quality

The project area lies within the exterior boundaries of the Navajo Nation in northwest New Mexico. The Navajo Nation Air Quality Control Program has an established Title V Operating Permit Program in agreement with the U.S. Environmental Protection Agency (USEPA), giving the Tribe permitting authority over the major air pollution sources on Navajo land (NNEPA 2004).

Air quality in the area is affected both by nearby industry, climactic conditions and the natural terrain of the area. The primary sources of air pollutants are electrical power generation plants, vehicular traffic, and natural resources development activities. The largest impacts to air quality in the region are three coal-fired power plants: two in New Mexico (the Public Service Company of New Mexico San Juan Power Generating Station and the Arizona Public Services Four Corners Power Generating Station) and one in Arizona (Navajo Power Plant). At the present time, air quality within the Navajo Nation is within the parameters defined by all National Ambient Air Quality Standards (NAAQS) as described in the amendments to the federal Clean Air Act (CAA) of 1969 (NATD 2005).

The proposed project area is considered a Class II air quality area. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soils and motorized vehicles that may create exhaust and fugitive dust while driving on existing dirt roads near the proposed project area.

#### 3.3.2 Visibility

Due to the rural and developed nature of the proposed project area and the lack of significant pollutant sources within the project vicinity, visibility is considered good. Visibility is primarily affected by climactic conditions, including lower visibility at times of high winds with associated airborne particulate matter and during precipitation events. Particulate matter associated with vehicle traffic on dirt and gravel roads can also be a source of medium range visibility impairment.

#### 3.3.3 Climate and Meteorology

The proposed project area is located in the Colorado Plateau that is characterized by a semi-desert climate, relatively high elevation region, and typically warm summers and cold winters. Winters in the Colorado Plateau are cold with snow depths reaching one to two feet and frequently drifting over brush along north-facing canyons. Melting ice and snow in the spring produces runoff which may reach flash flood levels.

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Climate data, as summarized by the Western Regional Climate Center between 1894 through 2016, have been compiled from a station in Keams Canyon, Arizona. This station represents similar conditions to those found in the proposed project area. The average maximum high temperature generally occurs in July and reaches about 88° Fahrenheit. The average minimum low temperature generally occurs in January and approaches about 16° Fahrenheit. The mean annual precipitation is about 10 inches per year (WRCC 2016). Precipitation is characterized by a monsoon pattern with the highest rainfall occurring from August through October.

#### **3.4 Biotic Resources**

The 10.0 acres of the existing Low Mountain Chapter compound in the proposed project area would be located within a "Community Development Area" (Area 4), as identified by the Navajo Nation Department of Fish and Wildlife (NNDFW) and described in the Biological Resources Land Clearance Policies and Procedures (RCP) RCS-44-08, approved September 10, 2008 (NNDFW 2008a). In Area 4, the NNDFW has determined that areas around certain communities do not support the habitat for species of concern and therefore development can proceed without further biological evaluation (NNDFW 2008a).

The additional 1.0 acre added to the southeast corner of the existing 10.0-acre Low Mountain Chapter compound is located within a "Less Sensitive Area" (Area 3), as identified by the Navajo Nation Department of Fish and Wildlife and described in the Biological Resources Land Clearance Policies and Procedures (NNDFW 2008a). An Area 3 has a low, fragmented concentration of species of concern.

#### 3.4.1 Description of Ecosystem and Biological Communities

The following sections in this EA are based upon the biological inventory conducted by John Dodge, project biologist from Dodge Environmental, LLC, on May 26, 2016. The surveys were conducted under the 2016 NNDFW Special Permit #969. The survey activities were completed in compliance with the NNDFW survey protocols for listed Navajo species of concern that have the potential to occur in the proposed project area.

#### 3.4.2 Wildlife and Vegetation

The project area is located on the Colorado Plateau and is characteristic of the Arizona subdivision within the Great Basin desert scrub biotic community (Brown 1994). One minor vegetation community occurs within the proposed project area – the mixed desert scrub series. Approximately 10 acres of the proposed project area has been previously disturbed due to the current Low Mountain Chapter compound site. No riparian vegetation occurs within the proposed project area.

#### Disturbed/Developed:

The present condition and vegetation composition in approximately 10 acres of the project area has been affected by human-caused disturbance. This disturbed community is especially prevalent in the existing developed area. Species diversity and vegetation cover is low. Vegetation is limited to the perimeter of the disturbance and undisturbed area, and includes blue grama (*Boutehua gracilis*), purple threeawn

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(Aristida purpurea), Greene's rabbitbrush (Chrysothamnus greenei), and broom snakeweed (Gutierrezia sarothrae).

#### Great Basin desert scrub (mixed desert scrub series):

A lesser portion of the project area, approximately 1 acre, would be located within a mixed scrub series community. The biotic plant community is locally dominated by grass species and consisted of blue grama. In general, a sparse cover of woody species was observed and consisted of broom snakeweed and fourwing saltbush (*Atriplex canescens*).

Scotch thistle (*Onopordum acanthium*), a BIA-listed Class B noxious weed species, was observed within the perimeter in the southern mid boundary of the existing Low Mountain Chapter compound site. The biological field survey conducted by Dodge Environmental, LLC biologists documented one noxious weed plant within the project area (Table 3-1).

Noxious Species	Latitude	Longitode <sup>1</sup>	Comments
Scotch thistle	35.95050°N	110.08907°W	A population occurs along the southern edge of the existing Low Mountain Chapter compound site within an infested area of approximately 10 feet by 10 feet.

Table 3-1. Noxious weed specie	s found within the project area.
--------------------------------	----------------------------------

1 North American Datum 83, decimal degrees

Wildlife that may be in the general vicinity include a variety of mammals, birds and reptiles common to the Colorado Plateau. Much of the natural wildlife habitat has been modified by human habitation and activities associated with established residential development and an existing highway. This level of development has reduced the suitability of the area for wildlife.

No prairie dog (*Cynomys* spp.) burrows were observed in the proposed project area or general vicinity during the biological survey on May 26, 2016. No raptors or sign of consistent raptor use (such as whitewash or nests) were observed in the proposed project or action area.

#### 3.4.3 Riparian and Aquatic

A search of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory maps for the proposed project and vicinity was performed on June 21, 2016 at

<u>http://www.fws.gov/wetlands/Data/Mapper.html</u>. No wetlands, floodplains, springs, or permanent natural water resources, nor riparian, or aquatic habitats were identified in the project area or immediate vicinity (USFWS 2016a).

#### 3.4.4 Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act of 1973 (as amended), federal agencies are required to consult with the USFWS on proposed actions that may affect federally-listed threatened or endangered species or species proposed for listing.

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A search of the USFWS federally listed species with potential to occur in the proposed project and action areas was requested from the USFWS Information, Planning, and Conservation (IPaC) System website (USFWS 2016b). According to the IPaC, there are five federally listed threatened, endangered, or proposed threatened species with the potential to occur in Navajo County, Arizona (USFWS 2016b). The potential of each species to occur in the proposed project and action areas was evaluated based upon project-specific habitat analyses and the habitat associations of each species. The proposed action area is defined as a 1/3mile radius around the project area.

No designated critical habitats occur within the proposed project or action areas. Based upon the habitat evaluation for each USFWS federally listed species, none of the five USFWS federally listed species for Navajo County, Arizona, are likely to occur in the project or action areas due to the lack of suitable habitat; none have been previously documented to occur in the project or action areas.

A letter requesting the review and concurrence of issuance of a Biological Resources Compliance Form was submitted to the NNDFW on June 8, 2015 and July 8, 2016 by Mareita Denny, Community Services Coordinator from Low Mountain Chapter. A copy of the Biological Resources Compliance Form, NNDFW Review No. 15TCS01a3, and NNDFW Review No. 16LMC01a3, determined that no USFWS federally listed or NESL species of concern would be impacted by the project (Appendix E).

#### 3.5 Cultural Resources

The entire area of potential effect for the proposed action was archaeologically surveyed by Dr. Anthony L. Klesert of Navajo Nation Archaeology Department (NNAD) on October 1, 1993 and Iris Shirley Begaye on April 1, 2016; both completed a Class III level (100 percent) cultural resources inventory. The pedestrian cultural resources field surveys were completed by the archaeologists walking a series of transects spaced no more than 10 meters apart within the project area and immediate vicinity. A literature review and archival data research from the Navajo Nation Historic Preservation Department (NNHPD) was conducted. The cultural resource survey results are included in two reports as follows:

The cultural resources report, An archaeological survey of the 10-acres Low Mountain Chapter House tract, Navajo County, Arizona by NNAD, was submitted under a separate cover to the NNHPD on January 12, 1994 (Consultant Report No. NNAD-93-261). A total of 10.0 acres was surveyed during the field inspection on October 1, 1993.

The cultural resources report, A Cultural Resource Inventory of Proposed Development within and the perimeter of Low Mountain Chapter Tract, 4-Acres, Low Mountain Navajo County, Arizona by Iris Shirley Begaye, was submitted under a separate cover to the NNHPD on April 8, 2016 (Consultant Report No. ISB-15-049). A total of 4.0 acres was surveyed during the field inspection on April 1, 2016.

In conjunction with the Class III cultural field survey of the project area, a Class I cultural resources literature search was completed by NNAD and Iris Shirley Begaye to review and contextualize any previous surveys and reports.

A Cultural Resources Compliance Form for the proposed project area is provided in Appendix E.

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#### 3.5.1 Archaeological Resources

Consultation Report No. NNAD-93-261—One site was encountered (Site No. AZ-O-8-128) during the cultural survey conducted by NNAD on October 1, 1993; this site is recommend as eligible for protection under the Archaeological Resources Protection Act (ARPA).

Consultant Report No. ISB-15-049—One In-Use Site (IUS) and one isolated occurrence (IO) was documented during the Class III cultural survey conducted by Iris Shirley Begaye on April 1, 2016. The IUS and IO are not eligible for the National Register of Historic Places nor do they merit protection under the ARPA or Native American Graves Protection and Repatriation Act.

#### 3.5.2 Traditional Cultural, Historic, and Religious Properties

In addition to the archaeological resources survey, NNAD and Iris Shirley Begaye conducted Traditional Cultural Properties assessments for the proposed location on October 1, 1993 and April 1, 2016, respectively. No traditional cultural properties were identified in or around the project area.

#### **3.6 Socioeconomic Conditions**

The following sections in this EA have been compiled from the 2006-2010 U.S. Census Bureau-American Community Survey (USCB/ACS) that addresses socioeconomic conditions, including employment and income; demographics and trends; lifestyles, cultural values, attitudes and expectations; and community infrastructure existing within the Low Mountain Chapter.

#### 3.6.1 Employment and Income

The primary industries for employment in the Low Mountain Chapter include educational services, health care, and social assistance (31 percent); construction (27 percent); public administration (20 percent); retail trade along with arts, entertainment, recreation, accommodation, and food services (6 percent); transportation, warehousing, and utilities (5 percent); and agriculture, forestry, fishing, hunting, and mining (4 percent) (USCB/ACS 2010). About 51 percent of the labor force is federal government and 49 percent of the labor force is private sector. None of the labor force is self-employed or unpaid family workers. The unemployment rate in the Low Mountain Chapter is nearly 30.9 percent (USCB/ACS 2010).

In 2010, the estimated median household income was \$14,167, the median family income was \$12,120, and the per capital income was \$8,089. Approximately 64 percent of the Low Mountain Chapter residents lived below the poverty level (USCB/ACS 2010).

#### 3.6.2 Demographics and Trends

The estimated population of the Low Mountain Chapter experienced an approximately 12 percent increase in population over 20 years, increasing from 664 in 1990 (Navajo Nation 2004) to 754 in 2010 (USCB/ACS 2010). The median age of the Low Mountain Chapter is about 30 years old, compared to 29 years for the Navajo Nation as a whole. Approximately 38 percent of the residents over the age of 25 have a high school education or higher, while less than 1 percent have a bachelor's degree or higher.

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About 97 percent of the Low Mountain Chapter residents identify as Native American and Alaska Native, 2 percent identify as White, and 1 percent identify as two or more races. English-speaking only households include 7 percent of the 5 years and over population, and 93 percent speak a language other than English (i.e., Navajo/Native American) (USCB/ACS 2010).

#### 3.6.3 Lifestyles, Cultural Values, Attitude and Expectations

The Low Mountain Chapter encompasses approximately 41,382 acres within the Fort Defiance Navajo Agency in the northwestern portion of Arizona and is bordered by the Hopi Tribe Reservation. A detailed evaluation of the lifestyles within the general vicinity was beyond the scope of analysis for this assessment.

#### 3.6.4 Community Infrastructure

No commercial establishments are located within the Low Mountain Chapter (Navajo Nation 2004). Tribal affiliated offices that provide services within the Low Mountain Chapter include: Division of Community Development; Community Services; Division of Social Services; Department of Workforces Services; Department of Youth Services; Women, Infants & Children (WIC); Community Health Representative and Outreach Programs; Food Distribution; Department of Head Start; and Navajo Area Agency on Aging (Navajo Nation 2004).

Estimates for housing within the Low Mountain Chapter include about 333 total housing units with an average household size of about 3.4 people per house. About 68 percent (226) of these are occupied. Of the occupied housing units, 72.6 percent are owned while the remainder 27.4 percent of the housing units are rentals. About 69 percent of the housing units lack complete plumbing facilities (USCB/ACS 2010).

The Low Mountain Chapter is home to three churches and two indigenous religions: the Traditional Navajo Religion and Native American Church.

#### 3.7 Environmental Justice

In accordance with Executive Order 12898, the proposed project area was evaluated for impacts to minority and low income populations. While the proposed project area has a disproportionate population of Native Americans living within it, approving the proposed project is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength. The proposed expansion and construction of Chapter community facilities may be considered beneficial to members of the Low Mountain Chapter community.

#### 3.7.1 Indian Trust Resources

There are no Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, minerals, paleontological resources, or agricultural resources in the project area or immediate vicinity.

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## 3.8 Environmental Module

A review of environmental compliance facilities within the proposed project area on the Navajo Nation Reservation was completed online at the USEPA Envirofacts website (http://www.epa.gov/enviro/) in June 2016 (USEPA 2016).

No environmental compliance facilities were identified for the proposed project area or within a 1.0-mile radius of the proposed project area. The results are summarized in the following sections.

## 3.8.1 Resources Conservation and Recovery Act Subtitle C, Hazardous Waste and Materials

There are no identified Resources Conservation and Recovery Act facilities located within the proposed project area. There were no areas of solid waste disposal or land filling observed within the project area. During the construction phase of the project, no potentially hazardous materials (gasoline, diesel, and propane) would be stored on site. All fuel storage, vehicle fueling and vehicle and equipment maintenance would be performed at off-site facilities.

Any hazardous materials that are used on the Chapter compound site are household type containers (paints and thinner, etc.) used for specific projects and disposed of after use. There are no areas of paint or fuel storage within the Chapter compound.

# 3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste

There are no known solid waste disposal facilities located within the proposed project area or within a 1.0-mile radius of the proposed project area, as reported by the USEPA Envirofacts website. Surface disturbance and construction activities associated with the proposed action may generate an insignificant volume of non-hazardous solid waste. All waste generated as part of construction and operation activities would be disposed of in a permitted facility.

#### 3.8.3 Resource Conservation and Recovery Act Subtitie I, Underground Storage Tanks

There are no registered underground storage tank facilities located at the proposed project area or within a 1.0-mile radius of the project area as reported by the USEPA Envirofacts website. No surface indications (fill or vent pipes or retail fuel dispensers) of underground storage tank facilities were observed on the ground surface within the proposed project area on May 26, 2016.

## 3.8.4 Comprehensive Environmental Response Compensation and Liability Act/Toxic Substances Control Act Sites

There are no Comprehensive Environmental Response Compensation and Liability Act sites located within the proposed project area or general vicinity.

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#### 3.9 Resource and Land Use Patterns

#### 3.9.1 Land Use Plan

The proposed project is located within the Low Mountain Chapter of the Fort Defiance Navajo Agency. No land use plans have been implemented for the proposed project area. The 110 chapters of the Navajo Nation are developing land use plans under the Local Governance Act. The NNDFW has delineated six types of wildlife sensitivity areas to assist the Navajo Nation government and local chapters in ensuring compliance with federal and tribal wildlife/environmental laws in the development of land use plans.

The proposed project area is located within a "Less Sensitive Area" (Area 3), as identified by the NNDFW.

The existing land use in the general vicinity can be characterized as scattered housing developments that are intermingled with utilities infrastructure and open space. The Low Mountain chapter house, senior citizen center, preschool, storage building, warehouse building, and a parking lot are currently located within the proposed project area.

#### 3.9.2 Hunting, Fishing, Gathering

The project area is not considered a hunting or gathering area.

#### 3.9.3 Timber Harvesting

Neither the project area nor the general vicinity contain saleable timber resources. No timber harvesting is presently occurring in the Low Mountain Chapter area.

#### 3.9.4 Agriculture

The project area is located within Land Management District 7 of the Fort Defiance Navajo Agency of the BIA, Natural Resources Department. Livestock grazing permits are administered by the BIA Natural Resources Program in accordance to the Navajo Grazing Resources regulations (25 CFR §167). The Navajo Nation Department of Agriculture assists with managing livestock grazing activities on the Navajo Nation primarily through district grazing committees. All three parties - the BIA, the Navajo Nation Department of Agriculture, and the grazing committees - coordinate their activities in an effort to utilize and manage range resources.

Sign of domestic livestock was observed within the project area that included domestic sheep (Ovis aries), goat (Capra hircus), horses (Equus caballus) and cattle (Bos sp.).

The project area is not used for cultivated or non-cultivated agriculture. There are no prime or unique farmlands in the project area or vicinity. There are approximately 65 individual family farms located within approximately 195 acres within the Low Mountain Chapter (Navajo Nation 2004).

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## 3.9.5 Mining

The project area contains no known extractable mineral resources.

#### 3.9.6 Outdoor Recreation

The project area is not a known recreational destination. There are no designated recreation areas within 2 miles of the project area.

#### 3.9.7 Transportation Use Network

The primary transportation route through the Low Mountain Chapter includes BIA Highway 67. Numerous dirt roads provide access from the paved highway for residents, buses, and emergency vehicles.

#### 3.10 Other Values

#### 3.10.1 Wilderness

The project area is not located within a designated wilderness area.

#### 3.10.2 Noise

Ambient noise levels in the area are generally low to moderate. Ambient noise levels are attributed to the nearby BIA Highway 67. Noise from the highway and scattered residential developments vary with the time of day and seasonal events but are generally low to moderate. Vehicle traffic in the vicinity was low during the time of the field survey. Due to the proximity of the project area to a paved highway and depending on the time of day, the amount of vehicle traffic and background noise varies, but is generally low to moderate.

#### 3.10.3 Public Health and Safety

Medical clinics and major health care facilities for residents in the Low Mountain Chapter are located in Chinle, Arizona (Chinle Indian Hospital); Polacca, Arizona (Hopi Health Care Center); and Piñon, Arizona (Piñon Health Care Center) (Navajo Nation 2004). The Navajo Nation Tribal Police Department provides general law enforcement coverage to the Navajo Indian Reservation. Fire protection within the Low Mountain Chapter is provided by the BIA.

#### 3.10.4 Visual Setting

The majority of the proposed project area (i.e., 10.0 acres) is located within the existing Low Mountain Chapter tract compound, with the existing buildings, utilities, and facilities enclosed within a chain-link fence. The remaining portion of the proposed project area, the 1.0-acre tract adjacent to the Chapter tract compound, is undeveloped. Additionally, the proposed project area is in close proximity to various developments such as Chapter building facilities, scattered residential areas with associated utilities (i.e., powerlines and water lines), and BIA Highway 67. The proposed project area is visible to the public from

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this existing infrastructure. Primary users of the area are local residents and visitors passing through on BIA Highway 67.

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## 4. ENVIRONMENTAL CONSEQUENCES

This section analyzes the environmental consequences of the proposed action in accordance with Council on Environmental Quality (CEQ) guidelines. Only those elements of the environment that could be impacted by the proposed project area will be discussed. The rationale for not discussing impacts to any of the resources presented in Section 3.0 is also provided in this section.

Environmental resources can be affected in many ways during implementation of an action. The effect, or impact, is defined as any change or alteration in the pre-existing condition of the environment produced by the future action, either directly or indirectly.

Impacts can be beneficial (positive) or adverse (negative) to the resource, and can be either long-term (permanent, residual) or short-term (incidental, temporary). Short-term impacts affect the environment for only a limited time period and the environment usually reverts rapidly to the pre-construction condition. Short-term impacts are often disruptive and obvious. Long-term impacts are substantial and result in permanent alterations to the pre-project environment. The environment would essentially not revert to the pre-existing condition during the lifetime of the project and beyond. Long-term impacts are defined as those impacts whose results endure for five years or longer.

For the purpose of this EA, potential impacts have been divided into three categories:

<u>Significant</u> - as defined in CEQ guidelines (40 CFR 1500-1508), impacts which are substantial in severity and therefore should receive the greatest attention in decision-making.

<u>Moderate</u> - impacts that cause a degree of change that is easy to detect, but do not meet the criteria for significant impacts.

Low - impacts which cannot be easily detected and cause little change in the existing environment.

Under the proposed action, the Low Mountain Chapter is requesting to modify their lease by adding 1.0 acre of Navajo Tribal Trust lands to the southeastern corner of the existing 10-acre Low Mountain Chapter compound site lease on Navajo Tribal Trust lands in Navajo County, Arizona. The lease modification would reconcile the current Low Mountain Chapter compound site with the correct legal description of the lease use permit. This would consolidate the construction and operation of a new Head Start building, a new veterans building, and a new multipurpose building. The permit issued would include the short-term impacts associated with the proposed construction activities, the potential long-term impacts and economic benefits of the operation of the new facilities, as well as mitigation measures to reduce potential impacts to the environment.

## 4.1 Land Resources/Physical Impacts and Mitigation

The proposed action would include clearing, grading, and excavating activities within the project area. These activities would cause a moderate modification to the topography of the project area. Disturbance from the construction activities of building the new Low Mountain facilities would consist primarily of

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vehicle and construction equipment occurring within the 11.0-acre tract of land. The primary construction activities would include the construction of the proposed Head Start building, a veterans building, and multipurpose facility as described in the proposed action. The majority of the site is located on previously disturbed, graded terrain (i.e., 10.0 acres). The remaining portion of the proposed project area in the undisturbed area (i.e., 1.0 acre) is located within a relatively flat area. Thus, the impacts to topography would be low. The impact would be long-term, as modification would be present for the life of the project.

The existing Low Mountain Chapter compound facilities previously impacted about 10 acres of soil within the proposed project area. Continuous effects would occur from vehicles accessing the Low Mountain Chapter compound. Impacts to proposed project area soils would include disturbance, mixing and compaction that would occur as a result of project site construction and development activities. Within the areas of construction these impacts would be moderate and long term. As much as possible, near surface top soils would be collected and segregated and utilized in project area landscaping and revegetation. Following project construction completion, long-term effects to soils include vehicle traffic from visiting the facility. Long-term impacts to project area soils would be low.

During construction activities, vehicle and pedestrian traffic would be restricted to the project area to prevent soil mixing and compaction in adjacent areas. Any spilled petroleum products would be cleaned up immediately. Should petroleum be absorbed into the soil, the stained area would be shoveled out and disposed of at an approved disposal site.

After completion of construction activities, the proposed construction activities would include recontouring disturbed areas to pre-construction conditions as near as possible in order to lessen impacts to topography. Landscaping would lessen the degree of long-term impacts.

No impacts to unique geologic features or locations of unusual scientific value are expected as a result of the proposed action. The proposed activities do not include utilization of mineral resources.

#### 4.2 Water Resources Impacts and Mitigation

The proposed construction activities would have the potential to impact surface water quality in the project area and general vicinity. Impacts to surface water would occur primarily as a result of ground disturbing activities and the exposure of soils to erosion. Other potential impacts associated with construction activities include potential spills of fluids or chemicals from vehicles and equipment. The potential impacts to surface water resources would be low and short-term. After construction activities are completed, potential impacts would be low and long-term.

Potential impacts to ground water may include impacts from spills of fuels at the site during construction and operation activities. The potential for impacts would be low and short-term.

After approval of the proposed project, a SWPPP would be prepared for the proposed construction activities. The SWPPP would be prepared in compliance with USEPA and NNEPA requirements. The SWPPP would include administrative and construction Best Management Practices (BMPs) to protect soil and surface water resources from erosion and increases in sediment loading. The SWPPP would include

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an inspection schedule for monitoring the project BMPs as well as criteria for determining when restoration has been achieved and the SWPPP permit can be terminated.

No floodplains would be impacted by the proposed action.

## 4.3 Air Resources Impacts and Mitigation

The proposed construction activities would have the potential to temporarily impact area air quality. The impacts would be low and short- to long-term, primarily due to exposure of area soils to wind erosion, the operation of equipment during construction activities, and an increase of traffic on dirt roads due to people utilizing the proposed future Low Mountain Chapter compound facilities. The project does not include any industrial activities that would require permitting through the USEPA or the NNEPA air quality programs. The short-term impacts to air quality may also affect visibility in the general project area, depending on the severity of wind events.

Standard mitigation measures would include restricting vehicle and pedestrian traffic to the project area during construction, obeying all posted speed limit signs on adjacent dirt roads to minimize dust, sprinkling fresh water on the ground during construction activities, and reclaiming disturbed areas when project construction activities are completed.

When project construction activities are completed, the proposed project area would be landscaped around the future Low Mountain Chapter compound facilities. Establishing vegetation cover and permanent landscaping would reduce wind-created dust from the proposed project area. Long-term usage of the proposed Low Mountain Chapter compound facilities would have low impacts to air resources.

No impacts to the climate are anticipated as a result of the proposed project.

## 4.4 Biological Impacts and Mitigation

The proposed project construction activities have the potential to impact up to 11.0 acres of previously disturbed and undisturbed areas within the project area. The construction would slightly alter existing vegetation and wildlife habitat within the project area.

Impacts to vegetation would be low to moderate and short- to long-term. Impacts from invasive and noxious weeds species would be low and long-term. The NNEPA would be consulted on acceptable weed control methods. The construction contractor would implement BMPs to prevent the introduction of non-native, invasive plants to the project area. The construction contractor would implement soil management and equipment cleaning which would reduce the potential for invasive species to establish.

Wildlife within the area of disturbance would have their habitat modified or destroyed by the project and would likely move to similar adjacent habitat. Impacts to wildlife species would be moderate and short- to long-term. During construction activities there would be impacts to area wildlife (such as small mammals) as a result of human and vehicular activity and the associated noise. It is assumed that during construction activities most wildlife species would migrate from the project area, with some species (mainly burrowing species) possibly killed during construction activities. The changes to habitat patterns would be long-term but would not cause population level impacts to any specific wildlife species. Any associated electric power lines installed for the proposed action would be designed and constructed utilizing a "raptor-safe" design in accordance with the Navajo Nation Raptor Electrocution Prevention Regulations (NNDFW 2008b).

Based on information from the Biological Resources Compliance Form, no impacts to any of the USFWS federally listed species with potential to occur in Navajo County, Arizona or Navajo species of concern are expected as a result of the proposed action. No specific mitigation measures are recommended for federally listed or Navajo species of concern. A copy of the Biological Resources Compliance Form is provided in Appendix D.

## 4.5 Cultural Resources Impacts and Mitigation

The proposed project area was inventoried for cultural resources in 1993 and 2016. With adherence to the cultural resource conditions of approval, no impacts to cultural resources are expected to occur as a result of implementation of the proposed action. Archaeological clearance for the project has been recommended.

In the event of discovery during disturbance or construction activities ("discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery will cease and the NNHPD would be notified immediately. A copy of the Cultural Resource Compliance Form is provided in Appendix E.

## 4.6 Socioeconomic Impacts and Mitigation

In compliance with Executive Order 12898, this EA determined that the proposed action is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength.

The proposed construction activities would potentially provide low to moderate positive socioeconomic impacts to the Low Mountain Chapter in the form of short-term construction jobs and increased economic activities to chapter businesses. The long-term operation of the new Head Start, veterans, and multipurpose facilities would provide potential jobs to Low Mountain Chapter residents and increased revenues within the Low Mountain Chapter area. These impacts would be positive and long-term. No negative impacts to environmental justice are anticipated from the proposed action.

## 4.7 Environmental Module Impacts and Mitigation

During implementation of the proposed action, construction contractors would establish programs duties associated with overall environmental compliance. Garbage, trash, and other waste materials would be disposed of in a safe manner that would be properly contained in a secure dumpster specifically for trash during construction and operation activities. The accumulated trash would be removed, as needed, and would be appropriately disposed of at an authorized permitted landfill. No trash would be buried or burned on location. The proposed action would not include the use of large quantities of hazardous materials (i.e., gasoline, diesel, and propane) or the generation of hazardous waste.

No existing hazardous materials sites or facilities were identified within the project area. The Low Mountain Chapter and contractors would implement good housekeeping and BMPs to minimize the potential impacts from hazardous materials. While commercial preparations of fuels and lubricants for project use may contain some hazardous constituents, all hazardous materials would be properly contained on-site, stored, and transported in a manner consistent with manufacturer's recommendations and applicable federal or Navajo Nation regulations. No generation of hazardous wastes are anticipated. All construction activities would be completed per NNEPA requirements. With compliance to federal and Navajo Nation laws, low- and long-term impacts to public health and safety are anticipated. In the event of a hazardous material spill, releases would be constructed and operated to meet all industry standards and applicable federal, state, and tribal requirements. In addition, Low Mountain Chapter and contractors should obtain and follow appropriate health and spill response training, reporting requirements, and measures for safe handling and storage of hazardous and non-hazardous materials.

If the proposed project development were to include an aboveground or underground storage tank facility for fuel, the facility would be permitted through the NNEPA and the USEPA Region 9. All waste water discharges would be permitted through the USEPA, and all sewer disposal facilities would be constructed and maintained per NNEPA requirements. Chemical toilets (i.e., portable toilets) would be provided for human waste disposal during construction of the proposed project. The toilet holding tanks would be pumped, as needed, and the contents thereof disposed of in an approved sewage disposal facility. Toilets would be on-site during operation. With compliance to federal and Navajo Nation laws, low short- and long-term impacts to public health and safety are anticipated.

## 4.8 Visual Resources Impacts and Mitigation

The majority of the proposed project area is currently developed. The existing Low Mountain Chapter compound legal boundary is 10.0 acres in size. The existing chapter compound is currently developed with the following facilities: Low Mountain chapter house, senior citizen center, preschool, storage building, warehouse building, and parking lot; the entire compound is enclosed by a chain-link fence. Infrastructure that occurs within the view-shed of the proposed project area include the Chapter facilities, scattered residential developments, BIA Highway 67, and other dirt roads.

During construction activities, vehicles and construction equipment would be highly visible. The proposed action would result in low, short- to long-term visual modifications to topography and vegetation, and a permanent change in the visual character of the area. The proposed project is on a relatively flat area and would not require removal of substantial soil or vegetation. The proposed action would result in moderate, long-term visual impacts and a permanent change in the visual character of the area from the construction of the Chapter compound facilities. Since there are other occurrences of similar disturbances in the area, the level of change to the character of the landscape would be moderate.

## 4.9 Noise impact and Mitigation

During the construction activities and operation and usage of the proposed project, there would be a shortterm increase in ambient noise levels in the proposed project area and vicinity. These increases would occur during construction and would be localized and would not exceed any federal or Navajo Nation guidelines. Construction activities would take place during daylight hours in order to minimize disturbance to nearby residents.

Noise levels associated with site operation and usages of the proposed action would be variable, but generally low, depending on the activity levels at the site. Impacts from noise would affect human and wildlife receptors near the proposed project area. It is anticipated that noise impacts are expected to be low for the short-term and long-term.

## 4.10 Public Health Impacts and Mitigation

The public health and safety of the community would potentially experience low, short- and long-term impacts. Traffic would increase during construction. Once the project is completed, impact during operation would be low- and long-term. Low Mountain Chapter residents, particularly the veterans, youth, and senior citizens, would experience low to moderate, long-term benefits with an increased access to community facilities for education, mixed-use cultural and community activities.

## 4.11 Cumulative impacts

In conjunction with an analysis of the impacts associated solely with the action, there is the requirement under the National Environmental Policy Act (NEPA) to determine the cumulative impacts of proposed actions being evaluated (42 USC § 4321 et seq.). Cumulative impact analysis is important in understanding how multiple actions in a particular time period and space (geographic boundaries) impact the environment. Whereas the individual impact of one project in a particular area or region may not be considered significant, the result of numerous projects in the same area or region may cumulatively result in significant impacts. Cumulative impact analysis, as applied to NEPA, is subject to interpretation in analyzing the magnitude of impacts to a particular area or region as a result of the proposed action and other actions, including reasonably foreseeable actions.

The proposed project is located within the rural area of Low Mountain, Arizona. The proposed action would not result in additional cumulative effects to geology, groundwater, air quality, climate, wildlife, cultural resources, or Native American religious concerns. No cumulative impacts to land use or recreation would be expected to occur. The proposed action would include the disturbance of up to 11.0 acres of existing and new disturbance. The cumulative effect of surface disturbance would result in a short-term decrease in vegetation and available forage for livestock and wildlife. Vegetation composition may shift due to the edge effect on disturbed areas and the suitability of disturbed areas for the propagation of invasive plant species. Until disturbed areas are successfully reclaimed, soils would be subject to wind and water erosion that may temporarily affect surface water quality. Because the proposed action would have a negligible impact to soils, vegetation, and water quality, cumulative impacts would be negligible when added to other past, present and reasonably foresceable activities in the area. The visual impacts associated with the project would add to existing visual impacts associated with residential

developments and other infrastructure in the area. The proposed project components would not result in an overall decrease to the visual quality of the analysis area. There would be beneficial effects to residents in the area.

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## 5. LIST OF PREPARERS

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## 6. AGENCIES, ORGANIZATION, AND PERSONS TO RECEIVE ENVIRONMENTAL ASSESSMENT

This EA was prepared for the BIA Division of Environmental, Cultural and Safety Management, Navajo Regional Office, located in Gallup, New Mexico, and distributed to appropriate agencies.

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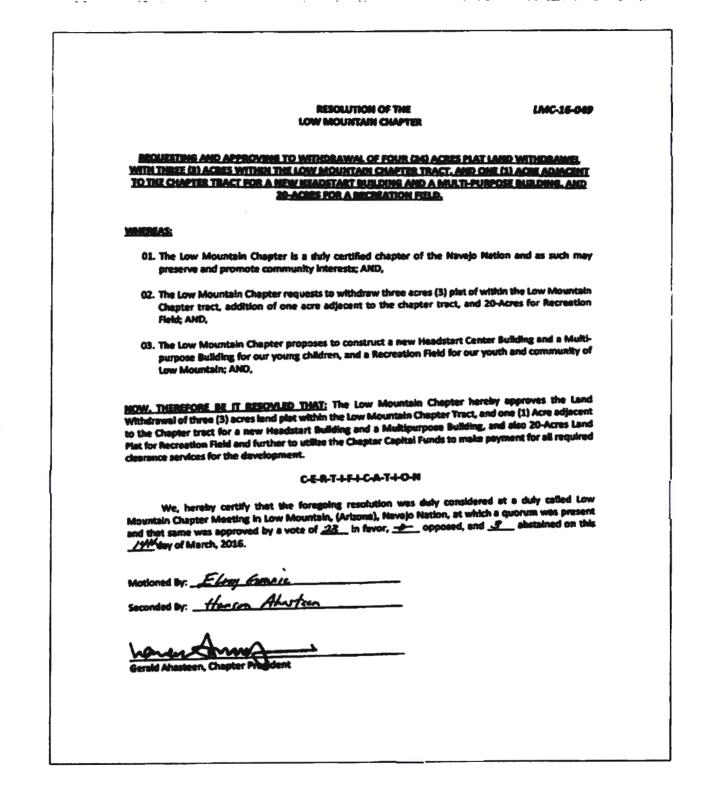
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## Appendix A—Low Mountain Chapter Resolution LMC-16-049

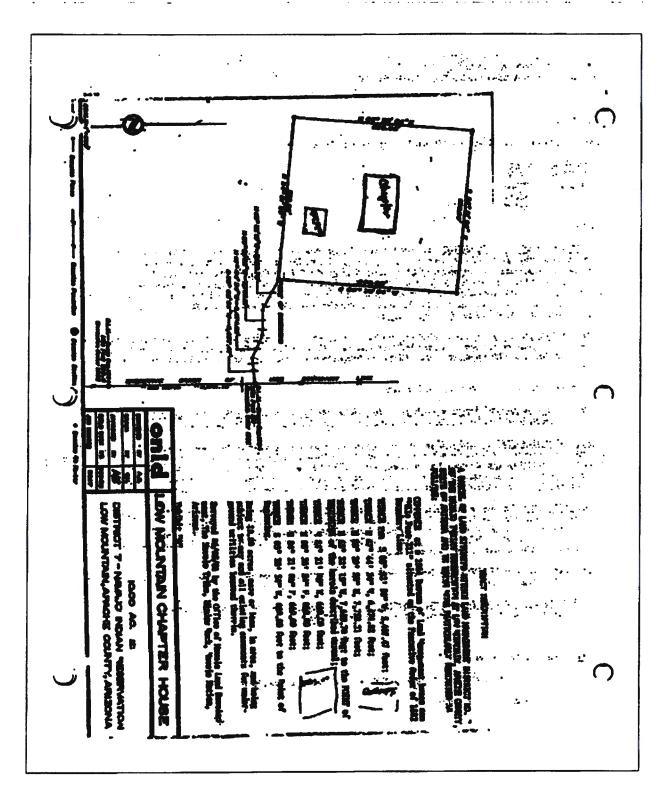


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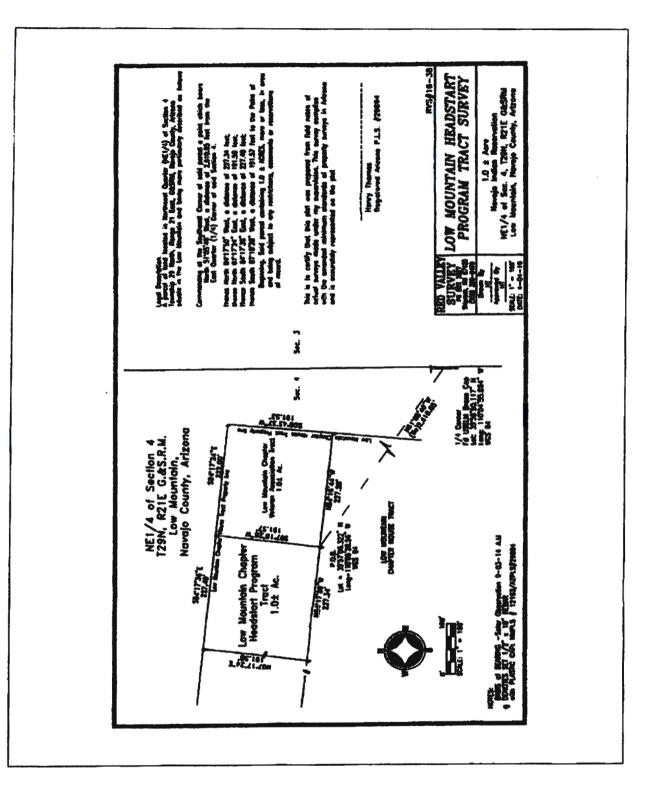
Appendix B-Legal Survey Plat

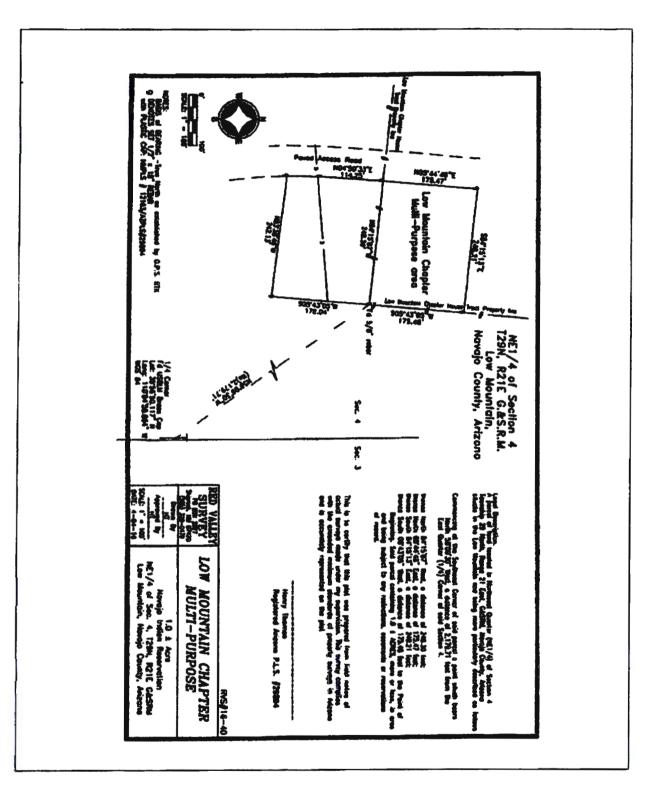
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Appendix C—Photographs

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Low Mountain Chapter

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- C-1 -Exhibit B



Photo 2: View of 1.0-acres modify lease looking northwest from the southeast corner.



Photo 3: View of project area (existing Low Mountain Chapter compound) looking south from the northwest portion of the project area.

## Appendix D—Biological Resources Compliance Form and Letter from Low Mountain Chapter to NNDFW

Low Mountain Chapter

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October 2016

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and the second second	THE NAVAJO	
SIL	LOW MOUNTAIN P.O. Bus 4416; Blue Gap, Arizona M	CRAFTER 518 - Telephone: (928) 725-3789
ILE BIE	COUNCH. BELEGATE	PREMINT (
	Kee A Begay	Gerald AIIASTEEN VICE-PRESIDENT
Minister .	GRAZING REPRESENTATIVE	Ruger B. GEGRGI
	Tummy NOD STINE COMMUNITY SERVICES COORD.	SECRETARY/TREASURER
	Marota DENNY	Sampson BEGA V
June 8, 2015		
	ka, Wildlife Biologist	
	Department of Fish & Wildlife	
Window Rock, A	C1C00 810212	
RE: REQUESTIN	IG ISSUANCE OF BIOLOGICAL RESOURCES	S COMPLIANCE FORM - LETTER.
Dear Ms. Kyselki	а.	
I am writing this	letter on behalf of the Low Mountain Cha	pter, where we are requesting for the Biologic
		the Low Mountain Chapter 10-Acres Premises
Ms Kyselka, the	10-acreas Chapter premises has already	been cleared by the Navajo Nation Archaeolo
and Navajo Nati	on Historic Preservation Department in II	he previous years Currently, the Low Mounta
		and a Multi-Purpose Building within the chapt
10-acreas premi	ises and one of the requirements is the Bi	ological Resources Compliance Form
		be appreciated. If you should have any furth
questions and/o	or need more information, please don't be	rsitate to contact me at 928-725-3700
Sincerely,		
***		
have not		
Mr.M		
Mareita periny	Community Services Coordinator	
Maleita Danny, C		
LOW MOUNTAIN	N CHAPTER	
LOW MOUNTAIN	N CHAPTER	
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LOW MOUNTAIN xc: Gerald Ahast Chorno/	N CHAPTER	
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Low Mountain Chapter

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- D-2 -

Environmental Assessment

	NNDFW Review No. 15TCS01
NAV	BIOLOGICAL RESOURCES COMPLIANCE FORM AJO NATION DEPARTMENT OF FISH AND WILDLIFE D. BOX 1480. WINDOW ROCK. ARIZONA 86515-1480
and Federal laws protecting b Codes, U.S. Endangered Spe-	n the project described below, with applicable conditions, is in compliance with Tri iological resources including the Navajo Endangered Species and Environmental Poli- cies. Migratory Bird Trenty, Engle Protection and National Environmental Policy Ac- or replace consultation with the U.S. Fish and Wildlife Service if a Federally-list
PROJECT NAME & NO .: L	ow Mountain Headstart & Multi-Purpose Building
DESCRIPTION: The Low N	countain Chapter proposes to construct a new Headstart facility and a Multi-Purpose
building within the 10-acre ch	apter inet.
LOCATION: Low Mountain	Apache County, Arizona
REPRESENTATIVE: Marei	ta Denny. Community Services Coordinator, Low Mountain Chapter
ACTION AGENCY: Navajo	Nation
B.R. REPORT TITLE / DATE	E / PREPARER: Request for review & concurrence/08 JUN 2015/Mareita Denny
SIGNIFICANT BIOLOGICA	L RESOURCES FOUND: Area 3.
POTENTIAL IMPACTS	
NESL SPECIES POT	ENTIALLY IMPACTED: NA
FEDERALLY-LISTE	D SPECIES AFFECTED: NA
OTHER SIGNIFICAN	NT IMPACTS TO BIOLOGICAL RESOURCES: NA
AVOIDANCE / MITIGATIO	N MEASURES: NA
CONDITIONS OF COMPLIA	INCE": NA
FORM PREPARED BY / DA	TE: Pamela A. Kyacika/29 JUN 2015
COPIES TO: (add categories	as necessary)
0	0
2 NTC 6 164 Recommendation	20: Signature ()
Conditional Approval (w Disapproval (with memo Categorical Exclusion (v None (with memo)	) Gloris NI. Tom. Director, Navajo Nation Department of Fish and Wildlife
	and island of any allower and asknowledge that lask of signature may be assured for
"I understand and accept the the Department not recomm	conditions of compliance, and acknowledge that lack of signature may be grounds for nending the above described project for approval to the Tribal Decision-maker.
Representative's signature	Date
C vid_sc2010-My Decements/NNRIP-BI	RT_2019-19LMCWaAdec Pane 1 of 1

Low Mountain Chapter

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October 2016

Exhibit B

# BIOLOGICAL RESOURCES COMPLIANCE FORM NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Low Mountain Chapter Tract Expansion

DESCRIPTION: The Low Mountain Chapter proposes a 1.0-acre expansion of the existing chapter tract for the

construction, operation, and maintenance of a multi-purpose building.

LOCATION: NE¼ of Section 04, T29N, R21E, G&SRM, Low Mountain, Navajo County, Arizona

REPRESENTATIVE: Mareita Denny, Community Services Coordinator, Low Mountain Chapter

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for biological compliance/08 JUL 2016/Mareita Denny

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

# POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE\*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/04 AUG 2016

COPIES TO: (add categories as necessary)

2 NTC § 164 Recommendation: Approval	Signature	Juli	yhl	Date §	[s/n
Conditional Approval (with mem Disapproval (with memo) Categorical Exclusion (with requ	Gloria M. To	m, Director, Navajo	Nation Departs	ment of Fish	and Wildlife
None (with memo)					

Representative's signature

Date

C:\old\_pc2010\My Documents\NNHP\BRCF\_2016\16LMC01a3.doc Page 1 of 1

NNDFW -B.R.C.F .: FORM REVISED 12 NOV 2009

THE NAVAJO NATION



RUSSELL BEGAYE JONATHAN NEZ

# MEMORANDUM

TO : Jeff Cole, Wildlife Manager Department of Fish and Wildlife DIVISION OF NATURAL RESOURCES FROM : Gloria M. Tom, Department Manager II Department of Fish and Wildlife DIVISION OF NATURAL RESOURCES

DATE : August 5, 2016

SUBJECT : DELEGATION OF AUTHORITY

I will be on Travel on Friday, August 5, 2016. Therefore, I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 am on Friday, August 5, 2016. This delegation shall end at 5:00 p.m. on Friday, August 5, 2016.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT:

Joff Cole, Wildlife Manager Department of Fish & Wildlife

Dept of Fish & Wildlife + P.O. Box 1480 + Window Rock, AZ 86515 + (928) 871-6451 + Fax (928) 871-7069

#### SUPPLEMENTAL SHEET (AIRS FORM)

FOUR-ACRE PROPOSED DEVELOPMENT WITHIN & PERIMETER OF LOW MOUNTAIN CHAPTER TRACT, LOW MOUNTAIN CHAPTER, NAVAJO COUNTY, ARIZONA ISB-18-019

Page 2

#### 13. LOCATION: See Figure 1.

e., f., g., & h. LAND STATUS. UTM CENTER. AREA. & 7.5' SERIES MAP NAME: Below are the UTM coordinates, legal descriptions, and 7.5' quadrangle topographic map references for proposed FOUR-ACRE DEVELOPMENT (see Figure 1).

Table 1. FOUR-ACRE DEVELOPMENT In Low Mountain Chapter:

Nevejo Tribel Truet

Tracts	Northing	Easting	Section	Township	Range	7.5' Reference Map
1 One Acre Development CTR	3979008.75	582119.86	04	29	21	Low Mountain, AZ Prov. Ed. 1990
11	3979047.50	562091.57	04	29	21	Low Mountain, AZ Prov. Ed. 1990
12	3979048.11	582156.70	04	29	21	Low Noustein, AZ Prov. Ed. 1990
13	3978968.01	582157.45	04	29	21	Low Mountain, AZ Prov. Ed. 1990
14	3978969,39	582086.70	04	29	21	Low Mountain, AZ Prov. Ed. 1980
2 One Acre Parking Lot (within existing	3978673.28	582176.51	04	29	21	Low Mountela, AZ Prov. Ed. 1990
Chapter Tract) CTR						
21	3978832.91	582208.82	04	29	21	Low Mountain, AZ Prov. Ed. 1990
22	3978838.41	582138.62	6	29	21	Low Mountain, AZ Prov. Ed. 1990
23	3976909.32	582142.97	04	29	21	Low Mountain, AZ Prov. Ed. 1990
24	3978906.95	582218.15	04	29	21	Low Mountain, AZ Prov. Ed. 1990
3 Two Acre Parking Lot (perimeter of existing Chepter Tract) CTR	3978895.45	582252.86	04	29	21	Low Mountain, AZ Prov. Ed. 1990
31	3978832.91	582206.82	04	29	21	Low Mountain, AZ Prov. Ed. 1990
32	3078962.45	582222.64	04	29	21	Low Mountain, AZ Prov. Ed. 1990
33	3978958.97	582295.35	04	29	21	Low Mountain, AZ Prov. Ed. 1990
34	3978824.34	582281.58	04	29	21	Low Mountain, AZ Prov. Ed. 1990

#### 14. REPORT

a. Description of Undertaiding: The sponsor proposes to develop one acre north of the existing chapter house and construction of a parting lot---one acre within the existing chapter tract and two acres located at the southeast perimeter of the existing chapter tract. Construction activities will include ground disturbance (leveling, trenching, leying of pipelines, power line pole piecement, sittinging of power line). The area of potential effect and area surveyed equate 174,240 sq. feet (16,188 sq. meters) or 4 acres (1.82 ha.).

b. Existing Data Raview: As part of this project, a records check was done using the Navejo Nation Historic Preservation Department (NNHPD) files in Window Rock Arizona (NNHPD). The records check indicated that previous surveys have been conducted within 1km of the proposed project area.

HPD-05-1208 / NPC 05-085 <u>A Cultural Resource Inventory for a Proposed Home Site for Billy Y. Begav near Low Mountain, Nevelo County, Arizone,</u> Lily A. McCebe, November 29, 2005. Cultural resource Inventory identifying no cultural resources within the survey area.

HPD-04-1337 / LAC 2004-141 <u>A Cultural Resources Survey of Pronceed Alvin Gee and Kimberly Peralto Homesite. Low Mountain, Arizona</u>, Fred Harden, December 07, 2004. Cultural resource swentory identifying no cultural resources within the survey area.

JHPD-01-127 / NNAD-00-025 <u>A Cultural Resources Inventory of Twenty-Sky Sostleved Homes and Proposed Waterline Extensions in Low Mountain, Navelo County, Adzona</u>, Curits Yazzle, January 2001. Cultural resources inventory identifying (6) sites, (1) previously recorded sites, (5) traditional cultural proposed undertailing.

c. Area of Environmental & Cultural Setting: The proposed undertaking is located in Chinie Agency, Low Mountain Chapter, Nevejo County, Arizona. The project area is south of Low Mountain (approximately 0.5 mile) and north of Wind White Canyon (approximately 2.3 miles) at an elevation ranging from 6,207-6,224 feet (1,691.9-1,897.1 meters). The water sources for the area are Tse Chizzi Wash (approximately 0.5 mile south of the project area) and Wind White Canyon (approximately 2.3 miles south of the project area) and Wind White Canyon (approximately 2.3 miles south of the project area) and Wind White Canyon (approximately 2.3 miles south of the project area. The nearest

#### SUPPLEMENTAL SHEET (AIRS FORM)

FOUR-ACRE PROPOSED DEVELOPMENT WITHIN & PERIMETER OF LOW MOUNTAIN CHAPTER TRACT, LOW MOUNTAIN CHAPTER, NAVAJO COUNTY, ARIZONA

ISB-16-049 Page 3

> ephemeral drainage is approximately 0.2 mile southwest of the project area. Vegetation in the area consists of satibush, anakeweed, rabbit brush, pricity pear, choile cacti, russian thietie, and other low-lying sessonal native grasses. No domesticated animals were noted within the project area. The surface sediment is sandy foam with inclusions of clay and medium rock pebbles. The surrounding area has been impacted by the development of homes, waterlines, powerlines, schools, kousing development, water tanks and numerous secondary roads.

