# RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE $23^{\text {rd }}$ 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. $\$ 2004(\mathrm{D})(2)$, 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."

## CERTIEICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the $23^{r d}$ 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 $3^{\text {rd }}$ day of January, 2018.


Benjamin Bennett, Vice Chairperson Resources and Development Committee of the $23^{\text {rd }}$ 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 ChapterNavajo Route 67
Post Office Box 4416
Blue Gap, AZ ..... 86520
Telephone: 928-725-3700
Fax: 928-725-3703
http://lowmountain.navajochapters.comlowmountain@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 AssistantAshley Begay, Community Liaison
CONTRIBUTORS
Navajo Division of Community DevelopmentCapital Projects Management Department
Administrative Services CenterNavajo 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 <br> 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. 5 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 29 in favor, 0 opposed, and 2 abstained, on this $11 \neq$ day of

$\qquad$
$\qquad$ 2017.

Motioned By: Gerald Ahesteen
Seconded By: Rose Ann Charley


Sampson Begay, Chapter President



Edgerton Gene, Secretandreasurer

## RELATING TO LOW MOUNTANM CHAPTER (LMC) COMAMURHTY LAND USE PLANNING COMMITEE (CLUPC) PLAN OF OPERATION, HEREBY SUPPORTILG, 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,
2. To accommodate the short and longterm 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 activites 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 medla outiets and Chapter Meetings, Land use variations utilization of withdrawn lands as defined by the adopted plan, irventorying and assessing pertinent data, etc.; AND,
5. After consideration for public input the QUPC will make necessary adjustments, finalize the plan and submit the plan to the pertinent Navajo Nation Standing Committee of the Navajo Nation Coundi.

NOW, THEREFORE BE IT RESOLVED, THAT:

1. Relating to IMC Community Land Ptanning Committee (CUPC) Ptan of Operation, hereby supporting, approving and adopting the Community Land Use Planning Committee's Plan of operation.

second Bye_Dcare Larsar

## CERTHFATHON

I hereby certify that the forgoing Chapter Resolution was duly considered by the IMC at a dully 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 26 in favor, fopposed and O/ abstalned, this SK day of Thay_ 2015. herins
Gerald Ahasteen, Chapter President


## Community Vision, Mission Statements Values, and Guidine 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 NAVANO NATION <br> LOW MOUNTAIN CHAPTER COMMUNITY LAND USE PLANNING COMMITIEE

## 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 dutles 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 avallability 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:

1. 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:

1. The "CLUPC" shall hold enough meetings to accomplish the overall purpose of the committee.
2. Three out of four, "CLUPC" members will make a quorum to start a scheduled meeting.
3. "CLUPC" meetings every 1 " Monday of each month at 9:00 AM at Low Mountain Chapter meeting room.
4. Waiting time to make a quorum to begin the "CLUPC" meeting is $\mathbf{3 0}$ 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 $\$ \mathbf{1 0 0 . 0 0}$ per meeting.
6. Attendance is critical, any member that falls 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.
7. 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 V. 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, l.e., roll call, meeting minutes etc.

## Section VII. Duties and Responsibllifies 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 Confilict 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:

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

## 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.

## Authority

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

## Purpose

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)


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

## PROJECT APPROACH

$\left[\begin{array}{c|c}\text { Phase I } \\ \hline \text { Community } \\ \text { Assessment }\end{array}\right]$


Phase V
Comprehensive Report with Implementation Recommendations

## PROJECT OBJECTIVES



1. Conceptualize Future Land Use Plan
2. Digitize and Computer Format
3. Presentation of Land Use Options
4. Approval of Land Use Plan: .Public Hearings - Chapter Meeting
5. Finalize Land Use Plan -Hard Copies
1.Organize Data and Analysis
6. Develop Options on Implementation
7. Compile

Comprehensive Report
4. Final Critique with Community
5. Provide Continued Follow Up and Monitoring

## TO ANSWER THE QUESTIONS OF:



| Where Will the |
| :---: | :---: |
| Community |
| NAHASDA |
| Vision |
| Be Built? |


| What |
| :---: | :---: |
| Infrastructure |
| Community |
| NAHASDA |
| Vision Will |
| Need? |


| How Will the |
| :---: |
| Community |
| NAHASDA |
| Vision Look? |

How Can the Community NAHASDA Vision Be Realized?

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

| Date | Type of Meeting | 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 | Review CLUP manual update. Powerpoint presentation, Cemetery concerns |
| 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 |


| December 7, 2015 | Regular Meeting | Community assessment survey form, continue updating <br> CLUPC manual, arrange to meet with surrounding <br> chapters, |
| :--- | :--- | :--- |
| November 02, 2015 | Regular Meeting | Introduction of new CLUPC member and update the "to <br> do" list from the strategic planning. |
| October 29, 2015 | Special Meeting | Strategic Plan updates, discuss and finalize for <br> presentation oat the planning meeting and update the <br> CLUPC manual |
| October 05, 2015 | Regular Meeting | Review CLUPC manual, convert to word format, need <br> 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 <br> budget, grazing representative |
| August 25, 2015 | Special Meeting | Vision/mission statement. Supporting documents for <br> 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 <br> 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 Meting | Presented CLUPC Plan of Operation. Approved by <br> resolution |  |
| May 04, 2015 | Regular Meeting | Surveys and strategic planning with Chapter officials: <br> Topics: cemetery, sewer lagoons, septic tanks |
| April 12,2015 | Special Meeting | Review of CLUPC Plans, revision and amendment, Guest <br> Speakers: Benedict Gonnie and Roger George |
| April 09,2015 | Regular Meeting | Budget Orientation, CLUPC Plan of Operation, Roles and <br> Responsibilities |
| March 30,2015 | Regular Meeting | CLUPC Orientation by NNDCD, ASC. Election of <br> officers <br> Reviewed the NNTCDC Certified the Low Mountain <br> 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)

## Public Hearing Agenda

## Public Hearing

LOW MOUNTAIN COMMUNITY LAND USE PLAN MANUAL UPDATE

## Time Description

Master of Ceremony: Sampson Begay, Chapter Secretary/Treasurer

- Invocation: John Pekin, Community Member

Lunch Break
Open to the Public
01:00 PM

02:00 PM

- Topic: Discussions
- Topic: Conclusion

Rase Ann Chorley President, CLUPC

- Benediction: Rodger George, Chapter Vice-President




## 2. 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

| People Who Know of the CLUP |  |
| :---: | :---: |
| nes $\quad$ No |  |
| No | Yes |
| $61 \%$ | $39 \%$ |

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.

## Attendees of Monthly <br> Chapter Meetings

Yes $\quad$ №


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

# Male/Female Ratio <br> Male $\quad$ Female 



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


Children and teen population is high. More people mid- 40 's to 50 's is higher and less young adults. The teens and elders are about the same.


Many rely on SSI or Food Stamps assistances, 20 people did not require assistance of any kind. The rest are in the single digits.


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

| Schooling |  |
| :---: | :---: |
| $\square$ Dropout $\quad$ - High School Graduate $\quad$ - Vocational Graduate $\quad$ - College |  |
|  | $7 \% 7 \%$ |
|  | $20 \%$ |

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.

## Employment Status of Residents

■ Yes $\quad$ No


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


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

## Homesite Lease Holders

Yes $\quad$ No


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

| NTUA Resources Available |  |  |  |
| :---: | :---: | :---: | :---: |
| $136 \quad 41$ | - Yes $\quad$ No |  |  |
|  | $123 \quad 54$ | 104 | 73 |
| Electric | Water |  |  |

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.

Septic Tank Owners

- Yes $\quad$ No

35\%
65\%

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

| Disposing Trash |
| :---: |
| ■Burn- Chapter - Dump <br> $20 \%$ <br> $33 \%$ |

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

| Water Sources For Residents |
| :---: |
| $■$ Spring $\quad$ Windmill $\quad$ Earthen Dams $\square$ NTUA |
| $76 \%$ |

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

## Animal Owners

$\square$ Sheep - Horses - Cattle - Goats $\square$ Other $\square$ None

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.

## Grazing Permit Holders



One-third of people reported having a grazing permit.

## Garden/Cornfield Owners



36 percent reported having a garden or cornfield.

## Fact Finder



| DP-1 | $\begin{array}{l}\text { Profile of General Population and Housing Characteristics: } 2010 \\ 2010 \text { Census Summary File 1 }\end{array}$ |
| :--- | :--- |

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see hitpi/hww.census.goviprod/oten2010/docts1.polf.
Geography: Low Mountain Chapter; Navajo Nation Reservation and Off-Reservation Trust Land, AZ-NM-UT (part); Arizona


| Subject | Number | Poreomt |
| :---: | :---: | :---: |
| Median age (years) | 28. | (X) |
| - 16 years and over | 264 | 35.0 |
| ' is years and over | 248 | 32.6 |
| 21 years and over | 223 | 29.6 |
| 62 years and over | 34 | 4.5 |
| 65 years and over | 27 | 36 |
| Femalo population | 383 | 50.8 |
| Under 5 years | 29 | 3.8 |
| 5 to 9 years | 28 | 3.7 |
| 10 to 14 years | 45 | 6.0 |
| 15to 19 years | 39 | 5.2 |
| 20 to 24 years | 31 | 4.1 |
| 25 to 29 years | 6 | 0.8 |
| 30 to 34 yeors | 18 | 2.4 |
| 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 | 24 |
| 55 to 59 years | 20 | 2.7 |
| 60 to 64 years | 12 | 1.8 |
| 65 to 69 years | 16 | 2.1 |
| 70 to 74 years | 16 | 2.1 |
| 751079 year | 9 | 12 |
| 801084 yoars | 4 | 0.5 |
| 85 yeers and over | 7 | 0.8 |
| Median age (years) | 33.5 | (x) |
| 16 years and over | 274 | 38.3 |
| 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 |
| One Race | 74 | 98.7 |
| White | 16 | 2.1 |
| Black or Affican American | 0 | 0.0 |
| American Indian and Alaska Nativo | 728 | 08.6 |
| Asian | 0 | 0.0 |
| Astan Indian | 0 | 0.0 |
| Chinsse | 0 | 0.0 |
| Filipino | 0 | 0.0 |
| Japanese | 0 | 0.0 |
| Korman | 0 | 0.0 |
| Vietnamese | 0 | 0.0 |
| Other Asian [1] | 0 | 0.0 |
| Native Hawailan and Other Pactic Islandar | 0 | 0.0 |
| Native Hawallan | 0 | 0.0 |
| Guarnanian or Chamorro | 0 | 0.0 |
| Semoan | 0 | 0.0 |
| Other Pactic islander [2] | 0 | 0.0 |
| Some Other Race | 0 | 0.0 |
| Two or More Racas | 10 | 1.3 |
| Whase; Anvercan Indian and Alastar Native [3] | 6 | 0.8 |
| Whte; Aelan (3) | 0 | 0.0 |
| Whae; Bfack of Aftican American [3] | 0 | 0.0 |
| Whte: Some Other Race (3] | 0 | 0.0 |
| Race alone ox in combination with one or more other races: (4) |  |  |
| White | 22 | 29 |
| Black or African Amarican | 4 | 0.5 |
| American Indian and Alaska Native | 738 | 97.8 |




## X Not applicablo.

[1] Other Aslan alone, of wo or more Aslan categories.
[2] Other Pacific talander alone, or iwo or more Nattve Hewailen and Other Pacific lslander categories.
[3] One of the four moet commonly reported multiple-rece combinations nationwide in Consus 2000.
[4] in combliation with one or more of the ofther racas listed. The sbx rumbers may add to mone than the total poputation, and the alx percentages may
add to more than 100 percent because indilduals anay report more than one race.
[F] This category is composed of people whose odigins ane from the Dominican Republic, Spain, and Spanish-speaking Centrat or South Amedcan countries. It also includes generei origh responses such as "Latino" or "Mispentic."
[텨 "Spouse" rapraeents spouse of the householder, th does not reffect all spouses In a household. Responses of "same-sex spouse" were edlted duning processing to "unmarried partner."
[7] "Famlly households" consist of a householdar and one or more other people selated to the householder by birth, mamiage, or adopition. They do not inctude same-sex marifod couples even if the mastage was performed in a state issuing mantage cortficates for seme-sax couptas. Same-aex couple households are lnctuded in the fanily householde cetegory if there is at least one additlonat parson related to the householder by birth or adoptlan. Same-aax couple households with no relatives of the houpetholder prasent are tabutated in nonfaruly housaholds. "Nonfamily householda" conalst of people fiving alona and households which do not have sny members related to the housaholder.
 vecent unlta "for sale only" by the sum of owner-occupied unlte, vecant units thut are "for sale only," end vacemt units that have been sold but not yet occupleds and then multiplying by 100.
 "for rent" by the sum of the renter-cccupled unts, vacant unlts that ape "For rent." and vacant unite that heive been rented but not yot oceupled; and then multiplying by 100.
Source: U.S. Census Burasu, Census 2010 Summary File 1, Tablas P5, P6, P8, P12, P13, P17, P19, P20, P25, P29, P31, P34, P37, P43, PCT5.
PCTB, PCT11, PCT12, PCT19, PCT23, PCT24, H3, H4, H5, H11, H12, and H16.
Souroe: U.8. Consus Burenu, 2010 Cenaus.


## 3. Public Facilities and Services

## 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.

Education/ Schools: Miles Round Trip


## 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
Smoke Signal, AZ


Wesleyan Church
Low Mountain, AZ


New Life Bible Church
Low Mountain, AZ


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, ViceCommander, 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.


## Strategies:

- 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 t] 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.


## Strategies:

- 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 Jeehdeeža Elementary Sch (JES) needs repair or replacement; is thirteen on the BIA priority list.
- Continue to gravel and maintain all secondary roads as identified.



## 3. Utilues

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.


## Strategies:

- 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.


## Water

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-


## Sewer

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.


## Strategies:

- 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.


## 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.


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

## Windraill Data


Type of Motor Aermetor Mill Siec 12A. Tower Type 4 PestAnole Tren

| Well Depth 18\%年, | Puinp Setting 168 | Drop Pipe Stee 3 |
| :---: | :---: | :---: |
| Cylimier Size 2\% | Creck Valve Type Brll | Sucker Rod the Antish |
| Date Drilled | Static Water Level 97 |  |

Draw Down $\qquad$ 둥 $\qquad$ spm for $\qquad$ hours

## Mainterance Record:

July 6, 2016: Kriant: Pull 8 jts of sucker rods and re-deather. Replace: Drop rod and releather. Re-use the samie sucker sod and drop pipes. Parts used: 5-2 $3^{n}$ leather cup and 16 ft of sucker rod. Water is restored.
November 03, 2014: KPiaut: Pull drop pipes, sucker rods and cylinder. Replace 8 jts of drop pipes and re-leather. Parts used: 8 jts of $3^{\prime \prime}$ pipes and 5-2 $3^{\prime \prime}$ 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. Danages is weather related. Soptember 21, 2012: KPlant: Pull sucker rods, 8 jts of $3^{\prime \prime}$ 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 $2^{\prime \prime}$ union and $2^{\prime \prime} x$ $4^{n}$ nipple on plumbing. Well Materin!: 1 ea. $2^{\prime \prime}$ union galv., 1 ea. $2^{\prime \prime} \times 4^{\text {" }}$ 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.
Pebruary 12, 2003: PMI, changed oll (1 gal.), measured static water level 97 ft . Replaced tailbone pivot boit and replaced lrake spring and bolt gride.
August 31, 2000: Installed 8 jts $3^{\prime}$ tubing w/cylinder and 8 jts $\%^{n}$ rod w/pluager and check valve, assembic 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/oll.
 1 gallon windmill oil.
Angast 02, 2000: Pulled 8 jis $3^{\prime \prime}$ drop pipe w/cyiinder, 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 $1{ }^{101}$ sucker rods.
Jame 11, 1996: CDR: Replace 168 ft of drop plpe and the cylinder.
Juae 07, 1995: Replaced 168 ft of sucker rods and re-leathered.

July 11, 1991: Replace complete windmill. Aleo, replaced 8 joints of drop piper and sucker sods, and the cylinder.


#### Abstract

Notes/Remarlas: 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 lealing causing the tank to maintain low water volume. Later this day, this windmill was check and noted that the stop a 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 pat the Wheel back working order. Jannary 25, 2000: Need to replace 4 sails ( $\mathbf{1 2}^{\prime}$ ), reconnect the vane spring, replaced brake cable. Pull all 8 joints of $\$ 2$ sucker rod pipes and replace $2{ }^{*}{ }^{\boldsymbol{\prime}}$ leathers to planger and check valve.


## WINDMILL DATA \& MAINTENANCE RECORD

## Windmill Data

Well No. 4ipe 11
Area LomMonntian
Date
Ompher 32.2an
Type of Motor Dempster Miti Stue 12ft Tower Type 4PostAnoinfron
Well Depth synt. Pump Setting 204f.
Cyinder Stue 1Y/"
Check Valve Type Pell
Drep Pipe Sise_211
$11031 / 1311$
Date Drilled 0Mngis Static Water Level 160 N. $(07 \pi 1100)$ Drop Pipe Joints 14
Draw Down 60ft (4) 6 gpm for 4 hours

## Maintenance Record:

July 6. 2016: KPlant: Pull 14 jts of sucker rod and re-leather cylinder. Replace: 4 -17/8" leather cup. Re-use sume sucker rods and drop pipes. Parts used: 4-17/8" leather cup. Water is restored.
November 03, 2014: KPlant: Pull all sucker rods and re-leather cylinder. Parts used: 4-1 7/8" jeather cups. Well back in servica.
October 31, 2013: KPlavat: 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 $17 / 8^{n}$ cyiinder. Drill weep hote. Well tested and water restored.
November 03, 2010: Ron Stmufier: Pull/remove sucker rods and re-jeather cylinder. Did not pull drop pipes nor replace it. Windmill back in service.
October 22, 2007: KPlant: PM (added I gal), pulled $14 \mathrm{jts}+10 \mathrm{ft}$ pc. sucker rods, re-leather $5 \mathrm{ea} .17 / \mathrm{B}^{\text {c }}$ leathers, SWL 120 ft , pump setting 294 ft . Windmill Needs: Watar tank has 2 bullet holes in it.
June 15, 2006: KPlant: PM (changed oil), pulled 14 joints $+10 f i$ pc. sucker rods, re-leathered Sea. $178^{\prime \prime}$ leathers. Note: Replaced stand pipe (no Extra Charge). Materinl List: 5 ea. $178^{n \prime}$ leathers. Windmill Needs: 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. Material List: 4 ea. $17 / 8^{\prime \prime}$ leather pump cups. Wellinformation: SWL © 198 ft .
September 02, 2000; Pulled 14 jts ${ }^{2} 2$ *" sucker rods w/plonger and check valve, re-leather and resel rods into well, reconnect plumbing and rods to pump rod, windmill in service. Material List: 5 ea. $17 / 8^{\circ "}$ leaher cup. Wenlinformation: SWL © 186 ft .
July 11, 2000: Balok Windmin and Well Servicer Install new motor, pulled sucker rods and drop pipes. Replaced three joints of pipes and replaced complete cyliader. SWL 160 fL . Japuary 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: PML. Changed oil, used 1 gal wm oil. Needs backfiling 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.

## Note:/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 mowr. 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 ) fotnts of $21^{\prime} \times 2^{\prime \prime}$ 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 $1 / 7 / 8^{\prime \prime}$ to 2 $1 / 4^{\prime \prime}$.

## WINDMILL DATA \& MAINTENANCE RECORD

## Windmill Data



| Type of Motor | Aermotor | Mill 8 Ste | 12\%. |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  |
| Well Depth | 00 | P |  |  |  |

 135 f. (10/2307)
Date Drilled Sept to Oct 1958 . Static Water Level 214n. (08.2:02) Drop Pipe Joints 14
Draw Down $\qquad$ 당 $\qquad$ gpm for $\qquad$ hours

## Maintenance Record:

November 06, 2014: KPlantt Remove and replace motor, wheel, tall assembly and pump rod. Parts used: 1-12 foot motor, I - 12 foot wheel assembly, 1 - 12 foot tail assembly, 1 - 12 foot pomp rod. No well work was dome. Windmill is back in service.
November 02, 2010: Ron Stanfler: 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: KPPiants PM (added 1 gal. oil). Pull $14 \mathrm{jts}+4 \mathrm{ft}$ sucker rods and drop pipe and re-leathered, replace tail spriag, brake line, brake handle, made new standpipe, put on new union on discharge pipe. SWL 135 ft , pump setting 294 ft .
June 29, 2006: KPlant: PM (changed oil), pulled 14 joinis +4 ft . pc., sucker rod, re-leathered 5 ea. $17 / 8$ leathers. Replaced drop rod. MaterialList: 5 ea. $17 / 8^{\prime \prime}$ leathers. Windmill naeds: Tail spring (nono in stock).
November 05, 2003: Changed out damaged pump rod and repaired brake assembly. Well
Material: 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 mew 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.
Jamuary 05, 1999: Pulled oat 15 joints of fiber glass sucker rods. Did not catch bottom check valve, will need to pull drop pipes.
Jamuary 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. Jannary 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 beck up, when new pad is set up. Pelix Begay


## 7. Culturally and Traditionally Sensitive A reas

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.


## Strategies:

- 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.


Exhibit A


Exhibit A


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).


Exhibit A

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

Exhibit A


Exhibit A

## ENVIRONMENTAL ASSESSMENT

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


LOW MOUNTAIN CHAPTER
P.O. BOX 4416

BLUE GAP, ARIZONA 86520
Prepared By:
ilıná bá


612 EAST MURRAY DRIVE
FARMINGTON, NEW MEXICO 87401

Prepared In Accordance With
National Environmental Pollcy Act of 1800; A Amended
IAM Part 58 Chapter 3
October 2007

Exhibit A


# 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-cị Cultural and Environmental Services, LLC

Prepared for
Mr. Duane Aspaas

- iine-bá, Inc., for Low Mountain Chapter 612 E. Murtay Drive
Farmington, New Mexico 87401
(505) 327-1072

Submitted to

Navajo Nation Department of Fish \& Wildifie
P.D. Box 1480

Window Rock, AZ 86515
(928)-871-7068

Múukui-cí 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 Meston, Nevajio County, AZ
HCES 07-184 Seppember 2007

Exhibit A

### 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 rhizonatous, herbaceous perennial and member of the milkweed family (Asclepiodaceae). The plant is distinguished by its spherical inflorescence, height ( 10 40 cm ), opposito 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 ( $>\mathbf{2 0} \mathbf{~ m m}$ long), and spreading to pendulous follicles. It is known from the Paria Wildemess area in Arizona, as well as in Utah where critical habitai 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 ams! (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 Concems

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, pronghorm, razorback sucker, roundtail chub, Southwestern willow flycarcher, 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
unprotected species of concem 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 Deparment website at http://www,azgfd.gov/w c/edits/species concern.shtml.

ARPC
2001 Arizona Rare Plant Field Guide. Arizona Rare Plant Committee, Arizona Heritage Data Management System, Arizona Game and Fish Department, Phoenix.

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, http://nmmp.unm.edu/bisonm.cfin, 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/swchd/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.

Degenhandt, W.G., C.W. Painter, and A.H. Rice
1996 Amphibians and Reptiles of New Mexico. University of New Mexico Press, Albuquerque.
Finch, D.M.
1992 Threatened, Endangered, and Vuinerable Species of Terrestrial, Vertebrates in the Rocky Mountain Region. USDA Forest Service General Technical Report RM-215.

Harrington, H.D.
1954 Mantual of the Plants of Colorado. Sage Books, Denver.
Howe, W.H.
1986 Status of the Yellow-billed Cuckoo (Coccyzus americonus) in New Mexico. New Mexico Department of Game and Fish, Santa Fe.

Ligon, J.S.
1961 New Mexico Birds and Where ro Find Them. University of New Mexico Press, Albuquerque.
of the Navajo Nation, Navajo County, AZ
MCES 07-114 Sepptomber 2007

Doug L.nebig. TES $/$ Wetlands Biologist
Muukui-ci Cultural \& Environmental Services. LILC
530 Cow Canyon Road
Ignacio, CO 81137
SUBJECT: MCES PROJECT NO. 07-114: BIOLOGICAL ASSESSMENT FOR THE PROPOSEDIOW MOUNTAIN TRADING POST IN LOW MOUNTAIN, NAVAJO COUNTY, AZ UTM ZONE 12, 0581240E, 3977190 N

## Mr. Lochig:

The following information on species of concern' is pmovided in response to your 20 June 2007 request concerning the subject project, which consists of the Whippoorwill Regional Business Development office's propssed implementation of a 0.58 -acre site lease for the Low Mountain Trading Posr in Low Mountain, Az

Although the Navajo Fish and Widdife Department (NFWD) has no record of species of concern occurring on wr wear the project site(s) at this time. the potential for certain species of concern to occur needs in be cusluated.

Species of concern with potential tonccuron the 7.5-minute Low Mountain, AZ quadrangle(s) containum 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 suitahility at the project site(s).

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

2 . Ealco peregrinus (Peregrine Falcon): NESI. group 4-MBTA.
Potential for Puccincllia parishil should be cealuated if wetland condirionsexist that contain white alkalins crushs.

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please reler to NN Species Accounts." Furtherquescions pertaining to surveys should be referred

[^0]

## Exhibit A

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 planes 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. Fisli \& Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands arc located close enough to the project site (s) to be impacted. In cases where the maps are inconclusive (c.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 muse be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, muse 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 NPWD'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) yearn 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 www.navajofichandwildlife.org.

An invoice for this information is attached.
If you have any questions ! may be reached at (928) 871-6472.


Sonja Detsoi, Wildlife Tech. Natural Heritage Program Department of Fish and Wildlife

As file chromo

# 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
Mưukui-ci Cultural and Environmental Services, LLC
On behalf of iná-bá

Prepared for

Mr. Duane Aspaas
iina-bá, fnc. 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
Müukui-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

Exhibit A
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 bortle glass, and 90 percent is from beverage bottles, including clear, brown, and green glass. While Coca-Cola soda botle 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 1960 s and 1970 s, which supports the interview data with local residents. Notable bottle marks on base fragments include several Owens-Illinois Glass Company bottle bases with an "p" 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 dale. 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

Significance: 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 elsewbere. 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.