> d. Field Methods: On April 01, 2016, its Shirley Begaye, archaeologist conducted cultural resource inventories for three parcels within and the southeast patheter of the existing Low Mountain Chapter Tract: two parcels being one-acre each and third parcel being two acres. The proposed locations were located by a representative of Low Mountain Chapter.

The four corner points were measured and identified to conduct a Class II pedestrian inventory by wilking perallel transcots with adjacent points spaced approximately 15m apert extending out over the development area.

Parcel 1 is one acre located within the existing Low Mountain Chapter Tract at the northern corner. The area of potential effect equals approximately 43,580 sq. R. (4,047 sq. m.) or 1.0 acre.

Parcel 2 is one acre located within the existing Low Mountain Chapter Tract at the southeastern corner. The area of potential effect equals approximately 43,560 eq. ft. (4,047 eq. m.) or 1.0 acre.

Parcel 3 is two acres located outside the existing Low Mountain Chapter Tract perimeter, beginning at the southeast comer and extending towards the northeastern comer (418 feet x 209 feet). The area of potential effect equals approximately 87,120 eq. ft. (8,094 eq. m.) or 2.0 acres.

The area of potential effect and area surveyed equals 174,240.00 sq. feet (16,188 sq. meters) or 4 acres (1.62 ha.).

In accordance with NNHPD guidelines, the project archaeologist interviewed the sponsor to obtain information on potential traditional cultural properties (TCPs-herb gathering areas, blessed and/or sacred places or burists) in the violatiy. The sponsor was unaware of any traditional cultural properties near the surveyed area. Traditional Cultural Properties (TCP) research was conducted at NNHPD Traditional Cultural Property Section and revealed TCPs #35 and 220. TCPs #35 and 220 are more than 100 feet from the proposed homesites and will not be affected.

#### 15. CULTURAL RESOURCE FINDINGS:

 Locationildentification of Each Resource: One (01) in-use site and one (01) isolated occurrence were recorded during ISB-16-049. In-Use A consists of a partiable building.

Isolated Occurrence 1 consists of a metal box spring, 2 microwaves and recent trash material.

b. Evaluation of Significance of Each Resource (above): IUS A possess Integrity of location and setting; is probably not eligible for nomination to the National Register under criteria a, b, or c, but may qualify under criterion d since it could provide information to understanding current Navajo use of the area. IUS A does not meet the 50-year guideline and thus are not Register eligible. IUS A is not of archaeological interest given its research potential, does not meet the 100-year age requirement for classification as an archaeological resource under ARPA. Thus IUS A does not meet the 100-year age requirement for classification as an archaeological resource under ARPA. Thus IUS A does not meet the eligible for protection under ARPA. Finally, IUS A and B do not retain qualities or characteristics that would make it eligible for protection under ARPA.

Isolated occurrence 1 (IO 1) does not meet the 50 year age guideline but lacks integrity. Research potential has been exhausted by this recording which includes locations and descriptions, thus is not eligible for nomination to the National Register of Historic Places (NRHP). IO 1 is not more than 100 years old and is not considered of archaeological interest, therefore does not warrant protection under the Archaeological Resources Protection Act (ARPA). Since IO 1 has no known religious or sacred significance, IO 1 is not eligible for protection under the American Indian Religious Freedom Act (AIRFA).

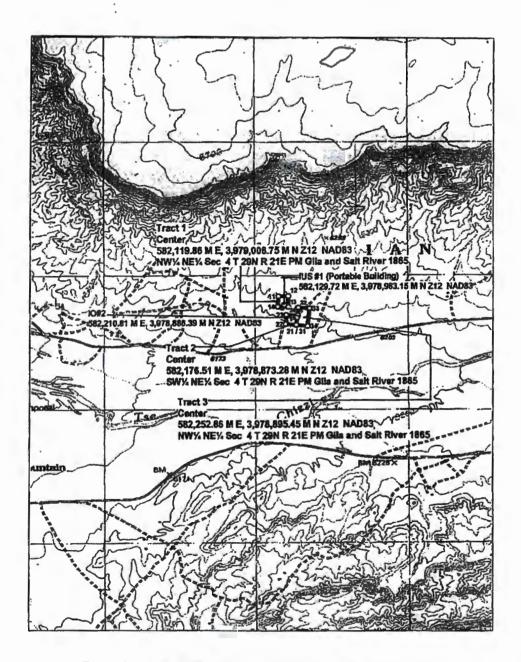


Figure 1. Low Mountain Chapter Tract- Parcels 1, 2, and 3 (ISB-16-049) Section 04, T29N, R21E GSRM 7.5' USGS series map: Low Mountain, AZ Provisional Edition 1990

1. HPD REPORT NO.		2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT Chapter House Trac	An Archaeologic Nivajo Cousty, A	al Survey of the 10 Acre Low Mountain rizons.	5. FIELDWORK DATES 10-01-93
AUTHOR(S): Lawre	•		6. REPORT DATE 1-12-94
7. CONSULTANT NA Gen'i Charge: Dr. A Org. Name: Nave	athony L. Klesert Jo Nation Ascheeok		8. Permit No. NTC
Org. Address: P. O.	Box 689 ow Rock, Arizona	•	9. Consultant Report No. NNAD-93-261
10. SPONSOR NAME A Ind. Responsible: Ed Org. Name: Low M	cetos Gene, CSC		11. SPONSOR PROJECT NO N/A
Org. Address: P.O.	Box 4437 Gap, Arizosa 86520	)	12. AREA OF EFFECT: 3.0 sc AREA SURVEYED: 10.0 sc
<ol> <li>LOCATION (MAP / See Figure 1.         <ul> <li>Chapter: Lo</li> <li>Agency: Fort Definition</li> <li>County: Navajo</li> <li>State: Arizona</li> </ul> </li> </ol>	w Mountain	c. Land Status: Navajo Partitioned La f. UTM Center: Zone 12; See suppli- g. Area: T.24N, R.21B, Sec. Unplat h. 7.5" Map Name(s): Low Mountain,	ment sheet. 1ed. Gils & Salt River PM&B
14. REPORT /X/ OR SU a. Description of Und			
b. Existing Data Revi	ew: See supplement	sbeet.	
c. Area Environmentu	d & Cultural Setting	: See supplement sheet.	
d. Field Methods: See	supplement sheet.		
15. CULTURAL RESOU a. Location/identificat		ce: See supplement sheet.	
b. Evaluation of Signi	ilianses of Each Re	source (abovc): See supplement sheet.	
16. MANAGEMENT SU	MMARY (RECOM	MENDATIONS): See supplement sheet	<u></u>
7. CERTIFICATION:	SIGNATURE: Jeneral Charge Non	ar Dr. Anthony L. Kilder Director	DATE: 2-14-94 DATE: 204-94
	IGNATURE	and forthe	DATE 204-94

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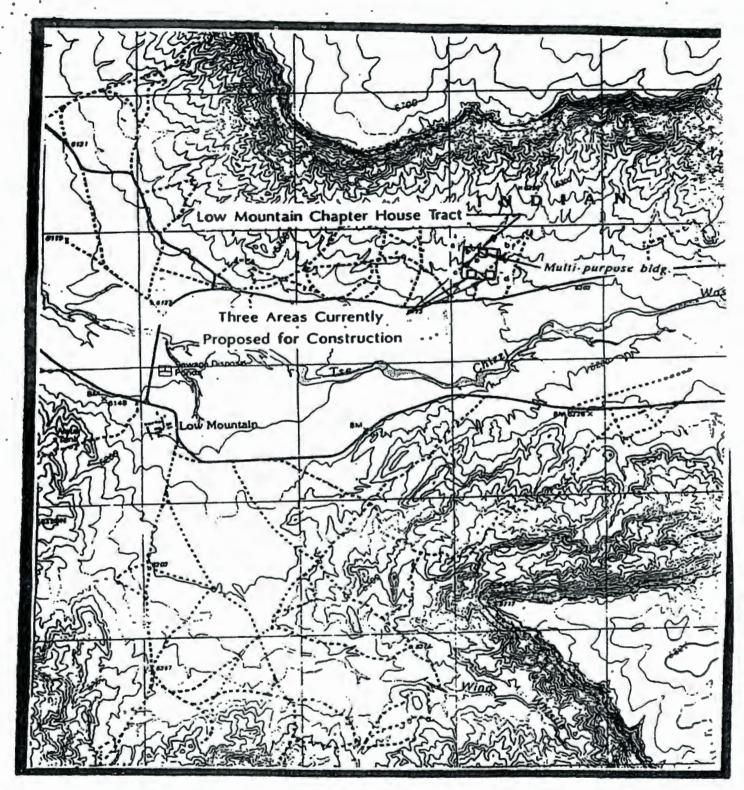


Figure 1. Locational map of the Low Mountain Chapter House Tract and the Three Areas Currently Proposed for construction. Low Mountain, Arizona, 7.5' series USGS Map, provisional edition, 1990. T24N, R21E (NNAD-93-261).

She Type: Anasazi PI-PIII entifact scatter.

. Site Size: 131 R by 100 R , or 13,100 sq. R (1217 sq. m)

Site Settion: The site is situated on a southwest facing hill slope at a grade of less than 4 degrees, south of Low Mountain.

Site Description: This site consists of a sparse sherd and lithic scatter. Artifacts observed include seventeen Cibolan indented corrugate sherds, seventeen Tusayan indented corrugated sherds, four plain grayware sherds, three obliterated corrugated sherds, two clapboard sherds, one Escavada Black-on-white sherd, one Chaco Black-on-white, one chart shatter lithic, and one quartzite debitage. No wall alignments were visible but a few sondstone fragments were observed.

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Responding to inquiries regarding Traditional Coltural Properties in or near the project area, Reger George, Chapter President, noted a hogen burial located approximately 590 ft (180 m) northeast of the Chapter House. This area is planned as the future location of the community cometery.

The three current Cultural Manifestations (Corrently in-use Structures) within the Chapter House Tract are the Chapter House itself, the pre-school, and the chapter wavehouse.

b. <u>EVALUATION OF SIGNIFICANCE OF EACH RESOURCE (above)</u>: Site AZ-O-8-128 is considered eligible for noninstion to the National Register of Historic Places since it meets the 50 year age guideline and it holds the potential to yield information important to prehistory (Criterion d). Likewise, since the site is over 100 years old and is of scientific interest it is also eligible for protection under the provisions of the Archaeological Resource Protection Act. This type of site is not normally considered secred or therefore ineligible for protection under the American Indian Religious Freedom Act (AIRFA).

All of the currently in-use structures are less than 50 years old and none are distinctive enough to justify nomination to the National Register of Historic Places under any of the exclusion categories. Being less than 100 years old, none of the buildings needs the definition of an archaeological resource eligible for protection under ARPA. These types of buildings are usually blessed and thus eligible for protection under AIRFA. It is obvious, however, that the Chapter does not consider that the proposed construction projects would compromise any sacred qualities.

6. MANAGEMENT SUMMARY (RECOMMENDATIONS): It is recommended that while constructing the proposed multi-purpun initiding, which is located approximately 200 ft (60.9 m) to the northwest of the site (AZ-O-8-128), all construction activities will avoid the site boundary by a minimum of 50 ft (15 m).

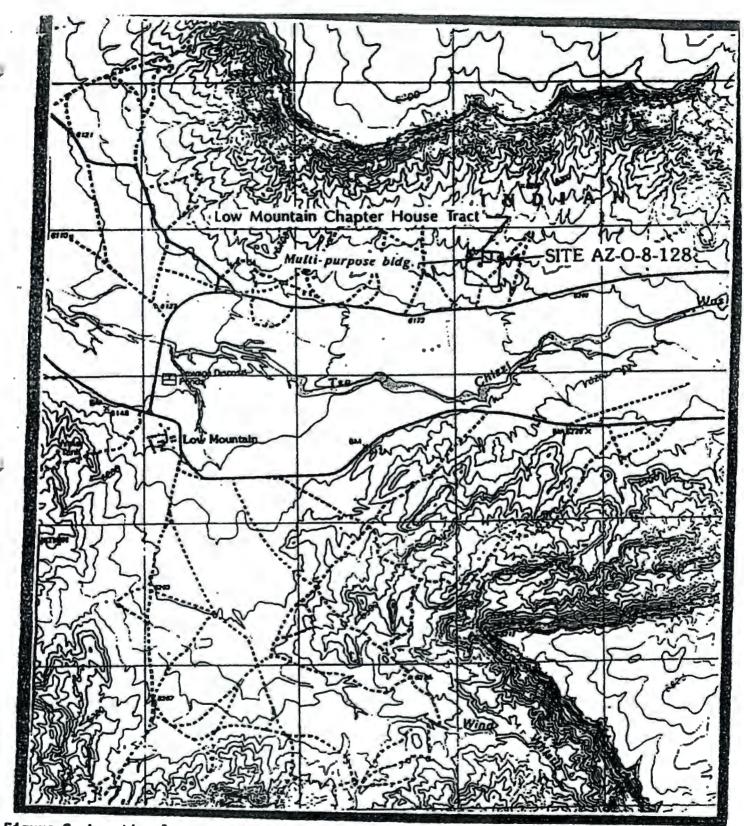
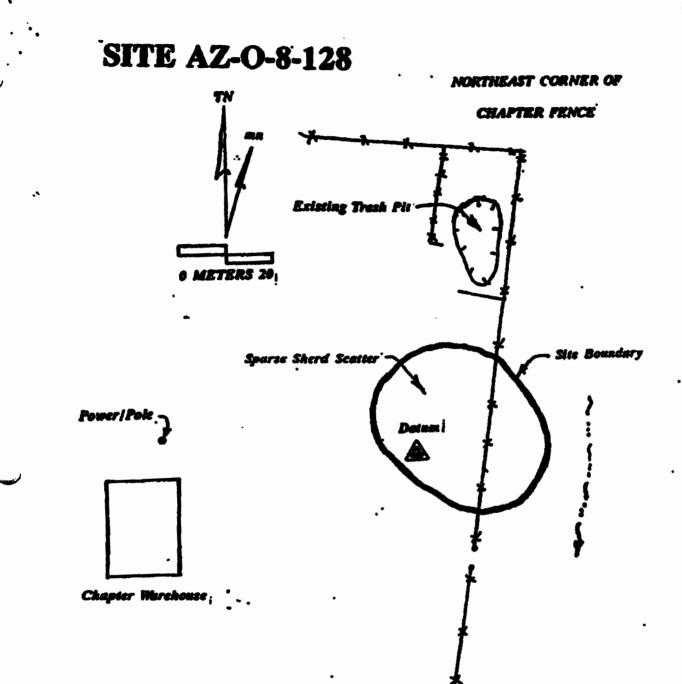


Figure 2. Locational map of site AZ-O-8-128 in relation to the Low Mountain Chapter House Tract. Low Mountain, Arizona 7.5' series map, provisional edition 1990. T24N, 221E (NNAD-93-261).



visible.but a few sandstone fragments were observed.

# CONDITION OF SITE: Fair-good Causes of disturbances Natural erosion

LOCATION OF SITE RELATIVE TO PROJECT AREA: Nontheastern pontion of chapter tract.

EXTENT OF INVESTIGATION TO DATE: This recording.

RESEARCH POTENTIALs The site may yield information about Anasazi settlement petterns.

RECOMMENDATIONS: Site boundary should be avoided by a minimum of 50 ft (15 m) in all directions.

# SITE ASSESSMENT UNDER 36 CTR 60.4 (NATIONAL REGISTER):

**INTEGRITY:** Retains integrity of location.

CRITERIA a-d: Criteria a-c ineligible, criterion d eligible (meets 50-year age guideline).

EXCLUSIONS: None.

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SITE ASSESSMENT UNDER 43 CFR 7.3. (Archaeological Resources Protection Act): The site meets the 100 year old age requirement and is of scientific interest, therefore, the site merits protection under the ARPA provisions.

SITE ASSESSMENT UNDER AIRFA (American Indian Religious Freedom Acit: This type of site is not normally considered sacred; thus, it does not merit protection under the American Indian Religious Freedom Act (AIRFA).

**PROVIDE A SITE MAP** (including site designation, North arrow, scale, recognizable features, landmarks and relationship to project area).

HOW CAN THE SITE BE REACHED? (see attached U.S.G.S. map)

OTHER COMMENTS (Ethnographic Data, etc.):

TRAC -0 acres, more or less, in area subject to any and all existin for underground utilities loca Surveyed 96/04/81 by the Office of Navnju Land Administration, The Navajo Tribe, Window Rock, Navajo Nation, Arizona. .659.70 feet to MING of the herein desat Nanagement brass cap-monument.studt the Easterly boundary line of the form LOW MOUNTAN, NAMAJO COUNTY. ARIZONA 85° 02' 56" W, '5,407.47 fee G NORE PARTICULARLY RESCRIPT 660.00 feet to DISTRACT 7-NAMALO NDIAN RESERVATION 6.474.02 feet; .758.21 feet; ESERVATI MENCE -at the 211th mile post buref 660.00 feet; 660.00 feet; 660.00 feet; STATE OF HOUSE HE NAVAJO INDIAN STTUATE WITHIN LAU VAJO COUNTY MOUNTAIN CHAPTER 1882 Executive Order Area: 84° 21' 06" N, M 05° 38' 54" E, 84° 21' 06" E, 10.00 Act N 67° 44' 34" W 58" 1 381 54" f Begiuning 29. 193 5 -50 5 ling si g e L L C 8 and the set of the same of the and Nanage Ċ. **RENCE run** 8: 1 E Ments the POINT cribed p therein. THENCE NEAR LON NOU Artzona And As pollons: THENCE THENCE HENCE THEACE THENCE A PARCEL DISTRICT ģ LON E 302.03 D.ACT. . J.H. È. Ž • • Echibit "A" ź • ł an Harmon a Chiefe : •• • ..... ï Accretions onumber of 908-51 31v36

#### SUPPLEMENT SHEET (AIRS FORM) TEN ACRE LOW-MOUNTAIN CHAPTER HOUSE TRACT NNAD-93-261

#### 1. LOCATION

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£. UTM Constitutes of the 10 scre Low Mountain Chepter House Tract:

	Northing.	<b>Hasting</b>
۳.	3978860	582090
<b>b.</b>	3978840	582320
G.	3978630	582070
4	3978610	582295

14. REPORT

a. <u>DENCRIPTION OF UNDERTAKENCE</u> The Low Mountain Chapter proposes to construct a waste transfer station, a senior citizens' complex, and a multi-purpose building within the ten (16) acre Low Mountain Chapter House Tract. The area of effect for each buildin appli the transfer station (see Figure 1) measures 208.71 ft (63.6 m) by 208.71 ft (63.6 m), or 1.0 acre (0.4 ht). Thus, the total area of effect incorporates 138,680 sq.,ft (12,140 sq. m), or 3.0 acres (1.2 ht). Surface and subsurface ground distuitance can be expected to be extensive with the use of heavy equipment. In order to allow for the currently proposed construction as well as facilitate future projects and development, the chapter has requested that the entire Chapter House Tract be inventoried. The total area of survey therefore incorporates 435,600 sq ft (40467 sq m) or 10.0 acres (4.0 ht).

b. <u>EXISTING DATA REVIEW</u>: A check of Navajo Nation Historic Preservation Department (NNHPD) archival files severaled that five previous archaeological projects were conducted NTM-88-063, NTM-88-104, NTM-88-562, NTM-84-590, and NTM-85-756 and no archaeological sites exist within a one-kilometer radius of the proposed project area. No archaeological sites were recorded by these projects.

For a relevant overview of this area the reader is referred to:

1965 <u>An Archaeological Survey of the Proposed IHS Water Line System in the Low Mountain-Whiscorwill Areas (NA-85-</u> NNCRMP-86-219. Ms. on Ele, Navejo Nation Archaeology Department, Window Reck, Astrona.

c. <u>AREA ENVIRONMENTAL AND CULTURAL SETTING</u>. The proposed project area is situated at an average elevation of 6200 ft (1884 m) above mean sea level on a lower predominate slope (approximately 4 degrees) extending south from Low Moustain. Several unnamed intermittent drainages are located in the nearby vicinity. The major water source in the area is Tao Chizzi Wash, located approximately 0.5 mile to the south. Surface sediments are a brown silly clay. Vegetation consists of Russian thisse, grassewood, unakewood, prickly pear enclus, and grame grass. Ground disturbance is caused by human activity and livestock grazing.

1. <u>FIELD METHODS</u>: The requested erchaeological survey was conducted on October 1, 1993, by Lawrence T. Notah and Quentin Canisses, staff archaeologist with the Navajo Nation Archaeology Department. The ten acre tract was surveyed by means of welking east wast oriented parallel pedestrian transacts spaced no more than 30 ft (9.1 m) spart. As part of the archaeological investory, interviews were conducted with Chapter officials regarding Traditional Cultural Properties (FCPs) in and around the Chapter House Tract. In-use structures within the Tract were also noted in order to assess.

15. CULTURAL RESOURCE FINDINGS: One site, no isolated occurrences, one Traditional Cultural property (TCP), three Current Initiatal Manifestations (CCMs).

. LOCATION/DENTIFICATION OF EACH RESOURCE: The one archaeological site is located in the northeastern portion of the 10 .cre Chapter House Tract. It was recorded with a Sumato compass and 60 m measuring tape.

Silc .

ilte Number: AZ-O-8-128 (Figure 3).

<u>o Reference:</u> Low Mountain, Arizone, 7.5' Series USOS Map, Provisional Edition, 1990.

. .

regal Description: T.24N, R.21E, Unplatted.

#### SUPPLEMENT SHEET (AIRS FORM) TEN ACRE LOW-MOUNTAIN CHAPTER HOUSE TRACT NMAD-93-261

# 3. LOCATION

L. UTM Coordinates of the 10 acre Low Mountain Chapter House Tract:

	Northline.	Easting
8.	3978868	582090
<b>b.</b>	3978840	582320
6	3978630	582070
d,	3978610	582295

14. REPORT

a. <u>DESCRIPTION OF UNDERTAKING</u>: The Low Mountain Chapter proposes to construct a waste transfer station, a scalar citizens' complex, and a multi-purpose building within the ten (10) scre Low Mountain Chapter House Tract. The arcs of effect for each buildin sight the transfer station (see Figure 1) measures 208.71 ft (63.6 m) by 208.71 ft (63.6 m), or 1.0 scre (0.4 bs). Thus, the total area of effect incorporates 130,680 sq., ft (12,140 sq. m), or 3.0 screes (1.2 bs). Surface and subsurface ground distribuance can be expected to be extensive with the use of heavy equipment. In order to allow for the currently proposed construction as well as facilitate future projects and development, the chapter has requested that the entire Chapter House Tract be investoried. The total area of survey therefore incorporates 435,600 sq ft (40467 sq m) or 10.0 screes (4.0 ba).

b. <u>EXISTING DATA REVIEW</u>: A check of Navajo Nation Historic Preservation Department (NNHPD) archival files revealed that five previous archaeological projects were conducted NTM-88-068, NTM-88-104, NTM-88-562, NTM-84-590, and NTM-85-756 and no archaeological sites exist within a one-kilometer radius of the proposed project area. No archaeological sites were recorded by these projects.

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c. <u>AREA ENVIRONMENTAL AND CULTURAL SETTING</u>: The proposed project area is situated at an average elevation of 6200 ft (1884 m) above mean sea level on a lower predominate slope (approximately 4 degrees) extending south from Low Mountain. Several annumed intermittent designages are located in the nearby vicinity. The major water source in the area is Tas Chizzi Wash, located approximately 0.5 mile to the south. Surface sediments are a bown silty clay. Vegetation consists of Russian thistle, grassewood, tankeweed, prickly pear cactus, and grasts grass. Ground disturbance is caused by human activity and livestock grazing.

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Site ·

ilte Number: AZ-O-8-128 (Figure 3).

<u>e Reference:</u> Low Mountain, Arizona, 7.5' Series USGS Map, Provisional Edition, 1990.

anal Description: T.24N, R.21E, Unplatted.

#### NNDFW Review No. 15TCS01a3

#### BIOLOGICAL RESOURCES COMPLIANCE FORM NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Bagie Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Low Mountain Headstart & Multi-Purpose Building

DESCRIPTION: The Low Mountain Chapter proposes to construct a new Headstart facility and a Multi-Purpose

building within the 10-acre chapter tract.

LOCATION: Low Mountain, Apache County, Arizona

REPRESENTATIVE: Mareita Denny, Community Services Coordinator, Low Mountain Chapter

ACTION AGENCY: Nevejo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/08 JUN 2015/Mareita Denny SKINIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

#### POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE\*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/29 JUN 2015

COPIES TO: (add categories as necessary)

2 NTC 5 164 Recommendation:\* Conditional Approval (with memo) Disapproval (with memo) GIG avajo Nation Department of Fish and Wildlife Categorical Exclusion (with request letter)

None (with memo)

\*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

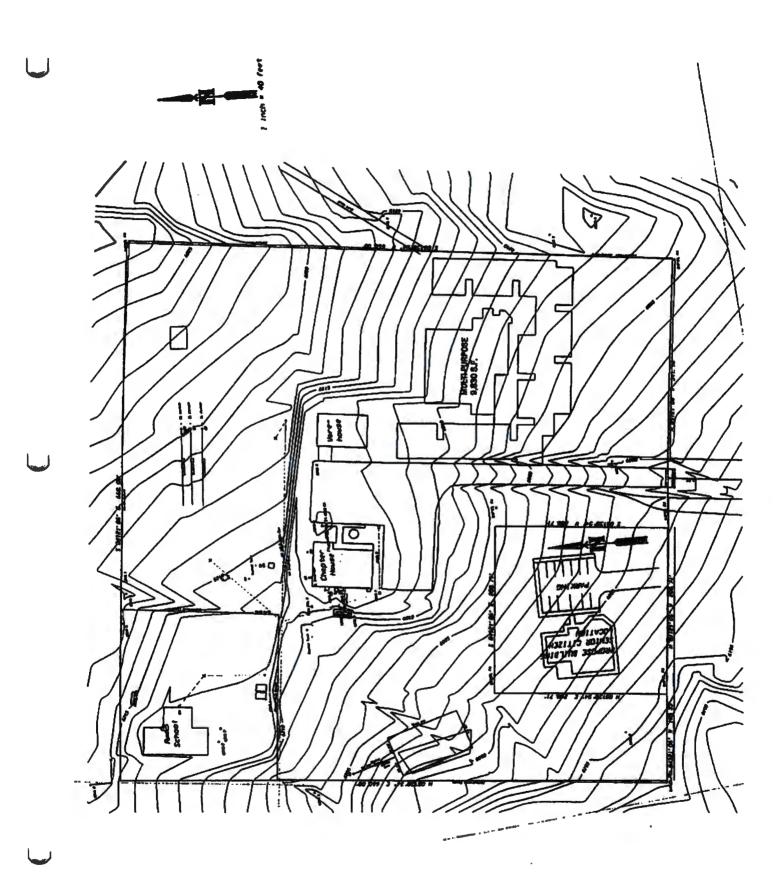
Representative's signature

Date

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Page 1 of 1

NDFW-B.R.C.F.: FORM REVISED 12 NOV 2009



MEETING RM. VEST. RECEPT. WOMEN MEN OFFICE OFFICE OFFICE KITCHEN MULTI- PURPOSE ROOM MECH. RM. . CHAIR STRG. MECH. ELEC.

# EXHIBIT B

#### RESOLUTION OF THE LOW MOUNTAIN CHAPTER

#### REQUESTING AND APPROVING TO WITHDRAWAL OF FOUR (24) ACRES PLAT LAND WITHDRAWEL WITH THREE (3) ACRES WITHIN THE LOW MOUNTAIN CHAPTER TRACT, AND ONE (1) ACRE ADJACENT TO THE CHAPTER TRACT FOR A NEW HEADSTART BUILDING AND A MULTI-PURPOSE BUILDING, AND 20-ACRES FOR A RECREATION FIELD.

#### WHEREAS:

- The Low Mountain Chapter is a duly certified chapter of the Navajo Nation and as such may preserve and promote community interests; AND,
- 02. The Low Mountain Chapter requests to withdraw three acres (3) plat of within the Low Mountain Chapter tract, addition of one acre adjacent to the chapter tract, and 20-Acres for Recreation Field; AND,
- 03. The Low Mountain Chapter proposes to construct a new Headstart Center Building and a Multipurpose Building for our young children, and a Recreation Field for our youth and community of Low Mountain; AND,

<u>NOW. THEREFORE BE IT RESOVLED THAT</u>: The Low Mountain Chapter hereby approves the Land Withdrawal of three (3) acres land plat within the Low Mountain Chapter Tract, and one (1) Acre adjacent to the Chapter tract for a new Headstart Building and a Multipurpose Building, and also 20-Acres Land Plat for Recreation Field and further to utilize the Chapter Capital Funds to make payment for all required clearance services for the development.

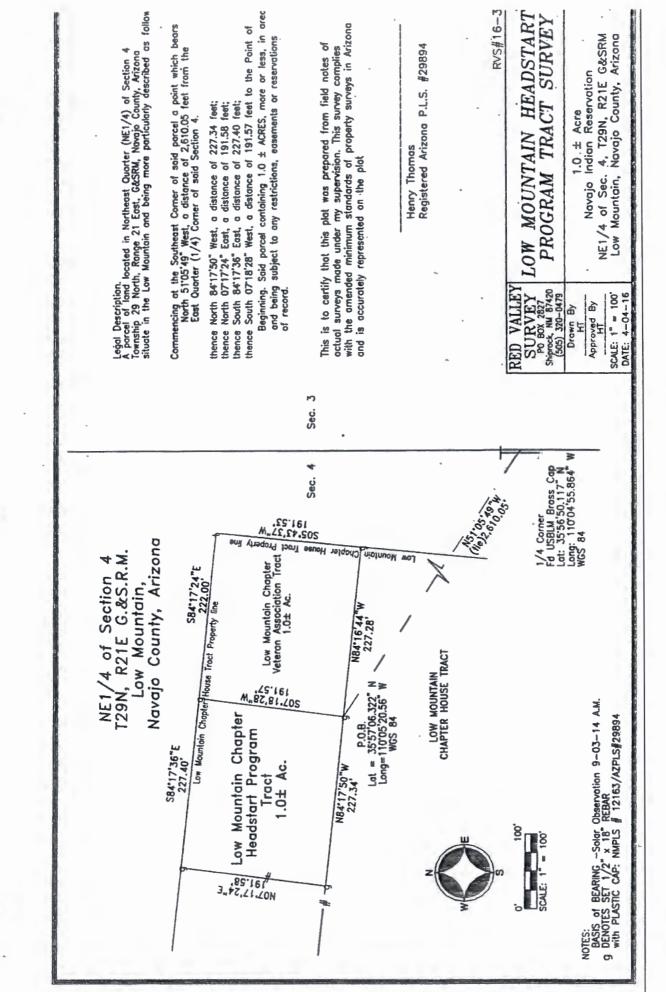
# C-E-R-T-I-F-I-C-A-T-I-O-N

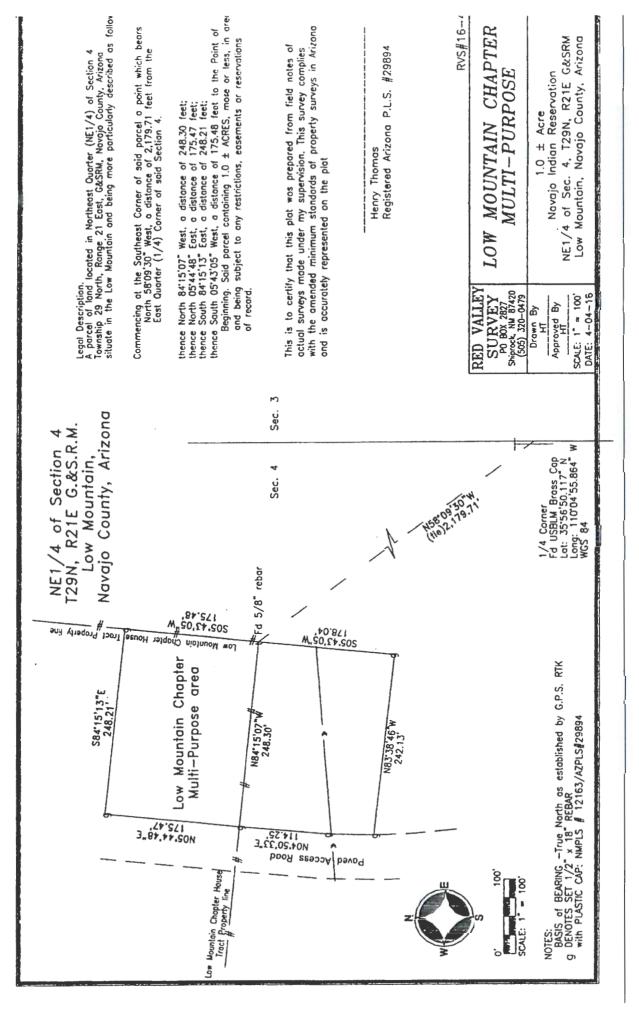
We, hereby certify that the foregoing resolution was duly considered at a duly called Low Mountain Chapter Meeting in Low Mountain, (Arizona), Navajo Nation, at which a quorum was present and that same was approved by a vote of <u>23</u> in favor, <u>->-</u> opposed, and <u>-3</u> abstained on this <u>////</u> day of March, 2016.

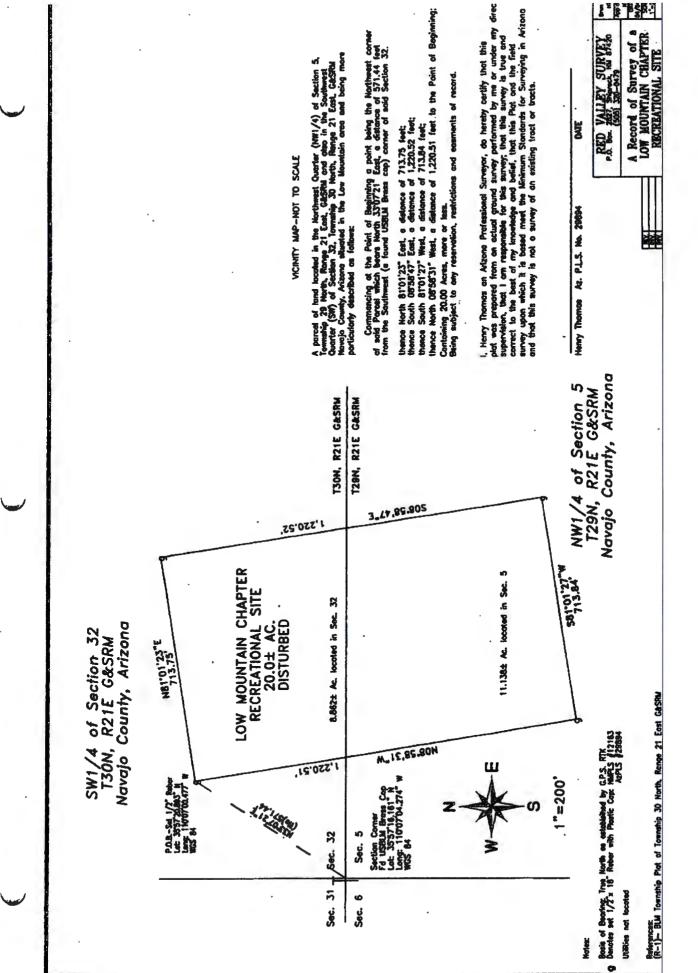
Motioned By: Elma Grance

Seconded By: Hancon Ahasteen

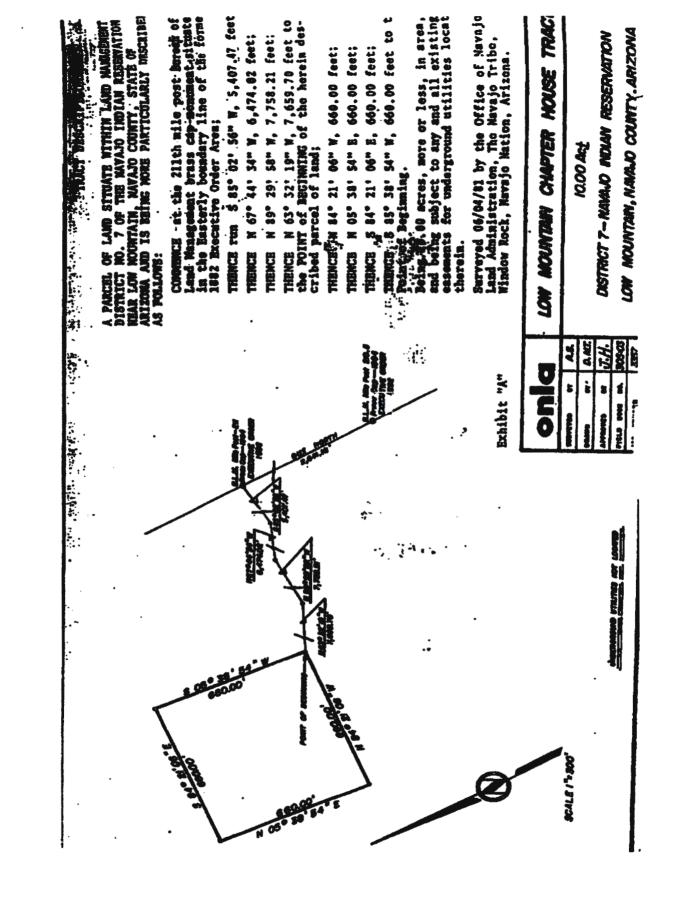
Gerald Ahasteen, Chapter Prodicent







-



#### BIOLOGICAL RESOURCES COMPLIANCE FORM NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Engle Protection and National Environmental Policy This form does not preclude or replace consultation with the U.S. Fish and Wildliffe Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Low Mountain Headstart & Multi-Purpose Building

DESCRIPTION: The Low Mountain Chapter proposes to construct a new Hondstart theility and a Multi-Purpose

building within the 18-acre chapter tract.

LOCATION: Low Mountain, Apache County, Arizona

REPRESENTATIVE: Marsita Danay, Community Services Coordinator, Low Mountain Chapter

**ACTION AGENCY: Navajo Nation** 

B.R. REPORT TITLE / DATE / PREPARER: Request for review & consummerce/08 JUN 2015/Mareita Denny SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

,

#### POTENTIAL IMPACTS

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NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

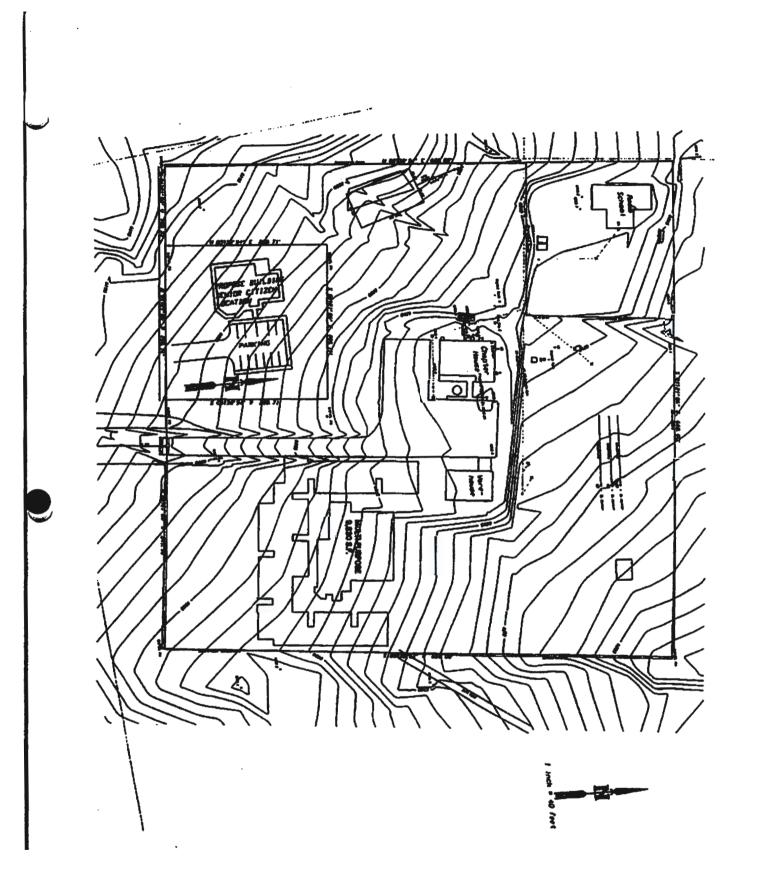
AVOIDANCE/MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE \*: NA

FORM PREPARED BY / DATE: Pamela A. Kyuulka/29 JUN 2015

COPIES TO: (add entegories as necessary)

2 NTC \$ 164 Recommendation: Signature Approval Conditional Approval (with memo) Disapproval (with memo) Sicategorical Exclusion (with request letter) None (with memo)	- WIG 6/30/15 m, Director, Navajo Nation Department of Fish and Wildlife
•] understand and accent the conditions of compliance.	and acknowledge that lack of signature may be grounds for ed project for approval to the Tribal Decision-maker.
Representative's signature	Date



1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO
4. TITLE OF REPORT: An Archaeological Survey of the 10 Acre Low Mountain Chapter House Tract, Névejo County, Arizona.		5. FIELDWORK DATES 10-01-93
AUTHOR(S): Lawrence T. Nonh	<u>.</u>	6. REPORT DATE 1-12-94
7. CONSULTANT NAME AND AD Gen'l Charge: Dr. Anthony L. Kie Org. Name: Newjo Netics Ard	itert	8. Permit No. NTC
Org. Address: P. O. Box 689 Window Rock, Aste Phone: (602) 871-6540	maa 86515	9. Consultant Report No. NNAD-93-261
10. SPONSOR NAME AND ADDRES Ind. Responsible: Bigeston Gene, ( Org. Name: Low Mountain Chapter	SC	11. SPONSOR PROJECT NO. N/A
Org. Address: P.O. Box 4437 Bise Gap, Arisess Phone: (602) 725-3210, 9207	•	12. AREA OF EFFECT: 3.0 ac AREA SURVEYED: 10.0 ac
See Figure 1. a. Chapter: Low Mountain	c. Land Status: Nevajo Partitioned La	ed _
a. Chapter: Low Monataia b. Agency: Fort Defiance c. County: Navajo d. State: Arizona	L UTM Center: Zone 12; Soc supple g. Ares: T.24N, R.21B, Soc. Unpirit b. 7.5' Map Name(s): Low Moustain,	ment shoet. ed. Gila & Salt River PM&B
a. Chapter: Low Mountain b. Agency: Fort Defiance e. County: Navajo d. State: Arizona 14. REPORT /K/ OR SUMMARY (RE a. Description of Undertaking: See	L UTM Center: Zone 12; Soc supple g. Ares: T.24N, R.21B, Soc. Unplot b. 7.5' Map Name(s): Low Moustain, PORT ATTACHED) // supplement sheet.	ment shoet. nd. Gila & Salt River PM&B
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a. Chapter: Low Mountain b. Agency: Fort Defisnee c. County: Navajo d. State: Arizona 14. REPORT /K/ OR SUMMARY (RE a. Description of Undertaking: See b. Existing Data Review: See suppl c. Area Environmental & Columel S d. Field Methods: See supplement a 15. CULTURAL RESOURCE FINDIN	L UTM Center: Zone 12; Soc supple g. Ares: T.24N, R.21B, Soc. Unplot b. 7.5' Map Name(s): Low Moustain, PORT ATTACHED) // supplement sheet.	ment shoet. ed. Gila & Salt River PM&B
a. Chapter: Low Mountain b. Agency: Fort Defisnce c. County: Navajo d. State: Arizons 14. REPORT /K/ OR SUMMARY (RE a. Description of Undertaking: See b. Existing Data Review: See suppl c. Area Environmental & Culturel S d. Field Methods: See supplement a LS. CULTURAL RESOURCE FINDIN a. Location/dentification of Each R b. Evaluation of Significance of Each	L UTM Center: Zone 12; Soc supple g. Ares: T.24N, R.21B, Soc. Unplot b. 7.5' Map Name(s): Low Moustain, PORT ATTACHED) // supplement sheet.	ment shoet. nd. Gila & Salt River PM&B
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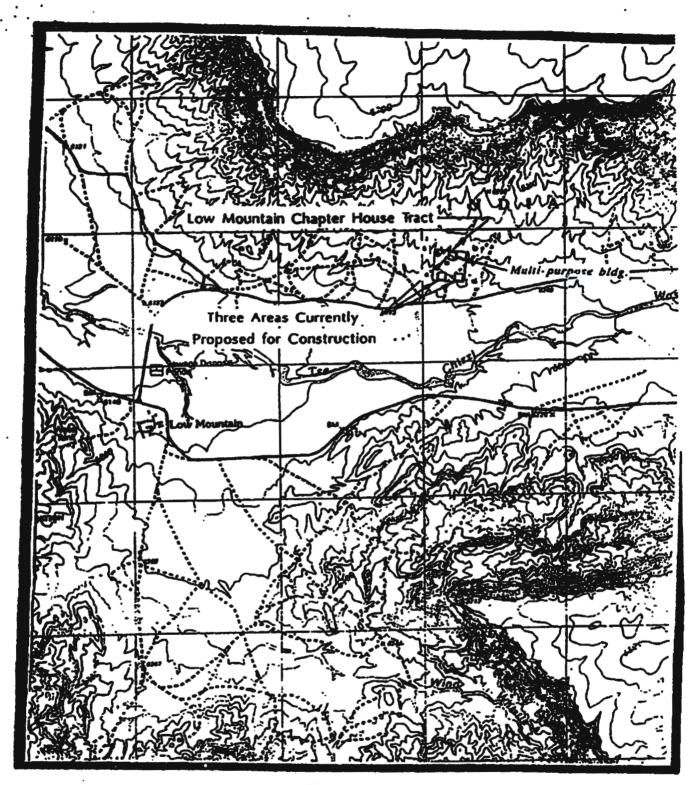


Figure 1. Locational map of the Low Mountain Chapter House Tract and the Three Areas Currently Proposed for construction. Low Mountain, Arizona, 7.5' series USGS Map, provisional edition, 1990. T24N, R2LE (NNAD-93-261).

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and a stat by the state state state and a state state

Sha Type: Assaul PI-PIII anifact scatter.

· Site Size: 131 ft by 100 ft , or 13,100 sq. ft (1217 sq. m)

Site Settlee: The site is situated on a southwest facing hill slope at a grade of less than 4 degrees, south of Low Mountain.

<u>Site Duscription</u>: This site consists of a sparse shord and lithic scatter. Artifacts observed include seventeen Cibolan indented corregate shords, seventeen Tussyan indented corregated shords, four plain grayware shords, three obliterated corregated shords, two cispboard shords, one Escavada Black-on-white shord, one Checo Black-on-white, one chert shatter lithic, and one quarterie debilage. No well alignments were visible but a few sondatone fingments was observed.

Responding to inquiries regarding Traditional Cultural Properties in or near the project area, Roger George, Chapter President, noted a hegen buriel located approximately 590 ft (180 m) northeast of the Chapter Heuse. This area is pleaned as the fature location of the community cometery.

The three current Cultural Manifestations (Corrently in-use Structures) within the Chapter House free the Chapter House justif, the pre-school, and the chapter watchouse.

b. <u>EVALUATION OF SIGNIFICANCE OF EACH RESOURCE (above)</u>: She AZ-O-8-128 is considered eligible for nomination to the National Register of Historic Places since it meets the 50 year age guideline and it holds the potential to yield information important to prehistory (Criterion d). Likewise, since the site is over 100 years old and is of actentific interest it is also eligible for protection under the provisions of the Archaeological Resource Protection Act. This type of she is not normally considered succed or therefore ineligible for protection under the American Indian Religious Freedom Act (AIRFA).

All of the currently in-upe structures are less than 50 years old and none are distinctive enough to justify nomination to the National Register of Historic Pieces under any of the exclusion estegories. Being less than 100 years old, some of the buildings nonds the definition of an archaeological resource eligible for protection under ARPA. These types of buildings are usually blessed and thus eligible for protection under AIRFA. It is obvious, however, that the Chapter does not consider that the proposed construction projects would compromise any secred qualities.

6. MANAGEMENT SUMMARY (RECOMMENDATIONS): It is recommended that while constructing the proposed multi-purpose outding, which is located approximately 200 ft (60.9 m) to the northwest of the site (AZ-O-8-125), all construction activities will avoid the site boundary by a minimum of 50 ft (15 m).

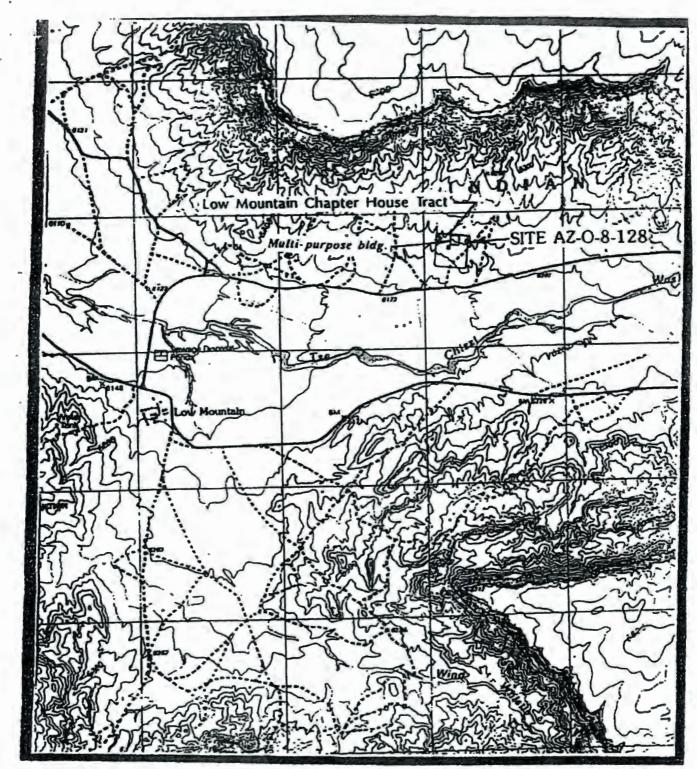
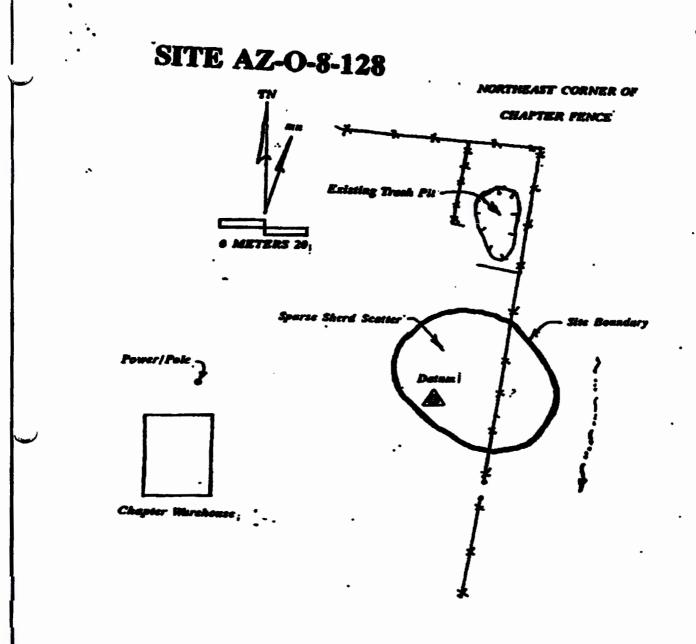


Figure 2. Locational map of site AZ-O-B-128 in relation to the Low Mountain Chapter House Tract. Low Mountain, Arizona 7.5' series map, provisional edition 1990. T24N, R21E (NNAD-93-261).





# Site Surviv and Management Form

# SITE NO.; AZ-O-8-128 FIELDADTHER NAME: 1 DATE RECORDED: 10-1-93

PROJECT NUMBER & NAME: NNAD-93-261; As Archaeological Survey of the 10 Acre Low Mountains Chapter House Teact, Navajo County, Arizona.

ORGANIZATION: NNAD ARCHABOLOGISTIS: Lawrence T. Notah

USGS MAP REFERENCE: Low Mountain, AZ, 7.5 minute series, Provisional Edition 1990.

LEGAL LOCATION: T.29N, R.21W, Unpinted

UTM ZONE: 12, 3978790N, 582310E

STATE: Asiaona . ODUNTY: Nevajo CHAPTER: Low Mountain

LAND STATUS: Navajo Pattitioned Land

GROUND VISIBILITY: Kind and Extent of cover: 50% ground visibility with 50% vegetation cover.

TOPOGRAPHY: Low Mountain predominate slope.

DRAINAGE: The Chizzi Wash, approximately 0.5 mile to the south.

ELEVATION: (N/m): 6220 ft (1896 m) Slone and Direction: Less than 4 degrees to the southwest.

SOIL. TYPE: Alluvial and colian sand with public-and cobble-sized sandstone fragments. OTHER:

VEGETATION PRESENT: Russian thistic, greasewood, snaksweed, grama grass, and prickly pear.

CULTURAL AFFILIATION(S): Ansazi STTE TYPE: Artifact scatter.

PERIOD(S) OF OCCUPATION: (Date if Known): PI-PII (A.D. 900-1150) HOW DATED: Ceramics

DIMENSIONS OF SITES (hun): 131 & x 100 & Total area (au m): 1217 sq m

How Determined: 60 m tape and Sumato Compass.

ARCHITIECTURE PRESENTY No Describe:

ARTIFACTS OBSERVED/COUNTED: 109+

COLLECTION MADE: No OF WHAT? N/A METHOD: N/A

PHOTO TAKEN: No B/W: N/A ROLL FRAME(S) COLOR: ROLL: N/A FRAME:

STTE DESCRIPTION: The site consists of a sparse sherd and lithic scatter. Artifacts observed include seventeen Cibolan indented corrugated sherds, seventeen Tussyan indented corrugated sherds, four plain grayware sherds, three obliterated corrugated sherds, two clapboard sherds, one Escavada Black-on-white visible but a few sandstone fragments were observed.

# CONDITION OF SITE: Pair-good Causes of distantances Natural erosion

LOCATION OF SITE RELATIVE TO PROJECT AREA: Northeastern postion of chapter tract.

EXTENT OF INVESTIGATION TO DATE: This recording.

RESEARCH POTENTIAL: The sits may yield information about Anasasi settlement patterns.

RECOMMENDATIONS: Site boundary should be avoided by a minimum of 50 ft (15 m) in all directions.

# SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL ERGENTER):

**ENTROPETTY:** Retains integrity of location.

CRITERIA a-d: Criteria a-c ineligible, criterion d eligible (meets 50-year age guideline).

EXCLUSIONS: None.

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SITE ASSESSMENT UNDER 43 CFR 7.3. (Archaeological Resources Protection Act): The site meets the 100 year old age requirement and is of scientific interest, therefore, the site merits protection under the ARPA provisions.

SETE ASSESSMENT UNDER AIRTA (American Indian Religious Frendam Acts: This type of site is not normally considered secred; thus, it does not merit protection under the American Indian Religious Presdom Act (AIRFA).

PROVIDE A SITE MAP (including site designation, North arrow, scale, recognizable features, inadmarks and relationship to project area).

HOW CAN THE SITE BE REACHED? (see attached U.S.G.S. map)

**OTHER COMMENTS** (Ethnographic Data, etc.):

#### SUPPLEMENT SHEET (AIRS FORM) TEN ACRE LOW-MOUNTAIN CHAPTER HOUSE TRACT NNAD-53-351

'3. LOCATION

L. UTM Coordinates of the 10 acre Low Mountain Chapter House Tract:

8.	Northing 3978860	Easting Station
<b>b.</b>	3978840	582320
G.	3978630	582070
	1020610	587285

14 REPORT

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For a selevant overview of this area the reader is referred to:

#### 1986 <u>An Archaeological Survey of the Propaged IHS Water Line System in the Low Monatain-Weiscorwill Asses (NA-85-465)</u>. NNCRMP-86-219. Ms. on Els, Navajo Nation Aschaeology Department, Window Rock, Asizona.

,

c. <u>AREA ENVERONMENTAL AND CULTURAL SETTING</u>: The proposed project area is altuated at an average elevation of 6200 ft (1884 m) above mean sea level on a lower protominute slope (approximately 4 degrees) extending south from Low Meanzin. Several managed intermittent desinages are located in the nearby vicinity. The major water source in the area is The Chirzi Wash, located approximately 0.5 mile to the south. Surface sediments are a boown slity city. Vegetation consists of Rossian thisse, greasewood, makewood, prickly pear eacture, and grams grass. Ground disturbance is caused by human activity and livestock grazing.

1. <u>FIGUED METRICIPS</u>: The requested-archaeological survey was conducted on October 1, 1993, by Lewrence T. Noth and Questin Cantane, staff exchangingst with the Navaja Nation Archaeology Department. The ten acre tract was surveyed by means of walking easiwest crimited parallel pedestrian transacts spaced as more than 30 ft (9.1 m) spart. As part of the archaeological inventory, interviews were conducted with Chapter efficiels regarding Traditional Cultural Properties (TCPs) in and around the Chapter House Tract. In-use tractanes while the Tract were also noted in order to assess.

15. CULTURAL RESOURCE FINDINGS: One site, no isolated occurrences, one Traditional Celtural property (TCP), three Current Jultural Manifestations (CCMs).

. <u>LOCATION/IDENTIFICATION OF EACH RESOURCE</u>: The one archaeological site is located in the northeastern portion of the 10 acce Chapter House Tract. It was recorded with a Suente compass and 60 m measuring tape.

Site .

its Number: AZ-O-8-128 (Figure 3).

. P. Reference: Low Monatain, Arizone, 7.5' Series USOS Map, Provisional Edition, 1990.

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regal Description: T.24N, R.21E, Unplatted.

#### SUPPLEMENT SHEET (AIRS FORM) TEN ACRE LOW-MOUNTAIN CHAPTER HOUSE TRACT NNAD-13-261

# 'S. LOCATION

C. UTM Coordinates of the 10 acre Low Mountain Chapter House Tract:

·	Northing.	Eesting.
8.	3978840	\$12090
<b>b.</b>	3978840	SE2320
6	3070630	583070
d,	3978610	562295

14. REPORT

a. <u>DESCRUTION OF UNDERTAKING</u>: The Low Mountain Chapter proposes to construct a waste transfer states, a senior chimes' openplet, and a multi-perpose building within the tex (36) sere Low Mountain Chapter Honse Tract. The sece of effect for each buildin and the transfer states (not Figure 1) measures 208.71 ft (63.6 m) by 208.71 ft (63.6 m), or 1.0 sere (0.4 hs). Thus, the total area of effect incorporates 130,680 sp.ft (12,140 sq.m), or 3.0 seres (1.2 hs). Surface and subsurface ground distufbance can be expected to be existingly with the use of heavy equipment. In order to allow for the currently proposed construction as well as facilitate fature projects and development, the chapter has requested that the eathe Chapter House Tract be investoried. The total area of survey therefore incorporates 435,600 sq ft (40467 sq m) or 10.0 seres (4.0 hs).

b. EXECUTING DATA REVIEW: A check of Novajo Nation Historic Proservation Department (NNIPD) archival film revealed that five provious archecological projects were conducted NTM-SS-068, NTM-SS-184, NTM-SS-562, NTM-SS-590, and NTM-SS-756 and no archecological sites exist within a one-kilometer radius of the proposed project area. No archaeological sites were recorded by these projects.

For a relevant overview of this area the reader is referred to:

1906 <u>An Archaeological Survey of the Processed IHS Weter Line System in the Low Monatain-Whiencrylli Areas (NA-85-465)</u>,<sup>#</sup> NNCRMP-06-219. Ma. on Elo, Novajo Notice Aschaeology Department, Window Rock, Asizona.

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c. <u>AREA ENVIRONMENTAL AND CULTURAL SETTING</u>: The proposed project area is situated at an average elevation of 6200 ft (1884 m) above mean sea level on a lower predominate slope (approximitely 4 degrees) extending south from Low Meustain. Several summed intermittent desinages are located in the nearby vicinity. The major water source in the area is The Chizzi Wath, located appointmately 0.5 mile to the south. Surface sediments are a brown sility cloy. Vegetation consists of Rancian thiste, greasewood, unakeneed, prickly pear cactus, and grams grass. Ground disturbance is caused by human activity and livestock grazing.

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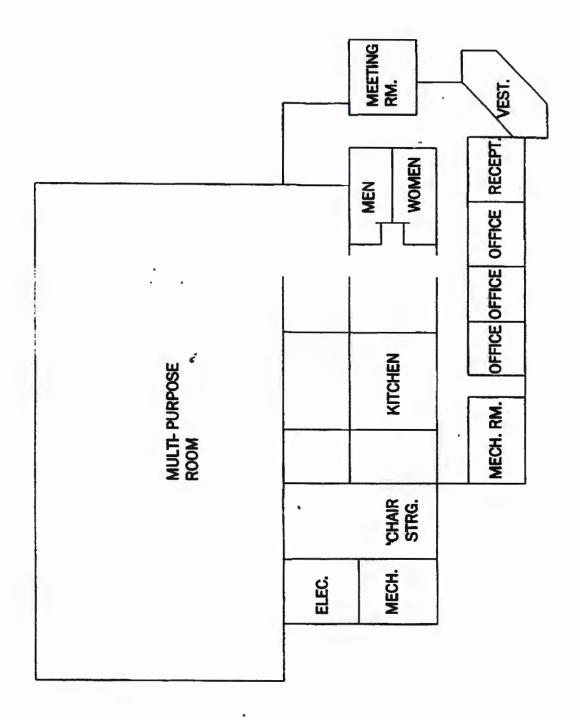
LOCATION/DENTIFICATION OF EACH RESOURCE: The one archeeological site is located in the northeastern portion of the 10 .ere Chapter House Tract. It was recorded with a Sunate company and 60 m measuring tape.

Site ·

ilte Number: AZ-O-8-128 (Figure 3).

<u>e Reference:</u> Low Mountain, Arizona, 7.5' Series USOS Map, Provisional Edition, 1990.

Anal Description: T.24N, R.21E, Unplatted.



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#### Roads-Site 3

Roads is a priority in the community. Navajo Division of Transportation (NDOT) an executive branch of the Navajo Nation oversees transportation. NDOT develops plans and maintains roads, bridges, and airports on the Navajo Nation. The Chapter identifies 15 miles of road maintenance to be done by NDOT every quarter, primarily school bus routes. The bus route maps of schools serving the community is herein in EXHIBIT. Navajo Nation Long Range Transportation Plan (NNLRTP) is done every five years. The NNLRTP provides comprehensive analysis to address roads and other transportation needs to meet development needs of the communities. Navajo County provides road maintenance and equipment and is a partner in a road graveling project.

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#### Goal:

• Improve the road system within the Chapter community to provide access, public safety, education, for community health and emergencies, and community and economic development opportunities.

#### Purpose:

• Continue to maintain and pave all primary thoroughfares as identified in Exhibit.

#### Strategies:

- Identify priority road projects by 2017.
- Seek funding that will match Chapter funds to conduct the necessary environment review requirements in order to move up road projects on BIA's priority list.
- The bridge on N67 over Low Mountain Wash located 0.5 mile north of Jeehdeez'a Elementary School (JES) needs repair or replacement; is thirteen on the BIA priority list.
- Continue to gravel and maintain all secondary roads as identified.

- Navajo Route (NR) 8059 has been identified as the high priority dirt road. Residents and the schools use the road for access and commuting purposes.
- Identify and prioritize needed culverts or low crossing bridges for roadways with washes.
- Bridge crossing on N8059 is listed on the priority projects for the community. This crossing washed out during heavy rain and need replacement.
- Identify and develop a plan for school bus turn outs across the community by 2018.

# Purpose:

• Require roads to be maintained for the safety of the traveling public.

# Strategies:

- Request Navajo Nation and BIA Transportation Department to provide clarification on roads shared with Hopi Tribe to resolve through formal agreement(s) common safety issues.
- Due to safety issues on commonly used roads under the authority of Hopi Tribe, the Low Mountain Chapter will identify opportunities for increased road safety in collaboration with neighboring communities.
- Develop partnerships with BIA Roads Department, Navajo Department of Transportation (NDOT), Pinon Unified School District, other schools serving the community, Navajo Nation Head Start, Hopi Tribe, adjoining chapters, and Navajo County road improvement projects to promote safety.
- Improvement of Road H60 is needed to repair uneven, wavy pavement due to trucks transporting heavy loads.
- Although Road H60 is in the Hopi Partitioned Land (HPL), this 15 mile road is considered a top priority for maintenance and eventually a paved road due to heavy use by the community as well as it being a bus route transporting students to Hopi Junior/Senior High School.
- The eventual pavement of Road H60 to Keams Canyon would open traffic to the community and residents who have families living on the mesa. It would access the proposed convenience store and the developmental sites. This pavement of N60 to the Navajo County road on the mesa would safely connect the community.
- In the event of an emergency, alternative entrance and exit routes will be identified.
- The completion of Navajo Nation Rural Addressing would determine the number of roads and residents.

#### Purpose:

• Identify roads that are no longer being used and close and reclaim them for environmental protection and grazing land.

# Strategies:

- Work with Grazing Official to reduce environmental impacts of unnecessary roads.
- Reduce unnecessary impact on natural resources with vehicle traffic in grazing areas.
- Provide public education on the importance of protecting the natural environment.

# Purpose:

• Provide a safe community for pedestrians and other modes of transportation.

# Strategies:

- Helicopter pad (Helipad) is a foreseeable future for emergency medical transport to serve the elderly group homes.
- Sidewalks are needed for pedestrian traffic. Public facilities in the Chapter tract will be connected by sidewalks for easier access of public buildings meeting the American with Disability Act (ADA). Sidewalks will also connect the NHA housing subdivision with the Jeehdeez'a Elementary School (JES) and the proposed convenience store.
- Navajo Transit Services from Pinon through Chinle to Dine College in Tsaile will meet the transportation needs of college students and those traveling to Chinle for services. These services may be requested to include a loop around Low Mountain if there is a need.
- Hiking trails are in the community that are not publicized to protect the privacy of community residents.
- There are motorist, bicycle and/or pedestrian safety issues which include a sharp curve by the Jeehdeez'a Elementary School (JES). The traffic speed by the school needs to systemically reduced by methods to be explored. It is dangerous for the children and residents since the road is very close to the school. Solar powered street lights in the area would promote safety for vehicle and pedestrian traffic.

# **Environmental Assessment**

For the Proposed Low Mountain Chapter Community Recreation Project Navajo Nation, Navajo County, Arizona



Prepared For: Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520

Prepared By: Dodge Environmental, LLC.

P.O. Box 75 Fruitland, New Mexico (505) 330-1361

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# ACRONYMS

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ABNDN	Azeé Bee Nahaghá of Diné Nation
ACS	American Community Survey
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
IPaC	Information, Planning, and Conservation
IUS	In-Use Site
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NESL	Navajo Endangered Species List
NNDFW	Navajo Nation Department of Fish and Wildlife
NNEPA	Navajo Nation Environmental Protection Agency
NNHP	Navajo Natural Heritage Program
NNHPD	Navajo Nation Historic Preservation Department
NRCS	Natural Resources Conservation Services
SWPPP	Storm Water Pollution Prevention Plan
TSD	Transport, Storage or Disposal
USCB	United States Census Bureau
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WIC	Women, Infants & Children

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Photograph 1: (Cover Page) View of the project area looking south from the northeast corner.

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# 1. SUMMARY OF PROPOSED ACTION

Low Mountain Chapter, of the Fort Defiance Navajo Agency, is proposing the construction and operation of a new community recreation complex facility. The proposed Low Mountain Chapter community recreation project (proposed project) would be developed on an approximately 20.0-acre tract on Navajo Tribal Trust lands in Navajo County, Arizona. Other components of the proposed project would include public utilities services.

Through a Chapter Resolution (No. LMC-16-049), the Low Mountain Chapter of the Fort Defiance Navajo Agency has agreed to grant a lease on a 20-acre community recreation complex site on lands within the Low Mountain Chapter. This would enhance recreational opportunities to the Low Mountain Chapter community and visitors. A copy of the Low Mountain Chapter Resolution (No. LMC-16-049) is provided in Appendix A.

The Low Mountain Chapter retained Dodge Environmental, LLC to prepare an Environmental Assessment (EA) for the construction and long-term operation of the proposed action. This EA describes the pre-project environment and describes impacts (both construction and long-term operation) of the Action and the No-Action alternatives. The content and format of this EA is in accordance with the simplified version of the 30 Bureau of Indian Affairs (BIA) Manual Supplements 1. The long- and shortterm consequences and cumulative impacts of the action and other actions in the general project area vicinity are described.

#### **1.1 Purpose and Need for Action**

The purpose of the proposed action is to support the mission of the Low Mountain Chapter to implement a new community recreation complex facility that meets increasing demands for health and recreational access in the immediate community of Low Mountain Chapter. Appurtenant utility services include water and electrical. The goal is to promote a healthy body and suitable levels of fitness for the rural residents within the Low Mountain Chapter area. The need for the project is established by the Low Mountain Chapter responsibility under the Chapter Resolution (Appendix A) as well as by the BIA's responsibility under 25 Code of Federal Regulations (CFR), Part 162 and Part 169.

#### **1.2 Location and Maps**

The proposed project area would be located in the central region of the Navajo Nation in Low Mountain, Arizona. The proposed project area would be located adjacent to BIA 8074, approximately 0.25 miles northwest of BIA Highway 67, and approximately 1 mile south of the Low Mountain BIA boarding school and Navajo Housing Authority housing complex (Figure 1). A legal lands survey plat is provided as Appendix B. Photographs of the proposed project area in its current condition are provided in Appendix C.

The proposed project can be found on the Low Mountain, Arizona U.S. Geological Survey (USGS) 7.5minute quadrangle map (Figure 2). The legal description of the proposed project are the northwest quarter (NW<sup>1</sup>/<sub>4</sub>) of Section 5 in Township 29 North and Range 21 East; and the southwest quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 32 in Township 30 North and Range 21 East, Gila & Salt River Meridian, Navajo County,

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Arizona on Navajo Tribal Trust lands within the Low Mountain Chapter of the Fort Defiance Navajo Agency. Figure 3 shows the aerial photograph of the proposed project area. Table 1-1 provides the land status and acreage of disturbance for the proposed project.

Proposed Project Component	Indian Allotment	Navajo Nation	Bureau of Land Management	Private (Decded)	Total
Low Mountain Chapter Community Recreation	0	20.0	0	0.0	20.0

Table 1-1. Land status and permitted acreage for the proposed project.

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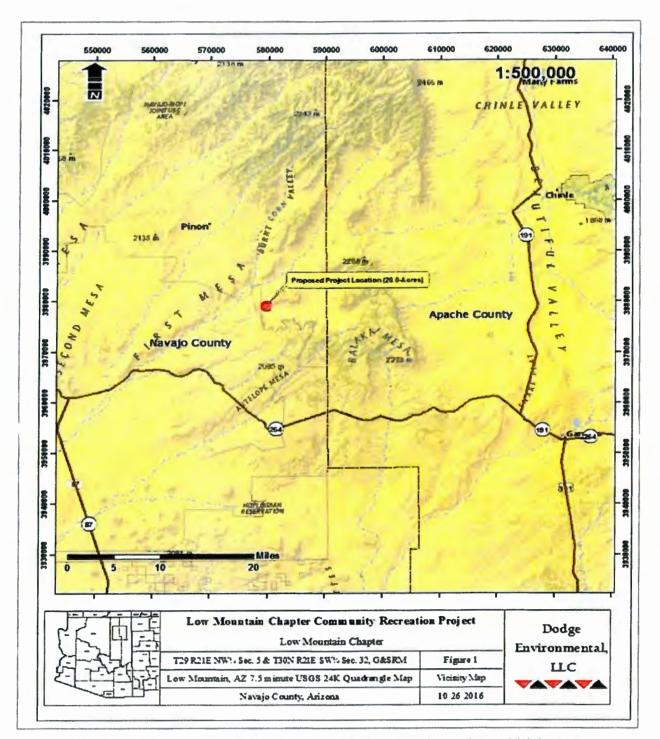


Figure 1: Proposed Low Mountain Chapter community recreation project --- Vicinity Map

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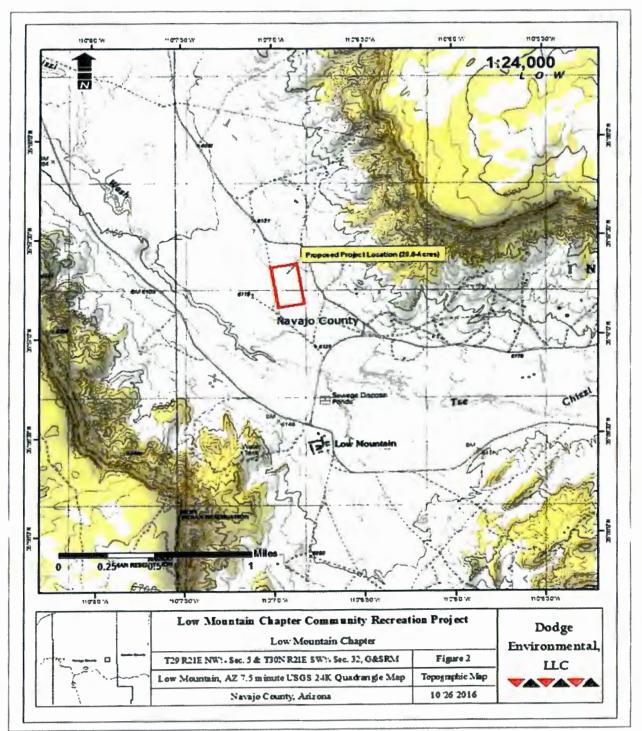


Figure 2: Proposed Low Mountain Chapter community recreation project - Topographic Map

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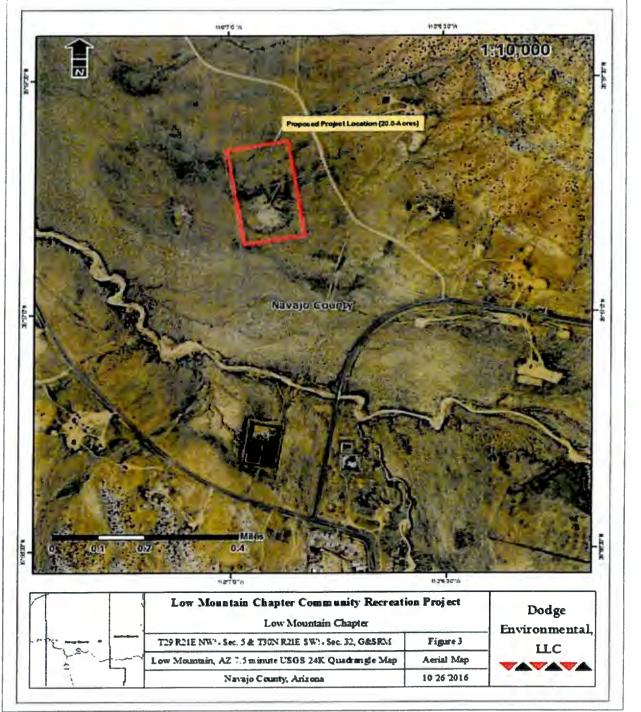


Figure 3: Proposed Low Mountain Chapter community recreation project - Aerial Map

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# 2. PROJECT DESCRIPTION

# 2.1 Alternative A - No Action

Under the No-Action Alternative, the recreation site lease for the Low Mountain Chapter would not be issued. However, the No-Action Alternative would not meet the purpose and need identified, which is to develop and construct new community recreation complex facilities in order to meet Low Mountain Chapter's purpose for the Low Mountain Chapter area.

# 2.2 Alternative B - Proposed Action

Under the proposed action, the Low Mountain Chapter is proposing the construction and operation of a new community recreation complex facility for the Low Mountain Chapter area on an approximately 20.0-acre vacant tract on Navajo Tribal Trust lands in Navajo County, Arizona.

The proposed action would require an application for a recreation site lease to allow the construction and operation of the future community recreation complex facility in accordance to applicable federal and tribal regulations. A summary description of the proposed action is provided below:

- The proposed action is the construction of a future baseball/softball field, livestock arena, picnic areas, Ceremonial Grounds Azeé Bee Nahaghá of Diné Nation (ABNDN), Song/Dance arena and Pow-Wow arena. The exact size of the recreation complex facility would be confined within the 20-acre tract of vacant land.
- Other components of the project such as public utilities (i.e., electricity and water) would be determined in the planning and design phase of the proposed action and are located adjacent to the 20.0-acre tract project area.

Since the specific nature of this future recreation complex development is uncertain, the project outlined in this EA and the analyses assumes that this tract would be incorporated into the proposed Low Mountain Chapter community recreation project. In the event that this 20.0-acre tract of vacant land would not be available, the amount of development space and parking would be proportionately reduced. In any event, it is assumed that the maximum amount of development would encompass the entire 20.0acre tract of vacant land.

No temporary use area outside of the project boundary would be required. During construction, traffic to the project area would consist of various construction equipment and vehicles. Access to the project area would be from BIA 8074 via BIA Highway 67. All construction equipment would be parked within the 20.0-acre tract. Construction is tentatively scheduled upon receipt of the necessary agencies approval and permits. Construction activities would take over a four (4) month period. Construction hours would adhere to the Navajo Nation requirements.

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# **2.3 Action Alternative**

The Low Mountain Chapter chose the project area due to the proximity of existing infrastructure and the limited availability of alternative land sites. This location meets the purpose and need of the proposed project. No other alternative locations were considered for the proposed project.

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# 3. DESCRIPTION OF AFFECTED ENVIRONMENT

This section describes the existing condition of the environmental components in the project area that would be affected by the implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues.

Under the No-Action Alternative, the proposed action would not be implemented. The No-Action Alternative would result in the continuation of the current land and resource uses in the area. This alternative will not be evaluated further in this EA.

The analysis area for this EA is defined as the project footprint of the proposed Low Mountain Chapter community recreation complex facility.

## 3.1 Land Resources

#### 3.1.1 Topography

The topography of the proposed project is within a region characterized by a broad alluvial flat of Tse Chizzi Wash and bordered by terraced mesas. The proposed project is located on a gently sloped alluvial plain with a southerly aspect of 1 to 3 percent. Elevations in the project area range from approximately 6,120 to 6,140 feet.

## 3.1.2 Soils

The primary soil mapping unit that occurs within the project area is classified as Betonni-Pinavetes family complex, 3 to 10 percent slopes (USDA/NRCS 2008). Soils on the proposed project area surface are variable and range from fine sand to fine sandy loam in texture (USDA/NRCS 2008). No biological soil crusts were observed within the proposed project area. The following descriptions are summarized from the Fort Deflance Area, Parts of Apache and Navajo Counties, Artzona and McKinley and San Juan Counties, New Mexico from the Natural Resources Conservation Services Web Soil Survey (USDA/NRCS 2008):

The Betonnie-Pinavetes family complex, 3 to 10 percent slopes is found on dunes on fan terraces, and fan terraces at elevations that range from 6,200 to 6,500 feet. The soil mapping unit is formed from summit, backslopes over eolian deposits and fan alluvium derived from sandstone. This soil unit exhibits very low runoff, has high to very high permeability, has no frequency of flooding to no ponding, and is somewhat excessively drained to excessively drained. Depth to the restricted feature in this soil ranges from more than 80 inches. This unit is composed of 50 percent Betonnie, 30 percent Pinavetes, and 20 percent minor components (i.e., Zia family and Penistaja family) (USDA/NRCS 2008).

A portion of the soils have been previously disturbed and compacted due to vehicles driving across the proposed project area and the presence of an existing baseball field.

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#### 3.1.3 Geological Setting and Mineral Resources

The proposed project is located within the Black Mesa Basin within, the Colorado Plateau physiographic region. Geologically, the proposed project lies on alluvium (sand, silt, and clay with minor interbedded gravel, recent floodplain deposits of the Little Colorado River and tributaries) deposits (Ulrich el at. 1984). Low Mountain, or "Tá Sahdí Dá Askaní" (translated as "lone mesa" in Navajo), a prominent terraced mesa, rises about 580 feet above the general area; it is located about 0.8 miles northeast of the project area. Gum Point, or "Jeeh Deeźa" (translated as "piñon gum point" in Navajo), is a prominent topographical feature located about 1.5 miles south of the proposed project area. No prominent geologic features occur in the proposed project area.

There are no mineral resource deposits available in the Low Mountain Chapter (Navajo Nation 2004). There are no active mines or other mineral development activities in the proposed project area or general vicinity.

#### 3.2 Water Resources

The proposed project would be located in the Little Colorado Watershed within the Little Colorado River drainage area, which is part of the Lower Basin Colorado River. Surface water is short-lived and occurs primarily as spring runoff from snowmelt as well as summer and fall monsoon thunderstorms. Factors that influence surface water quality in the proposed project area are atmospheric deposition, resource extraction, and agricultural and rangeland activities.

There are no perennial surface water resources such as rivers, lakes, ponds, or streams, nor any wetland habitats within the project area. No aquatic vegetation occurs within the proposed project area or immediate vicinity. Drainages in the project area, characterized as sheet drainages, flow southwest toward the main draw of Tse Chizzi Wash located approximately 0.3 mile southwest of the project area. A livestock well with a windmill, storage tank, and watering trough is located approximately 650 feet from the western boundary of the proposed project area. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area.

#### 3.2.1 Clean Water Act Section 401

There are no perennial or intermittent streams located within the proposed project area. The proposed construction and development activities would not impact any wetlands, riparian areas or jurisdictional waters of the U.S. as defined by the U.S. Army Corp of Engineers. Also, there would be no discharge associated with construction activities or other disturbance within jurisdictional waterways. Therefore, Section 401 of the Clean Water Act water quality certification is not applicable to the proposed action.

### 3.2.2 Clean Water Act Section 402

The Navajo Nation Environmental Protection Agency (NNEPA) regulates stormwater runoff from construction activities on the Navajo Nation through the National Pollutant Discharge Elimination System program. Only construction projects greater than 1 acre are regulated. The construction activities would include new ground disturbing activities affecting up to 1 acre. As part of the permitting process for the proposed action, the construction activities would require preparation of a Storm Water Pollution

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Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System program. At this time, the development activities have not been finalized and a project specific SWPPP has not been prepared. Once the development activities are approved, a project specific SWPPP would be prepared by the contractor for the project.

## 3.2.3 Clean Water Act Section 404

The construction activities would not occur within any wetlands or jurisdictional waters of the U.S.; therefore, Clean Water Act Section 404 permitting is not required. There would not be discharges of dredged or fill material into any wetlands or jurisdictional waters of the United States.

### 3.2.4 Floodplains

Executive Orders 11988 and 11990 require evaluation of potential impacts to floodplains and wetlands. The proposed project area is not located within a floodplain and does not cross any major drainages. A search of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the proposed project and vicinity were performed and accessed in June 27, 2016 (Map Number 04017C1675E). The flood hazards are undetermined but possible, according to FEMA (FEMA 2016). There are no wetlands within the proposed project area or vicinity.

The proposed project area is located approximately 0.3 miles southwest of Tse Chizzi Wash and approximately 40 feet above the floodplain boundaries; therefore, the project area is not within the Tse Chizzi Wash floodplain boundaries.

## 3.2.5 Groundwater

Ground water resources beneath the proposed project area include the C-aquifer system, the largest and most productive within the Little Colorado River ground water basin. The C-aquifer, named for its primary water-bearing unit the Coconino Sandstone, lies below the project area with an aerial extent of 21,655 square miles. It is utilized as a water supply south of the Little Colorado River and along the eastern edge of the basin. North of the Little Colorado River, the C-aquifer is too deep to be economically useful or it is unsuitable for most uses because of high concentrations of total dissolved solids. Alluvial aquifers along washes and stream channels are important for domestic uses in this area (ADWR 2009).

Water quality issues for wells, springs, and mine sites within the Little Colorado River Plateau Basin include arsenic, radionuclides, thallium, lead, and total dissolved solids (ADWR 2009).

A search of the Arizona Department of Water Resources Web site for the vicinity (1-mile radius) was performed in May 2016 at http://www.azwater.gov/AzDWR/. The database has no records of additional registered wells located within the vicinity of the proposed project (ADWR 2016).

There are no springs within the project area. However, a livestock well with a windmill, storage tank, and watering trough is located approximately 650 feet from the western boundary of the proposed project area. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area. The proposed action would not require drilling of a water well.

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# 3.3 Air Resources

# 3.3.1 Air Quality

The project area lies within the exterior boundaries of the Navajo Nation in northwest New Mexico. The Navajo Nation Air Quality Control Program has an established Title V Operating Permit Program in agreement with the U.S. Environmental Protection Agency (USEPA), giving the Tribe permitting authority over the major air pollution sources on Navajo land (NNEPA 2004).

Air quality in the area is affected both by nearby industry, climactic conditions and the natural terrain of the area. The primary sources of air pollutants are electrical power generation plants, vehicular traffic, and natural resources development activities. The largest impacts to air quality in the region are three coalfired power plants: two in New Mexico (the Public Service Company of New Mexico San Juan Power Generating Station and the Arizona Public Services Four Corners Power Generating Station) and one in Arizona (Navajo Power Plant). At the present time, air quality within the Navajo Nation is within the parameters defined by all National Ambient Air Quality Standards (NAAQS) as described in the amendments to the federal Clean Air Act (CAA) of 1969 (NATD 2005).

The proposed project area is considered a Class II air quality area. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soils and motorized vehicles that may create exhaust and fugitive dust while driving on existing dirt roads near the proposed project area.

### 3.3.2 Visibility

Due to the rural nature of the project area and the lack of significant pollutant sources within the project vicinity, visibility is considered good. Visibility is primarily affected by climactic conditions, including lower visibility at times of high winds with associated airborne particulate matter and during precipitation events. Particulate matter associated with vehicle traffic on dirt and gravel roads can also be a source of medium range visibility impairment.

### 3.3.3 Climate and Meteorology

The proposed project area is located in the Colorado Plateau that is characterized by a semi-desert climate, relatively high elevation region, and typically warm summers and cold winters. Winters in the Colorado Plateau are cold with snow depths reaching one to two feet and frequently drifting over brush along north-facing canyons. Melting ice and snow in the spring produces runoff which may reach flash flood levels.

Climate data, as summarized by the Western Regional Climate Center between 1894 through 2016, have been compiled from a station in Keams Canyon, Arizona. This station represents similar conditions to those found in the proposed project area. The average maximum high temperature generally occurs in July and reaches about 88° Fahrenheit. The average minimum low temperature generally occurs in January and approaches about 16° Fahrenheit. The mean annual precipitation is about 10 inches per year (WRCC 2016). Precipitation is characterized by a monsoon pattern with the highest rainfall occurring from August through October.

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# **3.4 Biotic Resources**

The proposed project area is located within a "Less Sensitive Area" (Area 3), as identified by the Navajo Nation Department of Fish and Wildlife (NNDFW) and described in the Biological Resources Land Clearance Policies and Procedures which was approved September 10, 2008 (NNDFW 2008a). An Area 3 has a low, fragmented concentration of species of concern.

# 3.4.1 Description of Ecosystem and Biological Communities

The following sections in this EA are based upon the biological inventory conducted by John Dodge, project biologist from Dodge Environmental, LLC, on May 26, 2016. The surveys were conducted under the 2016 NNDFW Special Permit #969. The survey activities were completed in compliance with the NNDFW survey protocols for listed Navajo species of concern that have the potential to occur in the proposed project area.

## 3.4.2 Wildlife and Vegetation

The project area is located on the Colorado Plateau and is characterized within the Arizona subdivision as the Great Basin desert scrub biotic community (Brown 1994). One major vegetation community occurs within the proposed project area – the mixed desert scrub series. Vegetation cover in the project area was visually estimated to range from 30 to 45 percent. No riparian vegetation occurs within the proposed project area.

#### Great Basin desert scrub (mixed desert scrub series):

The current vegetation is dominated by the mixed desert scrub community. The biotic plant community is locally dominated by herbaceous species such as blue grama (Boutelua gracilis) and purple threeawn (Aristida purpurea). In general, a low to moderate layer of woody species is present in this series and consists of Greene's rabbitbrush (Chrysothamnus greenet), fourwing saltbush (Atriplex canescens) and broom snakeweed (Gutierrezia sarothrae). One mature oneseed juniper (Juniperus monosperma) tree occurs within the project area.

No noxious weeds (i.e., seedlings or dead stalks) listed by the BIA Navajo Region were identified during the field survey or within the immediate vicinity.

Great Basin desert scrub habitat supports a variety of wildlife. Based on the habitat within the project area and general vicinity, the area could support a variety of large to small mammals, birds, amphibians, and reptiles common to the Colorado Plateau.

Active and inactive prairie dog (Cynomys spp.) burrows scattered within an approximately 10-acre area occur approximately 400 feet from the southwestern portion of the proposed project area.

The surrounding landscape provides foraging habitat for a variety of raptors including golden eagle (Aquila chrysaetos), ferruginous hawk (Buteo regalis), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), and other species such as common raven (Corvus corax). Ravens were the most abundant bird species observed in the project area. A mature burrowing owl (Athene cunicularia) was observed at an active nest approximately 450 feet from the proposed project.

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# 3.4.3 Riparian and Aquatic

A search of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory maps for the proposed project and vicinity was performed on May 5, 2016 at

<u>http://www.fws.gov/wetlands/Data/Mapper.html</u>. No wetlands, floodplains, springs, or permanent natural water resources, nor riparian, or aquatic habitats were identified in the project area or immediate vicinity (USFWS 2016a).

## 3.4.4 Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act of 1973 (as amended), federal agencies are required to consult with the USFWS on proposed actions that may affect federally-listed threatened or endangered species or species proposed for listing.

A search of the USFWS federally listed species with potential to occur in the proposed project and action areas was requested from the USFWS Information, Planning, and Conservation (IPaC) System website (USFWS 2016b). According to the IPaC, there are five federally listed threatened, endangered, or proposed threatened species with the potential to occur in Navajo County, Arizona (USFWS 2016b). The potential of each species to occur in the proposed project and action areas was evaluated based upon project-specific habitat analyses and the habitat associations of each species. The action area is defined as a 1/3-mile radius around the project area.

No designated critical habitats occur within the proposed project or action areas. Based upon the habitat evaluation for each USFWS federally listed species, none of the five USFWS federally listed species for Navajo County, Arizona, are likely to occur in the project or action areas due to the lack of suitable habitat; none have been previously documented to occur in the project or action areas.

Table 3-1 presents the USFWS federally listed species, provides a review of their habitat preferences and distributions in Arizona, and evaluates the potential for each species to occur in the proposed project and/or action areas.

, s	Species	Stat	us <sup>1</sup>	Habitat Assoviation <sup>1</sup>	300	Reason for Elimination from Consideration
		_		Birds		
California co (Gymnogyps	ondor californianus	;) E	elevation	sert canyons and plateaus at low to mo n.	oderate	Not expected. Although the project is located within the non-essential experimental range of the California condor, there is no suitable habitat in the project or action areas.
Yellow-bille (Coccyzus an		Т	water ne vegetatio	ly found in wooded habitat with dense earby, including woodlands with low, s on, overgrown orchards, abandoned fa se thickets along streams and marshes	scrubby irmlands,	Not expected. No riparian habitat or riparian woodlands occur in the project or action areas.

# Table 3-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed consideration.

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Species	Status	Habitat Association <sup>1</sup>	Reason for Elimination from Consideration			
	understory foliage appears to be an important factor in nest selection.					
		Fishes				
Roundtail chub (Gila robusta)	РТ	Cool to warm water of rivers and streams, often occupy the deepest pools and eddies of large streams	Not expected. No suitable habitat occurs in the project or action areas.			
		Mammals				
Gray wolf (Canis lupus)		Wolves are habitat generalists and lived throughout the northern hemisphere. They only require ungulate prey and human-caused mortality rates that are not excessive.	Not expected. Although the project is located within a non-essential experimental population range of the gray wolf, the current gray wolf distribution is outside the project area.			
Reptiles						
Northern Mexican gartersnake (Thamnophis eques megalops)	Т	Occur between 3,000 to 5,000 feet up to 8,500 feet elevation in densely vegetated cienegas, lowland riparian forests, stock tanks, and upland stream forests.	Not expected. No suitable habitat occurs in the project or action areas. The project is outside the known geographic range of this species.			

Source: USFWS IPaC website 2016.

Species listed by USFWS: E = endangered; T = threatened; PT = proposed threatened; and PEP, NE = Proposed Experimental Population, Non-Essential.

In addition to USFWS federally listed species, a list of Navajo species of concern was obtained through consultation with the Navajo Natural Heritage Program (NNHP) of the NNDFW. The NNHP consultation letter (16doel104) is provided in Appendix D. Navajo species of concern include those listed on the Navajo Endangered Species List (NESL) (Mikesic and Roth 2008), federally protected species, other rare or otherwise sensitive species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA), and species of economic and cultural significance.

The NNHP lists the black-footed (*Mustela nigripes*), a Navajo species of concern, as an Element Occurring within 3 miles of the proposed project area on the Low Mountain, USGS 7.5-minute quadrangle map (Appendix D). In addition, the NNHP lists three Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map (see Appendix D).

Although the burrowing owl is not listed as species of concern with potential to occur in the project area in the NNHP consultation letter, it is listed as a NNHP species of concern and was observed during the biological survey in suitable habitat. Therefore, the burrowing owl is included in Table 3-2 and discussed in further detail in the below.

Table 3-2 lists these five Navajo species of concern, their NESL status, habitat associations, and potential to occur in the project and/or action areas. Some of the Navajo species of concern in Table 3-2 are dually listed Table 3-1.

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#### Table 3-2. NNHP Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map.

Species	Status <sup>2</sup>	Habitat Association <sup>3</sup>	Navajo Nation Distubation <sup>8</sup>	Potential To Occur in the Project Area
		Bird	is	
Golden eagle (Aquila chrysaetos) Group 3		In the West, mostly in open habitats in mountains, canyon terrain. Nests primarily on cliffs and trees.	On the Navajo Nation, occurs on nearly all types of cliff substrates including sandstone, limestone, and those of volcanic origin.	May occur infrequently in the action area.
Mountain plover (Charadrius montanus)	Group 4	Breeds in extremely dry, level shrublands, shortgrass prairies, barren agricultural fields, and other sparsely vegetated areas.	On the Navajo Nation, known breeding occurs only in New Mexico. Potential habitat on the Navajo Nation includes grasslands between the Chuska Mountains and Black Mesa, and southwest of Black Mesa to the Little Colorado River.	Preferred habitat does not occur in the project or action areas; height and cover of vegetation exceeds that preferred by this species for nesting.
Peregrine falcon (Falco peregrinus) Group 4 Rugged terrain with rocky cliffs and canyons (30 to 1,000 + feet high), typically adjacent to rivers, lakes, or streams. Urban areas with towers and buildings also inhabited.		Breeding occurs across the Navajo Nation with appropriate habitat, including but not limited to: Chuska Mountain Range, Canyon de Chelly, Black Mesa, and north to Glen Canyon, the Dilkon buttes region, and the canyon reaches of the San Juan, Colorado, and Little Colorado Rivers.	There are no perennial or open water resources within the project or action areas.	
Burrowing owl (Athene cunicularia)	Group 4	Rarely dig their own burrows and are typically associated with prairie dog colonies. Found in dry, open, short-grass, treeless plains. Use areas that include shrubs such as four-wing saltbush and rabbit-brush.	Potential habitat on the Navajo Nation includes all low-elevation desertland to elevations of juniper habitats. The presence of suitable nest burrows is a critical requisite.	One mature burrowing owl was observed perching near a burrow; white wash and burrowing owl feathers were observed scattered within the action area.
		Mam	mal	
Black-footed ferret (Mustela nigripes)	Group 2	Prairie dog colonies on flat to open shrub/grassland (about >200 acres with ≥8 burrows/acres).	No wild populations of this species are currently known to exist in Arizona. A reintroduced population exists in Aubrey Valley (Coconino County), Arizona.	Not expected. Although a NNHP listed element occurring 3 miles from the project area, the prairie dog population in the project and action areas is too small to support a black-footed ferret population.

<sup>1</sup> NNDFW Data Request for Navajo Species of Concern (see Appendix D).
<sup>2</sup> NESL Group definitions include: Group 1 = species or subspecies that no longer occur on the Navajo Nation; Group 2 = endangered and includes species whose prospects of survival or recruitment are in jeopardy; Group 3 = endangered and includes species whose prospects of survival or recruitment are in jeopardy; Group 3 = endangered and includes species whose prospects of survival and recruitment are likely to be in jeopardy in the foreseeable future; Group 4 = candidates and includes species that may be endangered, but for which the NNHP lacks sufficient information to support being listed.

<sup>3</sup> Source: Mikesic and Roth 2008.

Based upon the evaluation of the existing vegetation, habitat associations (as described in the project Biological Evaluation report), and biological field survey, two Navajo species of concern have the

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potential to occur within the action area. These Navajo species of concern include golden eagle and burrowing owl. A Biological Evaluation report for the proposed project was prepared and submitted to the NNDFW on July 11, 2016. A copy of the Biological Resources Compliance Form, NNDFW Review No. 16doel104, determined that birds protected by the MBTA would be impacted by the proposed project (Appendix D).

#### 3.4.4.1 Golden Eagle

The following characteristics present in the project and action areas, the broad alluvial flat of Tse Chizzi Wash bordered by terraced mesas and surrounded by desert scrub vegetation, provide potential foraging opportunities for golden eagles. According to the NNHP consultation letter (16doel104), there are no known historic or active golden eagle nests documented in or near the proposed project area.

Specific nesting features such as cliffs were not found in the proposed project area. The proposed project area is located in near proximity to residential developments. Golden eagles avoid nesting near urban development and have been noted to be sensitive to some forms of human presence (Pagel et al. 2010, Palmer 1988). The action area also includes residential housing, highways, and power line developments, thereby limiting nesting opportunities for golden eagles.

Because the golden eagle home range is so large and territories may have from six nests up to 14 nests (Kochert et al. 2002), it is likely that golden eagles occupying territories within 20 miles of the proposed project area could utilize the action area for foraging. No golden eagles, nor signs of consistent raptor use (i.e., whitewash or nests) were observed in the project area or action area during the biological survey conducted on May 26, 2016.

#### 3.4.4.2 Burrowing Owl

A single mature burrowing owl was detected at one discrete active nest location approximately 450 feet from the proposed project. A documentation letter of the burrowing owl, Active burrowing owl (Athene cunicularia) nest for the proposed Low Mountain Chapter community recreational project, was submitted under separate cover to Chad Smith, NNDFW Zoologist, on June 7, 2016.

Potential burrowing owl habitat was observed within the southwestern corner of the project area where scattered inactive prairie dog burrows were observed cluring the biological field survey. No burrowing owls, signs of their activity (i.e., white wash, feathers, or dried pellets), or active burrows/nest sites were observed in the project area during the biological field survey. Burrowing owls are often associated with prairie dogs. This species has not been documented in the proposed project area by the NNDFW.

#### 3.4.5 Migratory Birds

Under the Migratory Bird Treaty Act (16 U.S. Code §703-712) and Executive Order 13186---Responsibilities of Federal Agencies to Protect Migratory Birds, federal agencies are required to consider management impacts to migratory birds.

The MBTA ensures that all migratory birds and their parts (e.g., eggs, nests, and feathers) are protected from taking, killing, capture, transport, sale, or purchase. The USFWS IPaC (USFWS 2016b) identified 17 migratory bird species with potential to occur in the project area. Potential impacts were determined

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based on the bird species' nesting behavior and the time of year that the bird species has potential to occur within the project area. None of these listed migratory birds were observed within the project area during the biological survey conducted on May 26, 2016. Table 3-3 lists these 17 migratory bird species, their seasonal occurrence in the proposed project area, and the potential impact to nesting birds from the proposed action.

Species	Seasonal Occurrence in Project Area	Potential Nesting Impact
Bald eagle (Haleaeetus leucocephalus)	Winter	No
Brewer's sparrow (Spizella breweri)	Breeding	No
Burrowing owl (Athene cunicularia)	Breeding	Yes
Golden eagle (Aquila chrysaetos)	Year-round	No
Grace's warbler (Dendroica graciae)	Breeding	No
Gray vireo (Vireo vicinior)	Breeding	No
Juniper titmouse (Baeolophus ridgwayi)	Year-round	No
Loggerhead shrike (Lanius ludovicianus)	Year-round	Possible
Olive-side flycatcher (Contopus cooperi)	Breeding	No
Peregrine falcon (Falco peregrinus)	Breeding	No
Pinyon jay (Gymnorhinus cyanocephalus)	Year-round	No
Prairie falcon (Falco mexicanus)	Year-round	No
Short-cared owl (Asio flammeus)	Year-round	No
Swainson's hawk (Buteo swainsoni)	Breeding	No
Virginia's warbler (Vermivora virginiae)	Breeding	No
Williamson's sapsucker (Sphyrapicus thyoideus)	Breeding	No
Willow flycatcher (Empidonax traillii)	Breeding	No

Table 3-3. Priority bird species listed by USFWS Birds of Conservation Concern associated with the proposed action.<sup>1</sup>

<sup>1</sup>Source: USFWS IPaC website 2016b

The proposed project area does not provide potential foraging or nesting habitat for raptors or non-raptors listed as Navajo species of concern: bald eagle (*Haliaeetus leucocephalus*), flammulated owl (*Otus flammeolus*), and peregrine falcon (*Falco peregrinus*). The desert scrub habitat present in the proposed project area and vicinity may provide potential foraging opportunities for prairie falcon (*Falco mexicanus*) and Swainson's hawk (*Buteo swainsont*). No potential nesting habitat occurs in the project area for the prairie falcon or Swainson's hawk.

Removal of vegetation would result in a loss of habitat for a variety of ground-nesting birds protected under the MBTA. No nests were identified in the proposed project area during the biological survey; however, detailed nest surveys were not conducted.

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A copy of the Biological Resources Compliance Form, NNDFW Review No. 16doel104, determined that birds protected by the MBTA would be impacted by the project (Appendix D).

# 3.5 Cultural Resources

Iris Shirley Begaye, Project Archaeologist, completed a Class III level (100 percent) cultural resources inventory in the entire area of potential effect for the proposed action on April 1, 2016. The pedestrian cultural resources field survey was completed by the archaeologists walking a series of transects spaced no more than 15 meters apart within the project area and immediate vicinity. A literature review and archival data research from the Navajo Nation Historic Preservation Department (NNHPD) was conducted. The cultural resource survey results are included in the cultural report.

The cultural report, A Cultural Resource Inventory of Proposed Twenty-Acres Multi-Purposed Tract in Low Mountain Chapter, Navajo County, Arizona by Iris Shirley Begaye, was submitted under a separate cover to the NNHPD on April 8, 2016 (Consultant Report No. ISB-15-049). A total of 20.0 acres was surveyed during the field inspection on April 1, 2016.

In conjunction with the Class III cultural field survey of the project area, a Class I cultural resources literature search was completed by Iris Shirley Begaye to review and contextualize any previous surveys and reports. The NNHP files indicate that there are no previously recorded cultural resource reports within a 100-meter (328-foot) radius of the proposed project area.

A Cultural Resources Compliance Form for the proposed project area is provided in Appendix E.

### 3.5.1 Archaeological Resources

One in-use site (IUS) was documented during the Class III cultural survey completed by Iris Shirley Begaye on April 1, 2016. The IUS is not eligible for the National Register of Historic Places nor does it merit protection under the Archaeological Resources Protection Act or Native American Graves Protection and Repatriation Act.

### 3.5.2 Traditional Cultural, Historic, and Religious Properties

In addition to the archaeological resources survey, Iris Shirley Begaye conducted a Traditional Cultural Properties assessment for the proposed location. No traditional cultural properties were identified in or around the project area.

# **3.6 Socioeconomic Conditions**

The following sections in this EA have compiled from the 2006-2010 U.S. Census Bureau-American Community Survey (USCB/ACS) that addresses socioeconomic conditions, including employment and income; demographics and trends; lifestyles, cultural values, attitudes and expectations; and community infrastructure existing within the Low Mountain Chapter.

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## 3.6.1 Employment and Income

The primary industries for employment in the Low Mountain Chapter include educational services, health care, and social assistance (31 percent); construction (27 percent); public administration (20 percent); retail trade along with arts, entertainment, recreation, accommodation, and food services (6 percent); transportation, warehousing, and utilities (5 percent); and agriculture, forestry, fishing, hunting, and mining (4 percent) (USCB/ACS 2010). About 51 percent of the labor force is federal government and 49 percent of the labor force is private sector. None of the labor force is self-employed or unpaid family workers. The unemployment rate in the Low Mountain Chapter is nearly 30.9 percent (USCB/ACS 2010).

In 2010, the estimated median household income was \$14,167, the median family income was \$12,120, and the per capital income was \$8,089. Approximately 64 percent of the Low Mountain Chapter residents lived below the poverty level (USCB/ACS 2010).

#### 3.6.2 Demographics and Trends

The estimated population of the Low Mountain Chapter experienced an approximately 12 percent increase in population over 20 years, increasing from 664 in 1990 (Navajo Nation 2004) to 754 in 2010 (USCB/ACS 2010). The median age of the Low Mountain Chapter is about 30 years old, compared to 29 years for the Navajo Nation as a whole. Approximately 38 percent of the residents over the age of 25 have a high school education or higher, while less than 1 percent have a bachelor's degree or higher.

About 97 percent of the Low Mountain Chapter residents identify as Native American and Alaska Native, 2 percent identify as White, and 1 percent identify as two or more races. English-speaking only households include 7 percent of the 5 years and over population, and 93 percent speak a language other than English (i.e., Navajo/Native American) (USCB/ACS 2010).