Recommendation: 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 Reservalions, Arizona, New Mexico, and U/tah. Geological Survey Professional Paper 521-A. Government Printing Office, Washington D.C.

[^1]

Exhibit A

## "MARKET AND ECONOMIC FEASIBILTY STUDY"

## For

Low Mountain COMMUNITY
FINAL REPORT
November 5, 2012

Submitted To: Tony LittleProgram ManagerWhippoorwill Regional BusinessDevelopment Office
Division of Economic Development
THE NAVAJO NATION

$$
\text { Post Office Box } 1004
$$

$$
\text { Pinon, Arizona } 86510
$$

$$
(928) 725-3707
$$

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

Exhibit A

## 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

1. 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.
6. 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.

Exhibit A

## LOW MOUNTAIN AND SURROUNDING COMMUNITIES



## Low Mountain

Whippoorwill

## Pinon

Blue Gap
Keams Canyon
Polacca
Jeddito

Exhibit A

## LOW MOUNTAIN DEMOGRAPHICS

| Area Chapters |  | 2004 | Age Bracket |  |  |  | Momes |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | Census | 0104 | 5 to 17 | 18 to 64 | over 65 | Owned | Vecant | Iotal |
| Low <br> 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 | 126 | 267 | 89 | 356 |
|  | TOTAL | 3817 | 427 | 992 | 1903 | 413 | 857 | 190 | 1047 |

Low Mountain Community


Exhibit A


| Area Business | Estimated Revenue |  |
| :--- | :---: | ---: |
| Leez Diz Ah | $\$$ | $3,000,000.00$ |
| Low Mountain Chapter | $\$$ | $270,742.00$ |
| Cottonwood/Tselani | $\$$ | $300,951.00$ |
| Whippoorwill | $\$$ | $284,995.00$ |
| Jeddito | $\$$ | $277,719.00$ |
|  | $\$$ | $4,234,407.00$ |

Exhibit A

## U.S. Consumer Expenses



## Navajo Nation Consumer Expense



Exhibit A

| subrect | Mumber | Feremer | sutioes | Number | Primens |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  |
| Teerim pepatition | 3003 | 00 | Tedri neyminion | 3 CH | 100 |
| SEANOMCE |  |  | Atspanic of L tino (of my reces) | 33 | 1.1 |
| Nate | 1,538 | 50.1 | Mamotan | 28 | 0.8 |
| Femit | 1,530 | 4.8 | Pumbe Rican | 1 | 0 |
|  |  |  | Cuben | 0 | 0 |
| Under 5 yoars | 353 | 115 | Other Hispanic or Latino | 8 | 0.3 |
| 509 ypurs | 369 | 12. | Nat Afigemic or latho | 3,091 | 98.8 |
| 100014 year | 430 | 14) | Whate aiona | 114 | 37 |
| 15049ymes | 310 | 10.1 |  |  |  |
| x092xymer | 237 | 7.7 | Thatromsk |  |  |
| 25002 ymas | 570) | 12.4 | Trowi pepultion | 3,531 | 180 |
| 35048 120 | 32 | 1281 | th houmetotis | 3.086 | 100 |
| 450036 | 83 | 8,3) | Aloustratior | 749 | 24.2 |
| S0 bobe mar | 85 | 23 | Spocte | 359 | 13 |
| 601969 mex | 70 | 2.3 | Child | 1,45] | 47.7 |
| 65074 vear | 118 | 3.8 | Ommando uncer re year | 1.081 | 34.6 |
| 75torns | 53 | 1.7 | Ouner retelives | 45 | 14.5 |
| soy yeers and ovar | 17 | 06 | Under 18 pens | $2{ }^{2} 1$ | 52 |
|  |  |  | Nanrolatives | 37 | 1.2 |
|  | 21.3 | (1) | Unememed patmex | 27 | 0.0 |
|  |  |  | in aroup quanters | 0 | 0 |
| 18) war and over | 1.720 | 55.1 | Instindion lized poumbion | 0 | 2 |
| Mole | 828 |  | Nonustertionslised peontaition | 0 | 0 |
| Fonde | 62 | 23.1 |  |  |  |
| 21uners andove | 1,547 | 50.81 |  |  |  |
| Qy yex and over | 23 | 77 | Toul 1 ensodolds | 741 | 900 |
| BS ynesend oup | 128 | 8.1 | Farmidhousetolet (amites) | 612 | 826 |
| Mate | 89 | 2.8 | What ow chithen ender 18 yers | 380 | 3261 |
| Fenmer | 107 | 3.5 |  | 380 | 33.7 |
|  |  |  | Wat oum chitaren tincer to yaur | 27 | 37.4 |
| Race |  |  |  | 174 | 22.5 |
| Ona 700 | 3.000 | 98.8 | With own chiditen under is ymers | 03 | 12.8 |
| White | 116 | 3.8 | Noritamily housohoios | 129 | 17.4 |
| Giactor Afteen Amaricen | 0 |  | Atomenolter iving eloye | 129 | 169 |
|  | 2.937 | 88.8 | Houmholor 65 yeme and over | 28 | 3.8 |
| Neion | 2 | 0.1 |  |  |  |
| Acimindian | 0 |  |  | 474 | 68 |
| Oinues | 0 |  | Mousehoddy whin hotviluts 85 yers end over | 184 | 10.4 |
| Fllino | 2 | 0.1 |  |  |  |
| yenemes | 0 |  | Averaye hountold size | 414 | ( ${ }^{\text {a }}$ |
| Kormen | 0 |  | Averape tumdy stao | 4.74 | (1) |
| Vmamese | 0 |  |  |  |  |
| Qter Asim! | 0 |  | Housima occupmey |  |  |
|  | 1 |  |  | 1, [37 | 100 |
| Nsivoltemin | 1 |  | Occurned housing unis | 741 | 675 |
| Oumprin or Chenaro | 0 |  | Vacent housing unis | 356 | 32.5 |
| Sinam | 0 |  | For staconal rocrutiont, or oopution luse. | 282 | 29.1 |
| Ofier Pacticathender | 0 | 0 |  |  |  |
| Some ather rece | 4 | 0.1 | 1 Homesuner vacemey rem (parcent) | 0 | ( $\times$ |
| Twocmpore reas | 6 | 0.2 | 2 Remar victuey ctem (parceax) | 56. | $\otimes$ |
|  |  |  |  |  |  |
|  |  |  | MOUSHETEMUN |  |  |
| Whio | 119 | 3.3 |  | 741 | 100 |
|  | 1 |  | 0 Owner-cccunind howespa units | 369 | 522 |
|  | 2943 | 96 |  | 354 | 478 |
| Avin | 3 | 0.1 |  |  |  |
| Nowe Hemoion and Ofrer Peofis eltandor | 2 | 0.1 | 1 Anvers houmbex sise of owner-opaypiod unit | 426 | $\cdots$ |
| Soma otherres | 5 |  |  | 4 | ( $\times$ |
| 00 Naman |  |  |  |  |  |
|  |  |  | normowh sporimican |  |  |
|  nex many |  |  | 1. nemanc: intr ond |  |  |
|  <br>  <br>  |  |  | 3. COUNT: Mene |  |  |





Exhibit A


保
netismea unt wremom

Exhibit A

WHIPPOORWILL SPRING
Selected Characteristice from Cenaus 2000

|  | Number | Promet |  | Number | sronm |
| :---: | :---: | :---: | :---: | :---: | :---: |
| TOTAL POPULATBON | 1,457] | 100.0 | SCHOO ENROLLMENT - |  |  |
| SEX AND AGE |  |  | Pupulazion 3 years \& over | 592 30 | 100.0 5.6 |
| Mode | 728 | 40.6 | Kindergersen | 301 | 5.6 |
| Fenmale | 734 | 50.4 | Eem school (grades 1-4) | 308 | 83.5 |
| Under 5 years | 189 | 13.0 | High school (orades 9-12) | 118 | 22.2 |
| 5 to 2 yema | 194 | 13.3 | Colligge or graduatm achook | 10. | 3.0 |
| 10 to 14 yeans | 182 | 13.2 |  |  |  |
| 15 to 19 ymers | 157 | 10.8 | EDUCATIONAL ATTAINMENT |  |  |
| 201024 yexts | 102 | 7.0 |  |  |  |
| 25 no 34 years | 180. | 12.4 | Leesthan 9th grede |  |  |
| 35 to 44 yems | 189 | 13.0 | 9th to 12th grd, no diplorma |  |  |
| 4500 54 yemas | - 98 | 6.7 | Wioh echool grad (inc GED) |  |  |
| 55 no 59 years | 28 | 19 | Some collige, no degree 58 10 |  |  |
| 001004 yeara | 41 | 28 | Associsto dagnee$10$ |  |  |
| 856074 wears | 60 | 4.1 | Bachaior's dogree Ornduateprolesteional den |  |  |
| 750084 years | 18 | 1.2 |  | Onvenamprolesteional deo |  |
| 85 years hand cver | 9. | 0.8 | Parc HS graduatohigher Pare bschetory deghasher | 27.1 | (x) |
| Modim nge (Vrs) | 18.8 | (0) |  | 0 | $(x)$ |
| RACE |  |  | EMPLOMMENT STATUS |  |  |
| Whing ${ }^{\text {W }}$ ( 0.1 |  |  | Population 16 years \& Over | 783 | 1000 |
| Biack or Atican American | 0 | 0.0 | In labror force CMilian labor force | 227 | 29.0 |
| Amer holimi/hlapta Native | 1.452 | 99.7 |  | 227 | 29.0 |
| Asian | 0 | 0.0 | Eraployed | 123 | 15.7 |
| Netive HamaianOther P1 | 0 | 0.0 | Unemployed Percent Unmployed | 104 | 13.3 |
| Some other rece | 0 | 0.0 |  | 45.8 | ( $)$ |
| Two or mone feces 3 0.2 <br> Aner indian/Alastan Native 1.454 82.8 |  |  | Natil in iebor force | 558 | 71.0 |
| Aner Indian/Alasta Native combination wolner race | 1.454 | 98.8 | COMMUTING TO WOFK |  |  |
|  |  |  | Workers 18 yeanese over Camprolvivarydrove sione) Canthuck/van - capooled | 119 | 100.0 |
| HOUSEMOLOS BY TYPE |  |  |  | 73 | 81.3 |
| Total households | 343 | 100.0 |  | 34 | 28.6 |
| Family houednotds | 281 | 81.8 | Pualio tranaportation | 8 | 5.0 |
| Nca-family housenots | 62 | 18.1 | Waiked | 6 | 5.0 |
| Average household sime | 4.25 | ( ${ }^{(2)}$ | Oher meants | 0 | 0.0 |
| Average fernity sime | 4.88 | ( $)$ | Worked th home | 0 | 0.0 |
| HOUSNG TENURE |  |  | Truvel trme to work (minutas) | 49.2 | (2) |
|  |  |  | CLASS OF WOPHEA |  |  |
| Oowuphad houning unte Onner-cocupied thoueing Aonter-cocoppied housing | 343 | 100.0 01.5 8.5 |  |  |  |
|  | 314 |  | Ptures wageigalery workens Cowarnment workors | 7957.7 |  |
|  | 29 |  |  | $52 \quad 20.3$ |  |
|  |  |  | Gowarnment workors | 0 | 0.0 |
| MARTTAL STATUS |  |  | Unpeld famly worners. | 0) 0.0 |  |
| Pcordation 15 yeers 8 0ver 787 100.0 |  |  |  |  |  |
| Never marriedNow mariod | 328 | 41.8 |  |  |  |
|  | 348 | 4.2 | WNCOME IN 1898 |  |  |
| Smparamed | 34 |  | No. of Mousenolds <br> Median household inoome | 517,500 | () |
| Midomed | 23 | 2.9 | No. of Farnilies avodian tamily hoome | 280 | 100.0 |
| Oivorpod 53 |  |  |  | \$12,917 | $\infty$ |
|  |  |  |  |  |  |
| VETERAN STATUS |  |  |  |  |  |
| Cwillan Pop 16 years ${ }^{\text {s o over }}$ Crillan velerant | 704 | $\begin{array}{r} 100.0 \\ 20 \\ \hline \end{array}$ | Naia fulltime, year-round Femsle fltme, year-round | $\begin{aligned} & \$ 82,813 \\ & \$ 15,578 \end{aligned}$ | ( ${ }_{\text {( })}$ |
|  | 14. |  |  |  |  |
| LANGUAGE AT HOME |  |  | POVERTY STATUS IN 1999 |  |  |
| Populution 5 yerrs end over <br> Engliah ondy <br> Nevalonimetva Amerticm <br> Speak Engltheh not very woll <br> Sponish \& Other <br> Somk Engliah nox wey woll | 1,103 | 100.0 | No. $\frac{2}{}$ (\%) of femilas in poverty <br> No. a [ $\%$ ) of pereons in powerty | 149 | 57.3 |
|  | 83 | 7.0 |  | 735. | 54.7 |
|  | 3,710. | 89.0 |  |  |  |
|  | 711 | 50.6 |  |  |  |
|  | 0 | 0.0 |  |  |  |
|  | 0 | 0.0 |  |  |  |