#### 3.6.3 Lifestyles, Cultural Values, Attitude and Expectations

The Low Mountain Chapter encompasses approximately 41,382 acres within the Fort Defiance Navajo Agency in the northwestern portion of Arizona and is bordered by the Hopi Tribe Reservation. A detailed evaluation of the lifestyles within the general vicinity was beyond the scope of analysis for this assessment.

### 3.6.4 Community Infrastructure

No commercial establishments are located within the Low Mountain Chapter (Navajo Nation 2004). Tribal affiliated offices that provide services within the Low Mountain Chapter include: Division of Community Development; Community Services; Division of Social Services; Department of Workforces Services; Department of Youth Services; Women, Infants & Children (WIC); Community Health Representative and Outreach Programs; Food Distribution; Department of Head Start; and Navajo Area Agency on Aging (Navajo Nation 2004).

Estimates for housing within the Low Mountain Chapter includes about 333 total housing units with an average household size of about 3.4 people per house. About 68 percent (226) of these are occupied. Of

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the occupied housing units, 72.6 percent are owned while the remainder 27.4 percent housing units are rentals. About 69 percent of the housing units lack complete plumbing facilities (USCB/ACS 2010).

The Low Mountain Chapter is home to three churches and two indigenous religions: the Traditional Navajo Religion and Native American Church.

# **3.7 Environmental Justice**

In accordance with Executive Order 12898, the proposed project area was evaluated for impacts to minority and low income populations. While the proposed project area has a disproportionate population of Native Americans living within it, approving the proposed project is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength. The proposed expansion and construction of Chapter community facilities may be considered beneficial to member of the Low Mountain Chapter community.

## 3.7.1 Indian Trust Resources

There are no Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, minerals, paleontological resources, or agricultural resources in the project area or immediate vicinity.

## **3.8 Environmental Module**

A review of environmental compliance facilities within the proposed project area on the Navajo Nation. Reservation was completed online at the USEPA Envirofacts website (http://www.epa.gov/enviro/) in June 2016 (USEPA 2016).

No environmental compliance facilities were identified for the proposed project area or within a 1.0-mile radius of the proposed project area. The results are summarized in the following sections.

# 3.8.1 Resources Conservation and Recovery Act Subtitle C, Hazardous Waste and Materials

There are no identified Resources Conservation and Recovery Act facilities located within the proposed project area. There were no areas of solid waste disposal or land filling observed within the project area. During the construction phase of the project, no potentially hazardous materials (gasoline, diesel, and propane) will be stored on site. All fuel storage, vehicle fueling and vehicle and equipment maintenance will be performed at off-site facilities.

# 3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste

There are no known solid waste disposal facilities located within the proposed project area or within a 1.0-mile radius of the proposed project area, as reported by the USEPA Envirofacts website. Surface disturbance and construction activities associated with the proposed action may generate an insignificant

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volume of non-hazardous solid waste. All waste generated as part of construction and operation activities would be disposed of in a permitted facility.

# 3.8.3 Resource Conservation and Recovery Act Subtitle I, Underground Storage Tanks

There are no registered underground storage tank facilities located at the proposed project area or within a 1-mile radius of the project area as reported by the USEPA Envirofacts website. No surface indications (fill or vent pipes or retail fuel dispensers) of underground storage tank facilities were observed on the ground surface within the proposed project area on May 26, 2016.

# 3.8.4 Comprehensive Environmental Response Compensation and Liability Act/Toxic Substances Control Act Sites

There are no existing hazardous material transport, storage or disposal (TSD) facilities within the proposed project area or general vicinity.

## **3.9 Resource and Land Use Patterns**

#### 3.9.1 Land Use Plan

The proposed project is located within the Low Mountain Chapter of the Fort Defiance Navajo Agency. No land use plans have been implemented for the proposed project area. The 110 chapters of the Navajo Nation are developing land use plans under the Local Governance Act. The NNDFW has delineated six types of wildlife sensitivity areas to assist the Navajo Nation government and local chapters in ensuring compliance with federal and tribal wildlife/environmental laws in the development of land use plans.

The proposed project area is located within a "Less Sensitive Area" (Area 3), as identified by the NNDFW.

L duirng growing season total from resulting closure causing

#### Loss damage

The existing land use in the general vicinity can be characterized as scattered housing developments that are intermingled with utilities infrastructure and open space. A baseball field is currently located within the proposed project area.

### 3.9.2 Hunting, Fishing, Gathering

There are no fisheries or permanent water resources in the project or immediate vicinity. The project area is not considered a hunting or gathering area.

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# 3.9.3 Timber Harvesting

Neither the project area nor the general vicinity contain saleable timber resources. No timber harvesting is presently occurring in the Low Mountain Chapter area.

## 3.9.4 Agriculture

The project area is located within Land Management District 7 of the Fort Defiance Navajo Agency of the BIA, Natural Resources Department. Livestock grazing permits are administered by the BIA Natural Resources Program in accordance to the Navajo Grazing Resources regulations (25 CFR §167). The Navajo Nation Department of Agriculture assists with managing livestock grazing activities on the Navajo Nation primarily through district grazing committees. All three parties - the BIA, the Navajo Nation Department of Agriculture, and the grazing committees - coordinate their activities in an effort to utilize and manage range resources.

Sign of domestic livestock was observed within the project area that included domestic sheep (Ovis aries), goat (Capra hircus), horses (Equus caballus) and cattle (Bos sp.).

The project area is not used for cultivated or non-cultivated agriculture. There are no prime or unique farmlands in the project area or vicinity. There are approximately 65 individual family farms located within approximately 195 acres within the Low Mountain Chapter (Navajo Nation 2004).

### 3.9.5 Mining

The project area contains no known extractable mineral resources.

#### 3.9.6 Outdoor Recreation

The project area is not a known recreational destination. There are no designated recreation areas within 2 miles of the project area.

### 3.9.7 Transportation Use Network

The primary transportation routes through the Low Mountain Chapter include BIA 8074 and BIA Highway 67. Numerous dirt roads provide access from the paved highways for residents, buses, and emergency vehicles.

## 3.10 Other Values

#### 3.10.1 Wilderness

The project area is not located within a designated wilderness area.

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# 3.10.2 Noise

Ambient noise levels in the area are generally low to moderate. Ambient noise levels are attributed to the nearby BIA 8074 and BIA Highway 67. Noise from the highway and scattered residential developments vary with the time of day and seasonal events but are generally low to moderate. Vehicle traffic in the vicinity was low during the time of the field survey. Due to the proximity of the project area to a paved highway and depending on the time of day, the amount of vehicle traffic and background noise varies, but is generally low to moderate.

## 3.10.3 Public Health and Safety

Medical clinics and major health care facilities for residents in the Low Mountain Chapter are located in Chinle, Arizona (Chinle Indian Hospital); Polacca, Arizona (Hopi Health Care Center); and Piñon, Arizona (Piñon Health Care Center) (Navajo Nation 2004). The Navajo Nation Tribal Police Department provides general law enforcement coverage to the Navajo Indian Reservation. Fire protection within the Low Mountain Chapter is provided by the BIA.

#### 3.10.4 Visual Setting

The proposed project is located adjacent to the BIA 8074 dirt road. The Low Mountain BIA boarding school and Navajo Housing Authority housing complex fall into the proposed project's view-shed. The proposed project is in close proximity to various developments such as scattered residential areas, a boarding school and housing complexes with associated utilities (i.e., powerlines and water lines); BIA Highway 67 and BIA 8074; and a windmill. The proposed project area is visible to the public from this existing infrastructure. Primary users of the area are local residents and visitors passing through on the BIA Highway 67 or BIA 8074 dirt road.

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#### 4. Environmental Consequences

This section analyzes the environmental consequences of the proposed action in accordance with Council on Environmental Quality (CEQ) guidelines. Only those elements of the environment that could be impacted by the proposed project area will be discussed. The rationale for not discussing impacts to any of the resources presented in Section 3.0 is also provided in this section.

Environmental resources can be affected in many ways during implementation of an action. The effect, or impact, is defined as any change or alteration in the pre-existing condition of the environment produced by the future action, either directly or indirectly.

Impacts can be beneficial (positive) or adverse (negative) to the resource, and can be either long-term (permanent, residual) or short-term (incidental, temporary). Short-term impacts affect the environment for only a limited time period and the environment usually reverts rapidly to the pre-construction condition. Short-term impacts are often disruptive and obvious. Long-term impacts are substantial and result in permanent alterations to the pre-project environment. The environment would essentially not revert to the pre-existing condition during the lifetime of the project and beyond. Long-term impacts are defined as those impacts whose results endure for five years or longer.

For the purpose of this EA, potential impacts have been divided into three categories:

<u>Significant</u> - as defined in CEQ guidelines (40 CFR 1500-1508), impacts which are substantial in severity and therefore should receive the greatest attention in decision-making.

<u>Moderate</u> - impacts that cause a degree of change that is easy to detect, but do not meet the criteria for significant impacts.

Low - impacts which cannot be easily detected and cause little change in the existing environment.

Under the proposed action, Low Mountain Chapter is requesting a recreation site lease permit to allow the construction and operation of a new community recreation complex facility on an approximately 20.0acre vacant tract on Navajo Tribal Trust lands in Navajo County, Arizona. The permit issued would include the short-term impacts associated with the proposed construction activities, the potential long-term impacts and economic benefits of the operation of the recreational facility, as well as mitigation measures to reduce potential impacts to the environment.

# 4.1 Land Resources/Physical Impacts and Mitigation

The proposed action would include clearing, grading, and excavating activities within the project area. These activities would cause a moderate modification to the topography of the project area. Disturbance from the construction activities of building the recreational facility would consist primarily of vehicle and construction equipment occurring within the 20.0-acre tract of land. The primary construction activities would include the construction of the proposed recreation facility complex as described in the proposed action. Due to the entire site being located within a relatively flat area and a portion of the site being

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located on previously disturbed, graded terrain, the impacts to topography would be low. The impact would be long-term, as modification would be present for the life of the project.

Impacts to proposed project area soils would include disturbance, mixing and compaction that would occur as a result of project site construction and development activities. Within the areas of construction, these impacts would be moderate and long-term. As much as possible, the near surface top soils would be collected and segregated and utilized in project area landscaping and re-vegetation. Following project construction completion, long-term effects to soils include vehicle traffic from visiting the facility. Long-term impacts to project area soils would be low.

During construction activities, vehicle and pedestrian traffic would be restricted to the project area to prevent soil mixing and compaction in adjacent areas. Any spilled petroleum products would be cleaned up immediately. Should petroleum be absorbed into the soil, the stained area would be shoveled out and disposed of at an approved disposal site.

After completion of construction activities, the proposed construction activities would re-contouring disturbed areas to pre-construction conditions as near as possible in order to lessen impacts to topography. Landscaping would lessen the degree of long-term impacts.

No impacts to unique geologic features or locations of unusual scientific value are expected as a result of the proposed action. The proposed activities do not include utilization of mineral resources.

#### 4.2 Water Resources Impacts and Mitigation

The proposed construction activities would have the potential to impact surface water quality in the project area and general vicinity. Impacts to surface water would occur primarily as a result of ground disturbing activities and the exposure of soils to erosion. Other potential impacts associated with construction activities include potential spills of fluids or chemicals from vehicles and equipment. The potential impacts to surface water resources would be low and short-term. After construction activities are completed, potential impacts would be low and long-term.

Potential impacts to ground water may include impacts from spills of fuels at the site during construction and operation activities. The potential for impacts would be low and short-term.

After approval of the proposed project, a SWPPP would be prepared for the proposed construction activities. The SWPPP would be prepared in compliance with USEPA and NNEPA requirements. The SWPPP would include administrative and construction Best Management Practices (BMPs) to protect soil and surface water resources from erosion and increases in sediment loading. The SWPPP would include an inspection schedule for monitoring the project BMPs as well as criteria for determining when restoration has been achieved and the SWPPP permit can be terminated.

No floodplains would be impacted by the proposed action.

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## 4.3 Air Resources Impacts and Mitigation

The proposed construction activities would have the potential to temporarily impact area air quality. The impacts would be low and short- to long-term, primarily due to exposure of area soils to wind erosion, the operation of equipment during construction activities, and an increase of traffic on dirt roads due to people utilizing the proposed future community recreation complex facility. The project does not include any industrial activities that would require permitting through the USEPA or the NNEPA air quality programs. The short-term impacts to air quality may also affect visibility in the general project area, depending on the severity of wind events.

Standard mitigation measures would include restricting vehicle and pedestrian traffic to the project area during construction, obeying all posted speed limit signs on adjacent dirt roads to minimize dust, sprinkling fresh water on the ground during construction activities, and reclaiming disturbed areas when project construction activities are completed.

When project construction activities are completed, the proposed project area would be landscaped around the future community recreation complex facility. Establishing vegetation cover and permanent landscaping would reduce wind-created dust from the proposed project area. Long-term usage of the proposed community recreation complex facility would have low impacts to air resources.

No impacts to the climate are anticipated as a result of the proposed project.

#### 4.4 Biological Impacts and Mitigation

The proposed project construction activities have the potential to impact up to 20.0 acres of previously disturbed and undisturbed areas within the project area. The construction of the future community recreation complex facility would slightly alter existing vegetation and wildlife habitat within the project area.

Impacts to vegetation would be low to moderate and short- to long-term. Impacts from invasive and noxious weeds species would be low and long-term. The NNEPA would be consulted on acceptable weed control methods. The construction contractor would implement BMPs to prevent the introduction of nonnative, invasive plants to the project area. The construction contractor would implement soil management and equipment cleaning which would reduce the potential for invasive species to establish.

Wildlife within the area of disturbance would have their habitat modified or destroyed by the project and would likely move to similar adjacent habitat. Impacts to wildlife species would be moderate and short- to long-term. During construction activities there would be impacts to area wildlife (such as small mammals) as a result of human and vehicular activity and the associated noise. It is assumed that during construction activities most wildlife species would migrate from the project area, with some species (mainly burrowing species) possibly killed during construction activities. The changes to habitat patterns would be long-term but would not cause population level impacts to any specific wildlife species.

Any associated electric power lines installed for the proposed action will be designed and constructed utilizing a "raptor-safe" design in accordance with the Navajo Nation Raptor Electrocution Prevention Regulations (NNDFW 2008b).

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With adherence to the Biological Resources Compliance Form Approval issued by the NNDFW for the proposed project, no impacts to burrowing owl or birds protected by the MBTA are expected to occur as result of implementing the proposed action. Mitigation measures outlined in Section 8 of the Biological Evaluation are as follows:

The following conservation mitigation measures will be implemented by the Low Mountain Chapter for the proposed action to minimize potential effects to the burrowing owl:

- Clearing and grading of the proposed project will avoid the migration and breeding season for burrowing owls; the "Survey Protocol" section of Arizona's Burrowing Owl Project Clearance Protocol will be followed to locate any active burrowing owl burrows (ABOWG 2007, Mikesic and Roth 2008).
- Construction activities will occur from August 1 through March 14. If the project is not completed by March 15, Low Mountain Chapter will be required to have a qualified biologist resurvey for burrowing owls prior to any further construction activities.

Pursuant to the MBTA, migratory birds not listed under the NESL or ESA are prohibited from take by federal law. Land clearing and grading of the proposed project area shall avoid the migratory bird breeding season of March 15 through August 15 or nesting surveys will precede ground disturbance activities. If construction activities cannot avoid the breeding season, surveys of active nests will be required. The surveys would include a 50-meter (165-foot) buffer outside the edge of the proposed project area or edge of disturbance. Removal or disturbance of nesting habitat (i.e., trees and shrubs) will not be allowed within 50 meters (165 feet) of an active nest during incubation to fledging.

No other USFWS federally-listed or other Navajo species of concern would be impacted by the proposed action. No specific mitigation measures are recommended for these species. A copy of the Biological Resources Compliance Form is provided in Appendix D.

#### 4.5 Cultural Resources Impacts and Mitigation

The proposed project area was inventoried for cultural resources in 2016. With adherence to the cultural resource conditions of approval, no impacts to cultural resources are expected to occur as a result of implementation of the proposed action. Archaeological clearance for the project has been recommended.

In the event of discovery during disturbance or construction activities ("discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery will cease and the NNHPD would be notified immediately. A copy of the Cultural Resource Compliance Form is provided in Appendix E.

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# 4.6 Socioeconomic Impacts and Mitigation

In compliance with Executive Order 12898, this EA determined that the proposed action is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength.

The proposed construction activities would potentially provide low to moderate positive socioeconomic impacts to the Low Mountain Chapter in the form of short-term construction jobs and increased economic activities to chapter businesses. The long-term operation of the recreation facility would provide potential jobs to Low Mountain Chapter residents and increased revenues within the Low Mountain Chapter area. These impacts would be positive and long-term. No negative impacts to environmental justice are anticipated from the proposed action.

# 4.7 Environmental Module Impacts and Mitigation

During implementation of the proposed action, construction contractors would establish programs duties associated with overall environmental compliance. Garbage, trash, and other waste materials would be disposed of in a safe manner that would be properly contained in a secure dumpster specifically for trash during construction and operation activities. The accumulated trash would be removed, as needed, and would be appropriately disposed of at an authorized permitted landfill. No trash would be buried or burned on location.

The proposed action would not include the use of large quantities of hazardous materials (i.e., gasoline, diesel, and propane) or the generation of hazardous waste.

No existing hazardous materials sites or facilities were identified within the project area. The Low Mountain Chapter and contractors would implement good housekeeping and BMPs to minimize the potential impacts from hazardous materials. While commercial preparations of fuels and lubricants for project use may contain some hazardous constituents, all hazardous materials would be properly contained on-site, stored, and transported in a manner consistent with manufacturer's recommendations and applicable federal or Navajo Nation regulations. No generation of hazardous wastes are anticipated. All construction activities would be completed per NNEPA requirements. With compliance to federal and Navajo Nation laws, low- and long-term impacts to public health and safety are anticipated. In the event of a hazardous material spill, releases would be constructed and operated to meet all industry standards and applicable federal, state, and tribal requirements. In addition, Low Mountain Chapter and contractors should obtain and follow appropriate health and spill response training, reporting requirements, and measures for safe handling and storage of hazardous and non-hazardous materials.

If the proposed project development were to include an aboveground or underground storage tank facility for fuel, the facility would be permitted through the NNEPA and the USEPA Region 9. All waste water discharges would be permitted through the USEPA, and all sewer disposal facilities would be constructed and maintained per NNEPA requirements. Chemical toilets (i.e., portable toilets) would be provided for human waste disposal during construction of the proposed project. The toilet holding tanks would be pumped, as needed, and the contents thereof disposed of in an approved sewage disposal facility. Toilets

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would be on-site during operation. With compliance to federal and Navajo Nation laws, low short- and long-term impacts to public health and safety are anticipated.

## 4.8 Visual Resources Impacts and Mitigation

The majority of the proposed project area is currently undeveloped. A portion of the proposed project area is currently developed with a baseball field. Developments including scattered residential, boarding school and housing complexes; and roads including BIA Highway 67, BIA 8074, and other dirt roads occur within the view-shed of the proposed project area. During construction activities, vehicles and construction equipment would be highly visible. The proposed action would result in low, short- to long-term visual modifications to topography and vegetation, and a permanent change in the visual character of the area. The proposed project is on a relatively flat area and would not require removal of substantial soil or vegetation. The proposed action would result in moderate, long-term visual impacts and a permanent change in the visual character of the area from the construction of the community recreation complex facility. Since there are other occurrences of similar disturbances in the area, the level of change to the character of the landscape would be moderate.

#### 4.9 Noise Impact and Mitigation

During the construction activities and operation and usage of the proposed project, there would be a shortterm increase in ambient noise levels in the proposed project area and vicinity. These increases would occur during construction and would be localized and would not exceed any federal or Navajo Nation guidelines. Construction activities would take place during daylight hours in order to minimize disturbance to nearby residents.

Nosie level associated with site operation and usages of the proposed action would be variable, but generally low, depending on the activity levels at the site. Impacts from noise would affect human and wildlife receptors near the proposed project area. It is anticipated that noise impacts are expected to be low for the short-term and long-term.

### 4.10 Public Health Impacts and Mitigation

The public health and safety of the community would potentially experience low, short- and long-term impacts. Traffic would increase during construction. Once the project is completed, impact during operation would be low- and long-term. Low Mountain Chapter residents would experience low to moderate, long-term health benefits with an increased access to health and recreational facilities.

#### 4.11 Other Values

The proposed project is not in close proximity to any wilderness areas. No impacts to wilderness areas would occur from implementation of the proposed action.

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## 4.12 Cumulative Impacts

In conjunction with an analysis of the impacts associated solely with the action, there is the requirement under the National Environmental Policy Act (NEPA) to determine the cumulative impacts of proposed actions being evaluated (42 USC § 4321 et seq.). Cumulative impact analysis is important in understanding how multiple actions in a particular time period and space (geographic boundaries) impact the environment. Whereas the individual impact of one project in a particular area or region may not be considered significant, the result of numerous projects in the same area or region may cumulatively result in significant impacts. Cumulative impact analysis, as applied to NEPA, is subject to interpretation in analyzing the magnitude of impacts to a particular area or region as a result of the proposed action and other actions, including reasonably foreseeable actions.

The proposed project is located within the rural area of Low Mountain, Arizona. The proposed action would not result in additional cumulative effects to geology, groundwater, air quality, climate, wildlife, cultural resources, or Native American religious concerns. No cumulative impacts to land use or recreation would be expected to occur. The proposed action would include the disturbance of up to 20.0 acres of existing and new disturbance. The cumulative effect of surface disturbance would result in a short-term decrease in vegetation and available forage for livestock and wildlife. Vegetation composition may shift due to the edge effect on disturbed areas and the suitability of disturbed areas for the propagation of invasive plant species. Until disturbed areas are successfully reclaimed, soils would be subject to wind and water erosion that may temporarily affect surface water quality. Because the proposed action would have a negligible impact to soils, vegetation, and water quality, cumulative impacts would be negligible when added to other past, present and reasonably foreseeable activities in the area. The visual impacts associated with the project would add to existing visual impacts associated with residential developments and other infrastructure in the area. The proposed project components would not result in an overall decrease to the visual quality of the analysis area. There would be beneficial effects to residents in the area.

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# 5. LIST OF PREPARERS

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Heidi McGrath, Principal/Biologist Columbine Environment, LLC 2817 Junction Street Durango, CO 81301 (970) 946-1859

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# 6. AGENCIES, ORGANIZATION, AND PERSONS TO RECEIVE ENVIRONMENTAL ASSESSMENT

This EA was prepared for the BIA Division of Environmental, Cultural and Safety Management, Navajo Regional Office, located in Gallup, New Mexico, and distributed to appropriate agencies.

Pamela A. Kyselka, Wildlife Biologist The Navajo Nation Department of Fish and Wildlife P.O. Box 1480 Window Rock, AZ 86515

Tamara Billie The Navajo Nation Historic Preservation Department P.O. Box 4950 Window Rock, AZ 86515

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Appendix A—Low Mountain Chapter Resolution LMC-16-049

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	RESOLUTION OF THE LOW MOUNTAIN CHAPTER	LAAC-15-049
WITH THREE (3) ACRES WITHIN	NE TO WITHDRAMAL OF POUR (24) ACRES ( THE LOW MOMITAIN CHAPTER TRACT, A	D ONE (1) ACRE ADIACENT
The line service the thread root of	ANEW MEADETART RURLING AND A MULT 20-ACRES FOR A RECREATION FUELD.	HOURS AND
MARRASE		
	pter is a duly certified chapter of the New community interests; AND,	jo Nation and as such may
02. The Low Mountain Chap	ter requests to withdraw three acres (3) plat of one acre adjacent to the chapter tract, a	of within the Low Mountain and 20-Acres for Recreation
Field; AND,		
03. The Low Mountain Chap	ter proposes to construct a new Handstart ( young children, and a Recreation Field for e	Center Building and a Multi- iur youth and community of
Low Mountain; AND,		
NOW, THEREFORE BE IT RESO	VLED THAT: The Low Mountain Chepter	hereby approves the Land
Withdrawal of three (3) acres lan	d plat within the Low Mountain Crapter IV	ter, and also 20-Acres Land
Plat for Recreation Field and furt clearance services for the develo	yet to name and clarket, related to up to up	the payment for an reduced
	CERTIFICATION	
	t the foregoing resolution was duty condi ow Mountain, (Arizona), Navajo Nation, at v	
and that same was approved by	y a vote of <u>28</u> in favor, <u>1</u> opposed,	and abstained on this
//// day of March, 2016.		
Motioned By: <u>Elegy Gotta</u> Seconded By: <u>Her second</u>	<u>Alfe</u>	
Seconded by:	thisteen	
A	N	
Gerald Ahasteen, Chapter Pro	dent	

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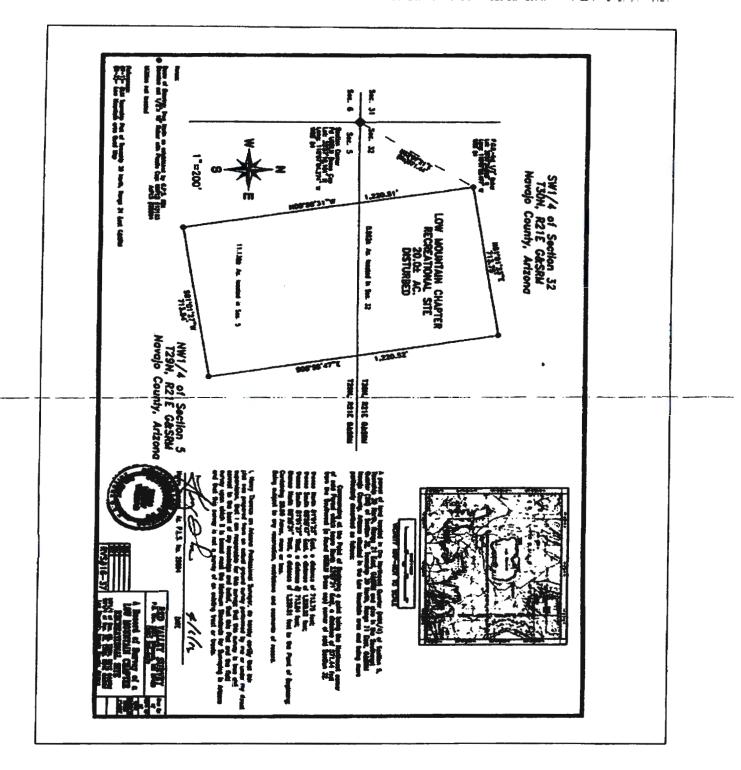
# Appendix B—Legal Survey Plat

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Appendix C—Photos

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Photograph 2: View of project area looking south from the northwest corner.



Photograph 3: View of project area looking northeast from the southwest corner.

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Appendix D—Biological Resources Compliance Form and NNDFW Data Request for Navajo Species of Concern

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	NNDFW Review No. 16doe1104
	BIOLOGICAL RESOURCES COMPLIANCE FORM
	NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
	P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480
and Cod This	the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy les, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts a form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed cies is affected.
PR	DJECT NAME & NO.: Low Mountain Chapter Community Recreation
	SCRIPTION: The Low Mountain Chapter proposes the construction and operation of a new community recreation
	plex facility on a 20.0-acre tract of land.
	CATION: SW% of Sect. 32 T30N R21E & NW% of Sect. 5 T29N R21E, G&SRM, Navajo County, Arizona
	PRESENTATIVE: John E. Dodge, Dodge Environmental, LLC for Low Mountain Chapter
	TION AGENCY: Navajo Nation and Bureau of Indian Affairs
	REPORT TITLE / DATE / PREPARER: BE-Low Mountain Chapter Community Recreation/11 JUL 2016/John
	Dodge
	NIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. ATCU nesting not confirmed by NNHP.
	TENTIAL IMPACTS
	NESL SPECIES POTENTIALLY IMPACTED: [1] Athene cunicularia (Burrowing Owi) G4, MBTA.
	FEDERALLY-LISTED SPECIES AFFECTED: NA
	OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA
AV(	DIDANCE / MITIGATION MEASURES: Mitigation measures will be implemented to avoid impacts to the
	rowing Owl (Athene cunicularia) during land clearing and grading of the project site.
	NDITIONS OF COMPLIANCE *: NA
	M PREPARED BY / DATE: Pamela A. Kyselka/13 OCT 2016
	PIES TO: (add categories as accessary)
_	
Ξ.	
BUUU	ITC & 164 Recommendation: Conditional Approval (with memo) Disapproval (with memo) Categorical Exclusion (with request letter) None (with memo)
đ	understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker. Date $10/17/16$
Re	presentative's signature presentative's signature Date 7/7770 pc2010My Document/NNHPBRCF_2016/16dog2001.doc Page 1 01 2

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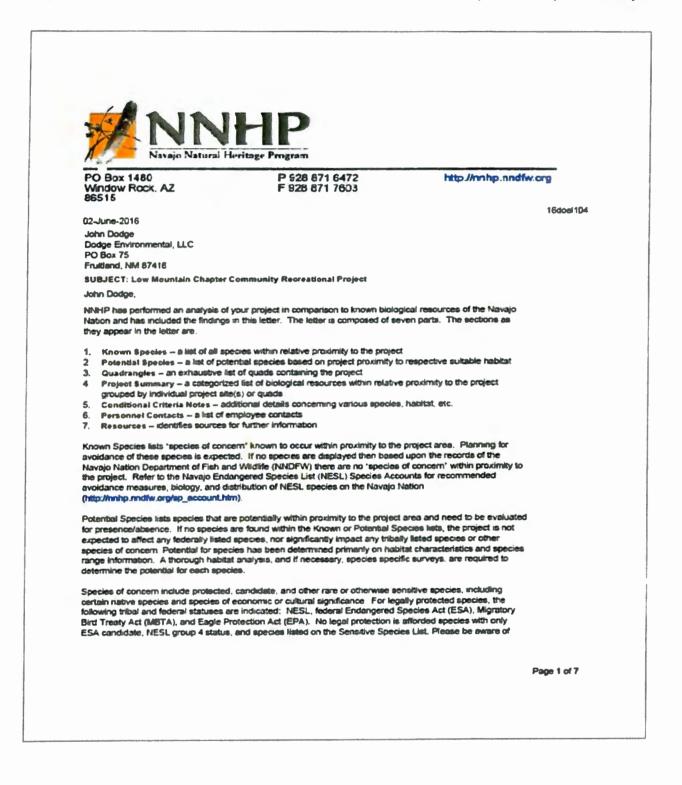
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these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request. Code associated with this document. It can be found in this report on the top right correr of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species (NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)

#### Species

MURI = Mustela nigripes / Black-footed Ferret NESL G2 FE

#### 2. Potential Species

#### Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3 CHMO = Charadrius montanus / Mountain Plover NESL G4 FAPE = Falco peregrinus / Peregrine Falcon NESL G4

#### 3. Quadrangles (7.5 Minute)

Quadrangles Low Mountain (35110-H1) / AZ

4. Project Summary (EO1 Mile/EO 3 Miles=elements occuring within 1 & 3 miles. MSO=mexican spoted owl PACs, POTS=potential species, RCP=Biological Areas)

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Low Mourtain Chapter Remeation Area	None	MUN	Low Mountain (35110-H1) / AZ	None	FAFE, CHMO, AQCH	Area 3

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16doel 104 5. Conditional Criteria Notes (Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply) A Biological Resource Land Use Clearance Policies and Procedures (RCP) - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation. The following is a brief summary of six (6) wildlife areas: 1. Jighty Sensitive Area – recommended no development with few exceptions. 2 Moderately Sensitive Area - moderate restrictions on development to avoid sensitive species/habitats 3.Less Sensitive Area - fewest restrictions on development. 4.Community Development Ales - areas in and around towns with few or no restrictions on development. 5.Brological Preserve -- no development unless compatible with the purpose of this area. 6.Recreation Area - no development unless compatible with the purpose of this area. None - outside the boundaries of the Navajo Nation This is not intended to be a full description of the RCP please refer to the our website for additional information at http://www.nndiw.org/clup.htm. Raptors - If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation. o Golden and Bald Eagles- If Golden or Bald Eagle are known to occur within 1 mile of the project. decision makers need to ensure that they are not in violation of the Golden and Bald Eacle Nest Protection Registations found at http://nnhp.nndlw.org/docs\_repelgben.pdf. O Ferruginous Hawks – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection' http://www.nndw.org/docs\_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location. 0 Mexican Spotted Owl - Piease refer to the Navajo Nation Mexican Spotled Owl Management Plan http://innhp.mdtw.org/docs\_reps.htm for relevant information on proper project planning near/within spotted owi protected activity centers and habitat. C. Surveys - Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://mhp.nndlw.org/sp\_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (926). 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Ched Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7088 D Oil/Gas Lease Sales - Any setting or evaporation pits that could hold contaminants should be fined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use Lining pits will protect ground water quality. E Power line Projects - These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Reptor Electrocition Prevention Requisitions found at http://mhp.mdlw.org/docs\_reps/repr.pdf. Page 3 of 7

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F. Guy Wires – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird fight diverters. Birds can be expected to occur in relatively high concentrations notes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding roosting etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

G San Juan River – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychochellus lucius (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec 25 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to water, physical habitat, and biological environment as required for each particular life stage of a species.

- H. Little Colorado River On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gila cypha (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out. funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to water, physical habitat, and biological environment as required for each particular life stage of a species
- Wetlands In Arizona and New Mexico, potential impacts to wetlands should also be evoluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Deliriestion Manusi" (Technical Report Y-87-1) should be used. When wetlands are present, polential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation excluding Utah. at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency's Water Quality Program,

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J. Life Length of Data Request - The information in this report was identified by the NNHP and NNDFWs biologists and computatized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the indomition provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-alte surveys. Also, because the NNDPW information is continually updated, any given information response is only wholly appropriate for its respective request.

K. Ground Water Pumping - Projects involving the ground water pumping for mining operations, Grownd Water Pumping - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wellands species listed below. NESL Species potentially impacted by ground water pumping: Carex speculools (Nevojo Sedge), Cratum rydbergil (Nydberg's Thietle), Primula speculools (Cave Primose), Platenthers zotheches (Alcove Beg Orchic), Pucchelis parteht (Perich Alkal Grees), Zigedmins veginatus (Alcove Desh Cames), Perifyle speculosta (Alcove Rock Dalay), Symphyotichum welltid (Wellh's American-ester), Cocoptus americanus (Vellow-bibed Cuchoo), Empidones traffil edimus (Southarestern Willow Pycatcher), Rane pipters (Northern Lacopard Frog), Gile cypte (Hampback Chub), Gile robusts (Boundad Chub), Plychochebus luclus (Colorado Pikerminnov), Jyrauchen Issamus (Razothack Sucher), Chuba mexicanus (Venders Dioser), Soverio rokonis (Western Scene Fritigrov), Aschmoothorus darles (Clark's Grebe). (American Dipper), Speyeria notiomis (Western Scop Pritiliary), Aschmophorus clartes (Clark's Grebe). Caryle alcyon (Botted Kingfletter), Dendroice petechie (Yellow Wartler), Porzena cardina (Sone), Catestonus decobolus (Bluehead Sucker), Cotlus beirdi (Mottled Sculpin), Onytonia kanabenee (Kanab Ambergnail)

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#### 6. Personnel Contacts

Wildlife Manaper Sam Diswood 928.871.7062 adiswood Brindfw.org

Zoologist Chad Smith 928.871.7070 csmith media.org

<u>Botanist</u> Vacant

Biological Reviewer. Pamela Kyselka 928.871.7065 plyselka podly.org.

GIS Supervisor Dexter D Prati 928.645.2898 praticinodity.org.

Wildlife Tech Sonja Detsoi 928.871.6472 sdetsoi modia.org.

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National Environmental Policy Act

7. Resources

Navajo Endangered Species List. http://immo.nndiw.org/endangered.htm

Species Accounts: http://www.org/ap\_account.htm

**Biological Investigation Permit Application** hite limbe and a cable of a comit him

Navajo Nation Sensitive Species List http://mhp.nndlw.org/study\_permit.htm

Various Species Management and/or Document and Reports http://hnho.nndlw.ora/doca\_reps.htm

**Consultant List** (Coming Soon)

Department of Prof. or Florer D Prof. On an Dester D Prof. or Florero Nation Department of Hich and Weldin. au-Nerrop Network Heritage Program

email:sealennd/wars.c 4/5 Onto:2016.06.02 13:2 621 8700

Denter D Prait GIS Supervisor - Natural Heritage Program Navajo Nation Department of Fish and Wildlife

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Appendix E—Cultural Resources Compliance Form

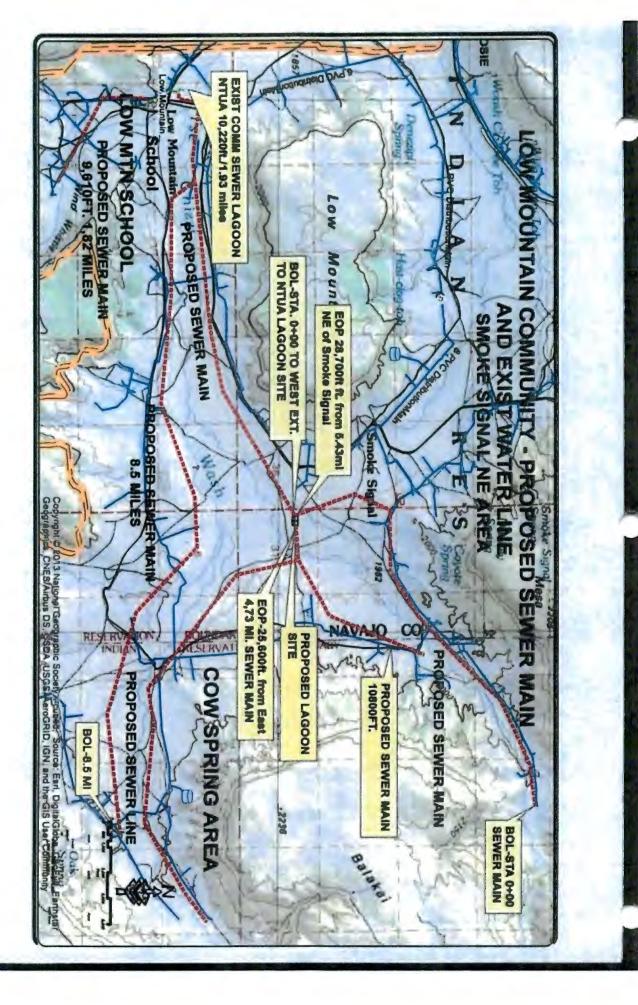
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October 2016

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Conditions		: Yes	12 No	The New Historic F	resevation Of	fice	Date		
Navajo Region Approv	al	Yes			TOK NAVADO	Office	6/14 Date	//6	lighte and the spin



# **Biological Evaluation**

For the Proposed

Low Mountain Chapter Community Recreation Project Navajo Nation, Navajo County, Arizona



# **Prepared For:**

Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520

# **Prepared By:**

Dodge Environmental, LLC.

P.O. Box 75 Fruitland, New Mexico 87416

Iuly 11, 2016

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# ACRONYMS

Azeé Bee Nahaghá of Diné Nation
Biological Evaluation
Bald and Golden Eagle Protection Act
Bureau of Indian Affair
best management practices
Element Occurring
Endangered Species Act
Information, Planning, and Conservation
Migratory Bird Treaty Act
Navajo Endangered Species List
Navajo Nation Department of Fish and Wildlife
Navajo Nation Environmental Protection Agency
Navajo Natural Heritage Program
Storm Water Pollution Prevention Plan
threatened and endangered species
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Services
U.S. Geological Survey
Navajo Housing Authority

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Photograph 1: (Cover Page) view of the project area looking south from the northeastern corner.

Dodge Environmental, LLC

### **1. INTRODUCTION**

Low Mountain Chapter, of the Fort Defiance Navajo Agency, is proposing the construction and operation of a new community recreation complex facility. The proposed Low Mountain Chapter community recreation project (proposed project) would be developed on an approximately 20.0-acre tract on Navajo Tribal Trust lands in Navajo County, Arizona. Other components of the proposed project would include public utilities services.

Low Mountain Chapter retained Dodge Environmental, LLC to conduct a biological inventory, including a threatened and endangered species (TES) survey, and prepare this Biological Evaluation (BE) report as part of the environmental permitting process for the proposed action. On May 26, 2016, Dodge Environmental, LLC conducted a biological resources and TES survey of the proposed project under Navajo Nation Department of Fish and Wildlife (NNDFW) Special Permit #969.

The purpose of this BE is to analyze the effects of the proposed action pursuant to the Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 et seq.), and to the Navajo Endangered Species Act pursuant to the Navajo Nation Code (17 NNC§507), as administered by the Navajo Natural Heritage Program (NNHP) of the NNDFW. This BE has been prepared in accordance with the Navajo Nation Biological Evaluation Guidelines (NNDFW 1997).

Burrowing owl (Athene cunicularia), listed as Group 4 species on the Navajo Endangered Species List (NESL) and Migratory Bird Treaty Act (MBTA), was identified in the proposed action area. Coordination and consultation with the NNDFW was conducted. This BE addresses burrowing owl and the potential project effects to this species. This BE also assures that, through consultation with the NNDFW, the proposed project would not jeopardize the continued existence of any U.S. Fish and Wildlife Service (USFWS) federally listed species, or any NESL species of concern. No other USFWS federally listed species of concern were observed in the proposed project or action.

#### 2. PROJECT DESCRIPTION

#### 2.1 Location

The proposed project would be located in the central region of the Navajo Nation in Low Mountain, Arizona. The proposed project area would be located adjacent to Bureau of Indian Affair (BIA) 8074, approximately 0.25 miles northwest of BIA Highway 67, and approximately 1 mile south of the Low Mountain BIA boarding school and Navajo Housing Authority (NHA) housing complex (Figure 1, Attachment A). Photographs of the proposed project area in its current condition are provided in Attachment B.

The proposed project can be found on the Low Mountain, Arizona U.S. Geological Survey (USGS) 7.5minute quadrangle map (Figure 2, Attachment A). The legal descriptions of the proposed project are the southwest quarter of Section 32 in Township 30 North and Range 21 East; and northwest quarter of Section 5 in Township 29 North and Range 21 East, Gila & Salt River Meridian, Navajo County, Arizona on Navajo Tribal Trust lands within the Low Mountain Chapter of the Fort Defiance Navajo Agency.

Dodge Environmental, LLC

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# 2.2 Proposed Action

Under the proposed action, the Low Mountain Chapter is proposing the construction and operation of a new community recreation complex facility for Low Mountain Chapter area on an approximately 20.0-acre vacant tract on Navajo Tribal Trust lands in Navajo County, Arizona.

The proposed action would require an application for a recreation site lease to allow the construction and operation of the future community recreation complex facility in accordance to applicable federal and tribal regulations. A summary description of the proposed action is provided below:

- The proposed action is the construction of a future baseball/softball field, livestock arena, picnic areas, Ceremonial Grounds Azeé Bee Nahaghá of Diné Nation (ABNDN), Song/Dance arena and Pow-Wow arena. The exact size of the multipurpose complex facility would be confined within the 20-acre tract of vacant land.
- Other components of the project such as public utilities (i.e., electricity, and water) would be determined in the planning and design phase of the proposed action and are located adjacent to the 20.0-acre tract project area.

Since the specific nature of this future recreation complex development is uncertain, the project outlined in this BE and the analyses assumes that this tract would be incorporated into the proposed Low Mountain Chapter community recreation project. In the event that this 20.0-acre tract of vacant land would not be available, the amount of development space and parking would be proportionately reduced. In any event, it is assumed that the maximum amount of development would encompass the entire 20.0-acre tract of vacant land.

No temporary use area outside of the project boundary would be required. During construction, traffic to the project area would consist of various construction equipment and vehicles. Access to the project area would be from BIA 8074 via BIA Highway 67. All construction equipment would be parked within the 20.0-acre tract. Construction is tentatively scheduled upon receipt of the necessary agencies approval and permits. Construction activities would take over a four (4) month period. Construction hours would adhere to the Navajo Nation requirements.

# **3. AFFECTED ENVIRONMENT**

# 3.1 Navajo Nation Department of Fish and Wildlife Land Use

The proposed project area is located within a "Less Sensitive Area" (Area 3), as identified by the NNDFW and described in the Biological Resources Land Clearance Policies and Procedures which was approved September 10, 2008 (NNDFW 2008). An Area 3 has a low, fragmented concentration of species of concern.

The NNDFW consultation letter (16doel104), dated June 2, 2016, is provided as Attachment C.

Dodge Environmental, LLC

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# **3.2 Physical Resources**

The topography of the proposed project is within a region characterized by a broad alluvial flat of Tse Chizzi Wash and bordered by terraced mesas. The proposed project is located on a gently sloped alluvial plain with southerly aspect of 1 to 3 degrees. Elevations in the project area range from approximately 6,120 to 6,140 feet.

The proposed project is located on the Black Mesa Basin of the Colorado Plateau physiographic region. Geologically, the proposed project lies on alluvium (sand, silt, and clay with minor interbedded gravel, recent floodplain deposits of the Little Colorado River and tributaries) deposits (Ulrich el at. 1984). Low Mountain, or "Tá Sahdí Dá Askaní" (translated as "lone mesa" in Navajo), a prominent terraced mesa, rises about 580 feet above the general area; it is located about 0.8 miles northeast of the project area. Gum Point, or "Jeeh Deeźa" (translated as "piñon gum point" in Navajo), is a prominent topographical feature located about 1.5 miles south of the proposed project area.

Soils in the project area are variable and range from fine sandy loam to fine sand. No biological soil crusts were observed within the project area.

There are no perennial surface water resources such as rivers, lakes, ponds, or streams, nor any wetland habitats within the project area. No aquatic vegetation occurs within the proposed project area or immediate vicinity. Drainages in the project area, characterized as sheet drainages, flow southwest toward the main draw of Tse Chizzi Wash located approximately 0.3 mile southwest of the project area. A livestock well with a windmill, storage tank, and watering trough is located approximately 650 feet from the western boundary of the proposed project area. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area.

# 3.3 Biological Resources

The project area is located on the Colorado Plateau and is characterized within the Arizona subdivision as the Great Basin desert scrub biotic community (Brown 1994). One major vegetation community occurs within the proposed project area – the mixed desert scrub scries. Vegetation cover in the project area was visually estimated to range from 30 to 45 percent. No riparian vegetation occurs within the proposed project area. A complete list of plant species observed in the survey area is provided as Attachment D.

#### Great Basin desert scrub (mixed desert scrub series):

The current vegetation is dominated by the mixed desert scrub community. The biotic plant community is locally dominated by herbaceous species such as blue grama (*Boutelua gracilis*) and purple threeawn (*Aristida purpurea*). In general, a low to moderate layer of woody species is present in this series and consists of Greene's rabbitbrush (*Chrysothamnus greenei*), fourwing saltbush (*Atriplex canescens*) and broom snakeweed (*Gutierrezia sarothrae*). One mature oneseed juniper (*Juniperus monosperma*) tree occurs within the project area.

No noxious weeds (i.e., seedlings or dead stalks) listed by the BIA Navajo Region were identified during the field survey or within the immediate vicinity.

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.3.

Great Basin desert scrub habitat supports a variety of wildlife. Based on the habitat within the project area and general vicinity, the area could support a variety of large to small mammals, birds, amphibians, and reptiles common to the Colorado Plateau.

Active and inactive prairie dog (Cynomys spp.) burrows scattered within an approximately 10-acre area occur approximately 400 feet from the southwestern portion of the proposed project area.

The surrounding landscape provides foraging habitat for a variety of raptors including golden eagle (Aquila chrysaetos), ferruginous hawk (Buteo regalis), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), and other species such as common raven (Corvus corax). Ravens were the most abundant bird species observed in the project area. A mature burrowing owl was observed at an active nest approximately 450 feet from the proposed project. The potential for raptors to occur in the project area is discussed in Section 7.2.

A complete list of wildlife observed in the proposed project area and immediate vicinity is provided in Attachment D.

# 4. SURVEY METHOD

# 4.1 Pre-Field Survey/Data Review

Prior to conducting fieldwork, a search of USFWS federally listed threatened, endangered, or proposed threatened species with potential to occur in the project area was requested from the USFWS Information, Planning, and Conservation (IPaC) System website (USFWS 2016). According to the USFWS, there are five federally listed threatened, endangered, or proposed threatened species with the potential to occur in Navajo County, Arizona (USFWS 2016). The potential for each species to occur in the project area was evaluated based upon project-specific habitat analyses and the habitat associations of each species.

Table 4-1 presents the USFWS federally listed species, provides a review of their habitat preferences and distributions in Arizona, and evaluates the potential for each species to occur in the proposed project and/or action areas. The action area is defined as a 1/3-mile radius around the project area.

#### Table 4-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed consideration,

Species	Status <sup>1</sup>	Habitat Association <sup>1</sup>	Reason for Elimination from Consideration
		Birds	
California condor E ( <i>Gymnogyps californianus</i> )		High desert canyons and plateaus at low to moderate elevation.	Not expected. Although the project is located within the non-essential experimental range of the California condor, there is no suitable habitat in the project or action areas.
Yellow-billed cuckoo ( <i>Coccyzus americanus</i> )	т	Typically found in wooded habitat with dense cover and water nearby, including woodlands with low, scrubby vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes. Dense understory foliage appears to be an important factor in nest selection.	Not expected. No riparian habitat or riparian woodlands occur in the project or action areas.
		Fishes	
Roundtail chub ( <i>Gila robusto</i> )	PT	Cool to warm water of rivers and streams, often occupy the deepest pools and eddies of large streams	Not expected. No suitable habitat occurs in the project or action areas.
······		Mammals	
Gray wolf (Canis lupus)	PEP,NE	Wolves are habitat generalists and lived throughout the northern hemisphere. They only require ungulate prey and human-caused mortality rates that are not excessive.	Not expected. Although the project is located within an experimental population, non-essential range of the gray wolf, the current distribution is outside the project area.
		Reptiles	
Northern Mexican gartersnake (Thamnophis eques megalops)		Occur between 3,000 to 5,000 feet up to 8,500 feet elevation in densely vegetated cienegas, lowland riparian forests, stock tanks, and upland stream forests.	Not expected. No suitable habitat occurs in the project or action areas. The project is outside the known geographic range of this species.

<sup>1</sup> Source: USFWS IPaC website 2016.

Species listed by USFWS: E = endangered; T = threatened; PT = proposed threatened; and PEP, NE = Proposed Experimental Population, Non-Essential.

In addition to federally listed species, a list of Navajo species of concern from the NESL was obtained through consultation with the NNHP. The NNHP consultation letter (16doc1104) is provided in Attachment C. Navajo species of concern include those listed on the NESL (Mikesic and Roth 2008). federally protected species, other rare or otherwise sensitive species protected under the Bald and Golden Eagle Protection Act (BGEPA) and the MBTA, and species of economic and cultural significance.

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The NNHP list the black-footed (*Mustela nigripes*), a Navajo species of concern, as an Element Occurring (EO) within 3 miles of the proposed project area. In addition, the NNHP lists three Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map (see Attachment C).

Although the burrowing owl is not listed as species of concern with potential to occur in the project area in the NNHP consultation letter, it is listed as a NNHP species of concern and was observed during the biological survey, along with suitable habitat. Therefore, the burrowing owl is included in Table 4-2 and discussed in further detail below.

Table 4-2 lists these five Navajo species of concern, their NESL status, habitat associations, and potential to occur in the project and/or action areas. Some of the Navajo species of concern in Table 4-2 are dually listed Table 4-1. Species that have the potential to occur in the project and/or action areas (within 1/3-mile radius of the project area) are in bold text.

# Table 4-2. NNHP Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map.

Species <sup>1</sup>	Status <sup>2</sup>	Habitat Association <sup>3</sup>	Navajo Nation Distubation <sup>3</sup>	Potential To Occur in the Project Area		
Birds						
Golden eagle (Aquila chrysaetos)	Group 3	In the West, mostly in open habitats in mountains, canyon terrain. Nests primarily on cliffs and trees.	On the Navajo Nation, occurs on nearly all types of cliff substrates including sandstone, limestone, and those of volcanic origin.	May occur infrequently in the action area.		
Mountain plover ( <i>Charadrius montanus</i> )	Group 4	Breeds in extremely dry, level shrublands, shortgrass prairie, barren agricultural fields, and other sparsely vegetated areas.	On the Navajo Nation, known breeding occurs only in New Mexico. Potential habitat on the Navajo Nation includes grassland between the Chuska Mountains and Black Mesa, and southwest of Black Mesa to the Little Colorado River.	Preferred habitat does not occur in the project or action areas; height and cover of vegetation exceeds that preferred by this species for nesting.		
Peregrine falcon ( <i>Falco peregrinus</i> )	Group 4	Rugged terrain with rocky cliffs and canyons (30 to 1,000 + feet high), typically adjacent to rivers, lakes, or streams. Urban areas with towers and buildings also inhabited.	Breeding occurs across the Navajo Nation with appropriate habitat, including but not limited to: Chuska Mountain Range, Canyon de Chelly, Black Mesa, and north to Glen Canyon, the Dilkon buttes region, and the canyon reaches of the San Juan, Colorado, and Little Colorado Rivers.	There are no perennial or open water resources within the project or action areas.		
Burrowing owi (Athene cunicularia)	Group 4	Rarely dig their own burrows and are typically associated with prairle dog colonies. Found in dry, open, short-grass, treeless plains. Use areas	Potential habitat on the Navajo Nation includes all low-elevation desertland to elevations of juniper habitats. The presence of suitable nest burrows is a critical requisite.	One mature burrowing owl was observed perching near a burrow with scattered white wash/feathers within the action area.		

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Species1	Status <sup>2</sup>	Habitat Association <sup>3</sup>	Navajo Nation Distubation <sup>3</sup>	Potential To Occur in the Project Area
		that include shrubs such as four-wing saltbush and rabbit-brush.		
		Mam	mal	
Black-footed ferret ( <i>Mustela nigripes</i> )	Group 2	Prairie dog colonies on flat to open shrub/grassland (about >200 acres with ≥8 burrows/acres).	No wild populations of this species are currently known to exist in Arizona. A reintroduced population exists in Aubrey Valley (Coconino County), Arizona.	Not expected. Although a NNHP listed element occurring 3 miles from the project area, the prairle dog population in the project and action areas is too small to support a black- footed ferret population.

<sup>1</sup> NNDFW Data Request for Navajo Species of Concern (see Attachment C).

<sup>2</sup> NESL Group definitions include: Group 1 = species or subspecies that no longer occur on the Navajo Nation; Group 2 = endangered and includes species whose prospects of survival or recruitment are in jeopardy; Group 3 = endangered and includes species whose prospects of survival and recruitment are likely to be in jeopardy in the foreseeable future; Group 4 = candidates and includes species that may be endangered, but for which the NNHP lacks sufficient information to support being listed. <sup>3</sup> Source: Mikesic and Roth 2008.

# 4.2 Field Survey

A pedestrian field survey of the proposed project area was conducted by John Dodge, project biologist from Dodge Environmental, LLC, on May 26, 2016. The survey was conducted under the 2016 NNDFW Special Permit #969. Weather during the survey was generally sunny and clear with ambient temperatures near 50 degrees Fahrenheit. The field survey consisted of slow, systematic, parallel pedestrian transects spaced approximately 20 feet apart over the entire project area, as well visual observations within a 1/3-mile radius surrounding the proposed project area.

All plant and wildlife species observed in the project area by direct sighting or indirect evidence (e.g., tracks, seat, burrows, bedding, etc.) were recorded and digital photographs of the proposed project area were taken. The habitat was evaluated for all federally listed species and Navajo species of concern with the potential to occur in the project area (Table 4-1 and Table 4-2). A list of plants and wildlife observed during the field survey is included as Attachment D.

# 5. USFWS FEDERALLY LIST SPECIES

# 5.1 USFWS Eliminated from Detailed Evaluation

Based upon the habitat evaluation for each USFWS federally listed species (Table 4-1), none of the five USFWS federally listed threatened, endangered, or proposed threatened species for Navajo County, Arizona has the potential to occur in the project or action area: therefore, they are eliminated from further evaluation in this BE.

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# 6. NAVAJO SPECIES OF CONCERN

# 6.1 Navajo Species of Concern Eliminated from Detailed Evaluation

Based upon the evaluation of the existing vegetation, habitat associations (Table 4-2) and biological field survey, the following species are eliminated from detailed evaluation in this BE due to an absence of habitat in the project and/or action areas: black-footed ferret, mountain plover (*Charadrius montanus*), and peregrine falcon (*Falco peregrinus*).

# 6.2 Navajo Species of Concern Warranting Detailed Evaluation

Based upon evaluation of habitat associations (Table 4-2) and biological field survey, two of the five Navajo species of concern have the potential to occur in the project or action areas: golden eagle and burrowing owl.

# 6.2.1 Golden Eagle

Status: NESL Group 3, protected under the BGEPA and the MBTA.

Distribution and habitat: The golden cagle is widespread throughout western North America, occurring primarily in mountainous canyon areas in open desert and grasslands that provide foraging habitat and cliff substrate with nesting sites (Kochert et al. 2002). On the Navajo Nation, the golden eagle occurs at nearly all elevations and on all cliff substrates (Mikesic and Roth 2008). Golden eagles typically nest on cliffs at least 30 feet in height, but may use shorter cliffs if quality foraging habitat is adjacent. Foraging habitat consists of desert grasslands or shrublands that provide cover for preferred prey species, mostly consisting of black-tailed jackrabbit (*Lepus californicus*), prairie dogs, and cottontails (*Sylvilagus* spp.). Golden eagles may be sensitive to large-scale habitat changes, such as fires, that may remove prey base habitat (Kochert et al. 2002). Golden eagle territories in the west typically range from 12 to 20 square miles (Kochert et al. 2002). There is some anecdotal evidence that human disturbance near nesting areas may cause breeding failures or nest abandonment; as such, the Navajo Nation requires using the "Golden and Bald Eagle Nest Protection Policy" and establishing seasonal timing and spatial buffers to protect golden eagle nests (Mikesic and Roth 2008).

Potential to occur: The following characteristics present in the project and action areas, the broad alluvial flat of Tse Chizzi Wash bordered by terraced mesas and surrounded by desert shrub vegetation, provide potential foraging opportunities for golden eagles. According to the NNHP consultation letter (16doel104), there are no known historic or active golden eagle nests documented in or near the proposed project area (Attachment C).

Specific nesting features such as cliffs were not found in the proposed project area. The proposed project area is located in near proximity to residential developments. Golden eagles avoid nesting near urban development and have been noted to be sensitive to some forms of human presence (Pagel et al. 2010, Palmer 1988). The action area also includes residential housing, highways, and power line developments, thereby limiting nesting opportunities for golden eagles.

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Because the golden eagle home range is so large and territories may have from six nests up to 14 nests (Kochert et al. 2002), it is likely that golden eagles occupying territories within 20 miles of the proposed project area could utilize the action area for foraging. No golden eagles, nor signs of consistent raptor use (i.e., whitewash or nests) were observed in the project area or action area during the biological survey conducted on May 26, 2016.

# 6.2.2 Burrowing Owl

Status: NESL Group 4, protected under MBTA

**Distribution and habitat:** The breeding range for the burrowing owl is widely distributed throughout western North America from south-central Canada and the Dakotas, south through Texas to central Mexico and west to California, Oregon, and Washington with a separate population in Florida and nearby islands (Mikesic and Roth 2008). Burrowing owl winter range includes most of Texas and the southern portions of New Mexico, Arizona, and California, south through Mexico to the northern portions of Central America (Mikesic and Roth 2008). The burrowing owl is a small, migratory, ground-dwelling owl that occupies existing burrows, typically associated with prairie dogs, for nesting purposes, in dry open grassland or desert scrub habitats. On the Navajo Nation, potential habitat includes low elevation desert land and sparse juniper habitats with a grassland understory (Mikesic and Roth 2008).

Potential to occur: A single mature burrowing owl was detected at one discrete active nest location approximately 450 feet from the proposed project. A documentation letter of the burrowing owl, Active burrowing owl (Athene cunicularia) nest for the proposed Low Mountain Chapter community recreational project, was submitted under separate cover to Chad Smith, NNDFW Zoologist, on June 7, 2016.

Potential burrowing owl habitat was observed within the southwestern corner of the project area where scattered inactive prairie dog burrows were observed during the biological field survey. No burrowing owls, signs of their activity (i.e., white wash, feathers, or dried pellets), or active burrows/nest sites were observed in the project area during the biological field survey. Burrowing owls are often associated with prairie dogs. This species has not been documented in the proposed project area by the NNDFW.

# 7. ANALYSIS AND DETERMINATION OF EFFECTS

As required in the guidelines for preparation of BEs issued by the NNDFW, the following sections discuss impacts to USFWS federally listed species, Navajo species of concern, and avian species protected under the MBTA.

# 7.1 USFWS Federally Listed Species

Specialized habitat requirements (such as site-specific habitats) for USFWS federally listed species mentioned in this BE do not occur in the project or action area. No designated critical habitats occur within the proposed project or action area. Further, none of the USFWS federally listed species for Navajo County, Arizona, are likely to occur in the project or action areas due to the lack of suitable habitat and none have been previously documented to occur in project or action areas.

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The proposed project and action areas do not contain suitable nesting, foraging, migratory, or roosting habitat for yellow-billed cuckoo (*Coccyzus americanus*) or California condor (*Gymnogyps californianus*); therefore, no direct or indirect effects to these species are expected.

No aquatic habitat or perennial water resources exist in the proposed project and action areas; therefore, no direct or indirect effects to rountail chub (Glla robusta) are expected.

Although the proposed project is located within the proposed experimental population, non-essential range of the gray wolf (*Canis lupus*), there is no suitable habitat in project or action areas for this species. Therefore, no direct or indirect effects to this species are expected.

Finally, due the absence of suitable habitat for Northern Mexican gartersnake (*Thamnophis eques* megalops), no direct or indirect effect to this species would occur as a result of the proposed action.

Based on the information and analysis above, a determination of "no effect" is expected for all five USFWS federally species with potential to occur in Navajo County, Arizona.

# 7.2 Navajo Species of Concern

The proposed project and action areas contain potential habitat for two Navajo listed species of concern: golden eagle and burrowing owl.

Impacts to Navajo listed species of concern and MBTA-protected avian species potentially occurring in the project and/or action areas are discussed in detail below.

#### 7.2.1 Potential Impacts to Golden Eagle

According to the NNHP consultation letter (16doel104), there are no known historic or active golden eagle nests documented in or near the proposed project area (Attachment C).

No suitable golden eagle nesting habitat would be directly impacted by the proposed project. Golden eagles could potentially travel over the project area during foraging trips. Impacts are minimized by development of the proposed action adjacent to the existing residential developments, BIA 8074, and BIA Highway 67.

Direct impacts to golden eagles as a result of the proposed recreation complex facility development would include the loss of foraging habitat and disturbance from an increase of traffic and human activities. Given the minimal amount of habitat affected in comparison to the total habitat available within this species' home range, this impact would not be expected to adversely affect this species. Other direct impacts would include temporary avoidance of the project area during construction and operation of the proposed action due to an increase of human activity, as well as associated noise from vehicles and equipment. Indirect impacts may include a change in vegetation species composition and density due to surface disturbance and reclamation that could affect the prey base for these raptors. Overall impacts to golden eagle would be low and long-term.

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# 7.2.2 Potential Impacts to Burrowing Owl

Potential burrowing owl habitat was observed within the southwestern corner of the proposed project area where scattered inactive prairie dog burrows were observed during the biological field survey.

A total of approximately 2 acres of potential habitat for burrowing owls within the southwestern corner of the proposed project would be removed as a result of the proposed action. During the biological field survey on May 26, 2016, an individual mature burrowing owl was observed within ¼ mile of the proposed project. Burrowing owls do not select the same nest site year after year. Construction activities during the breeding and nesting season could have negative impacts to nesting burrowing owls. These impacts could include nest abandonment and/or unsuccessful reproduction.

In consultation with Mikesic and Roth 2008, the proposed Low Mountain Chapter community recreation project would be required to implement a seasonal timing restriction to minimize impacts to burrowing owls. Dodge Environmental, LLC recommends that construction activities (i.e., ground disturbance and construction) occur from August 1 through March 14 outside of the burrowing owl nesting season (March 15 to July 31) (Mikesic and Roth 2008). If the construction activities are not completed by March 15, Dodge Environmental, LLC recommends that a qualified biologist conducts a burrowing owl nesting survey prior to any continuing construction activities.

Following implementation of mitigation measures, no direct or indirect impacts to nesting burrowing owls would occur. Direct impacts to burrowing owls would include the loss of approximately 2 acres of potential habitat. No direct or indirect signs of burrowing owl use were observed within the approximately 2 acres within the southwest corner of the proposed project area during the biological field survey. The proposed project would result in the loss or modification of approximately 2 acres of potential but unoccupied habitat for this species, resulting in negligible impacts. Indirect impacts may include a change in vegetation species composition and density due to surface disturbance, which could affect the prey base for burrowing owls.

# 7.2.3 Species Protected Under the MBTA

The MBTA ensures that all migratory birds and their parts (e.g., eggs, nests, and feathers) are protected from taking, killing, capture, transport, sale, or purchase. The USFWS IPaC (USFWS 2016) identified 17 migratory bird species with potential to occur in the proposed project area. Potential impacts were determined based on the bird species' nesting behavior and the time of year the bird species has potential to occur within the proposed project area. None of these listed migratory birds were observed within the proposed project area during the biological survey conducted on May 26, 2016.

associat	ed with the proposed action. <sup>1</sup>				
Species	Seasonal Occurrence in Potential				

Table 7-1. Priority bird species listed by USFWS Birds of Conservation Concern

Species	Seasonal Occurrence in Project Area	Potential Nesting Impact
Bald eagle (Haleaeetus leucocephalus)	Winter	No
Brewer's sparrow (Spizella breweri)	Breeding	No

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Species	Seasonal Occurrence in Project Area	Potential Nesting Impact
Burrowing owl (Athene cunicularia)	Breeding	Yes
Golden eagle (Aquila chrysaetos)	Year-round	No
Grace's warbler (Dendroica graciae)	Breeding	No
Gray vireo (Vireo vicinior)	Breeding	No
Juniper titmouse (Baeolophus ridgwayi)	Year-round	No
Loggerhead shrike (Lanius Iudovicianus)	Year-round	Possible
Olive-side flycatcher (Contopus cooperi)	Breeding	No
Peregrine falcon (Falco peregrinus)	Breeding	No
Pinyon jay (Gymnorhinus cyanocephalus)	Year-round	No
Prairie falcon (Falco mexicanus)	Year-round	No
Short-eared owl (Asio flammeus)	Year-round	No
Swainson's hawk (Buteo swainsoni)	Breeding	No
Virginia's warbler (Vermivora virginiae)	Breeding	No
Williamson's sapsucker (Sphyrapicus thyoideus)	Breeding	No
Willow flycatcher (Empidonax traillii)	Breeding	No

<sup>1</sup>Source: USFWS IPaC website 2016

A total of approximately 20.0 acres of vegetation would be removed as a result of the proposed project. Appropriate habitat for migratory bird species that occur in desert scrub vegetation communities does occur in the proposed project area and surrounding project vicinity. One mature juniper tree could be removed by the proposed action. Because of its existing disturbed character, the proposed project area provides relatively poor breeding habitat for these migratory bird species. The proposed project area does not represent preferred nesting habitat for most of these priority species, although foraging habitat does occur.

Direct effects to priority migratory birds include disturbance to individuals from noise and increased human presence during construction. Activities within the proposed project area would be long-term. Project activities would not substantially affect the occurrence of migratory birds since human activity is currently ongoing. Impacts would likely result in migratory bird species being displaced to habitat in the surrounding area during construction and operation. Project activities would not appreciably affect the occurrence of migratory birds. The potential for these impacts to migratory birds are anticipated to be low and long-term as a result of implementing the proposed project.

# 7.3 Wetlands

A search of the USFWS National Wetland Inventory maps for the proposed project and vicinity was performed on June 21, 2016 at <u>http://www.fws.gov/wetlands/Data/Mapper.html</u>. No wetlands, floodplains, springs, or permanent natural water resources, nor riparian, or aquatic habitats were identified in the project and action areas.

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# 7.4 Cumulative Effects

Cumulative effects include the incremental impacts of an action when added to other past, present, and reasonably foresecable future actions. Cumulative effects as a result of the proposed action may include increased access to the project area which would result in a greater human presence.

The cumulative effect of development within the project area would result in a small decrease of available forage and habitat for wildlife. Other development near the proposed project area includes the livestock well development, BIA 8074, and BIA Highway 67. Also, the general vicinity of the project area consists largely of residential housing developments intermingled with existing utilities services, the Low Mountain BIA boarding school, and the NHA housing complex. Existing development has reduced the long-term suitability of much of the wildlife habitat in the proposed project and action areas.

The proposed project would disturb wildlife that currently utilize the area. Wildlife species in the proposed project area could be displaced or killed due to increased traffic following construction. The potential for the introduction and spread of invasive plant species is increased by the proposed action. There could be long-term increases in noise and activity in the area that have the potential to adversely affect wildlife adjacent to the project area. Cumulative impacts to birds protected under the MBTA would include a minor loss of foraging habitat and possible long-term avoidance of the area. The proposed action's contribution to the regional loss or degradation of biological resources is limited due to the extent of available habitat in the vicinity of the project area and the already disturbed conditions of the project area.

The lands adjacent to the proposed project area are impacted by the aforementioned developments including dirt roads and paved highways, a school and residential housing developments, and utilities services. Provided that the proposed action is constructed in accordance with the project description, the proposed action is not expected to result in significant cumulative impacts to the general region or any specific resources located in the project area.

No potential habitat for any USFWS federally listed species occurs within the action area. No designated critical habitat for any listed species occurs within the action area. The proposed action would have no cumulative impacts to federally listed species.

Following the implementation of mitigation measures, the proposed project would not contribute to cumulative effects to burrowing owls. For the other Navajo species of concern detailed in this BE, golden eagle, the proposed action would have low cumulative impacts. There would be no cumulative effects to any other Navajo species of concern.

Following implementation of mitigation measures, the proposed action would have low cumulative effects to birds protected under the MBTA.

# 8. MITIGATION

General mitigation measures for the project would include confining construction activities to the proposed project area to prevent any unnecessary or additional habitat destruction. Portable toilets shall be furnished and located only in the staging area; portable toilets shall be maintained once a week. Trash

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and food shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic wildlife. Wildfire shall be prevented or minimized by exercising fire hazard care, such as parking vehicles away from dry vegetation. Upon completion of the proposed project, all unused material and equipment shall be removed from the project site.

In addition, regular maintenance activities would include control of weedy and invasive species that may become established within the project area. The Navajo Nation Environmental Protection Agency (NNEPA) would be consulted on acceptable weed control methods. The construction contractor would implement soil management and equipment cleaning that would reduce the potential for invasive species to establish.

Best management practices (BMPs) would be implemented by the construction contractor where feasible to control sedimentation, erosion, and wind deposition. Construction equipment would be routinely inspected for leaks and other deficiencies that could cause spillage of petroleum products onto the ground. Fueling of construction equipment would only occur at designated areas. Substantial leaks would be promptly corrected. Solid wastes that would result from the proposed action will be disposed of in a safe manner and would be properly containerized into a secure dumpster specifically for the solid waste. Any solid waste produced during the operation of the proposed action would be appropriately disposed in permitted landfill.

To further mitigate resource damage, timing of construction activities would be planned to avoid wet periods when soils are saturated.

A Storm Water Pollution Prevention Plan (SWPPP) under the National Pollution Discharge Elimination System would be prepared and implemented for the proposed construction activities. The SWPPP would be prepared in compliance with the U.S. Environmental Protection Agency (USEPA) and NNEPA requirements. The SWPPP would include administrative and construction BMPs to protect soil and surface water resources from erosion and increases in sediment loading in addition to accidental spills of hazardous materials. The SWPPP would include an inspection schedule for monitoring the project BMPs as well as criteria for determining when restoration has been achieved and the SWPPP permit can be terminated.

The following mitigation measures would be implemented; however, additional mitigation measures may be identified by the NNDFW should the proposed action be approved.

The following conservation mitigation measures would be implemented by the Low Mountain Chapter for the proposed action to minimize potential effects to the burrowing owl;

- Clearing the proposed project would avoid the migration and breeding season for burrowing owls; the "Survey Protocol" section of Arizona's Burrowing Owl Project Clearance Protocol would be followed to locate any active burrowing owl burrows (Mikesic and Roth 2008).
- Construction activity would occur from August 1 through March 14. If the project is not completed by March 15, Low Mountain Chapter would be required to have a qualified biologist resurvey for burrowing owls prior to any further construction activities.

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There could be a potential impact to migratory birds. To avoid impacts, construction activities would begin prior to the nesting season and continue without ceasing. Potential impacts to migratory birds could be minimized by scheduling construction activities outside the breeding season of most migratory birds from April 15 through August 15. For construction activities occurring during the breeding season, preconstruction clearance surveys for nesting migratory bird are recommended to avoid incidental take under the MBTA. If any migratory bird nests were discovered within the proposed project area, they would be reported to the NNDFW zoologist for appropriate mitigation. The NNDFW stipulates no disturbance within 165 feet of an active nest for MBTA and 490 feet for non-endangered raptors (Mikesic and Roth 2008).

No specific mitigation measures are recommended for other federally listed or Navajo species of concern.

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# 9. CERTIFICATION

Dodge Environmental, LLC believes that the proposed action would not violate any of the provisions of the Endangered Species Act of 1973, as amended, or Navajo Nation code requirements for endangered species (17 NNC §507). Conclusions of this report are based on actual field examinations and are correct to the best of my knowledge. I certify that I have conducted field surveys for the proposed Low Mountain Chapter community recreation project.

h . Oly

John E. Dodge, Project Biologist

Date: July 11, 2016

# 10. PERSONNEL

John Dodge, President/Biologist Dodge Environmental, LLC P.O. Box 75 Fruitland, NM 87416 Phonc: (505) 330-1361

# 11. CONSULTATION AND COORDINATION

Dexter D. Prall, GIS Supervisor Pamela Kyselka, Biological Reviewer Chad Smith, Zoologist The Navajo Nation Department of Fish and Wildlife P.O. Box 1480 Window Rock, Arizona 86515

Mareita Denny, CSC Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520

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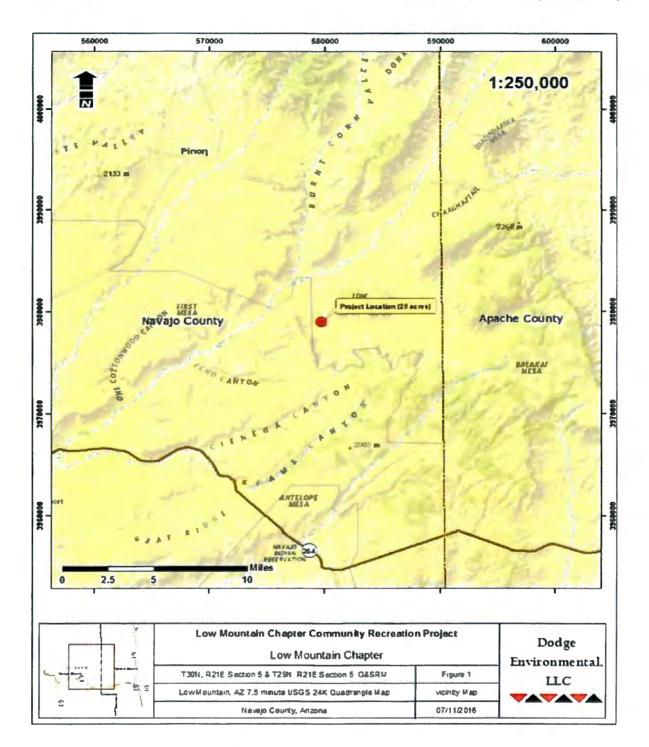
Attachment A-Maps

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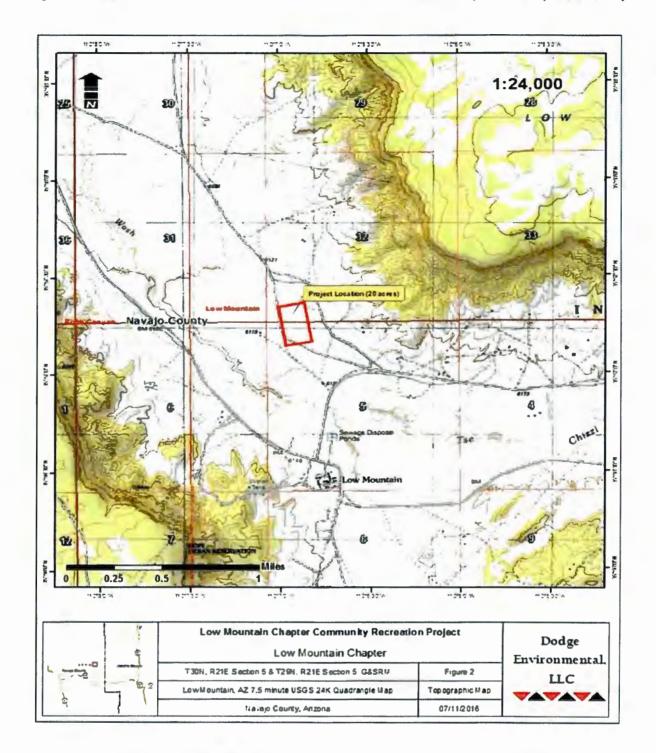
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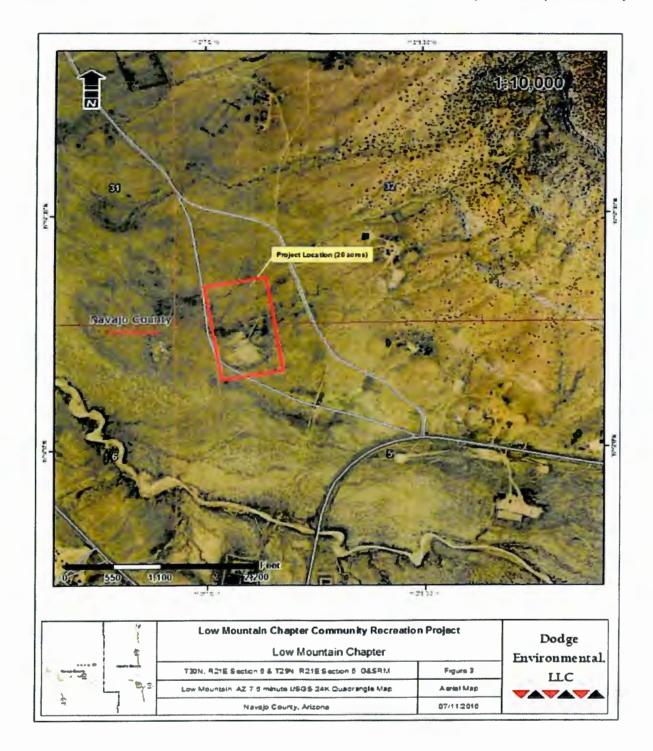


Figure 3: Proposed Low Mountain Chapter community recreation project - Aerial

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Attachment B—Photographs

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Photograph 2: View of the project area looking south from the northwest corner.



Photograph 3: View of the project area looking northeast from the southwest corner.

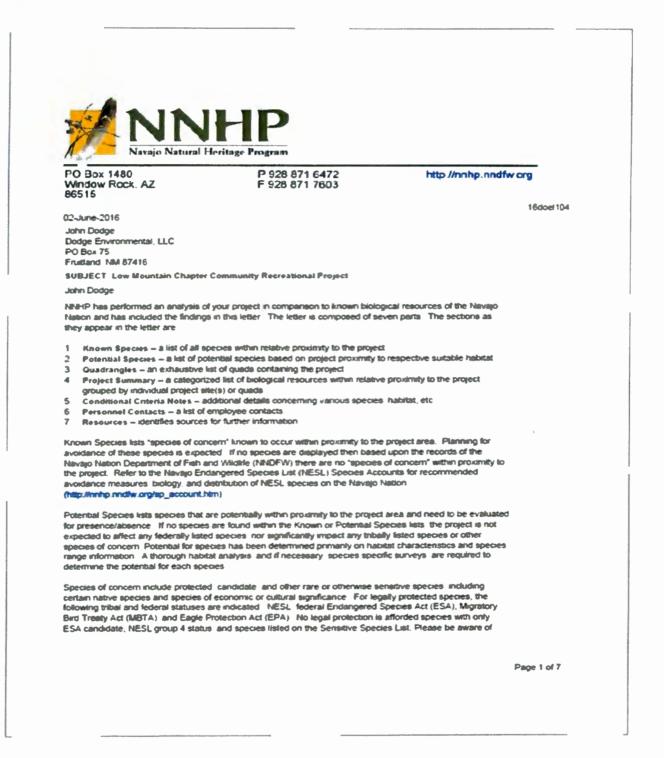
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Attachment C-NNDFW Data Request for Navajo Species of Concern



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these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuing they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cits the Data Request. Code associated with this document. It can be found in this report on the top right correr of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species (NESL=Nevajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)

Species

MUNI = Mustela nigripes / Black-footed Ferret INESL G2 FE

#### 2. Potential Species

Species.

AQCH = Aquila chrysaetos / Golden Eagle NESL G3 CHIMO = Charadnus montanus / Mountain Plover NESL G4 FAPE = Falco peregnnus / Peregnne Falcon NESL G4

#### 3. Quadrangles (7.5 Minute)

Quadrangles Low Mountain (35110-H1) / AZ

4. Project Summary (EO1 Mie/EO 3 Mies-elements occuring within 1 & 3 miles , MSO+mexican spotled owl PACs. POTS+potential species, RCP=Biological Areas)

_	SITE	EO1MI	EO3ME	QUAD	MSO	POTS	AREAS	
- [	Low Mountain	None	MUNE	Low Mountain	None	FAPE, CHMO,	Area 3	
	Chapter Recreation Area			(35110-H1) / AZ		AQCH		

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	Conditional Criteria Notes (Recent revisions made please read thoroughly For certain icces, and/or circumstances, please read and comply)	
	Biological Resource Land Use Clearance Policies and Procedures (RCP) - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources including plants and their habitat resulting in an expedited land use clearance process. After years of research and study the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation. The following is a bief summary of six (6) wildlife areas. 1 highly Sensitive Area – recommended no development with few exceptions. 2 <i>Moderately Sensitive Area</i> – moderate restrictions on development to avoid sensitive species/habitats. 3 <i>Less Sensitive Area</i> – fewest restrictions on development. 4 including the few or no restrictions on development. 5 <i>Biological Preserve</i> – no development unless compatible with the purpose of this area. 6 <i>Recreation Area</i> – no development unless compatible with the purpose of this area. <i>None</i> – outside the boundaries of the Navajo Nation. This is not intended to be a full description of the RCP please refer to the our website for additional.	
	information at http://www.rindfw.org/clup.htm	
3	Raptors – If raptors are known to occur within 1 mile of project location. Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation. o Golden and Bald Eagles- If Golden or Bald Eagle are known to occur within 1 mile of the project decision makers need to ensure that they are not in violation of the <u>Golden and Bald Eagle Nest Protection</u> <u>Reculators</u> found at http://mitip.mdlw.org/docs_reps/gten.pdf. o Ferruginous Hawks – Refer to 'Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection' http://mitip.mdlw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location of the Joidet and Data to the Potential of the Potential of the Interval of Potential of the project in the state of the potential of the	
	Surveys – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://initio.nndlw.org/ap_account.htm Surveyors on the Navajo Nation must be permitted by the Director NNDFW. Contact Jeff Cole at (926) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW. Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.	
)	OlkGas Lease Sales – Any setting or evaporation pris that could hold contaminants should be lined and covered. Covering pits with a net or other material, will deter waterfowl and other migratory bird use Lining pits will protect ground water quality.	
	Power line Projects – These projects need to ensure that they do not violate the regulations set forth in the <u>Navajo Nation Raptor Electrocution Prevention Regulations</u> found at http://wnhp.mdfw.org/docs_reps/repr.pdf	
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F Guy Wires – Does the project design include guy wres for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wres should be equipped with highly vaual markers to reduce the potential mortality due to bird-guy wre collisions. Examples of vaual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations (e.g., notes, indges or other distinctive linear topographic features) or where important habitat for breeding, feeding, rootsing, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wres with at least one marker per 100 meters of wre.

- G San Juan River On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychochellus lucus (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker) – Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W sec. 17 (New Mexico Mendian) to Neskahai Canyon in the San Juan arm of Lake Powell in T415, R11E, sec. 26 (Salt Lake Mendian) up to the full pool elevation – Razorback sucker critical habitat includes the SJR and as 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Mendian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T415, R11E, sec. 25 (Salt Lake Mendian). All actions carried out, funded or authorized by a federal agency which may after the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to water, physical habitat, and biological environment as required for each particular life stage of a species.
- H Little Colorado River On 21 March 1994 (Federal Register: Vol. 59, No. 54) the U.S. Fish and Widkle Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gda cypha (humpback chub). Within or adjacent to the Navajo Nation this cirtical Habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gda River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat mult undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological atributes essential to a species conservation and include but are not limited to water, physical habitat, and biological environment as required for each particular life stage of a species.
- Westands In Anzons and New Mexicol potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g. due to their small scale), field surveys must be completed For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetands Delineation Manual" (Technical Report Y-67-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers. Phoenix office must be contacted. NWI maps are available for examination at the Naivajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Sulvey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation. excluding Utah at \$ 100,000 scale, and coverage at 1 24,000 scale in the southwestern portion of the Nevalo Nation In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore. Reid surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers. Phoenix office, must be contacted. For more information contact the Nevejo Environmental Protection Agency's Water Quality Program

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Dodge Environmental, LLC

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J Life Length of Data Request – The information in this report was identified by the NNHP and NNDFW's biologists and computenzed database and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its response for its response to respective request.

K Ground Water Pumping - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquistic and/or wetlands species listed below NESL Species potentially impacted by ground water pumping: Carex speculoola (Navajo Sedge). Clinium rydbergii (Rydberg's Tristle). Primula speculcola (Caive Primiroael Platanthera zothecina (Alcove Bog Orchid). Puccinellia parishii (Panish Alkali Grass). Zigadenus vaginatus (Alcove Death Camas), Perityte speculeosia (Alcove Rock Daisy), Symphyothchum welshii (Welsh's American-aster). Coccyzia americanus (Yellow-billed Cuckoo). Empidonax traille extimus (Southwestern Willow Flycatcher). Rana peieris (Northem Leopard Frog), Gla cyphis (Humpbisch Chub). Gut western Willow Flycatcher). Rana piperis (Northem Leopard Frog), Gla cyphis (Humpbisch Chub). Gut wostern Willow Flycatcher). Rana piperis (Northem Leopard Frog), Gla cyphis (Humpbisch Chub). Gutarotsck Sucker), Cinclus mexicanus (American Dipper). Speyeria nokoms (Western Seep Fritilary), Aechimophorus clarkia (Clark's Grebe). Ceryle alcyon (Betted Kingfisher), Dendroica petectia (Yellow Warbler), Porzana carolina (Sora), Catostomus discobolus (Bluehead Sucker), Cottus bairdi (Mottled Sculpin). Oxytoma kanabense (Kanab Amberanal). 16doel 104

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Dodge Environmental, LLC

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16doel 104

#### 6. Personnel Contacts

Wildlife Manager Sam Diswood 928 871 7062 sdiswood Brindfw.org

Zoologist Chad Smith 928 871 7070 csmith mindle.org

<u>Botanist</u> Vacant

Ecological Reviewer Pamela Kysellia 928 871 7065 physicilia Coodilia org.

GIS Supervisor Denter D Prall 928 645 2898 Reall and the org.

Wildlife Tech Sonja Detsor 928 871 6472 adetsoi andhe.org

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16doel 104 7. Resources National Environmental Policy Act Navajo Endangered Species List http://nnhp.nndfw.org/endangered.htm Species Accounts: http://nnhp.nndfw.org/sp\_account.htm **Biological Investigation Permit Application** http://nnhp.nndfw.org/study\_permit.htm Navajo Nation Sensitive Species List http://nnhp.nndfw.org/study\_permit.htm Various Species Management and/or Document and Reports http://nnhp.nndfw.org/docs\_reps.htm **Consultant List** (Coming Soon) Dispatily used by Denter D Ped Discon Orvier D PedLorification Describer D PedLorification D PedLorificati Dexter D Prail, GLS Supervisor - Natural Heritage Program Navajo Neton Department of Fish and Wildlife

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Dodge Environmental, LLC

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# Attachment D—Plants and Wildlife Observed in the Proposed Project Area

Dodge Environmental, LLC

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July 2016

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	Grasses	
Aristida purpurea	purple threeawn	
Bouteloua gracilis	blue grama	
Bromus tectorum	cheatgrass	
Hilaria jamesli	James' galleta	
	Herbeceous Forbs	
Cordylanthus wrightii	Wright's birdsbeak	
Cryptantha crassisepala	plains cryptantha	
Descurainia pinnata	pinnate tansy mustard	
Euphorbia fendleri	Fendler's spurge	
Leucelene ericoides	rose heath	
Machaeranthera canescens	hoary tansyaster	
Plantago patagonica	woolly plantain	
Sisymbrium altissimum	tall tumblemustard	
Sphaeralcea coccinea	scarlet globernallow	
Townsendia annua	annual townsendia	
	Shrubs	
Atriplex conescens	fourwing saltbrush	
Chrysothamnus greenel	greene's rabbitbrush	
Gutierrezia sarothrae	broom snakeweed	
Krascheninnikovia lanata	winterfat	
	Cacti and Yucca	
Opuntia polyocantha	plains pricklypear cactus	
	Trees	
the local measurements	oneseed juniper	
Juniperus monosperma	oneseed jumper	
	Birds	
Athene cunicularia	burrowing owl	
Buteo jamaicensis	red-tailed hawk	
Corvus corax	common raven	
Eremophila alpestris	horned lark	<u> </u>
	Mammals	
Canis latrans	coyote	
Cynomys spp.	prairie dog	
Lepus colifornicus	black-tailed jackrabbit	
Sylvilagus audubonii	desert cottontail	

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July 2016

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Western Technologies inc.

# GEOTECHNICAL EVALUATION REPORT

HEADSTART AND MULTI-PURPOSE BUILDINGS North of BIA Route 67 Low Mountain, Arizona WT Reference No. 2526JW115

PREPARED FOR: Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520 Attn: Ms. Mareita Denny

March 8, 2017



Craig P. Wiedeman, P.E. Senior Geotechnical Engineer

Brice Mac / Iroy / Aw

Reviewed By: Bruce M. MacIlroy, P.E. Senior Geotechnical Engineer



EXHIBIT B



 Vestern
 2400 East Huntington Drive

 Technologies Inc.
 Flagstaff, Arizona 86004-8934

 The Quality People
 (928) 774-8700 • fax 774-6469

March 8, 2017

Low Mountain Chapter P.O. Box 4416 Blue Gap, Arizona 86520

Attn: Ms. Mareita Denny Community Services Coordinator

Re: Geotechnical Evaluation Headstart and Multi-Purpose Buildings North of BIA Route 67 Low Mountain, Arizona Job No. 2526JW115

Western Technologies Inc. has completed the geotechnical evaluation for the two proposed buildings to be located in Low Mountain, Arizona. This study was performed in general accordance with our proposal number 2526PW120 dated May 12, 2016. The results of our study, including the boring location diagram, laboratory test results, boring logs, and the geotechnical recommendations are attached.

We have appreciated being of service to you in the geotechnical engineering phase of this project and are prepared to assist you during the construction phases as well. If design conditions change, or if you have any questions concerning this report or any of our testing, inspection, design and consulting services, please do not hesitate to contact us. We look forward to working with you on future projects.

Sincerely, WESTERN TECHNOLOGIES, INC. Geotechnical Engineering Services

Craig P. Wiedeman, P.E. Senior Geotechnical Engineer

Copies to: Addressee (emailed)

Low Mountain Chapter Job No. 2526JW115

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EXHIBIT B

Low Mountain Chapter Job No. 2526JW115

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EXHIBIT B

# GEOTECHNICAL EVALUATION HEADSTART AND MULTI-PURPOSE BUILDINGS NORTH OF BIA ROUTE 67 LOW MOUNTAIN, ARIZONA JOB NO. 2526JW115

## 1.0 PURPOSE

This report contains the results of our geotechnical evaluation for the two proposed buildings to be located in Low Mountain, Arizona. The purpose of these services is to provide information and recommendations regarding:

- foundation design parameters
- floor slab support
- lateral earth pressures
- earthwork
- pavement sections
- drainage
- corrosivity to concrete

Results of the field exploration, field tests, and laboratory testing program are presented in the Appendices.

#### 2.0 PROJECT DESCRIPTION

Based on information provided by Ms. Mareita Denny, the project will consist of two, one or two story, slab-on-grade buildings using wood-frame and/or masonry construction. The multipurpose building will be approximately 9830 square feet in plan area. The headstart building will be approximately 4595 square feet in plan area. Maximum wall and column loads for the buildings are assumed to be 3 kips per linear foot and 60 kips, respectively. We anticipate no extraordinary slab-on-grade criteria, and that ground floor levels will be within about 2 feet of the existing site grades. Final site grading plans were not available prior to preparation of this report. Asphalt paved parking areas and drives will be included as part of the proposed development for the multi-purpose building. The entire project Site totals about 4 acres. Should any of our information or assumptions not be correct, we request that the Client notify WT immediately.

#### 3.0 SCOPE OF SERVICES

#### 3.1 Field Exploration

Six borings were each drilled to a depth of about 26 feet below existing site grades in the proposed building areas. In addition, four borings were each drilled to depth of about 6 feet in proposed pavement areas. The borings were at the approximate locations shown on the attached boring location diagram. Logs of the borings are presented in Appendix A. Subsoils encountered during drilling were examined visually and sampled at selected depth intervals.

A field log was prepared for each boring. These logs contain visual classifications of the materials encountered during drilling as well as interpolation of the subsurface conditions between samples. Final logs, included in Appendix A, represent our interpretation of the field logs and include modifications based on laboratory observations and tests of the field samples. The final logs describe the materials encountered, their thicknesses, and the locations where samples were obtained. The Unified Soil Classification System was used to classify soils. The soil classification symbols appear on the boring logs and are briefly described in Appendix A.

#### 3.2 Laboratory Analyses

Laboratory analyses were performed on representative soil samples to aid in material classification and to estimate pertinent engineering properties of the on-site soils for preparation of this report. Testing was performed in general accordance with applicable ASTM and Arizona methods. The following tests were performed and the results are presented in Appendix B.

- Water content
- Dry density
- Consolidation
- Expansion
- Gradation
- Plasticity
- Soluble salts and sulfates

Test results were utilized in the development of the recommendations contained in this report.

# 3.3 Analyses and Report

This geotechnical evaluation report includes a description of the project, a discussion of the field and laboratory testing programs, a discussion of the subsurface conditions, and design recommendations as required to satisfy the purpose previously described.

This report is for the exclusive purpose of providing geotechnical engineering and/or testing information and recommendations. The scope of services for this project does not include, either specifically or by implication, any environmental assessment of the Site or identification of contaminated or hazardous materials or conditions. If the owner is concerned about the potential for such contamination, other studies should be undertaken. We are available to discuss the scope of such studies with you.

#### 4.0 SITE CONDITIONS

## 4.1 Surface

Existing development in the vicinity of the Site consists of two single-story masonry buildings, a manufactured building, and a large steel frame shed. A gravel covered parking area and roadway are also present on the property. The ground surface slopes gently down to the south-southeast. Site surface drainage is fair by means of sheet flow to the south-southeast. Site vegetation consisted of a sparse to moderate growth of native grasses, weeds, and cacti.

#### 4.2 <u>Subsurface</u>

As presented on the boring logs, surface and subsolls extending to the full depth of exploration consisted primarily of loose to very dense Silty SANDS with an occasional trace of gravel. Groundwater was not encountered in any boring at the time of exploration. The logs in Appendix A show details of the subsurface conditions encountered during the field exploration.

The boring logs included in this report are indicators of subsurface conditions only at the specific location and date noted. Variations from the field conditions represented by the borings may become evident during construction. If variations appear, we should be contacted to re-evaluate our recommendations.

#### 5.0 GEOTECHNICAL PROPERTIES

#### 5.1 Laboratory Tests

Laboratory test results indicate that native subsoils located near and below anticipated shallow foundation level exhibit low compressibility at existing water contents. Low to moderate additional compression occurs when the water content is increased. When water is added to compacted near-surface soils, iow to no expansion occurs.

#### 5.2 Field Tests

Native subsoils located near and below anticipated shallow foundation level in the main building area exhibited low to high resistance to penetration using test method ASTM D3550. The penetration resistances also exhibited substantial variability between test locations and with depth.

#### 6.0 RECOMMENDATIONS

#### 6.1 General

Recommendations contained in this report are based on our understanding of the project criteria described in Section 2.0, PROJECT DESCRIPTION, and the assumption that the soil and subsurface conditions are those disclosed by the borings. Others may change the plans, final elevations, number and type of structures, foundation loads, and floor levels during design or construction. Substantially different subsurface conditions from those described herein may be encountered or become known. Any changes in the project criteria or subsurface conditions shall be brought to our attention in writing.

#### 6.2 Foundations

If the recommendations contained in this report are followed, the proposed structures can be supported by conventional shallow spread footings bearing on a minimum thickness of 2 feet of site soils removed and recompacted as engineered fill and/or properly compacted, imported, low expansive engineered fill. Footings should bear at least 2.5 feet below the lowest adjacent finished grade. Footings may be designed to impose a maximum dead plus live-load pressure of up to 2500 pounds per square foot.

We anticipate that total settlement of the proposed structures, supported as recommended, should be less than 1 inch. Differential settlement should be less than ½ inch. Additional foundation movements could occur if water from any source infiltrates the foundation soils. Therefore, proper drainage should be provided in the final design and during construction.

Finished grade is the lowest adjacent grade for perimeter footings and floor level for interior footings. The design bearing capacity applies to dead loads plus design live load conditions. Recommended minimum widths of column and wall footings are 24 inches and 16 inches, respectively. The bearing value given is a net bearing value and the weight of the concrete in the footings may be ignored.

Thickened slab sections can be used to support interior partitions, provided that loads do not exceed 900 pounds per linear foot, thickened sections have a minimum width of 12 inches, and thickness and reinforcement are consistent with structural requirements.

All footings, stem walls, and any masonry walls should be reinforced to reduce the potential for distress caused by differential foundation movements. The use of joints at openings or other discontinuities in any masonry walls is recommended.

Site preparation procedures and foundation excavations should be observed by the geotechnical engineer to assess that adequate bearing conditions exist and that recompaction of native soils and/or placement of engineered fill has been performed satisfactorily. If the soil conditions encountered differ significantly from those presented in this report, supplemental recommendations will be required.

# 6.3 Lateral Design Criteria

Lateral loads can be resisted by soil friction and by the passive resistance of the soils. A coefficient of friction of 0.35 can be used between floor slabs and/or foundations and the supporting soils. The passive resistance of natural soils or properly compacted fill can be approximated by the pressure developed by a fluid with a density of 225 pounds per cubic foot (psf/ft). The passive pressure and the frictional resistance of the soils can be combined without reduction in determining the total lateral resistance.

## 6.4 Slab-on-Grade Support

Floor slabs can be supported on properly placed and compacted fill or approved, properly recompacted native soils. For design of interior slabs-on-grade, we recommend using a modulus of subgrade reaction (k) of 225 pounds per cubic inch (pci) for the on-site sands or imported fill material. The slab subgrade should be prepared by the procedures outlined in this report. A minimum 4 inch thick layer of base course should be provided beneath all slabs to help prevent capillary rise and a damp slab. The use of vapor retarders is desirable for any slab-on-grade where the floor will be covered by products using water based adhesives, wood, vinyl backed carpet, impermeable floor coatings (urethane, epoxy, acrylic terrazzo, etc.) or where the floor will be in contact with moisture sensitive equipment or product. When used, the design and installation should be in accordance with the guidance provided in ACI 302.1R and 302.2R. Final determination on the use of a vapor retarder should be left to the slab designer.

All concrete placement and curing operations should follow the American Concrete Institute manual recommendations. Improper curing techniques and/or high slump (water-cement ratio) could cause excessive shrinkage, cracking or curling. The plastic properties of the concrete should be documented at the time of placement and specimens should also be prepared for strength testing to verify compliance with project specifications. Concrete slabs should be allowed to cure adequately before placing vinyl or other moisture sensitive floor covering.

#### 6.5 Drainage

The major cause of soil problems in this vicinity is molsture increase in soils below structures. Therefore, it is extremely important that positive drainage be provided during construction and maintained throughout the life of the proposed structures. Infiltration of water into utility or foundation excavations must be prevented during construction. No planters or other surface features which could retain water adjacent to the buildings should be constructed.

In areas where sidewalks or paving do not immediately adjoin the structures, protective slopes should be provided with an outfall of about 5 percent for at least 10 feet from perimeter walls. Backfill against footings, exterior walls, and in utility and sprinkler line trenches should be well compacted and free of all construction debris to minimize the possibility of moisture infiltration.

## 6.6 <u>Corrosivity to Concrete</u>

The chemical test results indicate that the site solls are negligibly corrosive to concrete. However, in order to be consistent with standard local practice and for reasons of material availability, we recommend that Type II portland cement be used for all concrete on and below grade.

## 6.7 <u>Pavements</u>

Based on existing subgrade conditions, the following pavement sections are recommended for the areas indicated:

Traffic Area	Asphalt Concrete (in.)	Base Course (in.)
Passenger car parking and drives (low traffic frequency)	3	4
Major access drives (medium traffic frequency)	4	5

Bituminous surfacing should be constructed of dense-graded, central plant-mix, asphalt concrete. Base course and asphalt concrete should conform with Navajo County specifications.

Material and compaction requirements should conform to recommendations presented under EARTHWORK. The gradient of paved surfaces should ensure positive drainage. Water should not pond in areas directly adjoining paved sections. The native subgrade soils will soften and lose stability if subjected to conditions which result in an increase in water content.

Due to the high static loads imposed by parked trucks in loading and unloading areas and at dumpster locations, we recommend that a rigid pavement section be considered for these areas. A minimum 6 inch thick concrete pavement over 4 inches of aggregate base course material is recommended.

## 6.7.1 Pavement Analyses

The recommended pavement sections are based on the following conditions. This firm should be contacted if any of these conditions change so that revised recommendations can be provided, if necessary.

Low Mountain Chapter WT Job No. 2526JW115

- a. A correlated R-value of 48 for the on-site soils which corresponds to a resilient modulus of approximately 19,000 pounds per square inch. Any required fills should be constructed using on-site or imported materials with subgrade support characteristics equal to or greater than the subgrade soils in the area being filled.
- b. Structural coefficients of 0.40 for asphalt concrete and 0.12 for aggregate base course material.
- c. A present serviceability index of 4.5, a terminal serviceability index of 2.5, an overall standard deviation of 0.35, a reliability factor of 85 percent, a drainage coefficient of 0.85, a seasonal variation factor of 2.1, and a design life of 20 years.
- d. A total 18-kip equivalent single axle load (ESAL) of 50,000 for the major access drives and 20,000 for the passenger car parking areas.

## 7.0 EARTHWORK

## 7.1 <u>General</u>

The conclusions contained in this report for the proposed construction are contingent upon compliance with recommendations presented in this section. Any excavating, trenching, or disturbance which occurs after completion of the earthwork must be backfilled, compacted and tested in accordance with the recommendations contained herein. It is not reasonable to rely upon our conclusions and recommendations if any future unobserved and untested trenching, grading or backfilling occurs.

## 7.2 <u>Site Clearing</u>

Strip and remove existing vegetation, organic topsolls, debris, loose surface soils, and any other deleterious materials from the building and pavement areas. The building area is defined as that area within the building footprint plus 5 feet beyond the perimeter of the footprint. All exposed surfaces should be free of mounds and depressions which could prevent uniform compaction.

## 7.3 Excavation

We anticipate that excavations for the proposed construction can be accomplished with conventional equipment. On-site soils may pump or become unworkable at high water contents. Workability may be improved by scarifying and drying. Overexcavation of wet zones and replacement with drier granular materials may be necessary. The use of lightweight excavation and compaction equipment may be required to minimize subgrade pumping.

## 7.4 Foundation Preparation

In footing areas, remove existing soils to a minimum depth of 2 feet below the bottom of the footing. Removal should extend a minimum of 1 foot beyond the footing edges. Replace with site soils recompacted as engineered fill and/or with properly compacted, imported, low expansive engineered fill material.

## 7.5 Interior Slab Preparation

Scarify, moisten or dry as required, and compact all subgrade soils to a minimum depth of 8 inches. The subgrade preparation should be accomplished in a manner which will result in uniform water contents and densities after compaction. All subgrade preparation in building areas should extend a minimum of 5 feet beyond perimeter footings.

## 7.6 <u>Pavement Preparation</u>

Prior to placement of fill and/or pavement materials, the exposed subgrade soils should be proof-rolled to verify that stable subgrade conditions exist. Any loose, soft, disturbed, or otherwise unsuitable materials should be overexcavated and replaced with engineered fill. The subgrade should then be scarified, moistened as required, and recompacted for a minimum depth of 8 inches prior to placement of fill and pavement materials.

## 7.7 <u>Materials</u>

- a. Clean on-site native soils with a maximum dimension of 6 inches or imported materials may be used as fill material for the following:
  - foundation areas
  - interior slab areas

Low Mountain Chapter WT Job No. 2526JW115

- pavement areas
- backfill
- b. Frozen soils should not be used as fill or backfill.
- c. Imported soils should conform to the following:
  - Gradation (ASTM C136):

	percent finer by weight
6 <sup>#</sup>	
4"	
*"	
No. 4 Sieve	50-100
No. 200 Sieve	

- - Measured on a sample compacted to approximately 95 percent of the ASTM D698 maximum dry density at about 3 percent below optimum water content. The sample is confined under a 100 psf surcharge and submerged.
- d. Base course should conform to Navajo County specifications.