|  | Number | Pereent |
| :---: | :---: | :---: |
| Totall howing units | 4531 | 100.0 |
| UHTS N STRUCTURE |  |  |
| 1 Hinh , defanched | 304 | 87.0 |
|  | 0 | 0.0 |
| 2 unis | 0 | 0.0 |
| Sor 4 unita | 0 | 0.0 |
| 5109 unta | 0 | 0.0 |
| 102019 unde | 0 | 0.0 |
| 20 or mowe units | 01 | 0.0 |
| Misolile home | $80 \mid$ | 13.0 |
| YEAR STRUCTURE BULT |  |  |
| 1900 \%o March 2000 | 29. | 6.4 |
| 1895 to 1898 | 108 | 23.4 |
| 1800 io 1994 | 62 | 13.7 |
| 1800 to 18909 | 111 | 24.5 |
| 1970 to 1979 | 05 | 21.0 |
| 1800 to 1809 | 371 | 8.2 |
| 1940 10 1859 | 131 | 2.9 |
| 1899 or eartier | O1 | 0.0 |
| ROONS |  |  |
| Madian (roome | 1.4 | (2) |
| VEHICLES AVALABLE |  |  |
| Mone | 108 | 94.8 |
|  | 197 | 43.5 |
| 2 | 18. | 5.7 |
| 3 or moze | 51. | 18.2 |
| HOUSE HEATING RUEL |  |  |
| Uinity pas | 01 | 0.0 |
| Bombod, cank, or LP gas | 75 | 23.8 |
| Elmotricity | 16 | 5.1 |
| Fual oil, keruseme, ene | 0 | 0.0 |
| Coss or moks | 0 | 0.0 |
| Whod | 224 | 7.1 |
| Bohar enorgy | 0 | 0.0 |
| Other hut | 0 | 0.0 |
| №. freit uepd | 0 | 0.0 |
| PLUMBNG \& TELEPHONE |  |  |
| Lecking complets pumbing | 140 | 44.4 |
| Lacking wiluchen thaives | 194 | 36.2 |
| No talophone savioe | 272 | 86.3 |
| OCCUPANTS PER FOOM |  |  |
| Occupiod houssing unter | 315 | 100.0 |
| 1.00 or less | 85. | 27.0 |
| 1.01 to 1.50 | 33 | 10.6 |
| 1.51 or move | 187 | 62.5 |
| MORTGABE \& RENT |  |  |
| Ommar-ocypled unils | 207 | 100.0 |
| VALUE in Mesijin dollars | 506,900 | (x) |
| Whth a mongrat | 8 | 3.9 |
| Whadimen mortyway peymenes | 5350 | $(x)$ |
| frombe-accupied unts | 41 | 100.0 |
| No caseh rent | 23 | 56.1 |
| Asodien rent peyman | 5025 | (X) |



Exhibit A

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



Compare population statistics about Keams Canyon, AZ by race, age, gender, Laxino/Hispanic origin etc Censusliswe! delivers detailed demographics and population statistics from the 2010 Census. 2000 Census, American Community Survey (ACS), registered voter files, cornmercial 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 "room 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. $\quad 1+i l l y$ about the unprecedented demographic insight and analytical power of Census Viewer interactive maps

CensusViewer mans daca and shatictics payes for all staus, countes and cities.
Keams Canyon, Arizuma - 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 | 1692\% |
| 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\% | 1 | 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 I, atino Origin (of any rece) |  |  |  |  |  |  |
| Persons of Hispanic or Latino Origin | 11 | 3.62\% | 5 | 1.92\% | 6 | 120.00\% |
| Persons Not of Hiqtanic or Latino Origin | 293 | 96.38\% | 255 | 98.08\% | 38 | 14.90\% |
| Population by Gender |  |  |  |  |  |  |
| Male | 147 | 48.36\% | 144 | 55.38\% | 3 | 208\% |
| 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\% |

CensusViewer-Graphs \& Tables: Race by Age
CensusViewer-Graphs \& Tables: Hispanic/Latino Origin

## Exhibit A

NAVAJO TRIBAL UTILITY AUTHORITY an enterprise of the navano mation

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 Mountain, AZ.

Electric Service Installation \& Upgrade:

|  | $\$ 80,000.00$ |
| :--- | :--- |
|  | $\$ 75,000.00$ |
|  | $\$ 70,000.00$ |
| Sub Total | $\$ 225,000.00$ |
| Grand Total | $\$ 225,000.00$ |

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


Attachments:


Exhibit A


Exhibit A

```
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,

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

## Exhibit A

# 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 POST OFFICE BOX 565 • CHINLE, NAVAJO NATION (ARIZONA) \(86503 \cdot(928) 674-2240 \cdot\) FAX (928) 674-2244
```



Exhibit A


Exhibit A

## 612 E. Murray Drive

Farmington, NM 87499

Off: (505 327-11C
FAX: (505) 327-1496
March 22, 2007
Whippoorwill Regional Business Development Office Atten: Bertina Brown, EDS
P.O. Box 1004

Pinon, Arizona 86510


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

Dear Ms. Brown:
Ilia ba 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.
iiná ba 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 lina bee, 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

## Exhibit A

## IRONHORSE ENVIRONMENTAL SERVICES, INC. <br> dedichited 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

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 wails, and concrete sidewalks.
4.) Shut-off, cap and otherwise protect existing public útlitylines 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.

## Qther 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.
Feoture 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 $\mathbf{m}$ 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. Feoture 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 CocaCola 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.
$\qquad$ 008165 FOR THE PROJECT: FORMER LOW MOUNTĀIN TRADING POST CLEAN UP

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 Unil/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 CONSULTANTS CREDENTIALS EXHIBIT C - PROOF OF INSURANCE (signed by Insurer) EXHIBIT D - DEBARMENT FORM (signed by Consulrant)

## 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:



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

Printed Name, Assistant Altomey General, Unit Navajo Nation Department of Justice
P.O. Box 2010

Window Rock, AZ 86515
PROFESSIKNAL SERVICES/CONSTRUCTION SERVICES CONTRACT

Resolution of the<br>Low Mountain Chapter

## Resolution Number:

Requesting the Whippoorwill RBDO, Division of Economic Development and the Resources and Development Committee of the $23^{\text {rl }}$ 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,
2. 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 storege tank removal, above surface clean up, up dated survey (legal tract description), up dated archacological 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 Developmest 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 $23^{\text {rid }}$ Council to seek all possible resources to fund the Low Mountain community Convenience Store and Gas Station Development.

Motion by Rasce charlay second by Donua Larsem

## 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 25 in favor and $\theta$ opposed with 1 abstaining this 10 th day of February, 2015.

##  <br> Low Mountain chapter

# 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

## Table of Contents

1. Summary of Proposed Action. ..... 1
1.1 Purpose and Need for Action ..... 1
1.2 Location and Maps ..... 1
2. Project Description. ..... 6
2.1 Alternative A-No Action ..... 6
2.2 Alternative B - Proposed Action. ..... 6
2.3 Action Alternative ..... 7
3. Description of Affected Enviromment ..... 8
3.1 Land Resources ..... 8
3.1.1 Topography ..... 8
3.1 .2 Sois ..... 8
3.1.3 Geological Setting and Mineral Rencurces ..... 9
3.2 Water Resources ..... 9
3.2.1 Clean Water Act Section 401 ..... 9
3.2.2 Clean Water Act Section 402 ..... 10
3.2.3 Clean Water Act Section 404 ..... 10
3.2.4 Floodplains ..... 10
3.2.5 Groundwater ..... 10
3.3 Air Resources ..... 11
3.3.1 Air Quality ..... 11
3.3.2 Visibility ..... 11
3.3.3 Climate and Meteorology ..... 11
3.4 Biotic Resources ..... 12
3.4.1 Description of Ecosystem and Biological Communities ..... 12
3.4.2 Wildife and Vegetation ..... 12
Table 3-1. Noxious weed species found within the project anen. ..... 13
3.4.3 Riparian and Agmenic ..... 13
3.4.4 Threatened and Endangered Speciet. ..... 13
3.5 Cultural Rewources ..... 14
3.5.1 Archseological Resources ..... 15
3.5.2 Traditional Cultural, Historic, and Religious Properties ..... 15
3.6 Socioeconomic Conditions ..... 15
3.6.1 Employment and Inoome ..... 15
3.6.2 Demographics and Trends ..... 15
3.6.3 Lifestyles, Cultural Vahues, Attitude and Bxpectations ..... 16
3.6.4 Community Infrastructure ..... 16
3.7 Environmental Juatice. ..... 16
3.7.1 Indian Trust Reeources ..... 16
3.8 Environmental Module ..... 17
3.8.1 Resources Conservation and Recovery Act Subtitle C, Hazardous Waste and Materials ..... 17
3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste ..... 17
3.8.3 Resource Conservation and Recovery Act Subtitle I. Underground Storage Tanks ..... 17
3.8.4 Comprehensive Environmental Response Compensation and Liability Act/ToxicSubstances Control Act Sites17
3.9 Rescurce and Land Use Patterns ..... 18
3.9.1 Land Use Phan ..... 18
3.9.2 Hunting, Fishing, Gathering ..... 18
3.9.3 Timber Harvesting ..... 18
3.9.4 Agriculture ..... 18
3.9.5 Mining ..... 19
3.9.6 Outdoor Recreation ..... 19
3.9.7 Transportation Use Network ..... 19
3.10 Other Vimes ..... 19
3.10.1 Wilderness ..... 19
3.10.2 Naise ..... 19
3.10.3 Public Health and Safety ..... 19
3.10.4 Visual Seping ..... 19
4. Environmental Consequences ..... 21
4.1 Land Resources/Physical Impacts and Mitiontion ..... 21
4.2 Water Resources Impacts and Mitigation ..... 22
4.3 Air Resources Impacts and Mitigation ..... 23
4.4 Biological Impacts and Mitigation ..... 23
4.5 Cultural Resources Impacts and Mitigation ..... 24
4.6 Sociocconomic Impacts and Mitigntion. ..... 24
4.7 Environmental Module Impacts and Mitiention ..... 24
4.8 Visual Resources Impacts and Miriention ..... 25
4.9 Noise Impact and Mitigation ..... 26
4.10 Public Health Impacts and Mitigation. ..... 26
4.11 Curmulative lmpracts ..... 26
5. List of Preparers ..... 23
6. Agencies, Organization, and Persons to Receive Environmental Assessment ..... 29
7. References and Literature Cixed ..... 30
Low Mountain Chapter

## Appendices

Appendix A -Low Mountain Chapter Resolution LMC-16-049 ..... A-1
Appendix B -Legal Survey Plat ..... - B $_{1}$
Appendix C -Photographs ..... C:
Appendix D -Biological Resources Compliance Form and Letter from Low Mountain Chapter to NNDFW ..... D-1
Appendix E-Cultural Resources Compliance Form. ..... E-1

## LIST OF TABLES

Table 2-1. Land stats and permitted acreage for the proposed projects ..... 2
Table 3-1. Noxious weed species found within the project area ..... 13

## List of Figures

Figure 1: Proposed Low Mountain Chapter Multipurpose Development Project — Vicinity Map............. 3
Figure 2: Proposed Low Mountain Chapter Multipurpose Development Project - Topographic Map...... 4
Figure 3: Proposed Low Mountain Chapter Multipurpose Development Project — Aerial Map................ 5

## List of Photographs


Photo 2: View of 1.0-zeres modify lease looking northwest from the southeast comer. ........................ C-2 Photo 3: View of project area (existing Low Mountain Chapter compound) looking south from the northwest portion of the project srea.
C-2

[^2]
## AcRONYMS

| ACS | American Community Survey |
| :---: | :---: |
| ARPA | Archaeological Resources Protection Act |
| BIA | Burean of Indian Aftairs |
| BMP | Best Management Practice |
| CAA | Clean Air Act |
| CEQ | Council on Environmental Quality |
| CFR | Code of Pederal Regulations |
| EA | Environmeatal Assessment |
| FEMA | Federal Emergency Management Agency |
| IPaC | Information, Planning and Conservation |
| 10 | Isolated Occurrence |
| IUS | In-Use Site |
| NAAQS | National Ambient Air Quality Standards |
| NEPA | National Environmental Policy Act |
| NNAD | Navajo Nation Archacology 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 Semtes 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.


## 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 comer 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 inchuding 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 $\mathbf{A}$.

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 Altermatives. 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, vetermas, 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 noeded for a safe public activities building; an application for a permit on Navajo Nation lands would be required to allow for the construction and longterm 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 BLA'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 Piffion, Arizona (Figure 1). A legal land 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 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.

Table 2-1. Land stats and permitted acreage for the proposed projects.

| Prognsed Projest Compunents | Indian! Alfutment | Navajo Natiou | Burcian of Land Ahampement | Privatc (Iec) |
| :---: | :---: | :---: | :---: | :---: |
| Head Start Building | - | $1.0^{1}$ | - | - |
| Veterans Building | - | $1.0^{1}$ | - | - |
| Multipurpose Building | - | 2.0182 | - | - |
| Grand Total Permitted Acres | 0 | 4.0 | 0 | 0 |

Collocated within the existing Low Mountain Chapter 10.0 -acre compound lease site.
${ }^{2} 1.0$ acres additional Low Mountain Chapter lease site adjacent to the existing Chapter lease site.


Figure 1: Proposed Low Mountain Chapter Multipurpose Development Project - Vicinity Map

Exhibit B


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

Exhibit B


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

## 2. Project Description

### 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 comer 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 chainlink 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.

Low Mountain Chapter October 2016

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 achere 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 altemative land sites. This location meets the purpose and need of the proposed project. No other alternative locations were considered for the proposed projoct.

## 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 (USDANNRCS 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-Vessille-Arabrab complex, 1 to 25 percemt slopes (USDANRCS 2014). The following descriptions are summarized from the Fort Defiance Area, Parts of Apache and Novajo Counties, Arizona and McKinley and San Juan Counties, New Mextco from the Natural Resources Conservation Services (NRCS) Web Soil Survey (USDANRCS 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 rumoff, 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) (USDANRCS 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 colian 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
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.c., rock outcrop, Fraguni, Parkelei family) (USDANRCS 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 projoct area consists of Mancos Shale from the upper Cretaceous (Cooley et al. 1969, Ulich el at. 1984). Those deposits are predominantly light- to dark-gray claystone and siltstone containing lesser amounts of tan, fine-grained sandstone and sitstone, bedded limestone, and concretionary limestone (Cooley et al. 1969). Low Mountain, or "Th Sahdi Dá Askani", (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 "Jeech Deeza" (translated as "pifion 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 projoct area or immeciate 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.

### 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 $I$ 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 04017 C 1675 E ). 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 Croundwater

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. Aluvial 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 project area and vicinity (1-mile radius) was performed on June 27, 2016 at http://www.azwater.gov/AwDWR/ 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 Titie 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 Ambiemt 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.

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 $88^{\circ}$ Fahrenheit. The average minimum low temperature generally occurs in Jamuary and approaches about $16^{\circ}$ 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 Wildife 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 (Boutelua gractlis), purple threeawn
(Aristida purpurea), Greene's rabbitbrush (Chrysothammus 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 (Arriplex canescens).

Scotch thistle (Onopordum acanthium), a BLA-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).

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

| Avoximus Species | 1 ,atitute ${ }^{\text {a }}$ | Lmmitute' | Commeris |
| :---: | :---: | :---: | :---: |
| Scotch thistle | $35.95050^{\circ} \mathrm{N}$ | $110.08907^{\circ} \mathrm{W}$ | 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. |

' North American Datum 83, decimal degrees
Wildife 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 http://www.fws.gov/wetlands/Data/Mapper,html. 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 wrobite (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-epecific 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 Ccunty, 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 Deany, Commmnity 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 archacologically surveyed by Dr. Anthoay L. Klesert of Navajo Nation Archacology 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 wallcing 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 arahaeological 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 Jamuary 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 Culfural Resource Inventory of Proposed Development within and the perimeter of Low Mountain Chapter Tract, 4-Acnes, Low Mountatn Nawajo County, Artzona 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 comtextualize any previous surveys and reports.

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

### 3.5.1 Archaeological Resources

Consultation Report No. NNAD-93-261-One site was encountered (Site No. AZ-0-8-128) during the cultural survey conducted by NNAD on October 1, 1993; this site is recommend as eligible for protection under the Archseological Resources Protection Act (ARPA).

Conswitant 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 10 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 anchaeological 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 BureauAmerican 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, emtertainment, 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 farnily workers. The unemployment rate in the Low Mountain Chapter is nearly $\mathbf{3 0 . 9}$ 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 $\mathbf{5 8 , 0 8 9}$. 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 Moumtain 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 bouseholds 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 establishmemts 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 rescurces, fisheries, saleable timber, minerals, paleontological resources, or agricultural resources in the project area or immediate vicinity.

### 3.8 Environmental Module

A roview of envirommental 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 Subtitie 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 undenground 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 ActTToxic Substances Control Act Sites

There are no Comprehensive Environmental Response Compensation and Liability Act sites located 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.

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 artes), 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 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 BLA 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 Chinie, Arizona (Chinle Indian Hospital); Polacca, Arizona (Hopi Health Care Center); and Pifion, Arizona (Pifion 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 Moumtain Chapter is provided by the BlA.

### 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 acdiacent 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 BLA Highway 67. 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 BIA Fighway 67.

Exhibit B

## 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 rapidily 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:
Significant- 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.

Moderate - 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 comer 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-erm impacts associated with the proposed construction activities, the potential longterm impacts and economic benefits of the operation of the new facilities, as well as mitigation measures to reduce potential impacts to the enviromment.

### 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

[^3]vehicle and construction equipment occurring within the 11.0 -acse 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 arca in the undisturbed area (i.e., 1.0 acre) is located within a relatively flat area. Thus, the impacts to copography 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 inchude 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-ierm. 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.

### 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 Blological 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 nonnative, invasive plants to the project area. The construction contractor would implement soil management and equipment cleaning which would recuce 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 wildife 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 $\mathbf{D}$.

### 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. Archacological 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.c., 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 properiy 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 healh and safety are anticipated. In the event of a hazardous material spill, releases would be contained and disposed of in accordance with federal and tribal regulations. The proposed action would be constructed and operated to meet all indestry 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 fiat 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 enviromment. Whereas the individual impact of one project in a particular area or region may not be considered significant, the result of mumerous 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 reasomably 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-erm decrease in vegetation and available forage for livestock and wildife. 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 reasomably 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.

## 5. List of Preparers

John Dodge, President/Biologist
Dodge Environmental, LLC
P.O. Box 75

Fruitland, NM 87416
(505) 330-1361

Heidi McGrath, Principal/Biologist
Columbine Environment, LLC
2817 Junction Street
Durango, CO 81301
(970) 946-1859

Exhibit B

## 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

Somja Detsoi, Wildlife Technician
The Navajo Nation
Department of Fish and Wildlife
P.O. Box 1480

Window Rock, A2 86515
Tamara Billie
The Navajo Nation
Historic Preservation Department
P.O. Box 4950

Window Rock, AZ 86515

## 7. References and Literature Cited

Arizona Department of Water Resources (ADWR). 2009. Arizona Water Atlas. Volume 2, Eastern Plateau Plaming Area. Draft. Arizona Department of Water Resources, Phoenix, AZ. Available at http://www,azwater.gov/AzDWR/StatewidePlanning/WaterAtlas/EastemPlateau/default.htm. Accessed June 2016.

Arizona Department of Water Resources (ADWR). 2016. Well Registry. Available at https://qisweb,azvater gov/WellRegistry/Default.aspx. Accessed June 2016.

Brown, D.E. (ed.). 1994. Biotic Communities: Southwestem United States and Northwestern Mexico. 342 pp. Desert PL, Vol. 4. University of Utah Press. Salt Lake City, UT.

Cooley, M.E., Harshbarger, J.W., Akers, J.P., Hantt, W.F., and Hicks, O.N., 1969, Regional hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, Now Mexico, and Utah with a section on vegetation: U.S. Geological Survey, Professional Paper 521-A, scale 1:125,000. Available at htpp://ngmdb. usgs.gov/ngmdb/ngmdb home. html. Accessed June 2016.

Federal Emergency Management Agency (FEMA). 2016. Flood Insurance Rate Maps. Available at https://msc.fema.gov/portal/advanceSearch. Accessed June 2016.

Navajo Air and Toxics Department (NATD). 2005. Air and Toxics Department Update, Volume I, Issue 1. August 2005. Window Rock, Arizona.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008a. Biological Resource Land Use Clearance Policies and Procedures (RCP). RCP-44-08.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008b. Raptor Electrocution Prevention Regulations. Navajo Natural Heritage Program; Navajo Nation Dept. of Fish and Wildlife. Window Rock, AZ.

Navajo Nation Environmental Protection Agency (NNEPA). 2004. Navajo Nation Air Quality Control Program Operation Permit Regulations. Navajo Nation Regulations Title 4-Environment Chapter 11-Air Pollution Prevention and Control Subchapter 2-Air Quality Control Programs Part HPermits. Available at http://water.epa.gov/lawsregs/guidance/wetlands/section402.cfm.

Navajo Nation. 2004. Chapter Images: 2004. Profiles of 110 Navajo Nation Chapters. Larry Rodgers, editor. LSR Imnovations, Research and Planning. Division of Community Development. Window Rock, Navajo Nation, Arizona, USA.
U.S. Census Bureau American Community Survey 2006-2010 (USCB/ACS). 2010. Navajo Nation Data and Statistics. Available at http://navajobusiness.com/pdf/Ad/CensusRep.html. Accessed June 2016.
U.S. Department of Agriculture/Natural Resources Conservation Services (USDANRCS) Web Soil Survey. 2008. Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and MeKinley
and San Juan Counties, New Mexico. Survey area data: Version 13, September 20, 2014. Available at: http://websoilsurvey, nres.usda.gov/app/. Accessed June 2016.
U.S. Environmental Protection Agency (USEPA). 2016. USEPA Envirofacts Data Warehouse (Internet). Available at http://www,epa, gov/enviro/. Accessed June 2016.
U.S. Fish and Wildlife Services (USFWS). 2016a. National Wetland Inventory maps for the proposed project area and vicinity. Available at http://www.fiws.gov/wetlands/Data/Mapper.html. Accessed June 21, 2016.
U.S. Fish and Wildlife Services (USFWS). 2016b. Information, Planning and Conservation IPaC-System. Listed and Sensitive Species in Navajo County, Arizona. U.S. Fish and Wildlife Service Environmental Conservation Online System. Available at http://ecos.fivs.gov/ipac/wizard/chooseLocation!prepare.action. Accessed June 10, 2016

Ulrich, G.E., Billingsley, G.H., Hereford, Richard, Wolfe, E.W., Nealey, L.D., and Sutton, R.L., 1984, Map showing geology, structure, and uranium deposits of the Flagstaff 1 degrees $\mathbf{x} 2$ degrees quadrangle, Arizona: U.S. Geological Survey, Miscellaneous Investigations Series Map I-1446, scale 1:250,000. Available at http://ngmdb.usgs.gov/ngmdb/ngmdb home. html. Accessed Junc 2016.

Western Regional Climate Center (WRCC). 2016. Historical Climate Information for Keams Canyon, Arizona. Western Regional Climate Center, Reno, NV. Available at http://www.wrce.dri.edu/cgibin/cliMAIN.pl?az4586. Accessed June 2016.

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

## mexountom of tie Low mountain onctar



 zapterona crmanims

## manes

0L. The Low Mountain Chapter is a duly certified chapter of the Movito mention and as acth may preserve and promote community interests; AND.

CQ. The Low Mountain Chapter requests to whidraw three ers (3) phat of wind the Low Mowntetn Chapter tract adelision of one sore adjacent to the chapter tract, and 20-Acres for Recreation Felt AND.
03. The Low Mounting Chapter proposes to construct a new Meadetert Center turitina and a Musthpurpose Eullilias for our yours children, and a Recreation field for our youth and communally of Cow Mountain; AND.
 Whitromal of thane (3) acres hand flex with the Low Mountain Chapter Tract and one (1) Acre adfocme

 clemercice services for the development.

## CERTHFACMTHOW



 IMPer Of March, 2016.
motioned or Ely Genie
seconded tr. thereon Alurtien


GendAmeteen chapter Pour rem

## Appendix B-Legal Survey Plat

Exhibit B


Exhibit B


Exhibit B


Exhibit B

## Appendix C-Photographs



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.

Exhibit B

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



THE NAVABO NATION

## LOW MOUNTAIN CHAPITER



> COHNCII BHLSGATL - 1 Dedey
 GMAZINL: MFPROSENTATTVE (rcrold AlASTBEA
 Tmany RWMA STINT:
 Marata DPRNY

June 8, 2015

Pamele A Kyselka, Wildhfe Biologist
Navejo Nation Department of Fish B Wiklife
Window Rock, Arizona 86515

## RE: REQUESTING ISSUANCE OF BIOLOGICAL RESOURCES COMPLIANCE FORM - LETTER.

Dear Ms. Kysalka.
I am writing this teiter on behalf of the Low Mountain Chapter, where we are requesting for the trototucal Resources Campliance Form - Lefter from your Office of the Low Mountain Chapter 10-Acres Premises

Ms Kyselke, the 10 -acreas Chapter premises has already been cleared by the Navajo Nation Archacology and Navajo Nation Historic Preservation Department withe previous years Currenth. the Low Nountain chapter has a proposed olen for s new Headstart Bualding and a Nult-Purpose Bunding within the chapter 10 -acreas premises and one of the requirements is the Btological Resources Compliance Form

Madam, your utmost considerations and assistance will be appreciated fity should inwe dny further questuons and/or need more informalion, please don't hestate to contect me at 928-725-3700
sincerely.

xc: Gerald Ahasteen. Chapter President Chorno/fite

MD

NNDFW Revitw No. ISICSOAE
BIOLOGICAL RESOURCES COMPLIANCE FORM NAVASO NATION DEPARTMENT OF FISH AND WILDLIFE P.O. BOX 1480. WTNDOW ROCK. ARIZONA 86515-1480

M is the Depmotumenis opimion the project described below, with appliceble comditions. is in complimese with Tribol and Fedreal luws protectiag biologieal resources inchuding the Navejo Endangered Specics and Erviroarncmat Policy Codes. U.S. Endangored Species. Migratory; Bird Treaty. Engle Protection and Mational Envinommeatal Polics Acts. This form does not prechude or replace consumpaion with the U.S. Fish and Wildife Servier if a Federnilyfisted species is affected.