## 7.8 Placement and Compaction

- a. Place and compact fill in horizontal lifts, using equipment and procedures that will produce recommended water contents and densities throughout the lift.
- b. Uncompacted fill lifts should not exceed 8 inches.
- c. No fill should be placed over frozen ground.

d. Materials should be compacted to the following:

## Minimum Percent Material Compaction (ASTM D698)

•	On-site and imported soil, reworked and fill:	
	Below footings	
	Below slabs-on-grade	
	Below pavement	
•	Aggregate base:	
	Below slabs-on-grade	
	Below pavement	100
•	Backfill:	
	Structural	90
	Non-structural	

e. On-site and imported soils with low expansive potential and aggregate base course materials should be compacted with a moisture content in the range of 3 percent below to 3 percent above optimum.

## 7.9 Compliance

Recommendations for slabs-on-grade, foundations and pavement elements supported on compacted fills or prepared subgrade depend upon compliance with EARTHWORK recommendations. To assess compliance, observation and testing should be performed under the direction of a geotechnical engineer.

## 8.0 LIMITATIONS

This report has been prepared assuming the project criteria described in Section 2.0. If changes in the project criteria occur, or if different subsurface conditions are encountered or become known, the conclusions and recommendations presented herein shall become invalid. In any such event, WT should be contacted in order to assess the effect that such variations may have on our conclusions and recommendations.

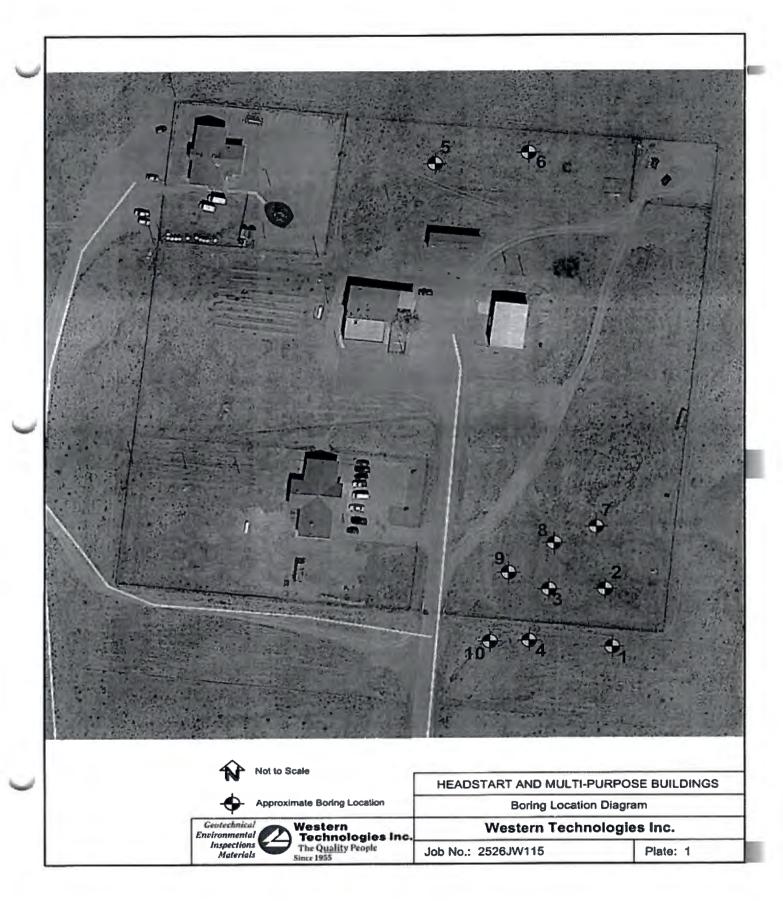
The recommendations presented are based entirely upon data derived from a limited number of samples obtained from widely spaced borings. The attached logs are indicators of subsurface conditions only at the specific locations and times noted. This report assumes the uniformity of the geology and soil structure between borings, however variations can and often do exist. Whenever any deviation, difference or change is encountered or becomes known, WT should be contacted.

This report is for the exclusive benefit of our client alone. There are no intended third-party beneficiaries of our contract with the client or this report, and nothing contained in the contract or this report shall create any express or implied contractual or any other relationship with, or claim or cause of action for, any third party against WT.

This report is valid for the earlier of one year from the date of issuance, a change in circumstances, or discovered variations. After expiration, no person or entity shall rely on this report without the express written authorization of WT.

#### 9.0 CLOSURE

We prepared this report as an aid to the designers of the proposed project. The comments, statements, recommendations and conclusions set forth in this report reflect the opinions of the authors. These opinions are based upon data obtained at the location of the borings, and from laboratory tests. Work on your project was performed in accordance with generally accepted standards and practices utilized by professionals providing similar services in this locality. No other warranty, express or implied, is made.



Allowable Soil Bearing Capacity		naximum contact stress developed at the interface of the it and the supporting material.	e
Backfill	A specified material	placed and compacted in a confined area.	
Base Course	A layer of specified a	ggregate material placed on a subgrade or subbase.	
Base Course Grade	Top of base course.		
Bench	A horizontal surface	in a sloped deposit.	
Caisson/Drilled Shaft	A concrete foundation enlarged base (or b	on element cast in a circular excavation which may have belied caisson).	an
Concrete Slabs-On-Grade	A concrete surface la	iver cast directly upon base course, subbase or subgrade	
Crushed Rock Base Course	A base course compo	osed of crushed rock of a specified gradation.	
Differential Settlement	Unequal settlement	between or within foundation elements of a structure.	
Engineered Fill		regate material placed and compacted to specified densi s under observations of a representative of a soil engine	
Existing Fill	Materials deposited	through the action of man prior to exploration of the sit	e.
Existing Grade	The ground surface a	t the time of field exploration.	
Expansive Potential	The potential of a so of moisture.	Il to expand (increase in volume) due to absorption	
Fili	Materials deposited	by the actions of man.	
Finished Grade	The final grade creat	ed as a part of the project.	
Gravel Base Course	A base course compo	osed of naturally occurring gravel with a specified gradat	tion.
Heave	Upward movement.		
Native Grade	The naturally occurri	ing ground surface.	
Native Soli	Naturally occurring o	on-site soll.	
Rock		of mineral grains connected by strong and permanent co uires drilling, wedging, blasting or other methods of extr n.	
Sand and Gravel Base Course	A base course of san	d and gravel of a specified gradation.	
Sand Base Course	A base course compo	osed primarily of sand of a specified gradation.	
Scarify	To mechanically loos	en soil or break down existing soil structure.	
Settlement	Downward movemen	nt.	
Soli	physical and/or che	material composed of discrete solid particles, derived fra emical disintegration of vegetable or mineral matter, wh e mechanical means such as agitation in water.	om the lich can be
Strip	To remove from pres	sent location.	
Subbase	A layer of specified n course.	naterial placed to form a layer between the subgrade an	d base
Subbase Grade	Top of subbase.		
Subgrade	Prepared native soil	surface.	
			PLAT
	rn ologies Inc. ity People	DEFINITION OF TERMINOLOGY	A-1

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#### COARSE-GRAINED SOILS LESS THAN SON FINES

GROUP SYMBOLS	DESCRIPTION	MAJOR DIVISIONS
GW	WELL-GRADED GRAVEL OR WELL-GRADED GRAVEL WITH SAND, LESS THAN S% FINES	GRAVELS
GP	POORLY-GRADED GRAVEL OR POORLY-GRADED GRAVEL WITH SAND, LESS THAN 5% FINES	MORE THAN
GM	SILTY GRAVEL OR SILTY GRAVEL WITH SAND, MORE THAN 12% FINES	OF COARSE FRACTION IS LARGER THAN NO. 4
GC	CLAYEY GRAVEL OR CLAYEY GRAVEL WITH SAND, MORE THAN 12% FINES	SIEVE SIZE
SW	WELL-GRADED SAND OR WELL-GRADED SAND WITH GRAVEL, LESS THAN 5% FINES	SANDS
SP	POORLY-GRADED SAND OR POORLY-GRADED SAND WITH GRAVEL, LESS THAN SW FINES	MORE THAN MALF OF COMESE
SM	SILTY SAND OR SILTY SAND WITH GRAVEL, MORE THAN 12% FINES	FRACTION IS SMALLER THAN
sc	CLAYEY SAND OR CLAYEY SAND WITH GRAVEL, MORE THAN 12% FINES	NO. 4 SMEVE SIZE

NOTE: Coarse-grained soils receive dual symbols If they contain 5% to 12% fines (e.g., SW-SM, GP-GC).

SOIL	SIZES
COMPONENT	SIZE RANGE
BOULDERS	Above 12 in.
COBBLES	3 in 12 in.
GRAVEL Coarse Fine	No. 4 – 3 in. 34 in. – 3 in. No. 4 – 51 in.
SAND Coarse Medium Fine	No. 200 – No. 4 No. 10 – No. 4 No. 40 – No. 10 No. 200 – No. 40
Fines (Silt or Clay)	Below No. 200

NOTE

E:	<ul> <li>Only sizes smaller than three inches are used to classify soils</li> </ul>										
	PLASTICITY OF FIN	E GRAINED SOILS									
	PLASTICITY INDEX	TERM									

## FINE-GRAINED SOILS

MORE	THAN	50%	FINES
		_	

SYMBOLS	DESCRIPTION	MAJOR DIVISIONS
ML	SILT, SILT WITH SAND OR GRAVEL, SANDY SILT, OR GRAVELLY SILT	SILTS
CL	LEAN CLAY OF LOW TO MEDIUM PLASTICITY, SANDY CLAY, OR GRAVELLY CLAY	AND CLAYS
OL	ORGANIC SILT OR ORGANIC CLAY OF LOW TO MEDIUM PLASTICITY	LESS THAN SO
мн	ELASTIC SILT, SANDY ELASTIC SILT, OR GRAVELLY ELASTIC SILT	SILTS
СН	FAT CLAY OF HIGH PLASTICITY, SANDY FAT CLAY, OR GRAVELLY FAT CLAY	
ОН	ORGANIC SILT OR ORGANIC CLAY OF HIGH PLASTICITY	MONE THAN SO
PT	PEAT AND OTHER HIGHLY ORGANIC SOILS	HIGHLY ORGANIC SOILS

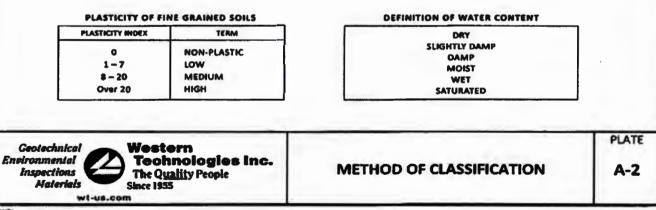
NOTE: Fine-grained soils may receive dual classification based upon plasticity characteristics (e.g. CL-ML).

CONSISTENCY		
CLAYS & SILTS	BLOWS PER FOOT	
VERY SOFT	0-2	
SOFT	3-4	
FIRM	5-*	
STIFF	9 - 15	
VERY STIFF	16-30	
HARD	OVER 30	

#### RELATIVE DENSITY

SANDS & GRAVELS	BLOWS PER FOOT
VERY LOOSE	0-4
LOOSE	5-10
MEDIUM DENSE	11-30
DENSE	31 - 50
VERY DENSE	OVER 50

Number of blows using 140-pound hammer failing 30 inches to drive a 2-inch-OD (1%-inch ID) split-barrel sampler (ASTM D1586). NOTE:



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The number shown in "BORING NO." refers to the approximate location of the same number indicated on the "Boring Location Diagram" as positioned in the field by pacing or measurement from property lines and/or existing features.

"DRILLING TYPE" refers to the exploratory equipment used in the boring wherein HSA = hollow stem auger, and the dimension presented is the outside diameter of the HSA used.

"R" in "BLOW COUNTS" refers to a 3-inch outside diameter ring-lined split barrel sampler driven into the ground with a 140 pound drop-hammer dropped 30 inches repeatedly until a penetration of 12 inches is achieved or until refusal. The number of blows required to advance the sampler 12 inches is defined as the "R" blow count. The "R" blow count requires an engineered conversion to an equivalent SPT N-Value. Refusal to penetration is considered more than 50 blows per foot. (Ref. ASTM D3550). A double vertical line within the symbol indicates no sample recovery. A circle within the symbol indicates sample disturbance.

"SAMPLE TYPE" refers to the form of sample recovery, in which R = Ring-lined sample and G = Grab sample.

"DRY DENSITY (LBS/CU FT)" refers to the laboratory-determined dry density in pounds per cubic foot.

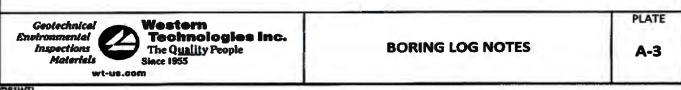
"WATER (MOISTURE) CONTENT" (% of Dry Wt.) refers to the laboratory-determined water content in percent using the standard test method ASTM D2216.

"USCS" refers to the "Unified Soil Classification System" Group Symbol for the soil type as defined by ASTM D2487 and D2488. The soils were classified visually in the field, and where appropriate, classifications were modified by visual examination of samples in the laboratory and/or by appropriate tests.

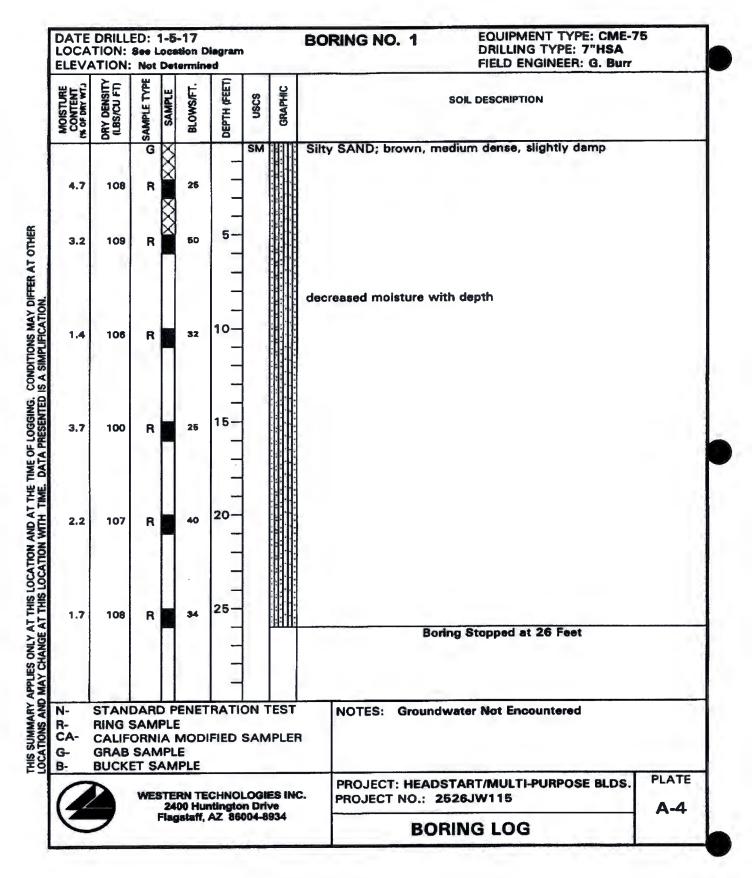
These notes and boring logs are intended for use in conjunction with the purposes of our services defined in the text. Boring log data should not be construed as part of the construction plans nor as defining construction conditions.

Boring logs depict our interpretations of subsurface conditions at the locations and on the date(s) noted. Variations in subsurface conditions and characteristics may occur between borings. Groundwater levels may fluctuate due to seasonal variations and other factors.

The stratification lines shown on the boring logs represent our interpretation of the approximate boundary between soil or rock types based upon visual field classification at the boring location. The transition between materials is approximate and may be more or less gradual than indicated.

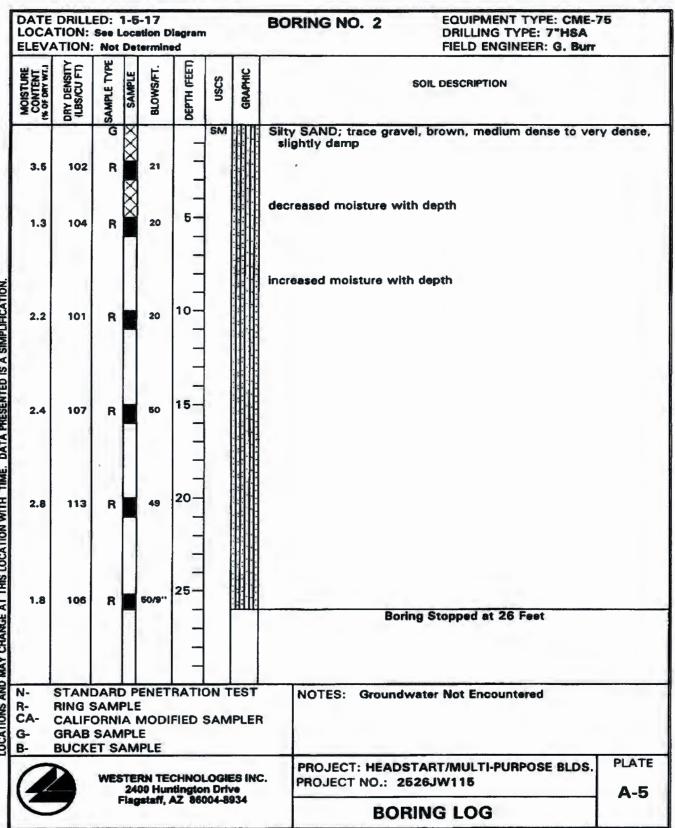


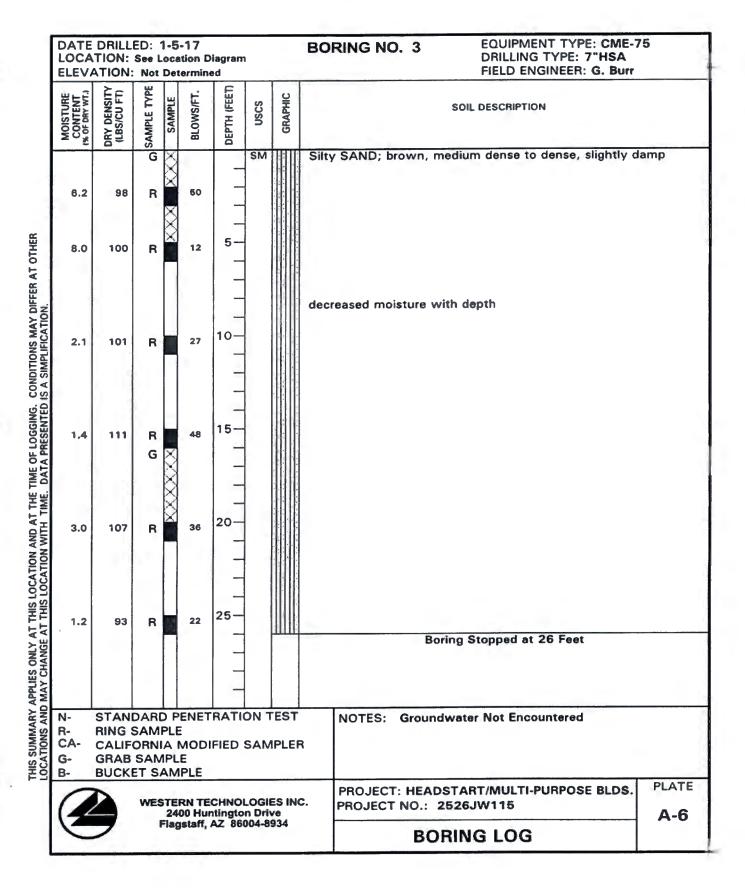
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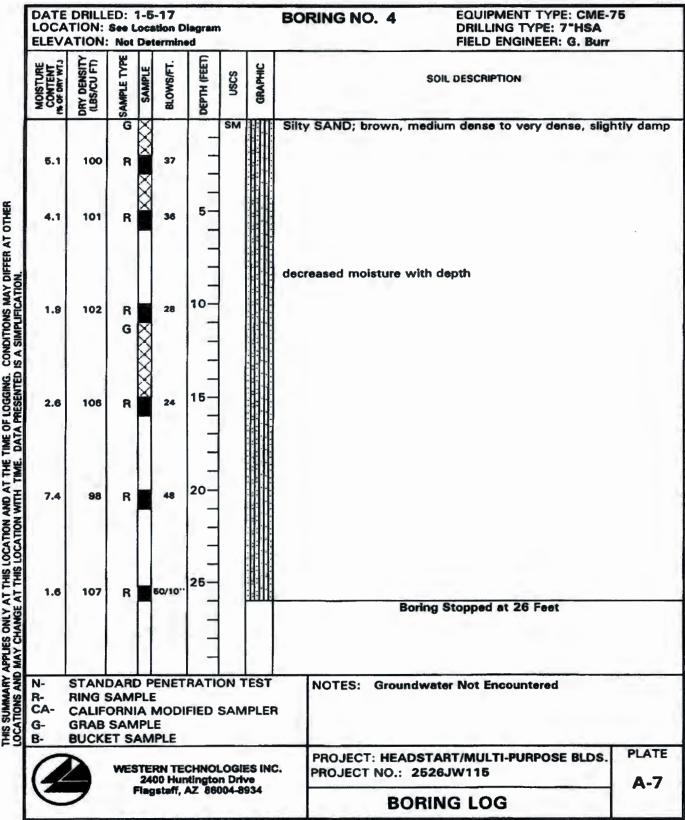


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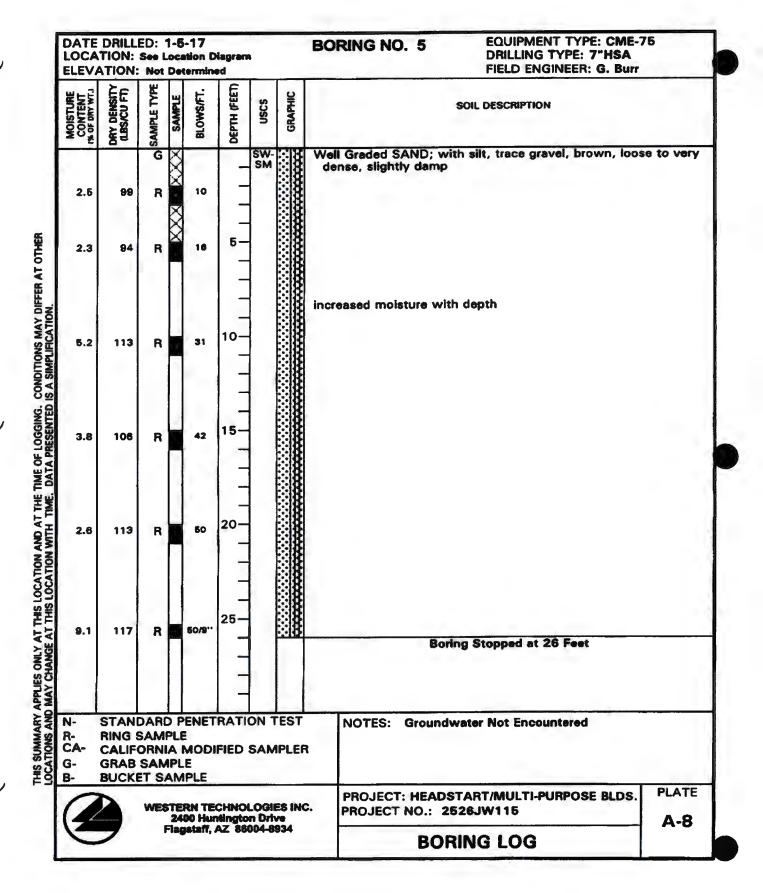




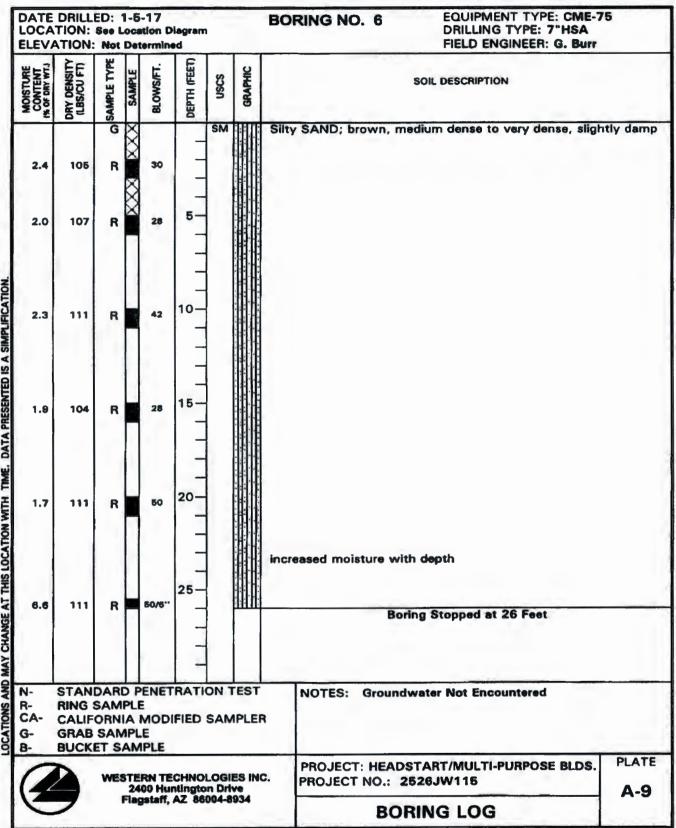
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THIS SUMMARY APPLIES ONLY AT THIS LOCATION AND AT THE TIME OF LOGGING. LOCATIONS AND MAY CHANGE AT THIS LOCATION WITH TIME. DATA PRESENTED I



THIS SUMMARY APPLIES ONLY AT THIS LOCATION AND AT THE TIME OF LOGGING. CONDITIONS MAY DIFFER AT OTHER LOCATIONS AND MAY CHANGE AT THIS LOCATION WITH TIME. DATA PRESENTED IS A SIMPLIFICATION.



LOCA		See L	.008	don D	-	•		BORING NO. 7 DRILLING TYPE: CME-7 DRILLING TYPE: 7"HSA FIELD ENGINEER: G. Burr	3
MOISTURE CONTENT IS OF DRY WTJ	DRY DENSITY (LBS/CU FT)	SAMPLE TYPE	SAMPLE	BLOWS/FT.	DEPTH (FEET)	uscs	GRAPHIC	SOIL DESCRIPTION	
4.6	107	G R	XXX	26	-	SM		Silty SAND; brown, medium dense, slightly damp	
3.2	98	R	ÂX	32	5-			decreased moisture with depth Boring Stopped at 6 Feet	
R- CA- G-	STANI RING S CALIF GRAB BUCKI	SAM ORN SAN	PLE IA 1 APL	NOD E				NOTES: Groundwater Not Encountered	
Q			24	00 Hu	CHNO ntingto AZ 86	n Dri	ve	PROJECT: HEADSTART/MULTI-PURPOSE BLDS. PROJECT NO.: 2526JW115	PLATE
C				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				BORING LOG	

DATE LOCA	TION:	See L	oca	tion D				BORING NO. 8 EQUIPMENT TYPE: CME-7 DRILLING TYPE: 7"HSA FIELD ENGINEER: G. Burr	6
MOISTURE CONTENT (% OF DRY WT.)	DRY DENSITY (LBS/CU FT)	SAMPLE TYPE	SAMPLE	BLOWS/FT.	DEPTH (FEET)	nscs	GRAPHIC	SOIL DESCRIPTION	
4.1	106	G R	XXX XXX	35	-	SM		Silty SAND; brown, medium dense, slightly damp	
4.3	102	R	Î	29	5			Boring Stopped at 6 Feet	
					10-				
					-				
					15-				
					20-				
					25- -				
					-				
R- CA- G-	STAN RING CALIF GRAB BUCK	SAM ORN SAN	PLE IA I IPL	i Mod E					
		WES	24	RN TE	CHNO	n Dri	ve	C. PROJECT: HEADSTART/MULTI-PURPOSE BLDS. PROJECT NO.: 2526JW115	PLA
C	/		Flag	istaff,	AZ 86	004-8	934	BORING LOG	P3 - 1

T	TION:	-	Det		1 1			FIELD ENGINEER: G. Burr	
MOISTURE CONTENT (% OF DRY W1.)	DRY DENSITY (LBS/CU FT)	SAMPLE TYPE	SAMPLE	BLOWS/FT.	DEPTH (FEET)	nscs	GRAPHIC	SOIL DESCRIPTION	
4.6 3.5	98 105	G R R	XXX XXX	25 29	5-	SM		Silty SAND; brown, medium dense, slightly damp decreased moisture with depth	
			П					Boring Stopped at 6 Feet	
t- 1 CA- ( B- (	STANI RING S CALIFO GRAB	SAMI SAM	PLE A N IPLI	AODI E				NOTES: Groundwater Not Encountered	
2		WES	TEF	RN TE	CHNOL	n Driv	/8	PROJECT: HEADSTART/MULTI-PURPOSE BLDS. PROJECT NO.: 2526JW115	PLATE
-	7	F	-lag	staff,	AZ 860	04-8	934	BORING LOG	

THIS SUMMARY APPLIES OMLY AT THIS LOCATION AND AT THE TIME OF LOGGING. CONDITIONS MAY DIFFEER AT OTHER

THIS SUMMARY APPLIES ONLY AT THIS LOCATION AND AT THE TIME OF LOGGING. CONDITIONS MAY DIFFER AT OTHER

LOCA	DRILLI TION: ATION:	See L Not	008	tion D	be		r	BORING NO. 10 EQUIPMENT TYPE: CME-7 DRILLING TYPE: 7"HSA FIELD ENGINEER: G. Burr	
MOISTURE CONTENT (% OF DRY WT)	DRY DENSITY (LBS/CU FT)	SAMPLE TYPE	SAMPLE	BLOWS/FT.	DEPTH (FEET)	uscs	GRAPHIC	SOIL DESCRIPTION	
3.1	108	G R	XXX	33	-	SM		Silty SAND; brown, medium dense, slightly damp	
2.8	101	R	$\hat{\mathbf{x}}$	31	5-			Boring Stopped at 6 Feet	
	STAN								
R- CA- G-	RING S CALIF GRAB BUCKI	SAMI ORNI SAN	A N	NODI					DIAT
2			240	DO Hun	CHNOI ntingto AZ 860	n Drl	ve	PROJECT: HEADSTART/MULTI-PURPOSE BLDS. PROJECT NO.: 2526JW115	PLATI
5								BORING LOG	

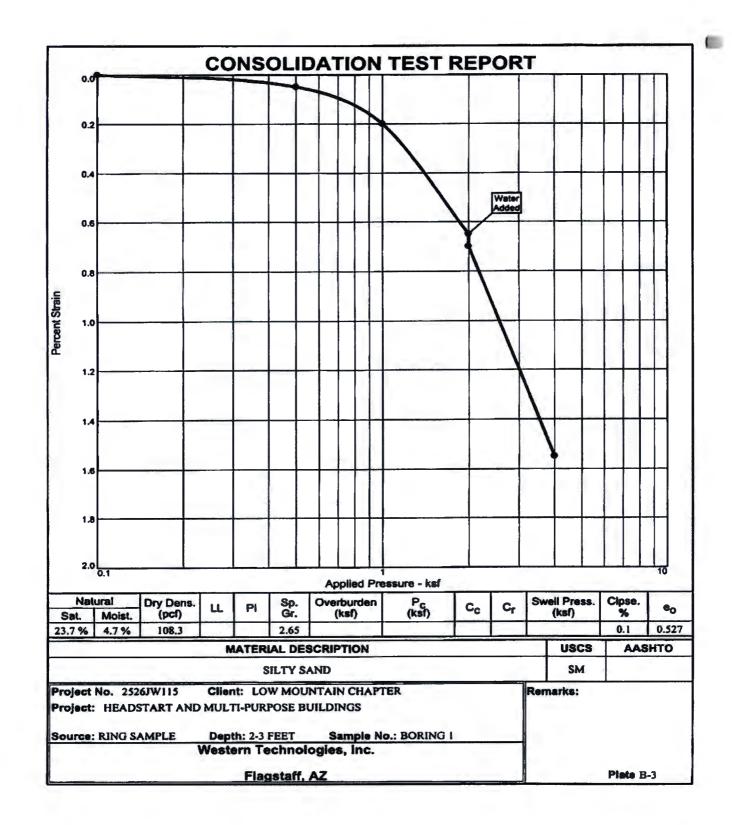
Boring	Depth	USCS				e Size Dis assing by					rberg nits	Ch	tory Compa aracteristic		
No.	(ft)	Class.	3"	**	#4	W10	#40	#200	2μ	u	PI	Dry Density (pcf)	Optimum Moisture (%)	Method	Remari
1	0-5	SM			100	99	84	23.3			NP				2
2	0-5	SM		100	98	97	78	23.8		17	1				2
4	11-15	SM			100	99	85	18.4			NP				2
5	0-5	SW-SM		100	99	96	62	11.0			NP				2
6	0-5	SM				100	89	17.4			NP	ß			2
1															
	NP = Non- u = micror	plastic ns (2u = 0.0	02mm)												
REMARKS Classificati L. Visual		cle Size / M	oisture-	Density (	Relation	ship									
L Laborato L Minus #2 L Test Met L Test Met	00 Only hod ASTM I hod ASTM I	D698/AASHT D1557/AASH Ily of Curves	TO T180												
	otechnice		Wes	tern				DIECT:	HEADST	TART AN	D MULTI	-PURPOSE B	UILDINGS	T	PLATE
Envir	onmental spections		Tec	hnol	ogie	s Inc.	JOB	NO.:	2526JW	/115					B-1

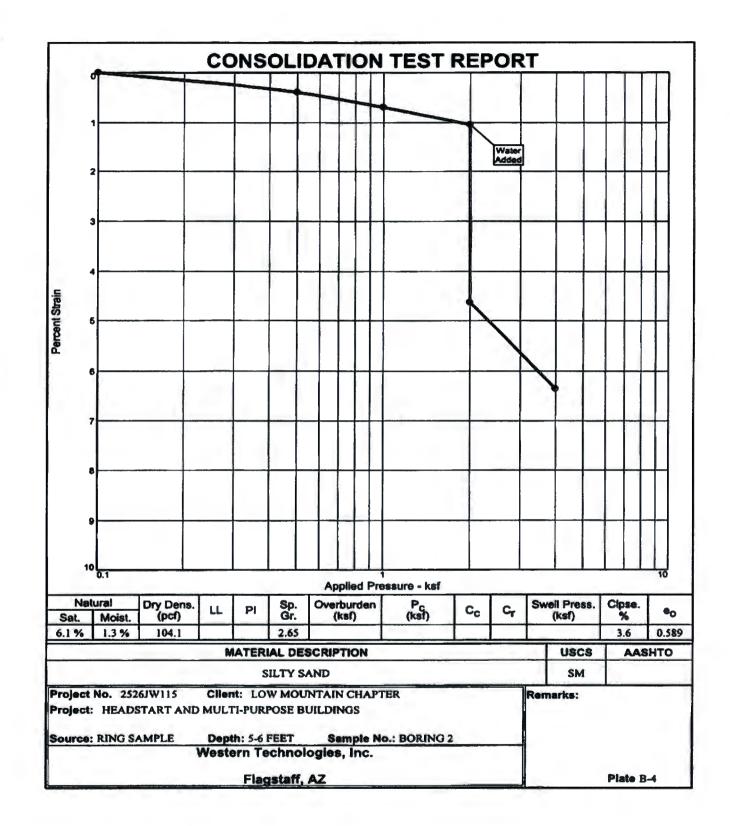
FLG-Soil Properties v2.1

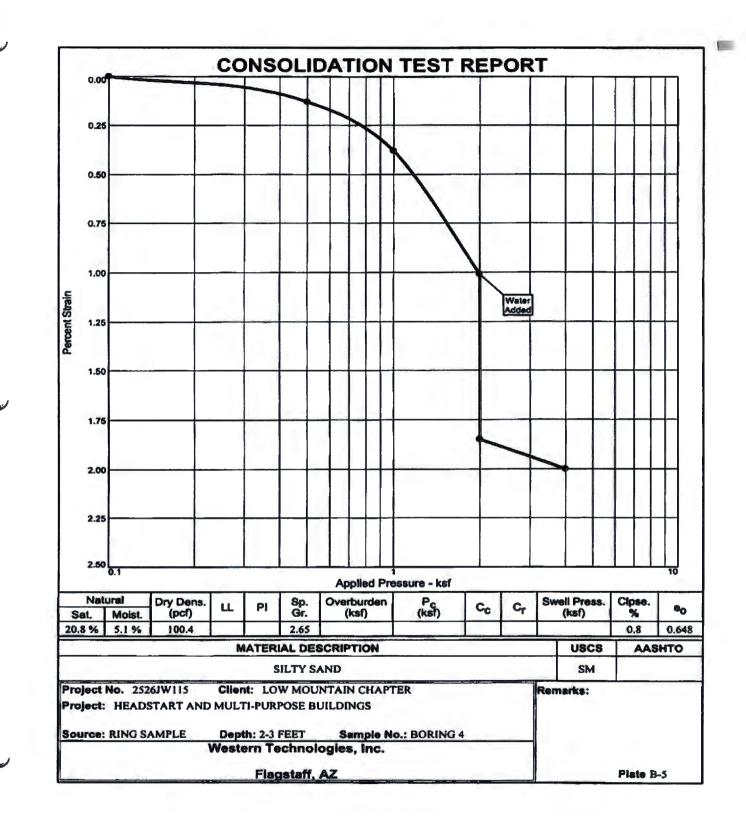
					Com	<b>Compression Properties</b>	roperties	Expansion	Expansion Properties	Plast	Plasticity		Ş	Soluble	
Boring No.	Depth (ft.)	USC Sast	Initial Drv	Water		Total C	Total Compression (%)					Percent			Remarks
			Density (pcf)	Content (%)	Surcharge (korf)	In-Situ	After Saturation	Surcharge (ksf)	Expansion (%)	3	PI	\$200	Salts (ppm)	Sulfate (ppm)	
-	0-5	WS	120.3	10.5				0.1	0				152	u	2
2	0-5	WS	120.3	10.5				0.1	0.2						1,2
4	11-15	WS	120.3	10.5				0.1	0						1,2
N.	0-5	WS-MS	120.3	10.5				0.1	0.1						1,2
ŵ	0-5	SM	120.3	10.5				0.1	o				127	45	1,2
Notes: Remarks	Initial Dry Densit NP = Non-Plastic	Density an Plastic	id Initial Wa	ater Conten	t are in-situ v	alues unk	Initial Dry Density and Initial Water Content are in-situ values unless otherwise noted. NP = Non-Plastic	ed.							
L. Compi 2. Subme 3. Slight (	acted densit erged to app rebound after e disturbance	Compacted density (approx. 95% of AS Submerged to approximate saturation. Slight rebound after saturation. Sample disturbance observed.	55% of ASTM Ituration. n.	0698 max. d	density at moistur Geolechnical Environmental	ture conte	Compacted density (approx. 95% of ASTM D698 max. density at molsture content slightly below optimum.) Submerged to approximate saturation. Slight rebound after saturation. Sample disturbance observed.	gies Inc.	PROJECT: JOB NO.:	HEADSTART / 2526JW115	TART ANI N115	HEADSTART AND MULTI-PURPOSE BUILDINGS 2526/W115	POSE BUILD	NGS	PLATE
		4			Materials		The Quality People Since 1955	ople		S	DIL PR	SOIL PROPERTIES	ES		8-2

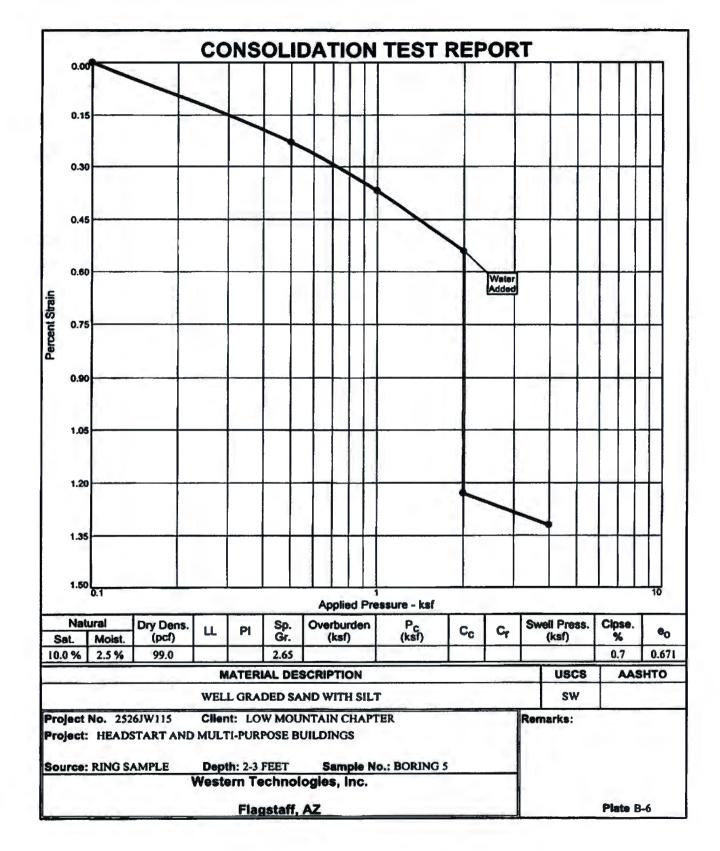
FLG-Soil Properties v2.3

wt-us.com

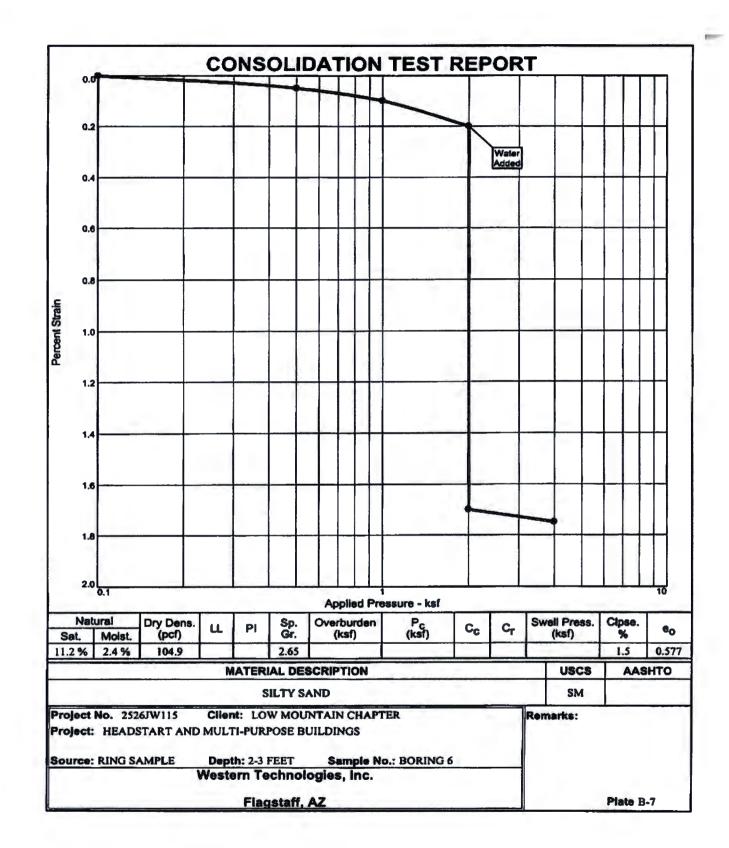








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## 5. LIST OF PREPARERS

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## 6. AGENCIES, ORGANIZATION, AND PERSONS TO RECEIVE ENVIRONMENTAL ASSESSMENT

This EA was prepared for the BIA Division of Environmental, Cultural and Safety Management, Navajo Regional Office, located in Gallup, New Mexico, and distributed to appropriate agencies.

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Low Mountain Chapter

- 34 -

October 2016

Appendix A-Low Mountain Chapter Resolution LMC-16-049

- A-1 -

October 2016

in:

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RESOLUTION OF THE LMC-26-04 LOW MOUNTAIN CHAPTER
REQUESTING AND APPROVING TO WITHDRAWAL OF FOUR (24) ACRES PLAT LAND WITHDRAWEL WITH THREE (3) ACRES WITHIN THE LOW MOUNTAIN CHAPTER TRACT, AND ONE (1) ACRE ADIACENT TO THE CHAPTER TRACT FOR A NEW HEADSTART BUILDING AND A MULTI-PURPOSE BUILDING, AND 20-ACRES FOR A RECREATION FIELD.
WHEREAS:
<ol> <li>The Low Mountain Chapter is a duly certified chapter of the Navajo Nation and as such ma preserve and promote community interests; AND,</li> </ol>
02. The Low Mountain Chapter requests to withdraw three acres (3) plat of within the Low Mountai Chapter tract, addition of one acre adjacent to the chapter tract, and 20-Acres for Recreatio Field; AND,
03. The Low Mountain Chapter proposes to construct a new Headstort Center Building and a Muli purpose Building for our young children, and a Recreation Field for our youth and community o Low Mountain; AND,
<u>NOW. THEREFORE BE IT RESOVLED THAT</u> : The Low Mountain Chapter hereby approves the Lar Withdrawal of three (3) acres land plat within the Low Mountain Chapter Tract, and one (1) Acre adjaces to the Chapter tract for a new Heedstart Building and a Multipurpose Building, and also 20-Acres Lar Plat for Recreation Field and further to utilize the Chapter Capital Funds to make payment for all require clearance services for the development.
C-E-R-T-I-F-I-C-A-T-I-O-N
We, hereby certify that the foregoing resolution was duty considered at a duty called Lo Mountain Chapter Meeting in Low Mountain, (Arizona), Navajo Nation, at which a quorum was prese and that same was approved by a vote of <u>23</u> in favor, <u>-</u> opposed, and <u>.</u> abstained on the <u></u> day of March, 2016.
Motioned By: <u>Elemy Gamaic</u> Seconded By: <u>Hancen Ahnstein</u>

Low Mountain Chapter

- A-2 -

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October 2016

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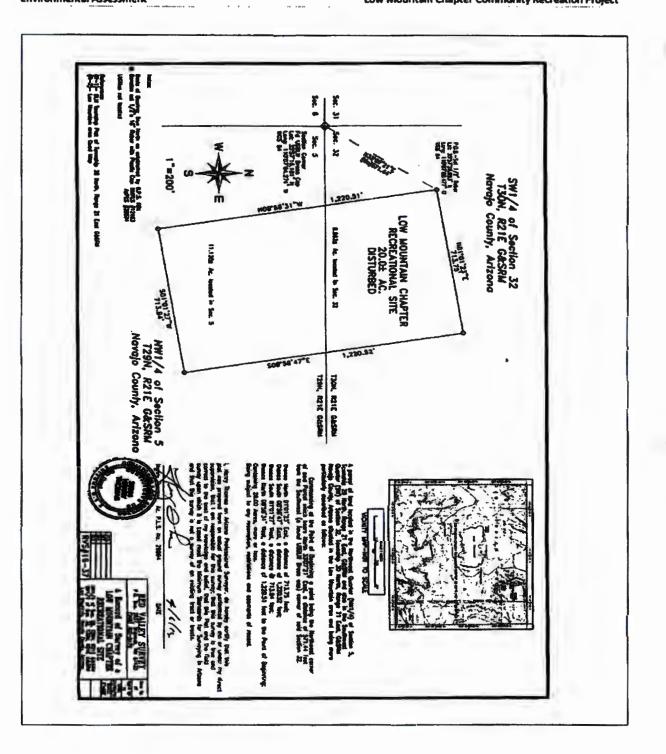
Appendix B—Legal Survey Plat

Low Mountain Chapter

- 8-1 -

October 2016

**Environmental Assessment** 



Low Mountain Chapter

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- 6-2 -

October 2016

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# **Red Dog Graveling** Partnership Project

2013-Project Plan

**Project Plan** Area Map **Pictures of Existing Road Conditions** Pictures of Roads Repaired with Red Dog Material Picture of Crushing Operation **Project Cost Sheet** 

1/14/2013

EXHIBIT C

## Red Dog Graveling Partnership Project 2013 Project Outlook

**Project Scope** 

## Introduction

The Navajo Nation in partnership with Peabody Western Coal Company (PWCC), the Bureau of Indian Affairs (BiA), Navajo Division of Transportation (DOT), Black Mesa Region Chapters, and Navajo County, referred to as the Red Dog Graveling Partnership Team, have partnered in the past to crush, haul and utilize gravel material from PWCC (commonly referred to as red dog gravel) on gravel roads in and adjacent to the Black Mesa area of the Navajo Nation. The Black Mesa Region Chapters include 10 Chapters: Kayenta Chapter, Pinon Chapter, Forest Lake Chapter, Black Mesa Chapter, Shonto Chapter, Low Mountain Chapter, Chilchinbeto Chapter, Whippoorwill Hardrock Chapter, and the Blue Gap/Tachee Chapter. The Red Dog Partnership Team would like to continue to utilize material from PWCC to maintain gravel roads in the area.

The maintenance of dirt roads in the Black Mesa Region requires that significant gravel material be added to create a more passable road surface. The red dog material is suitable for this purpose and PWCC has made available 250,000 cubic yards of material to be used for the purpose of maintaining gravel roads in the region. Utilizing 4 inches of material coverage on an average 20 foot-wide road, it is expected that the 250,000 cubic yards will cover approximately 125 miles for road improvements to be equally shared by the Chapters. During the 2011-2012 timeframe, the Red Dog Graveling Partnership has crushed and placed 65,000 tons of this gravel material.

The availability and utilization of the Red Dog gravel is a significant opportunity for the Black Mesa Region Chapters and for the Navajo Nation. In the past, material had to be "imported" to this region and the transportation cost has made the material cost of any road maintenance activity artificially prohibitive. This effort, to crush local material, represents a first step by the local chapters and the Navajo Nation to acquire local road material and utilize it locally.

PWCC acting in behalf of the Red Dog Partnership Team has received a utilization permit and a royalty waiver for a 5-year period, from the Navajo Nation

## EXHIBIT C

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(C)

Resource Committee that allows the use of red dog gravel material to be used on Navajo Nation roads and waives the royalty for the use of the red dog gravel material. The permit is granted with the understanding that the Red Dog Partnership team will crush and haul the material to the local chapters. The Resource Committee of the Navajo Nation Council issued this waiver in January of 2011. The waiver is valid for 250,000 cubic yards of red dog material and is valid for a five-year period.

#### **Project Partners**

The Red Dog Graveling Partnership includes the following members:

Peabody Western Coal Company Shonto Chapter, Kayenta Chapter, Hardrock Chapter, Forest Lake Chapter, Chilchinbeto Chapter, Black Mesa Chapter, Whippoorwill Chapter, Pinon Chapter, Low Mountain Chapter, and Tachee/Blue Gap Chapter Area School Districts Navajo Department of Transportation (NDOT) Bureau of Indian Affairs (BIA) Navajo County Transportation and Community Development Committee (TCDC) Leadership

#### Purpose and Need

The majority of the roads in the Black Mesa Region are unpaved dirt roads. The road material to repair and maintain these roads are normally imported from long distances, typically in excess of 60 miles. The haul cost for the gravel material normally is two or three times the material cost itself. The dirt roads are in need of extensive maintenance and require considerable quantities of gravel material. The utilization of local materials, like red dog gravel, will help utilize the available funding in a more effective manner and allow more miles of road to be made passable roads in inclement weather.

#### **Proposed Action**

The Red Dog Partnership team, led by Navajo DOT, will manage the crush and haul operations for the Red Dog Partnership Team. Initially the crush operation will be contracted out, but Navajo DOT and Navajo County have agreed to partner on purchasing a crusher to support the Red Dog crushing as well as

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crushing gravel material at other sites. The haul operations will be undertaken in cooperation with BIA, the local chapters, the local schools, Navajo DOT and Navajo County. The team goal is to distribute 50,000 cubic yards of material to the 10 Chapters in the Black Mesa Region every year for the next five years. The local chapter, working with the school districts, will select the road priorities. The material will be hauled and placed on road sections prioritized by the chapters. The local Chapter will coordinate the work and partner with Navajo DOT, BIA, and Navajo County to place the material on the roads in most need of repair.

#### Project Cost

The cost to crush is estimated at \$9.10 per cubic yard. The haul cost varies by distance and averages \$17 per cubic yard. The cost to crush and haul 50,000 cubic yards of material the first year and cost to haul the 250,000 cubic yard granted by the 5-year permit are shown below.

	Cubic Yards	Crush Cost	Haul Cost	Total
1 <sup>st</sup> year	50,000 cu yds	\$455,000	\$850,159	\$1,305,159
5 year Project	250,000 cu yds	\$2,275,000	\$4,250,794	\$6,525,794

The Red Dog Gravel Partnershlp Team is a true partnership where all partners share In the work and expense of the project. Chapters assist with operators, equipment, and funding. Schools assist with operators, equipment, and overnight accommodations. BIA provides operators and equipment for hauling and placement of material. Navajo DOT acts as the project manager and provides significant funding, as well as operators and equipment for all phases of the project. Navajo County provides significant funding, as well as operators and equipment for all phases of the project.