PROJECT NAME \& NO.: Low Moumtain Headstart \& Muli-Purpose Buildiag
DESCRIPTION: The Low Mountain Chopter proposes to construct a neu Headstan facility and a Muiti-Puppose buildiag within the 10 -aers chapter tract.

LOCATION: Lan Mountain, Apeche Coumpy: Arizona
REPRESENTATIVE: Martita Denny, Commmniry Services Coorsimator, Low Momathin Chapter ACTION AGENCY: Navajo Nation
B.R. REPORT TTTLE / DATE I PREPARER: Request for neview t concurtenceros JUNi 2013Mareit Denms SFGNIFICANT BIOLOGICAL RESOURCES FOUND. Area 3. POTFNTAL MPACTS

NESL SPECIES POTENTALLY IMPACTED: NA
FEDERALLY-LISTED SPECIES AFFECTED: NA
OTHEK SKGNIFICANT IMPACTS TO BIOA.OGICAL RESOAIRCES: NA
AVOIDANCE / MITKATION MEASURES: NA
CONOTTIONS OF COMPLIANCE*: NA
FORM PREPARED BY $/$ DATE: Pmmela A. Kyweller29 JUN 2015
COPIES TO: (add caneporims as necessery)


Page if of
Nantrin-

## 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 Wildife 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: NE $1 /$ of Section 04, T29N, R2IE, 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)

*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

C:IOId_pe20100My DAcumentiNNHPTBRCF_2016116LMCO1B3.doc

## 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 Wildife, 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 Wildifie, except for issues that you feel should have the attention of the Director.

## ACKNOWLEDGEMENT:

Joff Cole, Whldilife Manager
Department of Fish \& Wildife


```
8.7.7069
```


FOUR ACRE PROPOSED DEVELOFMENT WITHAN \& PERMETER OF LOW MOUNTAN CHAPTER TRACT, LOW MOUNTANN CHPTER, MAVALO COUNTY, APEOONA
188-10040
Page 2
13. Loramort 8ee fiomes.
 7.8 quedruxfe topognphio map references for propoed FOURACRE DEVE OPM MENT ( we Fime 1).

Thde 1. FOURACRE DEVELOPMENT II Low Mounden Chaper:
Nungo Thed houl

| Treeta | Nateritas | Exating | Sacion | Temunit | Reare | 750 Reimance IİP |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 1 One here Dovipurent GTR | $39 / 800375$ | 6211283 | 04 | 29 | 21 | Lom Moundil 22 Prov. Ben 1800 |
| 11 |  | 80.9167 | 04 | 20 | 21 | Low Meunis 22 Prov. Ed. 1CE0 |
| 12 | 301804811 | 60210370 | 0 | 20 | 21 |  |
| 13 | 30160001 | 6221\%A5 | 0 | 20 | 21 |  |
| 14 | 307600as | EVO, 0.70 | 04 | 20 | 21 | Lon ratmen, 12 Prov. Ed. 1800 |
|  | 397807328 | 62178.51 | 04 | 28 | 21 | Low Moummin, R2 Prov. Ed. 160 |
| 27 | 897683281 | 82700, 62 | 04 | 29 | 21 | Low Hountat, AT Prov, Ed 1890 |
| 22 | 3978034 | E.2138.62 | 04 | 29 | 21 | Low Montris, 2 P Prov. Ed 1950 |
| 23 | 3.976909 .52 | 58214297 | 04 | 20 | 21 | Lom Mounter, A2 Prov. E0, 1000 |
| 24 | 3978006.95 | 68221616 | 04 | 29 | 21 | Low Mounteith, A2 Prov. Ed 1960 |
| 3 Two Acre Pelthg Lot (perimeter of cotalen Chapter Trice CTR | 3978896545 | 89220208 | 04 | 29 | 21 | Low Efoumtin, AZ Prov. Ed. 1890 |
| 31 | 397883291 | 68200. 02 | 04 | 29 | 21 | Low Mountin, $R 2$ Prov. Ed. 1080 |
| 32 | 377809245 | $6 \times 222264$ | 04 | 29 | 21 | Lom Mauntor, AR Prov. Ed, 1880 |
| 33 | 39700089 | 6292008 | 04 | 29 | 21 | Low Mountin, $A 2$ Prow. Ed. $19 \% 0$ |
| 34 | 3078894.34 | 5020.01.53 | 04 | 28 | 21 | Low Mountath, R2 Prov. Ed. 1800 |

## 14. Report



 potintian chect end areasurveyed equale $174,240 \mathrm{mq}$. feet $(18,18889$. metera) or 4 morse (188 ha).

 propoed profoct eve






 undertintro.









 propoed lociless wase boated by a reprecentaitiv of Low Mountin Chapter.
 spoced appociaitily fin aport cotsoning out over the dovelopment eren.
 epprodonntity 48,500 eq. E ( $4.047 \mathrm{~m} . \mathrm{m}$ ) or 1.0 ecre.








 affected.
15. GULTMAL REecunce mapmest
 Iollee A condets of a portitis buliding.





 promedion under ARFA and MMGPRA



 Amaitean huction Reingloves Fruedom Act (ARFA).


Figure 1. Low Mountan Chapter Tract-Parcets 1, 2, and 3 (ISB-16-049) Section 04, T29N, R21E GSRM
7.5' USGS saries map: Low Mountain, AZ Provisionai Edifion 1990

RARGHAEOLOGHCAL ANVENTORY REPORT DOCUMENTATHON PAOB (HPD JANAI)

13. LOCATION (MAP ATTACRTD); See liture 1.
a. Chapers: Low Monstata
a Lasd Sontass Ainvajo Parlitioned Lasd
8. Agencys Fort Defince
I UTM Center Zowe 12\% See supplement shect
a Cleatys Ninvilo

a sumes Atmons



- Desalyito of Vadertiliag Ses mpplanat stect
B. Existios Deta Reviewt see supplemeat shoet

A. Freld Mestoeds: See supplemees sheet.

15. CULTUNL RGSONEB FRDTIOS:



16. Cuthrention



Ffgure 1. Locational map of the Low Mountain Chapter House Tract and the Three Areas Currently Proposed for construction. Low Mountain, Arizona, $7.5^{\prime}$ series USGS Map. provisional edition, 1990. T24N, R21E (NNAD-93-261).

$\cdot$








 coperamaly cermetery.
 prosetiol, ase the chapler wnchomes.



 for protection mader the American ladian Relifious Freedom Act (AIRPA)



 woeld compromies any sacred qualtices.

 be ane bomedary by a minhouro of 50 al ( 15 m ).


Eigure 2. Locationdl map of site AZ-0-8-128 in relation to the Low Mountain Chapter Bouse Tract. Low Mountain, Arizona 7.5' series map, provisional edition 1990. T24N,
21E (NMAD-93-261)

## SITE AZ-O-8-128



PoweriPole.
$+8$

ChagNer Wiverehomee; "..


#  

 vinibiabut a fow sapdstons tragmants were obyerved
## CONDIMDNOT Bly








HCEMEIONEI None.
 dine 100 year old age sequiremeat and is of seientific ioternst, therefors, the she merits protection undor the ApA provisions.

 Aet (AIRPA).




Exhibit "A"

| -11 |  |
| :---: | :---: |
| Envive 0 | As |
| Eame | anct |
| $\cdots$ | 17\% |
| Drece enm un | nesas |
| 100 -nege | 3co | Lan Managuipnt brass elp-ijpe of thei fors 1682 Executive Order Area;


THENCE $N 67^{\circ}{ }^{\circ} 44^{\prime \prime} 34^{\prime \prime} \mathrm{X}, 6,474.02$ foet: THENCE M $89^{\circ}$ 29: $58^{\prime \prime}$ M, $7,758.21$ feet; THENCE $N 63^{\circ} 32^{\prime} 19^{\prime \prime}$ M, 7,659.70 feet to the point of beginilivg of the herein desTHEAcricy $84^{\circ} 21^{\prime} 06^{\prime \prime}$ M, 660.08 feet; THaNE N $05^{\circ}$ 38' 54" E, 660.00 feet; tizance $884^{\circ} 21^{\circ} 06^{\circ} \mathrm{E}, 660.00$ feet;

 and boing subject to say and ali existor theraln.
Survered 06/04/81 by the Office of Navaj Land Adminjstration, The Mavajo Tribc,


| $\square$ | $\sigma$ | AS. | $1000 \text { Ant }$ <br>  |
| :---: | :---: | :---: | :---: |
| \%ome | - | amer |  |
| 20meno | $\cdots$ | TE. |  |
| ame man | m | 30063 |  |


$\qquad$


3 IOCATBON
c. UPM Conalinates of te 10 acre Low Movatin Craples Home Tinct

|  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| b. serise stese |  |  |  |  |
| \& 39200 senem |  |  |  |  |
|  |  |  |  |  |

## 14 nemont










 prefocts

- ${ }^{\circ}$.













 sidmel Maniferanions (CCMS).
 we Clapiter fiouce Trect It was recopded with a Suato eoappess and 60 na meaguring tupe.

Stie




1. Yiat Countrams of the 10 acve Low Momatain Crupter Howse Trects








2. Exinjinca PATA R

 priactis

- "













 Selhusal Mantrotations (CCMO).




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

It is the Duparumen's opinion the profert desuthed below, with appilembie conditione, is in complimee with Tribal


 specios in sficeted.

DESCRIPITON: The Low Mountian Chapter propoeses to comstruct a new lieedetert focitity and a Multi-Purpoce beildley wition tive 10 -ecre chaptar troot
LOCATION: Low Monnpeito Apselhe County, Asimona
REPRESENTATTVE: Mureite Denay, Commanity Sorviees Coordinutor. Low Monntain Chapter
ACTION AGENCY: Navejo Nation
BR. REPORT TITLE / DATE / PREPARER: Requat for seviow a conourrencol0s JUN 2015MMarein Danny SICNIFICANT BIOLOOICAL RESOURCES FOUND: Aree3.
POTENTIALM,MPACTE
NESL SPECIES POTENTIALAY IMPACTED: NA
FEDERALLY-LSTED SPECIES AFFECTED: NA
OTHIER SIONIPICANT MPACTE TO EKOLOGUCAL RBSOURCES: NA
AVOLDANCE/MITIGATION MRASURES: NA
CONDITIONSOP COMPLINNCE: NA
PORM FREPARED BY / DATE: Pameta A. Kypellanz JUN 2015
COPHBS TO: (Add eniegorias se mecesery)



Pape 1 of 1



EXHIBIT B


# PEOMEII,    

## Mat rages:

1. The Low Mountain Chapter ts a duly certified chapter of the Navajo Nation and as such may preserve and promote community interests; AND,
2. 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,
3. 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,


#### Abstract

MOM, THERERORE BETYBEOMED.THATE 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 Buidiling and a Multipurpose Bulling, 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.


## CER-T-HF+C-A-THO-N

We, hereby certify that the foregoing resolution was duly considered at a duly called Low Mountain Chapter Meeting In Low Mountain, (Artzona), Navajo Nation, at which a quorum was present and that same was approved by a vote of 23 in favor, $3-$ opposed, and 3 _ abstained on this /4AMday of March, 2016.

Motioned By: Ely Cornice
Seconded By: $\qquad$
homers Mon
Gerald Ahasteen, Chapter Pisident
NE1/4 of Section 4 T29N, R21E G.\&S.R.M. Navajo County, Arizona

OASis of BEARING.-SOIor Observotion 9-03-14 A.M.
with PLASTCC CAP: NMPIS 12163/AZPLS\$29894
of Section 32
$R 21 E$ G\&SRM
Navajo County, Arizona


|  |
| :---: |
|  |
|  |

1. Henry thomes an Alyone Profasionod Surveyor, to herety certhy thot this superviston, thet I em respenamile for this ssurvey, (Mat this survey is true and
 ond that this murney is not o survey of an existing froct or troets.

|  | Hemy tromoe Re. PLS. Ma. 2009\% | 0 ME |
| :---: | :---: | :---: |



A Record of Survey of a
LOM ROUNTANN CHAPT

EXHIBIT B


## BOLOGCAL RESOUSCRS COMPLINNCE PORM NAVAJO NATION DEPARTMIBTI OP FISH AND WILDLIFE P.O. BOX 1400, WRIDOW ROCK, AREZONA 86515-1480




 epocion in mimend.

 bollultag within the tomere efopter truct.
LOCATIOX: Low Mompenis, Apmats County Artoma
 ACTION AOBNCY: Navaio Nation
 SICNITICANT BIOLOORCAL RESOURCES POUND: AMEA 3.
BoTPAMALMPAME
NBSL SPECIES POTENTIALLY ZMPACTED: NA
,
FEDERALLY-LISTED 8PECIES APTBCTBD: NA
OTtIBR SHCNIPICANT MPACT8 TO BIOLOGACAL RESORRCES: NA
AVOTONNCE/MITIGATION MRASGMES NA
CONDTHONS OP COMHFLANCEA MA
FORM FREPARED BY/DATE: Pumele A Kymilera JuN 2015





Repromintiveis è matione Depe

## 

Paye 1 of



EXHIBIT B

HiRCHAEOLOCICNL MVENTORY REPORT DOCUMENTATION PACE (IDD SANY1)

13. LOCATTON (MAP ATTACFIED)

Ses Frgoe 1.
2. Ohaplere Lem Moantala
\&. Atrencys Fert Defiage
\& Comety Rinvafo
a spaser Arteona






L. Euchion Dats Reviemor See anplemant deat



1s. Cutural Resotrict mindances
a Lecriforitemiliention of Ext Recoucer Ser supplemeat stat




Figure 1. Locational map of the Low Mountaln Chapter House Tract and the Three Areas Currently Proposed for Construction. Low Mountain, Arizona. $7.5^{\circ}$ series US6S Map. provisional edition, 1990. T24N. R21E (NNAD-93-26i).


## 







 cumandy ermetery.










 would coupreaise any socred qualtiter.

 te ahe lemadiny by a mintris of 50 a (15 3)


Figure 2. Locational map of site $A Z-0-8-128$ in relation to the Low Mountain Chapter House Tract. Low Mountain, Arizona $7.5^{\prime}$ series map, provisional edition 1990. T24K. R21E (NNAD-93-261).
$\because$
SITE AZ-O-8-128


Figure 3. stie plan thap

 Onger Elowe Tructs fievalo Coverty, Altroes.


LPM, MOCMIDN T20N, R22W, Unfineted

Brarrs Actrom - DPNityre Nevajo CHATAT: Low Movatado
EANREMATHE Nimbo Pastioned Led

Ficer Henarialnale 60 m tape aad Sumato Compers.
















## Enchurdida: Nome


 ARPA providions.

 Act (Alura).





## -:

## 3. E0entrons




## 14 Enour










 pininets

$?$

##  











 Setrua Minertementons (COLS)



Ste .




```
SUNFL#MENT SHEET (ARSS FORM)
TENSACMS LOW-MOLINTANS CHAPTER HOUSE TRACT
sumpserem
```


## 3irentom




Minat
 crimip ti a







 propers
-

$?$











 Sivoul Mantiotalions (CCMES).



Sis






## 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.

## 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 tum 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<br>Low Mountain Chapter Community Recreation Project<br>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

## Table of Contents

1. Summary of Proposed Action ..... 1
1.1 Purpose and Need for Action ..... 1
1.2 Location and Maps ..... 1
2. Project Deseription ..... 6
2.1 Alternative A - No Action ..... 6
2.2 Alternative B - Proposed Action. ..... 6
2.3 Action Alternative ..... 7
3. Description of Affected Environment ..... 8
3.1 Land Rescurces ..... 8
3.1.1 Topography ..... 8
3.1.2 Soils ..... 8
3.1.3 Geological Setting and Mineral Rescurces. ..... 9
3.2 Water Resources ..... 9
3.2.1 Clean Water Act Section 401 ..... 9
3.2.2 Clean Water Act Section 402 ..... 9
3.2.3 Clean Water Act Section 404 ..... 10
3.2.4 Floodplains ..... 10
3.2.5 Groundwater ..... 10
3.3 Air Resources ..... 11
3.3.1 Air Quality ..... 11
3.3.2 Visibility ..... 11
3.3.3 Climate and Meteorology ..... 11
3.4 Biotic Resources ..... 12
3.4.1 Description of Ecosystem and Biological Communitios ..... 12
3.4.2 Wildlife and Vegetation ..... 12
3.4.3 Riparian and Aquatio. ..... 13
3.4.4 Threatened and Endangered Specios ..... 13
3.4.5 Migratory Binds. ..... 16
3.5 Cultural Remources. ..... 18
3.5.1 Archsoological Resources ..... 18
3.5.2 Traditional Cultoural, Historic, and Religious Properties ..... 18
3.6 Socioeconomic Conditione ..... 18
3.6.1 Employment and Income ..... 19
3.6.2 Demographics and Trends ..... 19
3.6.3 Lifestyles, Cultural Values, Attitude and Expectations ..... 19
3.6.4 Community Infrastructure ..... 19
3.7 Environmental Juntice ..... 20
3.7.1 Indian Trust Resources ..... 20
3.8 Environmental Module ..... 20
3.8.1 Resources Conservation and Recovery Act Subtitle C, Hazardous Waste and Materials ..... 20
3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste ..... 20
3.8.3 Resource Conservation and Recovery Act Subtitle I, Underground Storage Tanks ..... 21
3.8.4 Comprehensive Environmental Response Compensation and Liability Act/ToxicSubstances Control Act Sites21
3.9 Resource and Land Use Patterns ..... 21
3.9.1 Land Use Plan ..... 21
3.9.2 Humting, Fishing, Gathering ..... 21
3.9.3 Timber Harvesting ..... 22
3.9.4 Agricaltare. ..... 22
3.9.5 Mining ..... 22
3.9.6 Outdoor Recreation ..... 22
3.9.7 Transportation Use Network. ..... 22
3.10 Other Values ..... 22
3.10.1 Wilderness ..... 22
3.10.2 Noise ..... 23
3.10.3 Public Health and Safety ..... 23
3.10.4 Visual Setting. ..... 23
4. Environmental Consequences ..... 24
4.1 Land Resources/Physical Impacts and Mitigation ..... 24
4.2 Water Resources Impacts and Mitigation ..... 25
4.3 Air Resources Impacts and Mitigation. ..... 26
4.4 Biological Impacts and Mitigation ..... 26
4.5 Cultural Resources Impacts and Mitigation ..... 27
4.6 Socioeconomic Impacts and Mitiontion ..... 28
4.7 Environmental Module Impacts and Mitigntion ..... 28
4.8 Visual Resources Impacts and Mitigation. ..... 29
4.9 Noise Impact and Mitigation ..... 29
4.10 Public Health Impacts and Mirigation ..... 29
4.11 Other Values ..... 29
4.12 Cumulative Impacts ..... 30
5. Ust of Preparers ..... 31
6. Agencies, Organication, and Persons to Receive Environmental Assessment ..... 32
7. References and Literature Cbed ..... 33

## Appendices

Appendix A -Low Mountain Chapter Resolution LMC-16-049 ..... A-1
Appendix B -Legal Survey Plat ..... B-1
Appendix C - Phocos ..... C-2
Appendix D -Biological Resources Compliance Form and NNDFW Data Request for Navajo Species of Concern ..... D-1
Appendix E - Cuitural Resources Compliance Form. ..... E-2
LIST OF TABLES
Table 1-1. Land status and permitted acreage for the proposed project. ..... 2
Table 3-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed comsideration. ..... 13
Table 3-2. NNHP Navajo species of concern with potential to occur on the Low Moumtain, Arizona, ..... GS
7.5-minute quadrangle map. ..... 15
Table 3-3. Priority bird species listed by USFWS Birds of Conservation Concern associated with the proposed action.' ..... 17
List of Figures
Figure 1: Proposed Low Mountain Chapter community recreation project - Vicinity Map ..... 3
Figure 2: Proposed Low Mountain Chapter community recreation project - Topographic Map ..... 4
Figure 3: Proposed Low Mountain Chapter community recreation project - Aerial Map ..... 5
List of Photographs
Photograph 1: (Cover Page) View of project area looking south from northeast cornor. ..... iv
Photograph 2: View of project area looking south from the northwest comer. ..... C-2
Photograph 3: View of project area looking northeast from the southwest comer ..... C-2

## ACRONYMS

| ABNDN | Azet Bee Nahaght of Dine Nation |
| :--- | :--- |
| ACS | American Commenity 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 Managemeat Agency |
| IPaC | Information, Planning and Conservation |
| IUS | In-Use Ste |
| MBTA | Migratory Bird Treaty Act |
| NAAQS | National Ambiem Air Quality Standards |
| NEPA | National Environmental Policy Act |
| NESL | Navajo Endangered Species List |
| NNDFW | Navajo Nation Department of Fish and Wildife |
| 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 Wildife Service |
| USGS | United States Geological Survey |
| WIC | Women, Infams \& Children |

Photograph 1: (Cover Page) View of the project area looking south from the northeast comer.
Low Mountain Chapter

## 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 opportumities 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 BLA'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 (NW1/4) of Section 5 in Township 29 North and Range 21 East; and the southwest quarter (SW\%) of Section 32 in Township 30 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. Figure 3 shows the acrial photograph of the proposed project area. Table 1-1 provides the land status and acreage of disturbance for the proposed project.

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

| $\begin{aligned} & \text { Proprosed } \\ & \text { Project } \\ & \text { Compouent } \end{aligned}$ | Inctian <br> Allotment | Navalion Nation | Burkeill of Limal <br> Mantigemcot | Private (Dewhed) | Tintal |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Low Mountain Chapter Community Recreation | 0 | 20.0 | 0 | 0.0 | 20.0 |


Iow Mountain Chaple
Environmental,
цС

$$
\nabla A \nabla A \nabla A
$$

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


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


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

## 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 now 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 fiture 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 - Azee 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 $\mathbf{2 0}$-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 $\mathbf{2 0 . 0}$-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 arca would be from B1A 8074 via B1A Highway 67. All construction equipment would be parked within the $\mathbf{2 0 . 0}$-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.

### 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.

## 3. Description of Affected Environment

This section describes the existing condition of the envirommental components in the project area that would be affected by the implementation of the aiternatives 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 Altermative would result in the continuation of the curremt land and resource uses in the area. This alternative will not be evaluatod 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 (USDANRCS 2008). No biological soil crusts were observed within the proposed project area. The following descriptions are summarized from the Fort Defiance Area, Parts of Apache and Navajo Counties, Artzona and McKiniey and San Juan Counties, New Mexico from the Natural Resources Conservation Services Web Soil Survey (USDANRCS 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 exchibits very low nunoff, 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) (USDANRCS 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.

### 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, sitt, and clay with minor interbedded gravel, recent floodplain deposits of the Little Colorado River and tributaries) deposits (Ulich el at. 1984). Low Mountain, or "Th Sahdi Dá Askani" (translated as "loae 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 "Jech Deeza" (translated as "pifion gum poimt" in Navajo), is a prominent topographical feature located about 1.5 miles south of the proposed project area. No prominemt geologic features occurr 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 westem boundary of the proposed project area. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area.

### 3.2.1 CJean 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. Aleo, 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 regulatod. 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 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 procuctive 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 hatp://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.

### 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 gencration 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, inchuding lower visibility at times of high winds with associated airbome 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 projoct 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 nunoff 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 $88^{\circ}$ Fahrenheit. The average minimum low temperature generally occurs in January and approaches about $16^{\circ}$ 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 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 Wiidlife 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 (Boucelua gracitis) and purple threcawn (Aristida purpurea). In general, a low to moderate layer of woody species is present in this series and consists of Greene's rabbitbrush (Chrysothammus greenen), fourwing saltbush (Atriplex canescens) and broom snakeweed (Gutterrezia sarothrae). One mature oneseed juniper (Juniperus momosperma) 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 (Cymomys 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 inchuding golden cagle (Aquila chrysaetos), ferruginous hawk (Buteo regalis), red-tailed hawk (Buteo famatcensts), American kestrel (Faloo sparverius), and other species such as common raven (Convus corax). Ravens were the most abundant bird species observed in the project area. A mature burrowing owl (Athene curicularia) was observed at an active nest approximately 450 feet from the; proposed project.

### 3.4.3 Riparian and Aquatic

A scarch 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 http://www.fiws.gov/wetlands/Data/Mapper.html. 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 Scction 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 1PaC, 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 arcas. 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.

Table 3-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed consideration.

| Spuccies | Stilus ${ }^{1}$ | Hahiotal Assuciatiom ${ }^{2}$ | Reasnon for Elimination fromb Comsideralimu |
| :---: | :---: | :---: | :---: |
| Birds |  |  |  |
| Califomia condor <br> (Gymnogyps califomianus) | E | High desert canyons and plateaus al 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 (Coccyzus americanus) | T | Typically found in wooded hatritat with dense cover and water nearby, including woodlands with low, scrubby vegetation, overgrown orchards, abandoned farmlands, and dense thickets along streams and marshes. Dense | Not expected. No riparian habitat or riparian woodlands occur in the project or action areas. |


| Spucies | Status ${ }^{\text {' }}$ | Italital Assuciatiom ${ }^{1}$ | Rexastul for <br> E:Timintition fram Cmbitleration |
| :---: | :---: | :---: | :---: |
|  |  | understory foliage appears to be an important factor in nest selection. |  |
| Fishes |  |  |  |
| Roundtail chub (Gila robusta) | PT | Cool to warm water of rivers and streams, often occupy the deepert 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 a non-essential experimental population range of the gray woif, the current gray wolf distribution is outside the project area. |
| Reptiles |  |  |  |
| Northern Mexican gartersnake (Thamnophis eques megalops) | T | Occur between 3,000 to 5,000 feet up to 8,500 fect elevation in densely vegetated cienegas, lowland riparian forests, stock tanks, and upland stream forests. | Not expected. No suitable habitat occurs in the projoct or action areas. The project is outside the known geographic range of this species. |

${ }^{1}$ Source: USFWS IPaC website 2016.
Species listed by USFWS: E = endangered; $T=$ threatened; PT = proposed threatened; and PEP, NE = Proposed Experimental Population, NonEssemtial.

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 ( 16 doel104) 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 (Musfela 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.