#### Summary

The Red Dog Partnership team has been working for the last 24 months and has crushed, hauled and placed 50,000 cubic yards from a previous authorization of the Resource Committee of the Navajo Nation Council. The impact on local roads has been significant. Significant improvements have been made to school bus routes and arterial roads that link the communities of the Navajo Nation. The Partnership Team would like to accelerate the effort and continue to utilize local road material on long-term basis. Your support to help fund this activity would insure its continued success.

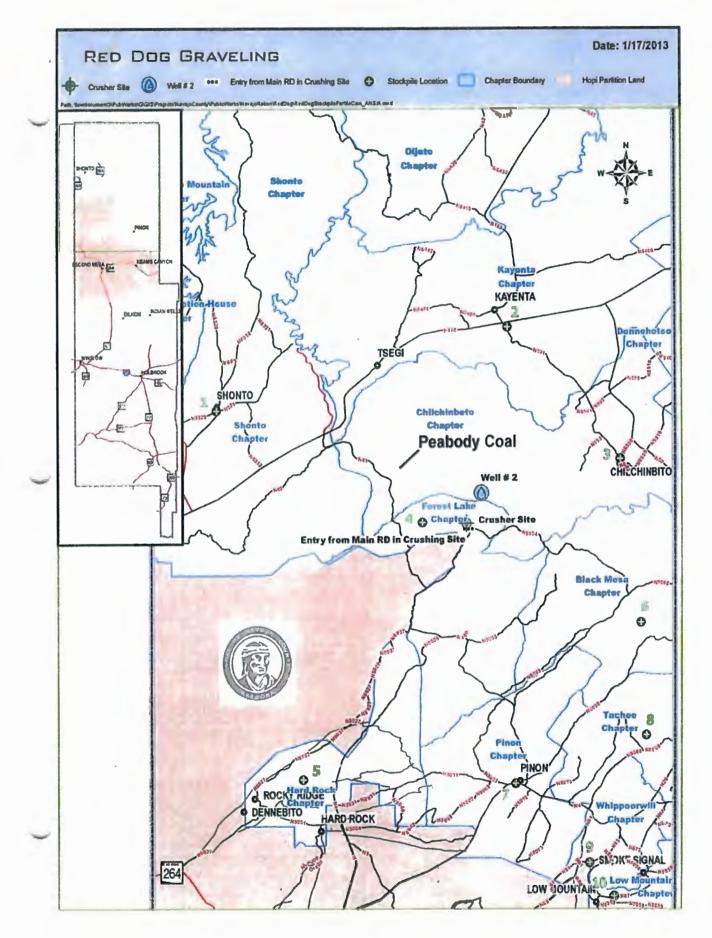


EXHIBIT C

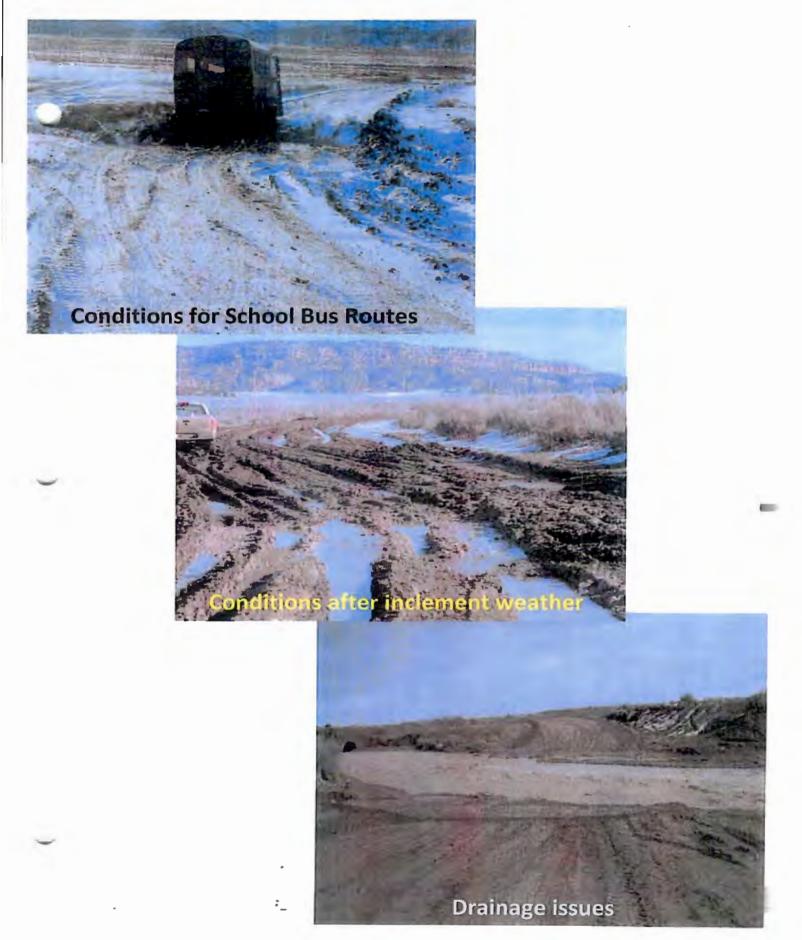


EXHIBIT C

#### SITE DEVELOPMENT - ANTELOPE TRAIL (JADI)

The Land Suitability and the Infrastructure Analyses support the viability of the potential development and substantiates the Antelope Trail Development site. This development site is approximately 7 miles east/ southeast of the Low Mountain Chapter house on NR 8059. NR 8059 is the main access road to this area of Low Mountain community.

There are no existing structure or improvements on the 20-acre site. The site is open grazing area that is bordered by a hilly knoll on the South side and a ravine on the West side that is about 50 yards away from the site. The ravine does not present any concerns to the development site.

There is a dirt road that runs along the West border of the site. The site is also adjacent to the NR 8059 dirt road that travels east along the northern border of the site. The road is maintained y Apache County as the road is used as a bus ride.

There is an electrical powerlines located approximately 200 yards to the east of the site. There is no domestic water developed in the immediate area. Although, there is the community system north of the site less than 400 yards away. There is no wastewater system or gas line in the area. The electric utility and water infrastructure are in close proximity. The wastewater lagoon system will need to be developed.

Contamination: There has not been any type of development in the past that may have left any chemical contamination in the immediate vicinity of the site, thus the issue of contamination in non-existent.

Environmental Assessment: The Cultural Resource Survey has not been done in compliance with the Navajo Nation and the BIA requirements for the site and vicinity. However, an initial Biological Survey has been performed of the site, primarily to identify he vegetation and wild life. The data collected through the Biological Survey can be referenced when the Cultural Resource and other clearance surveys being performed.

A primary objective of the Biological Survey is to determine if there are any vegetation or wild life that are Species of Concern considering the dictates of the Federal Endangered Species Act (ESA). There are no findings at the site that would qualify for consideration under the ESA, however, this Cultural Resource Survey and other relevant surveys need to be performed. These would include securing the Finding of No Significant Impact (FONSI) statement. The Cultural Resource Survey, as well as completing the land withdrawal process for the 20 acres through the Navajo Nation Land Withdrawal Designation system.

#### **Description of Land Use Site Plan**

Housing Subdivision: The planned housing subdivision for the site is on approximately 7 acres in the southern sector of the 20-acre development site. There are 10 housing unit lots that are planned. The lots are all approximately .50

Park Area: There is a 3-acre lot reserved to the immediate north of the housing area intended to provide for the recreational needs of the children and all residents. A playground area will include all manner of playground equipment and other elements of recreation such as basketball courts, horseshoe tossing

pits etc. complete with gazebos, bar-be-que grills and the tables is planned. There will also be veranda (shade house) for meetings and other family functions.

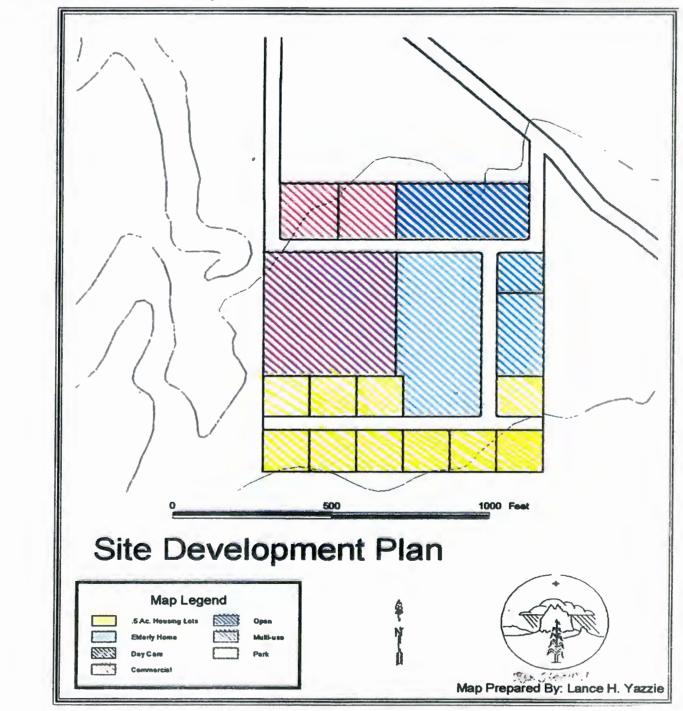
Multi-use Area: There are 5 acres in the development site provided for a community multi-use area that could include a multi-purpose facility. The multi-purpose center could house a variety of recreation facilities and athletic equipment. The center could also have meeting rooms and other space for community functions. The acreage reserved for the multi-use area is sufficient for the development of other community facilities and uses including an elderly Group Home and Child Day Care.

Commercial: The lots reserved for commercial purpose total approximately 5 acres. The community leadership does not intend that the lots would be host to singular commercial activities, rather that the lots would be subdivided into smaller units to accommodate several different businesses. The community wish to host the development of convenience store/gas station business enterprises, as well as other business development possibilities including a laundromat. The area identified would provide excellent locations for businesses as they are along the NR 8059 frontage.

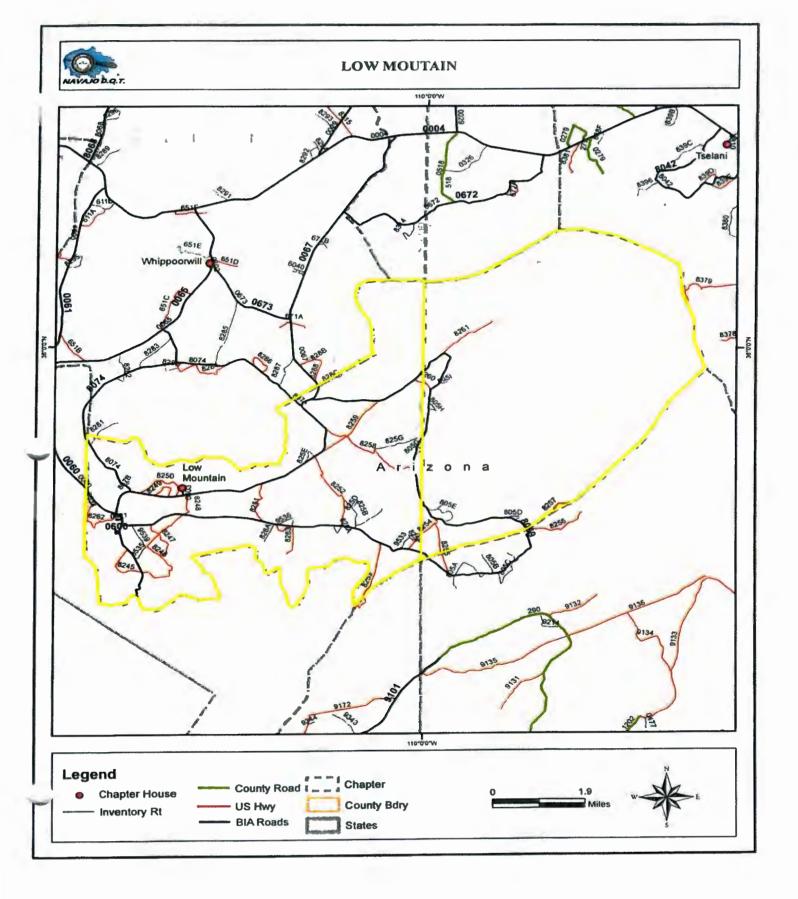
Streets: In addition to the various components of the Chapter Land Use Plan, there are also basic elements of the streets, sidewalks, landscaping and access to the different parts of the development area.

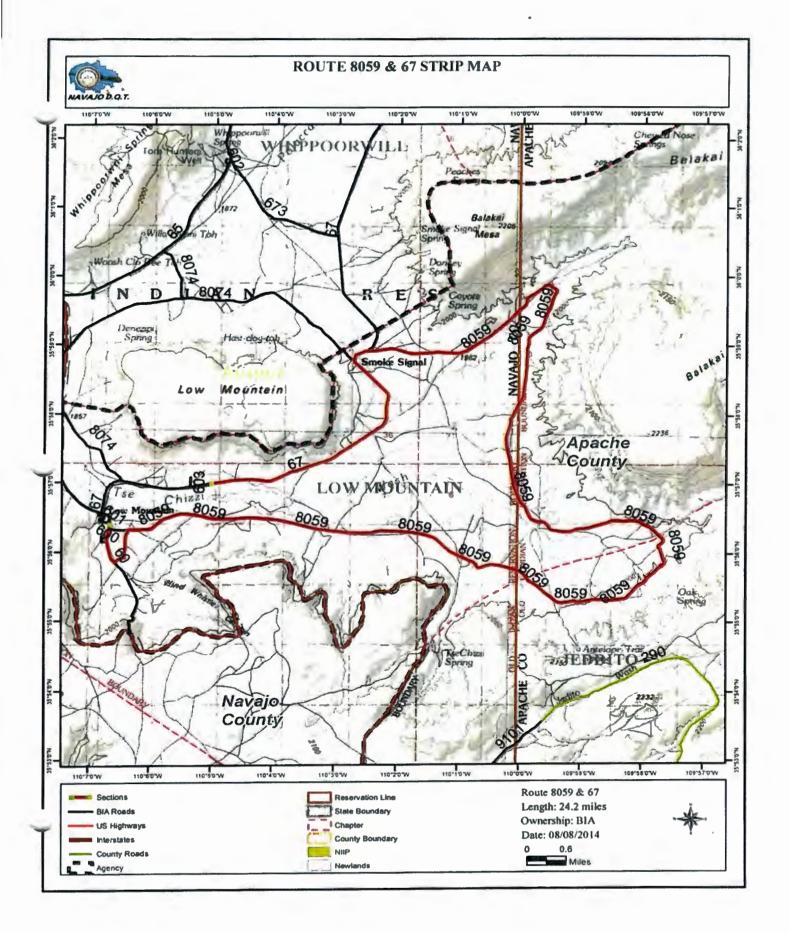
The 20-acre site proposed for a housing subdivision and the different components of community and economic development is on a good site. With the intension of bringing all necessary utility infrastructure systems to the site and with the aggressive advocacy for development by the community leadership, couple with support from the Navajo Nation, the Indian Health Services and the Bureau of Indian Affairs, the Low Mountain community can experience the positive attributes of development.





Community Based Land Use Plan Low Mountain Chapter, Navajo Nation





# Low Mountain CLUP Survey.2016

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GPS:	
Background Information:	
Do you know what CLUPC is from LM Chapter?	*
Are you a registered with Low Mountain Chapter?	
Do you attend monthly Chapter meetings? Why not?	
How many years have you lived in LM? Married Single Divorced	
How many family members reside in your home?         Age group:       Head of household         1)       0-6       5)         2)       7-17       6)         3)       18-24       7)         4)       25-34       8)         65       or older	Gender: Male Female
4) 25-34       8) 65 or older         Which of the following categories best describes you         1) Less than \$10,000         2) 10-15,000         3) 16-25,000         4) 26-35,000         5) 36-45,000         6) 46-55,000         7) 56-76,000         8) over 65,000         1) Dropped out/did not finish HS         2) HS Graduate         3) Vocational Graduate         4) College Graduate	General Assistance TANFEmployment: Child Support SSI VA Food Stamps SSB Nukebronset = Reilroof Rebronset = Name of School:
4) College Graduate Some College Are you a veteran? What Branch? Are you Disabled?	ActiveNon-Active

## Type of Home:

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Homesite Lea	se No		
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vne of Heating		king source	
ype of Heating eptic Tank? Yes No_	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
an da man dianana ana da	-10		
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/hat is your water source?	Natural springs w	eils Winda	ills
	Earthen dames	NTUA	
ivestock/Land Informa	ation;		
o you have livestock?			
Sheep Horses Ca	attie Gosts	Но	rse Corral
Others	Uum	Sh	ep Corral
Others	it? Per	mit No	op 001101
you have a comfield?	Garden?		
hat water is available with	in your area? N	latural springs wells	1
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hat do you think our comm	nunity primary needs	is/are?	
Community Cemetery?			
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Location preferred?			
Location preferred?			
Location preferred? NHA Housing? Clustered		Public Rental	
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Location preferred? NHA Housing? Clustered Clan Hou Scattered Locations preferred? Lagoon? Yes No	sing homes Lagoon location Waterline? Powerline?	Public Rental Veteran Housing Home ownership	

**EXHIBIT E** 

### LAND WITHDRAWAL DESIGNATION PROCEDURE consistent with Resolution No. RDCJN-33-15

## I. Chapter or Proposed Land Withdrawal Designation Holder Responsibilities

A. Draft proposed Chapter Resolution of Support (Resolution) for the land withdrawal designation.

- 1. Make sure a land withdrawal designation is necessary and not some other type of land use. Seek Project Review's assistance for clarification.
- If it is determined that a land withdrawal designation is necessary, prepare a resolution consistent with the language identified in Section 7 (b) of the Land Withdrawal Designation Regulations found in the Resources and Development Committees Resolution No. RDCJN-33-15.
- 3. Attach a legal survey or GPS description as an Exhibit to the proposed Chapter Resolution showing the exact location and acreage of the proposed land withdrawal designation.
- 4. Attach the letter, as an Exhibit to the proposed Chapter Resolution, from the Grazing Official identifying the appropriate valid permit holders (land use or grazing).
- B. After the proposed Chapter Resolution is approved and finalized, the Designation Holder will compile a land withdrawal designation package consisting of the following documents:
  - 1. A letter of application or cover letter
  - 2. A proposal for the planned use of the land; and
  - 3. A legal survey or GPS land description indicating the location and acreages of land.
  - 4. The approved signed Support Chapter Resolution
- C. The Designation Holder will hand-carry or mail the land withdrawal designation package to:

Division of Natural Resources Navajo Land Department – Project Review Section Post Office Box 2249 Window Rock, Arizona 86515 (928) 871-6447

D. If the Designation Holder is not the Navajo Nation Government, after the Director of the Navajo Land Department (NLD) approves the land

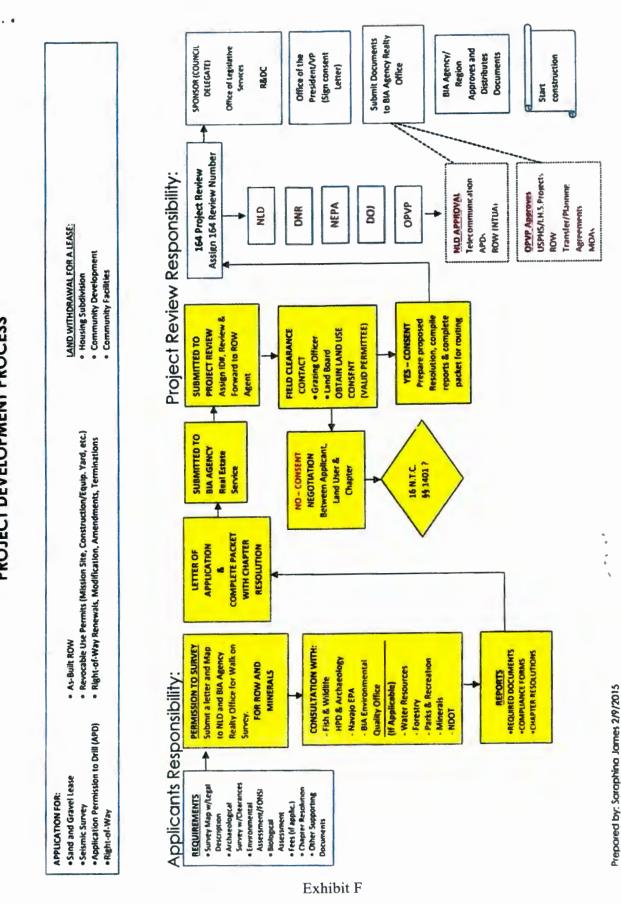
withdrawal designation, the proposed Designation Holder must then begin the leasing process pursuant to the Navajo Leasing Act, Business Site Leasing Regulations, or General Leasing Regulations prior to any development, disturbance, use, or occupancy of the land.

NOTE: Division of Economic Development, Business Regulatory Office handles all Business Site Lease applications.

## II. Project Review Section Responsibilities

- A. Log in proposed land withdrawal designation package and assign project identification number.
- B. Request Field Clearance services for the proposed designation project area to the Project Review Section Right-of-Way Agents.
- C. After field clearances are obtained, Project Review Section will submit the land withdrawal designation package to the Director of the Navajo Land Department for his/her approval.
- D. If all requirements are met, the Director of NLD will approve the Land Withdrawal Designation.
- E. NLD will subsequently record the Land Withdrawal Designation on the Navajo land title recording system.

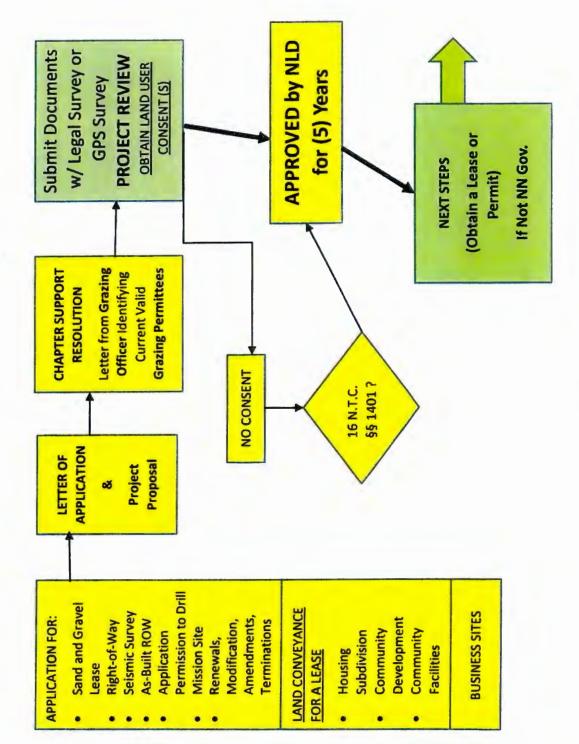
PROJECT DEVELOPMENT PROCESS



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#### RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE OF THE 23RD NAVAJO NATION COUNCIL --- FIRST YEAR, 2015

#### AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; DELEGATING AUTHORITY TO THE DIRECTOR OF THE MAVAJO LAND DEPARTMENT TO APPROVE LAND WITHDRAMALS ON THE MAVAJO MATION; AND APPROVING THE ADMINISTRATIVE RULES AND REGULATIONS FOR LAND WITHDRAMALS

BE IT ENACTED:

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Section One. Findings

- A. Pursuant to 2 N.N.C. \$502(B)(2), the Resources and Development Committee is authorized to give final approval of all land withdrawals; and
- B. Pursuant to 2 N.N.C. \$501(B)(3), the Resources and Development Committee is authorized to delegate its powers to appropriate divisions of the Navajo Nation for efficiency and streamlining of government processes provided the Committee first grants final approval of rules and regulations governing such delegations and rescission of such delegations; and
- C. The current system of processing land withdrawals is confusing, time consuming, and inconsistent. It has resulted in delay and loss of development on the Navajo Nation; and
- D. Therefore, there is a need to delegate the authority to approve land withdrawals to the Director of the Navajo Land Department to streamline the land withdrawal process; and
- E. The process of reviewing documents associated with land withdrawals is an administrative task that can be performed by the Director of the Navajo Land Department; and
- F. The Resources and Development Committee finds it is in the best interest of the Navajo Nation to approve the delegation of authority.

Section Two. Delegation to the Director of the Navajo Land Department to Process Land Withdrawals and Approval of the Administrative Rules and Regulations for Land Withdrawals

- A. The Resources Committee of the Navajo Nation Council hereby approves the delegation of authority to the director of the Navajo Land Department, Division of Natural Resources, to approve Land Withdrawals on the Navajo Nation.
- B. The Navajo Nation hereby approves the Administrative Rules and Regulations, attached hereto as Exhibit "A".

#### CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 0 abstain this 16<sup>th</sup> day of June, 2015.

Benjamin Bennett, Vice-Chairperson Resources and Development Committee

Motion:Honorable Benjamin BennettSecond:Honorable Davis FilfredVote :3-0 (Vice Chair not voting)



### LAND WITHDRAWAL DESIGNATION REGULATIONS

### §1. Purpose.

The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on the land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal Designation is to designate an area of land for future development by,

- a. Ensuring that the rights of grazing permittees, who are in compliance with their grazing permits, are properly addressed as applicable and as required under 16 N.N.C. §§ 1401 *at seq.* and to prevent any subsequent claims to the land; and
- b. Ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land.

### § 2. Scope.

These regulations apply to all Land Withdrawal Designations on the Navajo Nation.

#### §3. Delegation

- a. The Resources and Development Committee hereby delegates to the Director of the Navajo Land Department the power and authority to give final approval of all Land Withdrawal Designations on the Navajo Nation. The Director may sub-delegate this authority to a person under the Director's supervision, but this delegation of authority shall not be re-delegated to any other Department or Division within the Nation without the consent and approval of the Resources and Development Committee of the Navajo Nation Council.
- b. Resources and Development Committee hereby delegates authority to the Navajo Land Department to administer and manage Land Withdrawal Designations on the Navajo Nation, with the express power to adopt rules to further implement these regulations.

#### §4. Definitions.

- a. Community Development: Community Development encompasses infrastructure, economic development projects, installation of public facilities, community centers, housing, public services, businesses, schools, hospitals, government offices, and other similar projects.
- b. Designation Holder: Any person or entity who has obtained a Land Withdrawal Designation.
- c. Industrial Development: Economic activity concerned with the manufacture, and processing of materials or construction.
- d. Land Withdrawal Designation: A formal action used to designate and reserve a parcel of land for:
  - i. Community Development
  - ii. Industrial Development

- e. The Navajo Nation Business Site Leasing Regulations of 2005 (Business Site Leasing Regulations): Navajo Nation regulations that make business site leases mandatory for all businesses operating on the Navajo Nation.
- f. The Navajo Nation General Leasing Regulations of 2013 (General Leasing Regulations): Navajo Nation regulations that apply to all leases and permits for the use or possession of Navajo Nation trust land, with the exception of business and mineral leases.
- g. The Navajo Nation Government: The Navajo Nation Government is comprised of the legislative, executive, and judicial branches, as well as political subdivisions. For the purpose of land use, ownership, and these regulations, enterprises, businesses, housing authorities, or other entities created or owned by the Navajo Nation are not entities of the Navajo Nation Government.
- h. The Navajo Nation Trust Land Leasing Act of 2000 (Navajo Leasing Act, 25 U.S.C. \$415(e)): A federal law that regulates the leasing of Navajo Nation lands. It allows the Nation to lease certain lands without Secretarial approval.
- Xi. Resolution of Support: A Resolution of Support is a resolution passed by an affected Chapter stating that they are in support of a particular entity or business locating within their chapter on withdrawn land.

### § 5. Use and Occupation of Navajo Nation Land.

A Land Withdrawal Designation does not authorize an entity outside the Navajo Nation Government to use, occupy, or disturb Navajo Nation land. The Navajo Leasing Act, Business Site Leasing Regulations, and General Leasing Regulations apply to all land use on the Navajo Nation. A lease is always required if the land is being developed by any entity outside the Navajo Nation Government.

## § 6. Land Withdrawal Designations for Navajo Nation Government.

The Navajo Leasing Act, Business Site Leasing Regulations, and General Leasing Regulations do not apply to the Navajo Nation Government. The Navajo Nation Government may develop on land designated by a Land Withdrawal Designation without a lease for government purposes only.

## § 7. Procedure to Acquire a Land Withdrawal.

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- s. Every individual, chapter, or entity desiring a Land Withdrawal Designation on the Navajo Nation shall submit an Application for Land Withdrawal to the Navajo Land Department (NLD). The Application shall be accompanied by the following supporting documents:
  - i. A letter of application or cover letter;
  - ii. A proposal for the planned use of the land; and
  - iii. A legal survey or GPS land description indicating the location.
- b. An entity requesting a Land Withdrawal Designation shall then submit their proposal to the Chapter to obtain a Resolution of Support.
  - i. All Chapter Resolutions should contain standard language approving a Land Withdrawal for either community development or industrial development.
  - ii. Resolutions of Support for community development Land Withdrawal Designations shall contain the following language: "The \_\_\_\_\_ Chapter hereby supports and recognizes this land withdrawal for community development, which may include, but is not limited to, the following purposes: housing, education, economic development, healthcare facilities, public use, or governmental use. Industrial development is not supported for this area." To change the use, Chapter approval must be obtained.

- iii. Resolutions of Support for industrial development Land Withdrawal Designations shall contain the following language: "The \_\_\_\_\_ Chapter hereby supports and recognizes this Land Withdrawal Designation for the sole purpose of industrial development. Industrial development shall be considered the economic activity concerned with the manufacture, and processing of materials or construction." To change the use, Chapter approval must be obtained.
- iv. Once the Chapter Resolution of Support is passed by the affected Chapter, return the signed Resolution of Support to the NLD.
- c. The NLD will acquire the necessary consent from all grazing permittees holding a valid grazing permit with an interest in the land as applicable and required under 16 N.N.C. sections 1402 *et say.* Consent will include infrastructure that supports the development and no additional consents are necessary.
- d. In the event the grazing permittees will not consent, but the proposed project is in the best interest of the community and the Navajo Nation, the appropriate authorities may undertake eminent domain as allowed pursuant to 16 N.N.C. §§ 1401-1403.
- e. Approval from NLD.

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- . i. If all requirements are met, the NLD will approve the Land Withdrawal Designation. NLD will subsequently record the Land Withdrawal Designation on the Navajo land title recording system.
- ii. The NLD will not approve and record a Land Withdrawal Designation until all required documents are provided for review.
- f. If the Designation Holder is not the Navajo Nation Government, they must then begin the leasing process pursuant to The Navajo Leasing Act, Business Site Leasing Regulations, or General Leasing Regulations prior to any development, disturbance, use, or occupation of the land.

#### § 8. Change in purpose.

- a. If the Designation Holder changes the purpose of the Land Withdrawal Designation, they must go back to the affected Chapter to obtain a new Resolution of Support.
- b. If a Chapter, as Designation Holder, wishes to permit an outside entity use of a portion of or the entire Land Withdrawal Designation, the Chapter must relinquish

the Land Withdrawal Designation and the outside entity must apply for their own Land Withdrawal Designation in their name for their specific purpose.

## § 9. Duration and Renewal.

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- a. All Land Withdrawals shall be issued for a term of no more than five (5) years, with the possibility of extension of the term every five years thereafter, so long as the Designation Holder is not in violation of any provision set forth in these Regulations. The term shall be determined by NLD on a case-by-case basis.
- b. If the Designation Holder wishes to extend the Land Withdrawal Designation, the Designation Holder shall give written notice to NLD ninety (90) days prior to expiration of the original term. Renewal of the Land Withdrawal Designation will be at the sole discretion of NLD.
- c. A Land Withdrawal Designation will be terminated if any provision set forth in these Regulations is violated by a Designation Holder.
- d. A Land Withdrawal will be removed from the Navajo Nation land title recording system and open to other applicants for Land Withdrawal Designation or other land use at the expiration of the term or if the Land Withdrawal Designation is terminated for any reason. In the case of a Land Withdrawal Designation for a portion of a pre-existing Chapter land withdrawal, the area will revert back to the Chapter withdrawal status prior to the Land Withdrawal Designation.

#### § 10. Environmental Review Process.

- a. No environmental review is required for Land Withdrawal Designations issued to the non-Navajo Nation Giovernment entities; however, when the entity obtains a lease, the General Leasing Regulations require environmental review.
- b. Since the Navajo Nation Government is not required to obtain a lease prior to development on the land, when the Navajo Nation Government obtains a Land Withdrawal Designation for Navajo Nation Governmental use, an environmental review must be completed.
- c. In the event that a Land Withdrawal Designation was done by the Navajo Nation Government, but the Navajo Nation Government relinquished the Land Withdrawal Designation for use by another non-Navajo Nation Governmental entity, the new Designation Holder must still undergo environmental review when a lease is obtained. Each program conducting in environmental review will determine if the use is

consistent with the former environmental review and will determine whether further analysis needs to be conducted.

## § 11. Oversight and Enforcement.

- a. Every department within the Navajo Nation Government that is responsible for such oversight shall work to ensure that all Land Withdrawal Designations are in compliance with these Regulations and other applicable Navajo Nation law.
- b. The Navajo Nation shall have the authority to enforce the provisions set forth in these Regulations in accordance with applicable Navajo Nation and federal law.

### § 12. Penaltics.

a. If a Designation Holder develops or otherwise disturbs the land without first having a valid lease, the Designation Holder is subject to trespass, and a penalty will be assessed by the NLD. 16 N.N.C. § 2251 and 2252.

### § 13. Transfer of Land Withdrawal Designations.

The NLD will approve transfers of Land Withdrawal Designations if the following conditions are met:

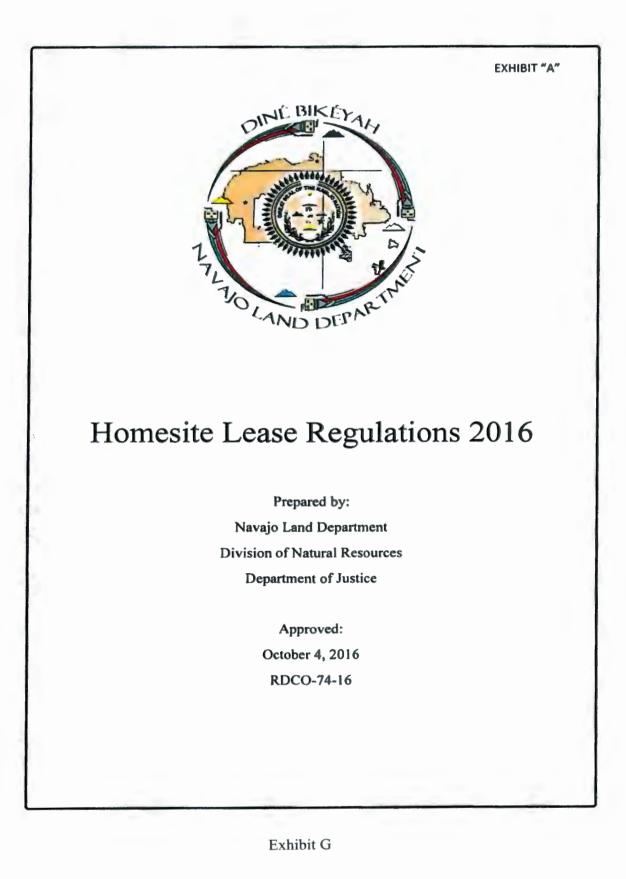
- a. Consent from the original Designation Holder has been acquired.
- b. The original Designation Holder or the transferee are not in violation of the Land Withdrawal Designation;
- c. No development or disturbance has taken place on the land in question;
- d. The purpose of the new Designation Holder is in accordance with the Resolution of Support, or a new Resolution of Support has been obtained;
- e. The transferee agrees to be bound by the terms of the Land Withdrawal Designation; and
- f. The NLD finds no compelling reason to withhold approval.

## §14. Review and Amendments.

The scope and administration of this delegation of authority to the Director of the Navajo Land Department and Administrative Regulations may be amended or rescinded by the Resources and Development Committee of the Navajo Nation Council.

6/16/2015 (3)

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RDCO-74-16

#### RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE Of the 23rd Navajo Nation Council---Second Year 2016

#### AN ACTION

#### RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE AMENDMENTS TO THE WAVAJO NATION HOMESITE LEASE REGULATIONS

#### BE IT ENACTED:

#### Section One. Windings

A. The Resources and Development Committee of the Navajo Nation Council is empowered to approve procedures for issuing homesite leases pursuant to 2 N.N.C. Sections 501(B)(1) and to delegate the authority to issue homesite leases pursuant to 501 (B)(3); and

B. Pursuant to RDC-289-93 (Exhibit F), the Resources Committee of the Navajo Nation Council delegated its authority to approve, issue, amend, assign, relinquish, and execute homesite leases to the Navajo Land Department in accordance with procedures adopted by the Resources Committee; and

C. The Division of Natural Resources Navajo Land Department is proposing amendments to the Homesite Leases Policy and Procedures approved by RCD-289-93, attached as Exhibit "F." The recommended Homesite Lease Regulations are attached hereto and incorporated herein as Exhibit "A"; and

D. With the assistance of Navajo Nation Divisions, Grazing Officials, Chapter Officials, Chapter administration employees; Land Boards, Farms Boards, and BIA Real Estate Services representatives, the Homesite Section of the Navajo Land Department conducted public hearings from August 2007 to date to obtain comments and recommendations on the revisions of the Homesite Lease Regulations. Navajo Land Department conducted many education/public hearings and meetings, provided news media releases and publications. Examples of these activities are attached hereto and marked as Exhibit "B"; and

E. The proposed amended Homesite Lease Regulations will benefit qualified applicants who are seeking housing assistance and/or utility infrastructure assistance through various Navajo Nation Divisions, Enterprises, and State and Federal programs. Individuals obtaining a homesite lease include but are not limited to Navajo citizens with tribal census numbers and home buyers seeking home loan financing; and

F. The Navajo Land Department recommends the establishment of a proprietary fund account to be administered by the Navajo Land Department Homesite Section for the purpose of defraying the costs of administering the Homesite Land Offices, recording of homesite leases in the Navajo Land Title Data Systems, providing public education outreach programs, and enforcement of the Homesite Lease Regulations. By supplementing proposed proprietary fund account monies with annual fiscal year allocations, the Navajo Nation can better provide homesite lease related services to the Navajo People; and

G. The Navajo Land Department recommends the approval of the Homesite Lease Application Fee Schedule which includes: an increase of the standard homesite application, assignment, amendment, and termination fees to \$30.00; the resurvey fee increase to \$350.00; and an annual rental fee of \$12.00 for the term of the homesite lease. The Fee Schedule is attached on page 23 in Exhibit "A"; and

H. The Navajo Land Department recommends the approval of the Homesite Lease Penalties and Fines Fee Schedule attached at page 23 of Exhibit "A." Fines and Penalties would be assessed for situations such as illegal parking of trailer or mobile home, storage sheds and corrals without a lease or permit to improve, and illegal burial; and

I. The Navajo Land Department recommends creating five (5) new Compliance Officer positions to the Navajo Land Department Fiscal Year Budget Appropriation and increased operation costs to enforce the Homesite Lease Regulations within the five agency Navajo Land Offices; and

J. It is necessary to amend the standard forms that will be used in applying for a homesite lease on the Navajo Nation Trust Land and Fee Land. The amended forms are consistent with the proposed amendments to the Homesite Lease Regulations, which will include amendments of Homesite Application FORM 1; Field Clearance Certification FORM 2; and consent FORM 3 for Navajo Trust / Fee Land. These forms are attached hereto and marked respectively as Exhibits "C," "D," and "E"; and

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K. It is in the best interest of qualified applicants seeking a homesite lease on Navajo Trust or Fee Land that the Resources and Development Committee of the Navajo Nation Council approve the recommended amended Homesite Lease Regulations, attached hereto as Exhibit "A."

#### Section Two. Approvals

A. Resources and Development Committee of the Navajo Nation Council hereby approves the Homesite Lease Regulations, attached hereto as Exhibit "A," which shall supersede Homesite Lease Policy and Procedures approved by RCD-289-93; and

B. The Resources and Development Committee of the Navajo Nation Council approves the amended standard homesite lease application forms which include Homesite Application FORM 1; Field Clearance Certification FORM 2; and Consent FORM 3 for Navajo Trust and Fee Land. These forms are attached hereto as Exhibits "C," "D," and "E"; and

C. The Resources and Development Committee of the Navajo Nation Council approves the Homesite Lease Regulations Application Fee schedule, attached at page 23 of Exhibit "A"; and

D. The Resources and Development Committee of the Navajo Nation Council approves the Homesite Lease Penalties and Fines Fee Schedule, attached at page 23 of Exhibit "A"; and

E. The Resources and Development Committee of the Navajo Nation Council recommends the establishment of the Navajo Land Department proprietary fund account to be administered by the Navajo Land Department Homesite Section, for the purpose of defraying the costs of administering the Homesite Land Offices and providing public education/awareness, upgrades of survey equipment/software, processing of homesite lease applications and maintaining homesite lease historical records; and

F. The Resources and Development Committee of the Navajo Nation Council recommends to the Navajo Nation Council the approval of budgets for five (5) new Compliance Officers positions and budgets for increased operation costs to enforce the Homesite Lease Regulations within the five agency Navajo Land Offices.

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#### CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, (Navajo Nation) Tse Bonito, New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 2 opposed, 1 abstained this 4<sup>th</sup> day of October, 2016.

Benjamin Bennett, Vice-Chaisperson Resources and Development Committee Of the 23<sup>rd</sup> Navajo Nation Council

Motion: Ecnorable Leonard Pete Second: Ecnorable Davis Filfred

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Exhibit G

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References and Appendix can be downloaded from the Navajo Land Department website: http://www.dinehbikeyah.org

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### SECTION 1.00 AUTHORITY

1.01. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee has authority to delegate its authority to approve homesite and residential leases to the Navajo Land Department by approving rules and regulations implementing the delegation of authority. Pursuant to Resources Committee Resolution No. RCD-289-93, the Resources Committee of the Navajo Nation Council delegated its authority to the Department Manager, NLD, to review and grant homesite leases. With the approval of the Navajo Nation General Leasing Regulations of 2013 by the Secretary of Interior pursuant to the Navajo Nation Trust Land Leasing Act of 2000, 25 U.S.C. § 415(e), the Navajo Nation is authorized to unilaterally issue Leases, except mineral Leases and Rights-of-Way, without the approval of the Secretary. These amendments to the Homesite Lease Regulations shall supersede the previous procedures approved by RCD-289-93 and implement the Navajo Nation General Leasing Regulations of 2013 as they relate to Homesite Leases. The Homesite Lease Regulations may be amended by the NLD consistent with applicable laws.

## SECTION 2.00 PURPOSE

- 2.01 To implement the Navajo Nation General Leasing Regulations of 2013, which authorizes the Navajo Nation to issue Leases, except mineral Leases and Rights-of-way, without the approval of the Secretary.
- 2.02 To regulate the issuance of Homesite Lease amendments: assignment, termination, and modification of leases on Navajo Nation trust and fee lands.
- 2.03 To promote home ownership for qualified Navajo, Navajo with spouse, and beneficial non-Navajo applicants by providing for the encumbrance of the Lessee's interest in the leasehold to secure capital for development of a private dwelling.
- 2.04. To promote and encourage housing for public purposes by the Navajo Nation or Navajo Nation Tribally Designated Housing Entity (TDHE) and housing subdivisions by public, private, and/or nonprofit entities.

## SECTION 3.00 SCOPE

3.01 The Homesite Lease Regulations shall apply to Navajo Nation trust and fee lands, which are within the boundaries of the Navajo Nation, as well as any allotments held by the Navajo Nation government.

## SECTION 4.00 APPLICANT ELIGIBILITY REQUIREMENTS

4.01 An applicant must be an enrolled member of the Navajo Nation; however, a non-member of the Navajo Nation who is legally married to an enrolled member of the Navajo Nation may be eligible through joint husband-wife application. There must be proof of such legal marriage, by issuance of a valid marriage license or Navajo Nation Court Order validating a marriage under the laws or jurisdiction of the Navajo Nation or any State. A non-member is also eligible if such individual's

presence within the Navajo Nation's territorial jurisdiction is of indefinite duration and beneficial to the Navajo Nation. Non-member eligibility can be determined in the following instance and manner;

- A. Non-member eligibility will be determined by the approval of a Housing Subdivision Master Lease which pre-approves the issuance of individual homesite leases, subleases, or assignments, to non-members that meet certain well defined requirements, documenting skills beneficial to the Navajo Nation, and whose presence is of indefinite duration.
- B. Homesite lease applications that are not within a Housing Subdivision Master Lease or housing for public purpose lease will be determined on a case-by-case basis by the NLD.
- 4.02 An applicant must be eighteen (18) years of age or older.

### SECTION 5.00 AMOUNT OF LAND AVAILABLE

5.01 An applicant can apply for only one Homesite Lease, with the lease premises generally limited to one (1) acre or less of tribal trust or fee land, excluding withdrawals of lands for residential subdivisions and other types of withdrawals.

## SECTION 6.00 ANNUAL RENTAL FEE

- 6.01 Lessee shall pay the Navajo Nation, in lawful money of the United States, a monthly rental of One Dollar (\$1.00), or \$12.00 per year. Lessee agrees that no refund or reimbursement of money paid in advance shall be made in the event of early termination or partial condemnation.
- 6.02 Rental payments are due and payable on or before the effective date of the Lease and thereafter on or before each anniversary date of the Lease. Lessee may pay the annual rent fee in advance at any time prior to the expiration of the Lease. Rental payments shall be made by money order made out to "Navajo Nation," and shall be paid at the local agency NLD Office. Failure to make rental payments when due shall constitute a default under the Lease.
- 6.03 On a housing for public purpose Master Lease or housing subdivision Master Lease, an annual rental fee shall not be assessed by NLD until an individual homesite lease is issued to an applicant.

#### SECTION 7.00 TERM

7.01 Lessee shall have and hold the leased premises for a term of seventy-five (75) years, beginning on the date of approval of the Lease by the Navajo Nation. Lessee shall give written notice of intent to renew this Lease to the Director of the NLD, or its successor at least six (6) months, but no more than twelve (12) months, prior to the expiration date of the lease. Renewal of the Lease is subject to the approval of the Navajo Nation and to the provisions of Navajo Nation law and these regulations.

### SECTION 8.00 APPLICATION PROCEDURES AND REQUIREMENTS

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- 8.01 <u>APPLICATION PROCEDURES</u>: Homesite Lease Applications will be made available at the NLD or its agency sub-offices. Homesite Lease Applications are also available on the NLD Website: <u>www.dinehbikeyah.org</u>. A complete Homesite Lease Application package consists of:
  - A. <u>Homesite Lease Application FORM 1.</u> An applicant must fill out the Homesite lease application using black or blue ink, or must type the application. If the applicant is unable to sign the application, a thumb print is required for acknowledgement. The thumb print must be provided in the presence of an NLD staff member with one (1) witness from NLD attesting to the thumbprint.
    - <u>Type of Tenancy</u>: An applicant should specify how they want to receive the grant of a lease: as a Single Person, or co-tenants—joint tenants with the right of survivorship, tenants in common, or community property. Future property disposition will be determined by this status in cases of divorce, death of a Lessee, or probate of a Lessee's estate. If applicants want to file as "Joint Tenants with Right of Survivorship" or "Community Property", a copy of the marriage license or validating Court Order is required, if applicable.

The following information shall be attached to the application before submission for processing at the Navajo Land Agency offices:

- <u>Certificate of Navajo Indian Blood/Tribal Enrollment Identification Card</u>: The applicant(s) must attach an original Certificate of Navajo Indian Blood. Copies of Certificates of Indian Blood can be obtained from the Agency Vital Records Office. All personal data must correspond with the Certificate of Navajo Indian Blood such as: Name(s), age(s), census number(s) and signature(s).
- Archaeological Clearance: A receipt showing the applicant paid for an Archaeologist to conduct a survey must be attached to the application, if applicable, before the application will be processed.
- 4. <u>Cultural Resources Compliance Form</u>: Applicant shall attach the Cultural Resources Compliance Form, reviewed and signed by the Historic Preservation Department, to the homesite lease application. This form must be attached to the application before the application will be processed.
- 5. <u>Non-refundable Application Fee:</u> Applicant must submit a \$30.00 money order payable to: The Navajo Nation, P.O. Box 2249, Window Rock, Arizona, 86515. Upon review and acceptance of the home site application, the NLD will issue a receipt for the filing fee.
- B. <u>Homesite Lease Application FORM 1 Section 2</u>: The applicant shall ensure that the Grazing Official (GO) or Land Board Official, as applicable (LBO) (collectively GO/LBO) physically verifies and acknowledges the proposed home site location utilizing a hand-held Global Positioning System (GPS) unit by reading the Latitude/Longitude coordinates in North American Datum 1983 (NAD83), identifying the center point of the proposed home site location, and write the coordinates onto the Homesite Lease Application. If the homesite

location is changed after acknowledgement is made by the GO/LBO, it will render the Homesite Lease Application invalid.

- C. <u>GO/LBO must complete the Field Clearance Certification Form 2.</u>
- D. <u>Homesite Lease Consent FORM 3:</u> The GO/LBO shall complete the Field Clearance Certification before the applicant(s) can obtain written consent from the individual(s) who has/have been identified by the GO/LBO on the Field Clearance Certification as valid grazing permittees within the proposed homesite lease area. Thereafter, the applicant shall obtain written consent from affected permittees listed on the Field Clearance Certification, if required.
  - 1. <u>Navajo Partitioned Lands</u>: No Consent is required from a Grazing permittee within the Navajo Partitioned Lands until grazing permits are reissued.
  - <u>Acknowledgement</u>: After the applicant obtains written consent from the permittees listed on the Field Clearance Certification, the GO/LBO must acknowledge the signatures on the consent form.
  - Only the Valid Grazing Permittee that will be affected within a half (½) mile radius of the propose homesite lease location shall consent.
- E. <u>Land Survey Plat</u>: Certified land surveys must be conducted by a private land surveyor who is licensed and registered with any State within the United States. Private licensed land surveyors must register with the Navajo Nation Business Regulatory Department. Private land surveyors must obtain permission to survey from the NLD.

Certified land survey plats must contain a United States Geological Survey (USGS) Quadrangle Topographic Map of the location of the legal land survey and must have the Latitude and Longitude at the Survey Tie Points and Point of Beginning (POB) on the survey plat. The survey plat shall be drawn on a legal size (8½ in x 14 in) document. All corrections of land surveys must be completed by a registered land surveyor.

- <u>Re-Surveys</u>: Certain circumstances may occur that require the NLD or private land surveyor to re-survey. These include, but are not limited to, shifting the homesite location and re-identifying the corners (rebars). The NLD may re-survey only if the NLD conducted the original certified land survey plat. If the survey that needs to be redone was conducted by a private land surveyor, that surveyor or another private surveyor must redo the survey.
- F. <u>Biological Data Request Form for Biological Resource Clearance</u>: The applicant shall complete the Biological Data Request Form and submit it with a money order or cashier's check payable to the Navajo Nation for Biological Resource Clearance with the processing fee of \$32.50.
- 8.02 <u>Environmental Review Form</u>: The applicant shall complete the environmental review form and submit it to the Navajo Land Department for review by the Environmental Reviewer.

- 8.03 <u>Forestry Compliance letter, as applicable</u>: If the homesite lease application is for a location in the Navajo Nation Commercial Forest or restricted Woodlands, Section 8.05(A) shall apply to the homesite lease application.
- 8.04 Upon verification for quality assurance by the NLD Agency Offices, the Homesite Lease Application package will be submitted to the NLD Manager or authorized designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the following appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.
  - A. Navajo Nation Department of Fish & Wildlife (Biological Resources Compliance Form).
  - B. Historic Preservation Department (Cultural Resources Compliance Form)/Archaeology (Archaeology Inventory Report);
  - C. Navajo Forestry Department (Forestry Compliance Letter), as applicable see Section 8.05 (A).
  - D. Registered surveyor (certified land survey plat).
- 8.05 Additional Application Requirements
  - A. <u>Forest or Woodland</u>: If the proposed homesite is within the Navajo forest or woodlands, the GO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed homesite will impact the Navajo Nation forest or woodland pursuant to RCJY-142-92. The Forestry Department may issue a letter stating requirements and conditions to proceed with the proposed home site lease application.
  - B. <u>Highway Access</u>: If access to a highway is required for ingress and egress, the proposed homesite lease applicant must contact the appropriate Navajo or State Department of Transportation for Highway access clearance.
  - C. All applicants and lessees shall provide NLD with a current valid address or any changes at all times.
- 8.06 <u>Conveyance within Housing Subdivision</u>: When an applicant applies for a conveyance of a lot within a subdivision, the applicant will be responsible for all costs associated with the conveyance.
  - A. A Housing Subdivision which is subject to a Master Lease for Single-family residential development or housing for public purpose, where development has taken place and which is ready for conveyance of individual lots to applicants, shall be classified as a "developed area."
  - B. Within a "developed area" only this Section 8.06 shall be used and the other application procedures and requirements of Sections 8.0 and 9.0 shall not apply. A Housing Subdivision may develop and use its own application form subject to the approval of the NLD.

- C. A Homesite Lease within a subdivision shall be limited to the term of the Housing Subdivision Master lease. Upon renewal of the Housing Subdivision Master Lease, all of the eligible individual Homesite Leases will be renewed for a corresponding period.
- D. Where there are rules and regulations related to the Housing Subdivision, special conditions or changes for the occupation of Homesite Leases within the subdivision, or a Declaration of Covenants, Conditions and Restrictions, the applicant will be provided with a copy of these documents by the Housing Subdivision Developer or TDHE, and the existence of these restrictions will be referenced on the individual Homesite Lease.
- E. The holder of a Housing Subdivision Master Lease shall be the Housing Subdivision Developer or TDHE. The Housing Subdivision Developer, the TDHE, or the governing body of the Home Owners Association specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring enforcement of these restrictions.

#### SECTION 9.00 ENVIRONMENTAL REVIEW PROCESS

- 9.01 <u>Environmental Reviewer</u>: The Environmental Reviewer ("ER") insures and conducts the ER required under these regulations. The ER is responsible for carrying out the Environmental Review Process ("ERP") for homesite leases pursuant to the Navajo Nation General Leasing Regulations of 2013. The ER will consult with the relevant Navajo Nation agencies and determine which agency is responsible for making compliance findings for each of the areas and/or laws identified in these regulations and 2 N.N.C. § 2384 of the General Leasing Regulations.
- 9.02 Action on Leasing Decisions Subject to Completion of ERP.
  - A. Each homesite lease must go through the biological and archaeological review.
  - B. Review must be conducted of all laws listed at 16 N.N.C §2384 (CO-53-13), as well as, any other relevant laws as applicable.
- 9.03 Environmental Review Process Exemptions
  - A. The department conducting biological or archaeological clearance shall develop an internal procedure that exempts proposed homesite leases from thorough review if the area meets exclusion criteria.
  - B. The departments may work with individual Chapters to identify land withdrawal designation areas for residential development. A Chapter, at their expense, will conduct environmental studies as required within a tract of land before any development occurs.

#### 9.04 Conditional Compliance Determination Summary

A. Compliance Determination Summary issued with a requirement of mitigation or a "conditional approval" requires the lessee to comply with the conditions stated. If these diama in the

conditions are not met, the homesite lessee is in violation of the lease, and the lease may be terminated at the Nation's discretion.

- 9.05 Compliance Determinations from Earlier Environmental Review Documents
  - A. If an existing homesite lease underwent an environmental review pursuant to these regulations, prior Homesite Lease Regulations, or other applicable law, or constructed dwellings prior to 1974, those review determinations may be utilized to meet compliance requirements.
  - B. The ER shall review the previous environmental review documents to determine whether a new review is necessary, or whether the previous environmental review adequately assesses the impacts of the prior leasing decision.

#### SECTION 10.00 INCOMPLETE PENDING APPLICATION

- 10.01 <u>PENDING APPLICATION</u>: A homesite lease application that is incomplete for one or more of the following reasons shall be returned to the applicant as an incomplete application within two (2) years from the date of submission:
  - A. Lack of Land Use Consent;
  - B. Lack or disapproval of Biological Resource Clearance;
  - C. Lack or disapproval of Environmental Compliance Determination Summary;
  - D. Lack or disapproval of Cultural Resource Compliance/Archaeological Survey Clearance; and
  - E. Lack of a land survey.

#### SECTION 11.00 NAVAJO NATION FEE LAND

- 11.01 An applicant may apply for a homesite lease (FORM 200UL) on Navajo Nation fee land with the understanding and agreement that they are responsible for paying any and all property taxes, assessments, fees or liens directly to the local county tax assessor's office.
- 11.02 The Title Section will record the approved homesite lease on fee land with the County Recorder's Office.

#### SECTION 12.00 HOMESITE: LEASE ABANDONMENT

12.01 Lessee shall develop the leased premises within two (2) years of the effective date of the homesite lease. Prior to the expiration of said period, lessee may request in writing from the Nation an

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extension of the development period for a period not to exceed two (2) additional years. Failure to develop the leased premises according to this provision shall constitute abandonment.

- 12.02 The GO/LBO or NLD compliance officer shall be responsible for notifying the NLD Manager to make recommendations to cancel a homesite lease that has been abandoned. All such recommendations shall be supported by a field visit and written report verifying that the home site lease premises has been abandoned.
- 12.03 A homesite lease that has been abandoned shall be processed for termination by the NLD according to the following procedures:
  - A. NLD shall provide notice of intent to cancel by certified mail to the respective lessee's address on file with NLD. In situations where the address of the lessee is unknown, the notice shall be posted at the nearest chapter house.
    - 1. Lessee has thirty (30) days to respond to the notice of cancellation. If the lessee does not desire to develop the homesite lease, the lessee shall have the first option to assign the homesite lease to a qualified applicant for a fee to recover cost and expenses for the original application or voluntarily terminate the homesite lease.
    - 2. If the lessee fails to respond within thirty (30) days, the NLD will terminate the homesite lease.
- 12.04 The NLD Manager shall have the authority to terminate the abandoned homesite lease, as required by these regulations.
- 12.05 For termination of homesite leases issued prior to these regulations, any termination action shall be consistent with the requirements of Navajo Nation and applicable Federal laws.
- 12.06 If the abandoned homesite lease is terminated, it shall revert back to the Navajo Nation.

### SECTION 13.00 ASSIGNMENT, AMENDMENT, MODIFICATION, OR TERMINATION OF HOMESITE LEASES

- 13.01 A homesite lease may be assigned, amended, modified or terminated through the NLD by application of the lessee or through a court order. To verify the intent of the lessees, the lessees will have to make their application in person at the Agency NLD offices. The applicant shall provide a copy of an approved homesite lease issued by the NLD or BIA, in order to amend the lease document. A non-refundable application processing fee will be assessed. (Refer to Fee Schedule). In the event the homesite lease or any interest therein is mortgaged or pledged as security for a loan, separate approval may be required by the lender, sureties, or loan guarantors.
- 13.02 <u>Assignment</u>: To assign an approved homesite lease to another eligible person, the Lessee/Assignor and proposed Assignee shall submit a new homesite lease application FORM 1 with the following documents attached to the application:
  - A. Certificate of Indian Blood.

- B. Certified Legal Survey Plat utilizing a BLM Cadastral monument, if applicable.
- C. A Cultural Resource Compliance Form with Archaeological Survey Clearance Form, as may be applicable, issued by the Navajo Historic Preservation Department.
- D. Biological Resource Compliance Form approved by the Navajo Fish and Wildlife Department, if applicable.
- E. Title Status Report (TSR) to verify and check for any outstanding encumbrances, liens, etc.
- 13.03 No assignment of a homesite lease shall be made during the two (2) year development period without a court order or an extension of the development period not to exceed two (2) additional years, unless there is a collateral assignment of interests to a creditor to finalize construction of improvements.
- 13.04 Upon verification of the application by NLD, the requests for amendments, modifications and terminations shall be packaged and submitted to the NLD Manager who shall give final approval on behalf of the Navajo Nation. The approved lease amendment, modification, or termination shall be recorded with the Agency Bureau of Indian Affairs and Navajo Land Title Data System.
- 13.05. In the event one of the Lessees dies with a Joint Tenancy with Right of Survivorship tenure in effect, all rights to occupy the land and leasehold interests shall go directly to the Surviving Tenant, if he or she is an enrolled member of the Navajo Nation without the need of assignment of the deceased co-tenant's interest in the home site lease. The death certificate of the deceased co-tenant should be recorded.
- 13.06 <u>Modification:</u> Modifications are non-material amendments to a homesite lease, including such matters as technical corrections, implementation of Navajo Nation court order(s), legal name changes, and changes in marital status, legal land description changes, and any corrections needed to a homesite lease.
- 13.07 In a probate proceeding, the Navajo Nation Courts may distribute the leasehold interest including attached improvements of an established homesite lease to beneficiaries under a will or to the heirs at law according to Navajo law.
- 13.08 In the event of divorce, the Navajo Nation Court shall have jurisdiction to redistribute the leasehold interest of a homesite lease pursuant to Navajo Nation law. The Homesite lease and attached improvements must not be separated in such Court Order. All field clearance(s) shall be recognized and will remain in effect. This regulation will also apply to Tenancy in Common and Community Property tenures. The involved parties shall notify the NLD of any such disposition by a court of competent jurisdiction.
- 13.09 <u>Termination</u>: The lessee(s) may voluntarily terminate his/her/their interest in a homesite lease by signing a Termination of Homesite Lease Form. However, the applicant must pay a non-refundable termination fee and must have paid in full all rent due before the lease can be terminated. (Refer to Fee Schedule). If the lessee is in default or less than good standing, then the lessee must cure all matters constituting such default or lack of good standing; unless, NLD waives such requirements

and lessee surrenders the lease premises, subject to equitable consideration of lessee's private property, if applicable.

- 13.10 A finalized homesite lease may be terminated or revert back to the Navajo Nation for further assignment. If there are no improvements on the approved homesite lease premises within two years, the GO/LBO can recommend termination of the lease and/or assignment to another qualified individual after payment of fair market value of the lease premises with attached improvement (if any) to the lessee (See Section 12.00 ABANDONMENT. 12.03: A. 1 & 2 for procedures).
- 13.11 In no instance will NLD terminate a homesite lease for a lessee if the request is made by a third party, regardless of the surrounding circumstances. The only exception to this rule is if a Navajo Nation Court issues an Order requiring NLD to terminate a homesite lease.
- 13.12 If the Navajo Nation acquires an Allotment upon which a resident has a valid Residential Lease issued by the BIA, the Navajo will honor the Residential Lease for the duration of its term, so long as it complies with Section 4.0 of these Regulations. The holder of the residential Lease must submit a copy of the valid Residential Lease to the NLD. Within 6 months the expiration of the valid Residential Lease, the resident must begin the process of acquiring a Homesite Lease in accordance of these Regulations.

#### SECTION 14.00 MORTAGES AND DEFAULT

- 14.01 A finalized home site lease authorizes lessee(s) to encumber the leasehold interest of a home site to finance construction of building improvements. The leasehold can be mortgaged, pledged, or encumbered as security to finance a debt or loan. The lessee(s) may transfer all or part of the leasehold interest to the Mortgagee or Deed Trustee with the understanding that the Mortgagee or Deed Trustee will release all security interests in the leasehold when the loan or note has been paid in full.
- 14.02 The mortgage or Deed of Trust document must be recorded with the Bureau of Indian Affairs, Real Estate Services; it is recommended that the mortgagee or lender also record the aforementioned indenture with the Recorder's Office of the county in which the real estate is located. The NLD will receive copies of the mortgage or Deed of Trust documents from the Bureau of Indian Affairs Real Estate Services and record it in the Navajo Land Title Data System.
- 14.03 In the event the Lessee/Borrower (Mortgagor/Trustor) defaults on the Mortgage or loan secured by the Deed of Trust, the Mortgagee or Deed Trustee has the authority to foreclose on the secured Homesite lease through the Navajo Nation Courts or as provided by the Navajo Nation Deed of Trust Act. The Mortgagee or the Deed Trustee may have the right to possession of improvements on the leased premises and rents collected as provided by Navajo Nation law and the loan document or agreement.
- 14.04 Any and all permanent buildings and improvements on the leased property shall remain on the premises and shall be subject to the Navajo Nation's Right-of-First Refusal to purchase the leased premises with improvements prior to any resale of the premises.

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- 14.05 <u>Default</u>: Should Lessee default in any payment of monies when due under the Lease or be in violation of any other provisions of the lease, said violation may be acted upon by the Navajo Nation pursuant to applicable law.
- 14.06 Lease hold interest of a homesite lease can be sold at a fair market value to a qualified applicant. If there are no improvements on the premises, the lessee can retrieve expenses and fees incurred for lease encumbrance such as archaeological and legal survey expenses. The lessee must record the lease and insure all required lease documents are recorded with the Navajo Land Title Data Systems (NLTDS).

#### SECTION 15.00 GRAZING OFFICIAL and LAND BOARD OFFICIAL RESPONSIBILITIES

- 15.01 Home Site Lease Application FORM 1 Section 2: See Section 8.01. B. for compliance.
- 15.02 <u>Field Clearance Certification FORM 2</u>: The GO/LBO shall be responsible for identifying and acknowledging all valid grazing permittees who have interests within one-half (%) mile of the proposed homesite lease location, which is directly affected and impacted by the proposed Homesite identified in Section 2 of the Field Clearance Certification FORM 2.
- 15.03. It is the responsibility of the GO/LBO to write-in the name of the valid Permit holder(s) and Permit number(s) on the Field Clearance Certification FORM 2 for the applicant to obtain signatures from the permittees.
- 15.04 <u>Homesite Lease Consent FORM 3:</u> After the applicant obtains written consents from the permittees listed by GO/LBO on the Field Clearance Certification FORM 2, the GO/LBO must acknowledge the Form, certifying to the best of their knowledge the truth and accuracy of the approval of consenting permittees before the application is submitted to NLD for processing.
- 15.05 <u>Conflict of Interest</u>: The homesite applicant may request the Navajo Nation Grazing Management Office to appoint an alternate GO/LBO to perform the duties described herein when the designated GO/LBO cannot perform his or her duty because of a conflict of interest, including actions involving relatives, or for any other legitimate reason.
- 15.06 <u>The GO/LBO additional responsibilities</u>: The GO/LBO shall also verify whether the proposed homesite is within the Navajo Nation Forest or woodlands. If the proposed homesite is within the Navajo Nation Forest or woodlands, the GO/LBO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed home site will impact the forest or woodlands within the forestry moratorium as set forth by Resolution RCJY-142-92. The resolution established a Moratorium on New Structures, New Homesites, and Range Units within the Navajo Commercial Forest pending development and approval of a new Forest Management Plan. The Forestry Department may issue a letter stating further requirements which must be satisfied to proceed with the proposed homesite lease application.
  - A. The GO/LBO shall verify that the proposed homesite lease is not within an area withdrawn or otherwise designated for community development purposes, large or small irrigation farming projects, agricultural land use area, or if the proposed homesite would interfere with local land use plans and/or ordinances. No homesite shall be approved within lands that

are withdrawn or designated for another purpose. If the proposed lease area is within a withdrawn area, the applicant must select another location for their proposed homesite lease.

- B. The GO/LBO shall verify the proposed homesite lease is not within 750 feet of a major highway right-of-way by actual inspection of the site and coordinating with NLD. If the proposed homesite is within 750 feet of a major highway right-of-way, the GO/LBO shall inform the applicant to move beyond the 750 feet corridor or find an alternate site pursuant to 14 NNC § 1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50.
- C. The GO/LBO shall verify that the proposed homesite is not within one-half (½) mile of Navajo Nation government developed permanent livestock waters. If the proposed homesite is within a half mile of the structures, the GO/LBO shall inform the applicant to move the proposed homesite or relocate to an alternate site or request a written authorization from the District Grazing Committee allowing the proposed homesite through an approved resolution of the District Grazing Committee (See 3 N.N.C. § 714).

#### SECTION 16.00 GRAZING DISPUTES TO DEPARTMENT OF AGRICULTURE

16.01 NLD shall refer grazing and consent disputes relating to a pending homesite lease application to the GO/LBO, as applicable, for adjudication or settlement. For example, NLD shall refer to the GO/LBO, when a grazing permittee revokes consent after the Field Clearance Certification is submitted. NLD shall not place the application on hold unless the GO/LBO, as applicable, recommends in writing that there is an active dispute.

#### SECTION 17.00 HOMESITE LEASE COMPLIANCE AND RESTRICTIONS

- 17.01 Applicants shall comply with Navajo Nation environmental laws and other compliance requirements when applying for a homesite lease on Navajo Trust and Fee Lands:
  - A. <u>Sanitation</u>: Lessee shall comply with all applicable sanitation laws, regulations or other requirements of the United States and the Navajo Nation. Lessee shall also dispose of all solid waste in compliance with applicable federal and Navajo Nation laws either in an approved sanitary landfill, transfer station, or other commercial sanitary collection service. Lessee shall maintain the entire leased premises in a safe and sanitary condition, presenting a good appearance both inside and outside of the leased premises. Septic systems and leach/drain fields shall be situated within the lease premises.
  - B. <u>Hazardous Substances</u>: Lessee shall not dispose of hazardous substances or materials on or in the leased premises.
  - C. <u>Environmental Hazards:</u> All non-operational vehicles must be removed and cleared from the homesite lease premises. For failure to comply with Navajo Nation environmental laws, the Navajo Nation EPA shall impose environmental sanctions for non-compliance in accordance with Navajo EPA regulations.

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- 17.02 <u>Minerals</u>: All minerals, including sand and gravel, contained in or on the leased premises are reserved for the use of Lessor. Lessor also reserves the right to enter upon the leased premises and search for and remove minerals located on the property, paying just compensation for any damage or injury caused to Lessee's personal property or improvements constructed by Lessee.
- 17.03 <u>Navajo Nation Forestry Moratorium (Restriction)</u>: If a homesite lease is approved by the Navajo Forestry Department in a forested or wooded area, and tree removal is to occur, the homesite applicant will follow Navajo Forest and Woodland Regulations. The homesite applicant will comply with the Navajo Nation Forestry Department requirements and the Forest Management Plan approved by Resolution No. RCJY-133-01.
- 17.04 <u>Canyon De Chelly National Monument Moratorium</u>: A Protection Buffer Zone was established within the boundaries of Canyon De Chelly National Monument; therefore, there are restrictions on development and use of land in the vicinity of the Monument (Resolution RCS-51-85).
- 17.05 <u>Biological Resource Land Clearance Policy and Procedures (RCP)</u>: No homesite lease shall be approved within Area 1: Highly Sensitive Area; and Area 2: Moderately Sensitive Area which are protected under the Federal and Navajo Nation laws, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process in accordance with Resolution No. RCMA-34-03, subject to prior approvals or exceptions granted by the Navajo Nation Council or its duly authorized Committee.
- 17.06 <u>Farm Plots and Land Use Permits:</u> Navajo Nation trust or fee lands withdrawn for agricultural uses (i.e., farm permit, agricultural lease, irrigation projects, and farm projects) cannot be used for homesite leases. Administrative Reserve Areas [BIA], Navajo Nation trust, or federal lands that are withdrawn for administrative purposes or governmental use cannot be used for home site leases.
- 17.07 <u>Navajo Nation Parks and Recreational areas</u> No homesite leases shall be issued within land designated for tribal parks and recreational use areas. The Navajo Nation Parks, monuments, and Recreational areas are protected and preserved for the perpetual enjoyment and benefit of the Navajo Nation, subject to prior approvals granted by the Navajo Nation Council or its duly authorized Committee.
- 17.08 <u>Homesite Lease Residential Use Restriction</u>: A homesite lease is intended for residential purposes primarily a Single-family residence; lessee shall not use any part of the homesite lease premises for any unlawful conduct or illegal activities.
  - A. Applicants shall not disturb or commence construction activities on the proposed site until the applicant receives an approved homesite lease.
  - B. A homesite lease shall not be issued if it is to be located within the boundaries of a mission site lease, other homesite lease, business site lease or area designated for business development, or other land withdrawals intended for community development or other purposes.
  - C. A homesite lease shall not be issued if it is located within 750 feet of a major highway rightof-way (14 NNC §1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50).

- D. A homesite lease is required prior to transporting mobile homes or any other structures intended for use as a home onto the Navajo Nation. A transportation permit must be obtained from the NLD before any mobile home or other structure enters Navajo Trust or Fee Lands (See Fee schedule). Failure to obtain a permit will result in a civil violation and fees will be assessed.
- E. The homesite lease premises may be fenced to avoid land disputes, control animals, ingress/egress, and define boundaries.
- F. Homesite lease premises shall not be used for any unlawful conduct or purpose, including but not limited to bootlegging, illegal fund raising activities such as gaming (Bingo hall), dance hall, and other illegal drug activities. Any and all lilegal activities conducted on the homesite lease premises shall be considered a breach of the terms of the homesite lease.
- G. Lessee is prohibited from establishing a mobile home park or renting structures not designed as the primary residence within a homesite lease.
- H. Lessee is prohibited from establishing more than one home building improvement as the primary residential structure, or mobile home within the leased premises. Lessee shall prohibit family members or others from establishing additional homes or mobile homes within the leased premises regardless of whether the premises is within a subdivision or a rural area.
- I. The land encumbered by a homesite lease cannot be sold but the lease can be transferred or assigned to another qualified homesite lease applicant through the NLD upon payment to lessee for expenses incurred to establish the prior lease. For such transfers or assignments, the permanent improvements may be sold to the transferee or assignee at fair market value, or subject to the terms of any mortgages(s) or Deed of Trust or purchase agreement.
- J. Modern burial sites and graves are prohibited within the homesite lease premises. All burial sites should be in a community approved cemetery. See Resources Resolution No. RCD-216-99.
- K. Livestock and corrals are prohibited within the homesite lease premises, except as properly permitted by the District Grazing Committee or Land Board.
- L. Lessee may operate a home based business on lease premises; however, the Lessee shall obtain a permit from the Division of Economic Development Business Regulatory Department to do business on an approved homesite lease. The Lessee shall adhere to the Navajo Nation environmental laws and other compliance requirements under 23 N.N.C. §§ 2384 (A), (B), and (C) (Resolution CO-53-13) and shall not be disruptive to the adjacent residence(s).
- M. Lessee shall not place a store front signage on the homesite lease and no hiring of employees to operate a home based business.

#### SECTION 18.00 HOMESITE LEASE ENFORCEMENT

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- 18.01 <u>Purpose:</u> NLD shall have at least one Compliance Officer per Agency to enforce the provisions of these Homesite Lease Regulations. The Compliance Officer is authorized to conduct investigations, draft findings, coordinate with Navajo Nation departments and programs, including the Department of Agriculture, Rangers, Forestry, EPA, Police, Department of Justice, Fish & Wildflife, and BIA, and make disposition recommendations to the NLD Manager. It is the policy of the NLD to work collaboratively with homesite lessee(s) to resolve compliance issues prior to resorting to litigation and termination of the lease.
- 18.02 <u>Homesite Lease Request for Investigation:</u> Written requests for investigation of homesite lease compliance matters can be submitted to the appropriate NLD Agency Office. All complete and valid requests for investigation of homesite lease compliance matters shall be forwarded to the Compliance Officer. Within thirty (30) days of receipt, the Compliance Officer will review the request and determine whether it warrants investigation. The Compliance Officer shall provide written notice to the requesting party indicating whether the request for investigation will be granted.
- 18.03 <u>Investigations:</u> All investigations performed by the Compliance Officer shall be completed within ninety (90) days from the date of submission of the Homesite Lease Investigation Form. The NLD Compliance Officer will conduct an investigation based on the information contained in the Request for Investigation submitted to NLD. The Compliance Officer shall interview individuals, conduct research, and collect all pertinent documentation. The Compliance Officer is authorized to obtain the assistance of other Navajo Nation Departments, Bureau of Indian Affairs, and/or other governmental entities while conducting an investigation.
- 18.04 The Compliance Officer shall submit a detailed written investigation report containing the findings from the investigation. The Compliance Officer shall submit this report to the NLD Manager with any recommendations.
- 18.05 The NLD Manager shall review the Compliance Officer's report and take appropriate action based on the information and recommendation of the Compliance Officer within thirty (30) days. NLD shall keep official records of all documents.
- 18.06 Where the designated Compliance Officer cannot perform his or her duty due to conflict of interest, another Compliance Officer from a different NLD Agency Office will be assigned to investigate. Conflicts of interest can be defined as any situation in which the Compliance Officer is in a position to exploit a professional or official capacity in some way for his/her personal or occupational benefit.
- 18.07 There are many actual homesites with improvements (corrais and buildings) that exceed the one (1) acre size limitation. To gain compliance, enforcement actions may authorize the enlargement of an existing Homesite Lease, not to exceed an additional one (1) acre, to bring existing residential improvements within the bounds of the lease premises. Additional lease adjustment fees or rent or both will apply to enlarged Homesite Leases as set forth in the Fee Schedule.

#### SECTION 19.00 PRIOR APPROVED HOMESITE LEASE

19.01 All previously approved leases with active terms shall remain valid, provided that the lease is in good standing. These lease agreements include the following homesite lease forms: 1) 201-65 [July

1962]; 2) 200A [May 1979]; 3) 200C [May 1994]; 4) 200C [April 1996]; 5) 200RL [April 2000]; 6) 200UL; and 7) 200NL [May 2001].

#### SECTION 20.00 HOUSING FOR PUBLIC PURPOSES MASTER LEASE

- 20.01 <u>Application Procedures.</u> A Housing for Public Purposes Master Lease application shall be submitted to the NLD or at one of its agency sub-offices. A completed Housing for Public Purposes Master Lease application shall consist of the following:
  - A. <u>Housing for Public Purpose Master Lease Application</u>. The TDHE or Housing Subdivision Developer applicant must complete and submit a Housing Subdivision Master Lease Application with the following information attached to the application.
    - <u>Certification of Compliance</u>: The TDHE or Housing Subdivision Developer shall submit a Certificate of Compliance stating that all of the requirements of the Land Withdrawal Designation Regulations have been completed.
    - 2. <u>Key documents</u>: Copies of key documents listed in the Land Withdrawal Designation Procedures.
  - B. <u>Environmental Review Clearance</u>: The TDHE or Housing Subdivision Developer shall conduct the necessary environmental reviews to ensure compliance with federal and tribal environmental requirements for the following:
    - 1. New Homesite Lease Application for TDHE or Housing Subdivision Developer Clients, as applicable;
    - 2. New Subdivision Master Lease Application for TDHE or Housing Subdivision Developer; and
    - 3. Existing Subdivision Master Lease for TDHE or Housing Subdivision Developer, as applicable.
- 20.02 <u>Final Approval</u>. Upon verification for quality assurance by the NLD Agency Offices, the Housing for Public Purposes Master Lease Application package will be submitted to the NLD Manager or authorized designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.

#### 20.03 Homesite Lease issuance within existing Housing Subdivision:

- A. A Housing Subdivision which is subject to a Master Lease for housing for public purposes, where development has taken place and which is ready for issuance of individual homesite leases to applicant(s), shall be classified as a "developed area."
- B. Within a "developed area" only this Section 20 shall be used and the other application procedures and requirements of this regulation shall not apply. A Housing Subdivision for

public purposes may develop and use its own application form subject to the approval of the NLD.

- C. The TDHE or Housing Subdivision Developer, as applicable, shall assist its homebuyers and ensure compliance with the lease application requirements for the issuance of individual homesite leases to applicant(s) within the housing subdivision. The TDHE or Housing Subdivision Developer, as applicable, will prepare and submit the individual homesite lease applications to the NLD for its final approval. PROVIDED, however, that existing Housing Subdivisions or developed areas subject to existing homesite leases or assignments of lease for developed lots shall continue to be encumbered by the provisions and covenants of the existing homesite lease or assignment of lease for the residential improvement and lot.
- D. An individual homesite lease within a subdivision shall start a new term from the date of issuance by the NLD. The term of the Housing Subdivision Master Lease shall be separate and independent of any individual homesite lease issued by the NLD within the housing subdivision.
- E. Where there are rules and regulations related to the Housing Subdivision, special conditions or charges for the occupation of Homesite Leases within the subdivision, Land Use Restrictions, or a Declaration of Covenants, Conditions and Restrictions, the individual applicant(s) will be provided with a copy of those documents by the TDHE or Housing Subdivision Developer, as applicable, and the existence of the restrictions will be referenced on the individual Homesite Lease.
- F. The holder of a Housing Subdivision Master Lease shall be the TDHE or Housing Subdivision Developer, as applicable. The TDHE or Housing Subdivision Developer, as applicable, specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring and enforcement of the restrictions in the housing unit.

#### 20.04 Additional Application Requirements.

A. Highway Access: If access to a highway is required for ingress and egress, the proposed master lease applicant will contact the appropriate office or the Department of Transportation for highway access clearance.

#### SECTION 21.00 PRIVACY ACT

21.01 NLD shall not disclose any personal records or information which are contained in any system of records by any means of communication to any person, or to another agency, except pursuant to authorized disclosures, Conditions of Disclosure, and Privacy Exemptions of the Privacy Act of 1974 (Public Law 93-579), 5 U.S.C. § 552(A), and the Navajo Nation Privacy Act, Resolution No. CAP-48-99.

#### SECTION 22.00 DEFINITION

- 22.01 <u>Abandonment:</u> The failure to develop the leased premises for a two (2) year period or one (1) year period for vacant lots within a subdivision. The failure to develop means, the failure to construct or establish a dwelling or other improvements (fencing, landscaping, laying a foundation).
- 22.02 Acre: A tract of land that measures 43,560 square feet.
- 22.03 Adult: A person who is 18 years of age or older.
- 22.04 Agricultural Land Use Permit: A permit for farming purposes on Navajo Nation trust land.
- 22.05 <u>Appeal Bond</u>: A bond posted upon filling of an appeal. A guarantee of a certain sum of money sufficient to protect the financial interest of the Navajo Nation pending the outcome of any appeals provided for under the General Leasing Regulations.
- 22.06 <u>Approving or Approval</u>: The final action taken by the Navajo Nation to issue the homesite lease (Written authorization by the Secretary, Land Department or a delegated official or, where applicable, the "deemed approved" authorization of an amendment or sublease).
- 22.07 Approved Encumbrance: An encumbrance approved in writing by the Lessor.
- 22.08 Assignment: An agreement between a lessee and an assignee, whereby the assignee acquires all of the lessee's rights, and assumes all of the lessee's obligations under a lease.
- 22.09 Assignee: The person to whom the homesite lease is assigned.
- 22.10 Assignor: The person who is assigning his/her homesite lease.
- 22.11 <u>BIA:</u> The Bureau of Indian Affairs (BIA) within the Department of the Interior and any tribe acting on behalf of the Secretary of the Department of Interior or Bureau of Indian Affairs under 25 CFR § 162.018.
- 22.12 Cancellation: Action to end a lease.
- 22.13 Certificate of Navaio Indian Blood: Valid and up-to-date document issued by the Navajo Nation Vital Records Office evidencing enrollment in the Navajo Nation.
- 22.14 <u>Cognizant Agency:</u> For purposes of environmental review: the Navajo Nation Environmental Protection Agency and the Navajo Nation Departments of Historic Preservation and Fish and Wildlife; and In some instances Forestry, Minerals, Parks and Recreation; and any successor or equivalent Navajo Nation agencies with authority for environmental compliance review.
- 22.15 <u>Collateral Assignment:</u> An assignment of leasehold interests to secure a loan, mortgage, or deed of trust to finance development of the homesite or to purchase an existing house situated on a homesite lease.
- 22.16 <u>Community Property:</u> Any property that is acquired by husband or wife during a marriage that is not separate or gift property to either the husband or wife. Community property principles will govern the distribution of the marital property upon dissolution of marriage in a fair and just manner, and may govern distribution of property upon the death of one spouse in accordance with 9 N.N.C. § 205.
- 22.17 <u>Compliance Determination</u>: The final action determination of the Environmental Reviewer that the proposed leasing action complies or does not comply with the Environmental Review Process set forth in sub-chapter 8 of the Navajo Nation General Leasing Regulations of 2013.
- 22.18 <u>Conflict of Interest</u>: A conflict between public obligation and private interest that will not allow the pertinent official to discharge their duty in an unbiased manner.
- 22.19 <u>Consent or consenting</u>: The act of written authorization by a person empowered to agree, permit and approve the grant of a homesite lease within their grazing pasture or area by the Grazing Official and Grazing Permittee(s).
- 22.20 Day: A calendar day, unless otherwise specified.
- 22.21 <u>Deed of Trust</u>: A deed conveying the leasehold interest of lessee (trustor) to a trustee as security until the lender (beneficiary) is repaid a loan. In the event of breach in repayment of the loan, the

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deed trustee is empowered to foreclose on the lease hold interests and improvements and resell the property in a commercially reasonable manner.

- 22.22 <u>Delegation of Authority</u>: Where, upon approval of the Resources and Development Committee of the Navajo Nation Council, or its successor, authority of the Committee is delegated to a subdivision of Navajo Nation government to approve grants of homesite leases, and their assignment, transfer, or other lawful disposition. Said authority may also be delegable pursuant to the Local Governance Act, 26 N.N.C. §§ 1- 2005, as amended, or other relevant Navajo Nation law.
- 22.23 <u>Improvement:</u> Any structure; home, building, or fencing of surveyed tract, such as building a shack, ramada, storage shed, foundation constructed for a residential purpose.
- 22.24 Earess: The act of going out or leaving; exit.
- 22.25 <u>Encumbrance</u>: Any indenture or proper court order that restricts the ability of lessee to freely, unilaterally further dispose of the leasehold, such as with a collateral assignment of lease under a mortgage, deed of trust or other instrument, which secures a debt or burdens the lease by restriction of uses or alters use rights of lessee or lessor.
- 22.26 Encumbrancer means the owner or holder of an approved encumbrance.
- 22.27 <u>Environmental Assessment:</u> The study of environmental and social impact upon the quality of the human environment as required by Federal laws.
- 22.28 <u>Eminent Domain</u>: The power of a sovereign government to take property for public use with notice and payment of fair and just compensation to the permittee or lessee.
- 22.29 Fair market rental: The amount of rental income that a leased tract of Indian land would return to the Lessor as an investment in an open and competitive market, or as determined by competitive bidding.
- 22.30 Fee interest: An interest in land that is owned in unrestricted fee status, and is thus freely alienable by the fee owner.
- 22.31 Fee Land: Unrestricted lands owned by the Navajo Nation in fee simple, which are subject to taxation by the state government.
- 22.32 <u>Field Clearance</u>: Identification of the affected grazing permittees within a proposed homesite location by the Grazing Committee Member, and consent by permittee to the use of land for a homesite.
- 22.33 <u>Grazing Official (GO) or Land Board Official (LBO)</u>: The elected Navajo Nation Official responsible for grazing or farming and land matters within their assigned respective district unit boundary. Such grazing official shall mean the District Grazing Committee Member, Eastern Navajo Land Board Member, or Farm Board Member.
- 22.34 <u>Grazing Permit:</u> All livestock grazed on Navajo lands must be covered by an authorized grazing permit issued by the Superintendent or BIA based upon the recommendation of the District Grazing Committee. A Grazing Permit does not grant fee simple land ownership of the real estate, but, rather authorizes grazing use.
- 22.35 <u>Holdover:</u> Circumstances in which a lessee remains in possession of the leased premises after the lease term expires.
- 22.36 <u>Homesite Lease Applicant:</u> Eligible individual(s) who applied for a homesite lease on Navajo Nation trust or fee land but have not yet received approval of a grant of a homesite lease.
- 22.37 <u>Homesite Lease:</u> A written document that grants a property interest in the use and disposition of the surface of real estate by lessee, and a bilateral contract with lessor that is approved by the Navajo Nation to lease one (1) acre or less of Navajo Nation trust or fee land for residential purposes for 75 years.
- 22.38 <u>Housing for public purposes</u>: Multi-family developments, single-family residential developments, and single-family residences, administered by a tribe or a tribally designated housing entity; or substantially financed using tribal, federal, or state housing assistance program funds.
- 22.39 <u>Housing subdivision:</u> A lease area for which a Master Lease is issued for multi-family development, single-family residential development, or housing for public purposes. It is an area where individual

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lots have been so designated, and where infrastructure (streets, electricity, sewer and water) have been provided in anticipation of issuing homesite leases to individual applicants within the Subdivision."

- 22.40 <u>Infrastructure:</u> The basic improvements, facilities and utilities needed for the functioning of a home or dwelling; such as waterline, power line, telephone, sidewalks, housing subdivision parks or playgrounds, and roads.
- 22.41 Ingress: The act of going in or entering, the right to enter; a means of entering; entrance.
- 22.42 Interest, when used with respect to Indian land: An ownership right to the surface estate of Indian land.
- 22.43 <u>Joint Tenancy with Right of Survivorship</u>: Property held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. Under the doctrine of survivorship, the entire estate, upon the death of one of the joint tenants, goes to the survivor without the need to probate the descendant's estate. This shall not apply to married couples involving a Non-Navajo spouse.
- 22.44 Land Status: The current type of land or disposition or management of the real estate and surface use rights.
- 22.45 Lease: A written agreement between the lessor and a lessee, issued under these Regulations as authorized by 25 U.S.C §§ 415 (a) or (e). The lessee is granted a right to possess Navajo Nation Trust Land for a specific purpose and limited duration.
- 22.46 Leasing Decision: In the context of the environmental review process; means the following types of lease transactions that will be acted upon by the Navajo Nation or its delegated political subdivision:
   1) Issuance of a lease; 2) Amendment or modification of a lease; 3) Assignment or transfer of a lease; and 4) Granting of a Sublease as applicable.
- 22.47 Lease document: A lease, amendment, assignment, sublease, or leasehold mortgage.
- 22.48 Leasehold Interest: Claim or right to enjoy the exclusive possession and use of an asset or property for a stated definite period, as created by a written lease.
- 22.49 <u>Leasehold mortgage</u>: A mortgage, deed of trust, or other instrument that pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
- 22.50 Lessee: An individual or individuals who has or have a finalized homesite lease approved by the Navajo Nation.
- 22.51 Lessor: The Navajo Nation or its duly authorized designee, the Navajo Land Department (NLD) Manager.
- 22.52 <u>Life estate</u>: An interest in property held only for the duration of a designated person's life. A life estate may be created by a conveyance document or by operation of law.
- 22.53 LTRO: Land Titles and Records Office of the BIA. This office records all title to types of surface estates granted on the Navajo Nation.
- 22.54 Mortgagee: The holder of a leasehold mortgage.
- 22.55 Navajo: Any person who is an enrolled member of the Navajo Nation.
- 22.56 <u>Navajo Land</u>: All lands held in trust for the Navajo Nation; land title which is restricted in favor of the Navajo Nation; Navajo controlled lands (when NN approves use of the property); and Navajo Fee lands.
- 22.57 Navajo Nation: The Navajo Nation Government.
- 22.58 <u>Navajo Nation Trust Land:</u> The surface estate of land or any interest therein held by the United States in trust for the Navajo Nation; land held by the Navajo Nation and subject to federal restrictions against alienation or encumbrance; land held by the United States in trust for a Navajo Nation corporation chartered under Section 17 of the Indian Reorganization Act.
- 22.59 Non-Navaio: A person who is not an enrolled member of the Navajo Nation.

- 22.60 <u>Navajo Forest</u>: All Navajo Nation controlled lands supporting specific species of trees with a specific density or crown closure, as defined in 17 N.N.C. § 520 (H).
- 22.61 <u>Navaio Woodland</u>: All Navajo controlled lands supporting specific species of trees with a specific density or crown closure, as described in 17 N.N.C. § 520 (I).
- 22.62 NEPA: The National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.
- 22.63 <u>Permanent improvements</u>: Buildings, structures, and associated infrastructure attached to the leased premises.
- 22.64 <u>Permit</u>: A written authorization or license granted by the Navajo Nation whereby the permittee is granted a use or revocable use privilege to use Navajo Nation Trust Land for a specified purpose and limited duration.
- 22.65 <u>Permittee</u>: A person or entity who has acquired a privilege to use Navajo land or federal iand by a permit.
- 22.66 <u>Petition</u>: A written request submitted to the Secretary for the review of an action or inaction of the Navajo Nation that is claimed to be in violation of these Regulations. Petition may only be submitted within thirty (30) days after exhausting all remedies available on the Navajo Nation.
- 22.67 <u>Professional Surveyor</u>: A surveyor who engages in the practice of land surveying and is qualified to undertake such practice as confirmed by legal certification registration and licensure as a professional surveyor. The Surveyor must be registered with the respective state where he/she practices land surveying (Arizona, New Mexico, and/or Utah).
- 22.68 <u>Probate</u>: The legal action by a court of competent jurisdiction of distributing property of the decedent and the closing of his or her estate.
- 22.69 Regulations: Homesite Leasing Regulations Amendments of 2015.
- 22.70 <u>Relative</u>: A father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepson, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister or legally adopted persons by court order.
- 22.71 <u>Restricted land</u>: Land where the beneficial title to which is held by the Nation or an individual indian, that can only be alienated or encumbered by the beneficial owner; or, if encumbered by a homesite tease, by the lessee, with the approval of the Navajo Nation.
- 22.72 <u>Right-of-Way</u>: A property right which may or may not be attached to the land, to use for a purpose unrelated to residential use, such as strips of land for roadways, railroads, power line, oil and natural gas lines, telephone lines, waterlines, and other utility distribution service lines.
- 22.73 Secretary: The Secretary of the Interior or his duly authorized representative or successor.
- 22.74 <u>Significant Impact</u>: A determination that an action will have a significant effect on the quality of the human environment after considering the following:
  - 1) Effects on public health and safety;
  - Effects on the unique characteristics of the geographic areas, including its historic or cultural resources, park lands or ecologically critical areas;
  - Highly controversial effects on the human environment;
  - Highly uncertain or unknown effects on the human environment;
  - Effects in terms of precedent for future actions with significant effects;
  - Effects that may be individually insignificant, but when considered with other projects, have a significant impact on the environment;
  - 7) Effects that cause loss or destruction of scientific, cultural, or historical resources; and
  - Effects on endangered or threatened species or habitat protected under Navajo Nation or federal law.
- 22.75 <u>Single-family residence</u>: A building with one dwelling unit on a tract of land under a single residential lease, or as defined by applicable tribal law or other tribal authorization.

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- 22.76 <u>Single-family residential development</u>: Two or more single-family residences owned, managed, or developed by a single entity.
- 22.77 <u>Sublease</u>: A written agreement by which the lessee grants a right of possession no greater than that held by the lessee under the Lease.
- 22.78 <u>Surety</u>: One who guarantees the performance of another's performance of an undertaking, for example payment of a debt.
- 22.79 Surface Use: The right or privilege to utilize the external layer of land for various types of land use.
- 22.80 <u>Surveyor</u>: The Navajo Nation Official responsible for providing a legal land description of the leased premises by drafting a survey plat from data concerning a portion of the earth's surface by length, direction of boundary lines, and contour of the surface. This person is a professional and licensed surveyor.
- 22.81 <u>Tribally Designated Housing Entity (TDHE)</u>: A TDHE is a tribally-sponsored or tribally sanctioned not-for-profit entity, or limited partnership or other entity organized for the purpose of developing or improving low-income housing utilizing tax credits pursuant to 25 U.S.C. 4103(22).
- 22.82 Tenure: The time of holding real estate.
- 22.83 <u>Tenancy in Common</u>: Property held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. However, unlike joint tenancy, when one co-tenant dies, the surviving co-tenant does not succeed to the decedent's interest. Rather, the decedent's fractional interest in the property must be probated.
- 22.84 <u>Termination</u>: To end one's Interest in a Homesite Lease by default or mutual consent or valid court order and allowing such interest to revert back to the Navajo Nation.
- 22.85 <u>Trespass</u>: Unauthorized possession, occupancy or use of Navajo Nation Trust Land as defined by Navajo Nation or federal law.
- 22.86 <u>Unrestricted land</u>: Lands where title is held by the Navajo Nation in fee simple absolute status, and the Nation is not required to obtain the approval of the Federal government to render further disposition or use of the land.
- 22.87 <u>Violation</u>: A failure by Lessee to comply with an obligation created by the Lessee agreement to take an action, including payment of compensation, or to fail to comply with a term of the lease.
- 22.88 <u>Watering Point</u>: All tribally developed and maintained springs, wells, and dirt tanks, charcos or deep reservoirs.

#### EXHIBIT "F"

	HOMESITE LEASE APPLICATION FEE; PENALTIES AND FINES FEE SCHEDULE									
1.	Home site Lease Application Filing Fee:	\$30.00								
1.		\$45.00								
	•	\$45.00								
	c. Termination	\$45.00								
2.	Annual Fee	\$12.00								
3.	Home Site Land Use Adjustment Fee									
	a. Full acre \$2,000.00	\$2,000.00								
	b. Half acre \$1000.00	\$1,000.00								
4.	Home Site Land Use Adjustment Rent plus Annual Fee									
••	c. Full acre \$2,000.00 (\$27.00 + 12.00)	\$39.00								
	d. Half acre \$1,000.00 (\$13.00 + 12.00)	\$25.00								
		420.00								
5.	Archaeological Survey (Fees to be established by services provider).									
6.	Resurvey Fee	\$350.00								
7.	Re-tie Survey Fee	\$350.00								
8.	Home site Application Dispute Filing Fee	\$65.00								
<b>9</b> .	Transportation Permits Fee	\$30.00								
10.	Land Surveyor Permit Fee	\$30.00								
PENA	LTIES AND FINES									
•	Warning citation (No fee)									
•	2 <sup>ed</sup> Citation	\$100.00								
	3 <sup>rd</sup> Citation (Penalties with trespassing)	\$200.00								
•	4ª Citation	\$500.00								
•		4500.00								
1.	Illegal Parking of Trailer/Mobile Home	\$200.00 per month								
	(Fees will apply until the Tenant comes into compliance)									
2.	Storage Sheds, corrais, etc., without a lease / permit to improve	\$200.00 per month								
	(Fees will apply until the Tenant comes into compliance)									
3.	Illegal burial open range locations	\$500.00 per incident								
	(Fees will apply annually until the illegal burial sites comes into compl									
4.	Environmental Valuation is enforced by Navajo EPA									
	(Junk cars/household trash).									

#### NAVAJO LAND OFFICE DIRECTORY

Chinle Land Office PO Box 2179 Chinle, AZ 86503 (928) 674-2056 FAX: (928) 674-2059

Crownpoint Land Office PO Box 948 Crownpoint, NM 87313 (505) 786-2376 FAX: (505) 786-2380

Ft. Defiance Land Office PO Box 2249 Window Rock, AZ 86515 (928) 871-6523 FAX: (928) 871-7039

Shiprock Land Office PO Box 208 Shiprock, NM 87420 (505) 368-1120 FAX: (505) 368-1123

Tuba City Land Office PO Box 3309 Tuba City, AZ 86045 (928) 283-3194 FAX: (928) 283-3197

W. Mike Halona, Department Manager III I. Harlan Charley, SPPS Navajo Land Department PO Box 2249 Window Rock, AZ 86515 (928) 871-6401 FAX: (928) 871-7039 Website: www.dinehbikeyah.org

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Fill-out HSL application and draw a Map of your proposed Homesite

ocation in BLACK INK.

Agency Navajo Land Offices HOMESITE APPLICATION & www.dinehbikeyah.org. can be obtained from



ocation with a handheld GPS unit and record the coordinates onto FORM HSA 200-01 and identifies the grazing permittees on FORM HSA 200-02 for consent of the proposed Grazing Official identifies the homesite nomesite.



reviews are completed; a required by a Registered Land Surveyor to certify Once all environmental egal land survey is he survey plat.



LEGAL DESCRIPTION

SURVEY PLAT



Homesite packets and signs on behalf of the

Navajo Nation.

**Review by Agency Real** 

\$47.50

Applicant Is responsible to pay for :



- Biological Data Request Fee \$32.50 by Fish & Wildlife HSL Fee - \$15.00 c,
- Environmental Review questions by Navajo Environmental infrastructure (electricity & water), a full Environmental Protection Agency (EPA) (If homesite is 1/2 mile from Assessment is required). program.

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- Cultural Investigation Fees are based on archaeology review and CRCF.
- Forestry Review (If the homesite is located near or within the Forest areas, it requires the Navajo Nation Forestry Department's approval).

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Await response from program reviews, comments and study reports with

- Biological Compliance Form (BRCF); approvals:
- Cultural Resources Compliance Form (CRCF); and
- Environmental Protection Agency (EPA)



TAAMS (SW Title Plant) & BIA records HSL into distributes HSL.

Corrections

12-10-13



with the following documents: **Biological Compliance Form** Homesite Lease is package (BRCF);

- Environmental Evaluation
  - Cultural Resources;
- Compliance Form (CRCF) &
  - Certified Legal Survey Plat; Archaeology inventory;
    - TOPO Maps

# AUTHORIZED LOCAL EMERGENCY RESPONSE TEAM (ALERT)

## **PLAN OF OPERATION**

Low Mountain Chapter PO Box 4416 Blue Gap AZ 86520 Telephone #: 928-725-3700 Fax #: 928-725-3703

Attachment IV

#### LOW MOUNTAIN CHAPTER AUTHORIZED LOCAL EMERGENCY RESPONSE TEAM (ALEART) PLAN OF OPERATION

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#### LOW MOUNTAIN CHAPTER AUTHORIZED LOCAL EMERGENCY RESPONSE TEAM PLAN OF OPERATION

- I. ESTABLISHMENT: The Low Mountain Chapter Authorized Local Emergency Response Team (ALERT) per Chapter Resolution #: LMC-08-62 is hereby established as an emergency response unit within the Low Mountain Chapter Government.
- II. PURPOSE: The purpose of the Low Mountain Chapter ALERT is to coordinate with all available resources from the Chapter, Tribal, County, State, and the Federal level for an effective and efficient response to any declared emergency situation to avoid loss of lives, injuries, and to minimize economic losses.

#### **III. OBJECTIVES:**

- A. Organize a local chapter response unit.
- B. Define roles/responsibilities of team members.
- C. Establish a preparation, response, and exit plan.

#### IV. MEMBERSHIP:

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- A. The Low Mountain Chapter ALERT shall consist of the following individuals:
  - 1. Chapter President
  - 2. Chapter Vice President
  - 3. Chapter Secretary/Treasurer
  - 4. Chapter Grazing Committee Representative
  - 5. Community Services Coordinator
  - 6. Office Specialist
  - 7. Community Health Representative
  - 8. 3 Professional Community Members
- B. Term of membership for all Chapter Officials and the Grazing Committee Representative shall be for four (4) years coinciding with their term of office.
- C. Term of membership for the Community Services Coordinator, Office Specialist, Community Health Representative and 3 Professional Community Members shall be during their time of employment.

D. The Low Mountain Chapter ALERT team shall be certified in Cardiopulmonary Resuscitation (CPR), Fist Aid, and Food Handler's Permit. 

- E. Trainings will be made available to ALERT team members.
- V. DUTIES AND RESPONSIBILIFIES: The primary responsibilities of the ALERT team is to ensure that the following emergency response plan is in place at the Chapter level:
  - A. PREVENTION
    - 1. Conduct community assessment, establish coordination of resources, develop plan of actions for preventive programs, and develop policies to govern local response procedures.
    - 2. Determine the community's vulnerability to disasters.
    - 3. Identify facilities, agencies, personnel, and resources to support ALERT activities.
    - 4. Survey communications and auxiliary power needs: Identify and provide facilities and equipment to meet these needs.
    - 5. Analyze command post location in relations to potential hazards and disaster conditions select and equip alternate command post.
    - 6. Develop a public information program.
    - 7. Develop a basic plan to implement in case of emergency.
    - 8. Review the Navajo Nation and County ordinances and regulations.
    - Review funding sources and recommend funding usage for emergency management activities and ensure accountability of all funds.
  - B. PREPAREDNESS

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- 1. Planning to ensure that most effective, efficient response efforts are in place to minimize damages and prevent crisis.
- 2. Prepare plans and standard operating procedures for emergencies.
- Arrange training programs for crisis management personnel and support staff.
- 4. Stock food and water supplies.
- 5. Stock administrative supplies and equipment.
- 6. Develop and maintain schedule of testing, maintenance, and repair of equipment.
- 7. Establish media and rumor control program.
- 8. Develop a set of general guidelines for activities at the E.O.C.
- C. RESPONSE

- 1. Response to any type of emergencies, human-caused and natural disasters by implementing emergency operations as applicable to the type of incident.
- 2. Activate P.C. as required or dictated by disaster condition.
- 3. Coordinate all operations.
- 4. Establish contact with higher levels of government.
- 5. Implement mutual aid agreements.
- 6. Inform resources and emergency services.
- D. RECOVERY
  - 1. Return all operations back to normal through an active recovery program.
  - 2. Prepare necessary damage assessment report.
  - 3. Consult appropriate agencies for information about disaster assistance.
  - 4. Seek all necessary medical care at the nearest hospital/clinic.
  - 5. Initiate clean up activities.

#### VI. ORDER OF BUSINESS:

- A. The Chapter President shall preside all regular or special meetings.
- B. The standard meeting agenda will be utilized for all ALERT meetings:
  - 1. Roll call and call meeting to order.
  - 2. Minutes read by secretary.
  - 3. Review and approval of agenda.
  - 4. Reports on emergency related activities.
  - 5. Consideration of old and new businesses.
  - 6. Adjournment of meeting.

#### VII. AMENDMENT:

This Plan of Operation is subject to amendment from time to time by the Low Mountain Chapter at a duly called chapter meeting.

#### VIII. APPENDIX

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- A. Resolution
- B. Organizational Chart
- C. ALERT Listing