Table 3-2. NNHP Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map.

| Suceies | Status ${ }^{2}$ | Hatitat Aswnciation ${ }^{3}$ | Namatio Nation Distulartion ${ }^{3}$ | Potential To Oceur in the Proficet Area |
| :---: | :---: | :---: | :---: | :---: |
| Birds |  |  |  |  |
| Golden eagle (Aquila chnysaetas) | Group 3 | In the Wert, 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 montamus) | 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 habitan on the Navajo Nation includes grasslands between the Chuska Mountains and Black Mess, and southwest of Black Mesa to the Little Colorado River. | Preferted 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 peregrimus) | 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 Mess, 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 rabbil-brush. | Potential habitat on the Navajo Nation includes all low-elevation desertiond 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 ection area |
| Mammal |  |  |  |  |
| Black-footed ferret (Mustela migripes) | Group 2 | Prairie dog colonies on flat to open shrub/grassland (about $>200$ acres with $\geq 8$ 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. |

${ }^{1}$ NNDFW Data Request for Navajo Species of Concern (see Appendix D).
${ }^{2}$ NESL Group definitions include: Group 1 = speciet or subspecies that no longer ocour on the Navajo Nation; Oroup 2 - endangered and inctudes species whose prospects of survival or recruitment are in jeopardy, Group 3 = endangered and includes species whose prospects of musvival and recruitment are likely to be in jeopardy in the foreseeable future; Oroup $4=$ candidates and includes species that may bo endangered, but for which the NNHP lacks muficient information to support being listed.
${ }^{3}$ 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
porential 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 Jaly 11, 2016. A copy of the Biological Resources Compliance Form, NNDFW Review No. 16doel 104, 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 cagle 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.c., 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 comer of the project area where scattered inactive prairie dog burrows were observed during the biological field survey. No burrowing owis, 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 8703-712) and Executive Order 13186Responstbilities of Federal Agencies to Protect Mignatory 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
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.

Table 3-3. Priority bird species listed by USFWS Birds of Conservation Concern
associated with the proposed action. ${ }^{1}$

| Species | Seasmal Oechrrente in Project Arma | Potemial Nesting Impact |
| :---: | :---: | :---: |
| Bald eagle (Haleacerus leucocephalus) | Winter | No |
| Brewer's sparrow (Spizella breweri) | Breeding | No |
| Burrowing owl (Athene cunicularia) | Breoding | 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 ludoviciamus) | Year-round | Possible |
| Olive-side flycatcher (Contopus cooperi) | Breeding | No |
| Peregrine falcon (Falco peregrimus) | Breeding | No |
| Pinyon jay (Gymnorhimus 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 vinginiae) | Breoding | No |
| Williamson's sapsucker (Sphyrapicus thyoideus) | Breeding | No |
| Willow fycatcher (Empidonax traillit) | Breoding | No |

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 (Haliaeerus leucocephalus), flammulated owl (Otus flammeolus), and peregrine falcon (Falco peregrimus). The desert scrub habitat present in the proposed project area and vicinity may provide potential foraging opportunities for prairie falcon (Falco mexicamus) and Swainson's hawk (Buteo swainsomi). 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.

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 Propased Twenth-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 lris 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 archacological 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 Socloeconomic 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.

### 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, warchousing, 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 houscholds 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 Lifostyles, 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 houschold 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 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 cconomic 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 (hatp://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
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 -mile radius of the project area as reported by the USEPA Envirofacts website. No sarface 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 ActrToxic 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 govemment 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.

### 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 partics - 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-cultivatod 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.

### 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 charing 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 Chinie, Arizona (Chinle Indian Hospital); Polacea, Arizona (Hopi Health Care Center); and Pinion, Arizona (Pifion 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 BLA 8074 dirt road. The Low Mountain BIA boanding 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.

[^4]
## 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, potencial impacts have been divided into three categories:
Significant - 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.

Moderate - impacts that cause a degree of change that is casy 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 20.0 acre 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 longterm 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 $\mathbf{2 0 . 0}$-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
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. Longterm 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.

### 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 inchude 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 permanemt 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 wildife 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 wildife 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).

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.

### 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 contained and disposed of in accordance with federal and tribal regulations. The proposed action 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 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 longterm 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 loag-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.

### 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. Curnulative impact analysis, as applied to NEPA, is subject to interpretation in analyzing the magnitude of impacts to a particular arcia or region as a result of the proposed action and other actions, including reasonably foresceable 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.

## 5. List of Preparers

John Dodge, President/Biologist Dodge Environmental, LLC
P.O. Box 75

Fruitland, NM 87416 (505) 330-1361

Heidi McGrath, Principa/Biologist
Columbine Environment, LLC
2817 Junction Street
Durango, CO 81301
(970) 946-1859

## 6. Agencies, Organization, and Persons to Receive Environmental Assessment

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

Pamela A. Kysellea, Wildlife Biologist<br>The Navajo Nation<br>Department of Fish and Wildlife<br>P.O. Box 1480<br>Window Rock, AZ 86515

Tamara Billie
The Navajo Nation
Historic Preservation Department
P.O. Box 4950

Window Rock, AZ 86515

[^5]
## 7. References and Literature Cited

Arizona Burrowing Owl Working Group (ABOWG). 2007. Burrowing Owl Project Clearance Protocol. July 30, 2007. Available at https://www.fws.gov/southwest/es/arizona/Documents/Species_Docs/Burrowing/BUOW\%/90Proje ct\%20Clearance\%20Protocol.20070730.pdf

Arizona Department of Water Resources (ADWR). 2009. Arizona Water Atlas. Volume 2, Eastern Plateau Planning Area. Draft. Arizona Department of Water Resources, Phoenix, AZ. Available at htop://wwwazwater, qov/AzDWR/SratewidePlanning/WaterAtias/EasternPlateau/default.htm. Accessed June 2016.

Arizons Department of Water Resources (ADWR). 2016. Well Registry. Available at https://gisweb.azwater, gov/WellRegistry/Default.aspx. Accessed June 2016.

Brown, D.E. (ed.). 1994. Biotic Communities: Southwestern United States and Northwestern Mexico. 342 pp. Desert PI, Vol. 4. University of Utah Press. Salt Lake City, UT.

Federal Emergency Management Agency (FEMA). 2016. Flood Insurance Rate Maps. Available at https://msc.fema.gov/portal/adyanceSearch. Accessed June 2016.

Kochert, M.N., K. Steenhoff, C.L. McIntyre, and E.H. Craig. 2002. Golden Eagle (Aguila chrysaetos). In: Poole, A., and F. Gill (eds.). The Birds of North America. No. 684. The Academy of Natural Sciences, Philadelphia, PA, and The American Ornithologists' Union, Washington, D.C.

Mikesic, D. and D. Roth. Revised 2008. Navajo Nations Endangered Species List; Species Accounts; Version 3.08. Navajo Natural Heritage Program, Division of Natural Resources, Department of Fish and Wildlife, Window Rock, Arizona.

Navajo Air and Toxics Department (NATD). 2005. Air and Toxics Department Update, Volume I, Issue 1. August 2005. Window Rock, Arizona.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008a. Biological Resource Land Use Clearance Policies and Procedures (RCP). RCP-44-08.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008b. Raptor Electrocution Prevention Regulations. Navajo Natural Heritage Program; Navajo Nation Dept. of Fish and Wildife. Window Rock, AZ.

Navajo Nation. 2004. Chapter Images: 2004. Profiles of 110 Navajo Nation Chapters. Larry Rodgers, editor. LSR Imnovations, Research and Planning. Division of Community Development. Window Rock, Navajo Nation, Arizona, USA.

Navajo Nation Environmental Protection Agency (NNEPA). 2004. Navajo Nation Air Quality Control Program Operation Permit Regulations. Navajo Nation Regulations Title 4-Environment Chapter 11-Air Pollution Prevention and Control Subchapter 2-Air Quality Control Programs Part HPermits. Available at htri//water,epa.gov/lawsreqs/guidance/wetlands/section402.cfm.

Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management. U.S. Fish and Wildlife Service.

Palmer, R.S. 1988. Golden eagle. In R.S. Palmer (ed). Handbook of North American Birds. Yale Univ. press.
U.S. Census Bureau American Community Survey 2006-2010 (USCB/ACS). 2010. Navajo Nation Data and Statistics. Available at hutp://navajobusiness.com/pdf/Ads/CensusRep.html. Accessed June 2016.
U.S. Department of Agriculture/Natural Resources Conservation Services (USDANRCS) Web Soil Survey. 2008. Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and McKinley and San Juan Counties, New Mexico. Survey arca data: Version 13, September 20, 2014. Available at: httpi/websoilsurvey.nrcs.usda.gov/app/. Accessed June 2016.
U.S. Envirommental Protection Agency (USEPA). 2016. USEPA Envirofacts Data Warchouse (Internet). Available at hetpi//www.epa gov/envirol. Accessed June 2016.
U.S. Fish and Wildlife Services (USFWS). 2016a. National Wetland Inventory maps for the proposed project area and vicinity. Available at http://www,fivs.gov/wetlands/Data/Mapper.html. Accessed Junc 21, 2016
U.S. Fish and Wildlife Services (USFWS). 2016b. Information, Planning and Conservation IPaC-System. Listed and Sensitive Species in Navajo County, Arizona. U.S. Fish and Wildlife Service Environmental Conservation Online System. Available at htp://lecos.fiws gov/ipac/wizard/choosel/ocationlorepare.action. Accessed June 10, 2016

Ulrich, G.E., Billingsley, G.H., Hereford, Richard, Wolfe, E.W., Nealey, L.D., and Sutton, R.L., 1984, Map showing geology, structure, and uranium deposits of the Flagstaff 1 degrees $\times 2$ degreas quadrangle, Arizona: U.S. Geological Survey, Miscellaneous Investigations Series Map I-1446, scale 1:250,000. Available at http:/hgmdb.usgs.gov/ngmdb/nemdb home. html. Accessed June 2016.

Western Regional Climate Center (WRCC). 2016. Historical Climate Information for Keams Canyon, Arizona. Western Regional Climate Center, Reno, NV. Available at hutp://www.wrec.dri.edw/cgibin/cliMAIN.pl?az4586. Accessed Jume 2016.

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

## necoulian of tre som moviran cunctil <br> nemsan <br>    

### 9.1.9.9:

 preserv and oromote commitimy formerits MMD,
 Chaparr tract, atidition of one acre tijeceat to the chapper tract, and 20-hores for hecremtion Pield; AND,

 Low Mouretin; AND.



 courinee senices for the doweloppitert.

## 



 Syenty of merch, 2016.
modomer or 56
seconted tr - fiepren tharken


## Appendix B—Legal Survey Plat



## Appendix C-Photos



Photograph 2: View of project area looking south from the northwest comer.


Photograph 3: View of project area looking northeast from the southwest corner.

## Appendix D-Biological Resources Compliance Form and NNDFW Data Request for Navajo Species of Concern

NNDFW Review No. 16dorllad

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

It is the Departumen's opiaion the project described balow, with applicable condisions, is in compliance with Tribal and Federal Laws protecting biological resources inchuding the Navajo Endangered Specias and Environmemul Policy Codes, U.S. Endangered Species, Migratory Bird Treary, Eagle Probection and National Environmental Policy Actas This fors does not prechace or replace comsultution with the U.S. Fish and Widlife Service if a Federally-listed species is affected.

PROJECT NAME \& NO.: Low Mountion Chepter Commmaity Recremion
DESCRIPTION: The Low Mountain Chapter propoees the constrwetion and opermioa of a now comanmalty recreation coomplex fecility on a $\mathbf{2 0 . 0}$-acre trect of land.
LOCATION: SW1/4 of Sect. 32 T30N R2IE A NWK of Seat. 5 TZ9N R2IE, GRSRM, Navajo County, Arimora
REPRESENTATTVE: John E. Dodge, Dodge Envisonmental LLC for Low Mountoin Chapter
ACTION AGENCY: Navajo Nation and Bureat of Indian Affairs
B.R REPORT TTTLE / DATE / PREPARER: BE-Low Mountain Chapter Commanity Recreation/l1 JUL 2016/John E. Dodge

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. ATCU neaing not confirmed by NNHP.
POTENTIA, MPACTS
NESL SPECIES POTENTLALLY IMPACTED: [I] Athene cunicularia (Burnowing Owi) O4, MBTA.
FEDERALLY-LISTED SPECIES AFFECTED: NA
OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA
AVOIDANCE / MITIGATION MEASURES: Mitigation measures will be inaplemented to avoid impects to the Burrowing Owl (Athene cunicularia) during land clearing and grading of tho projot sto.
CONDITIONS OF COMPLIANCE*: NA
FORM PREPARED BY / DATE: Pmorne A. Kyselieall3 OCT 2016
COPIES TO. (edd cuterories es mecessar')

| 2NTC E164 Recommendation: Sigmature gate |  |
| :---: | :---: |
| BApproval | $71 / 10 / 16$ |
| DConditional Approval (with nemo) | Un |
| $\square$ Disepproval (with memo) | Glorityu. T6m. Director, Navajo Nation Department of Finh and Wadife |
| पCategorical Exrchusion (with requed | ewer) |
| $\square$ None (with memo) |  |



## (blank page)

PO Box 1480 Window Rock. Az 86515

P 5288716472
F 9288717603

02-Juno-2016
John Dodge
Dodge Envronmenta, LLC
PO Bor 75
Frumend. NM 87418
SUPJECT: Low Mountein Chapter Comnmumity Reoreadonal Projet
som Dodoe.
NNHP hes performed an anatyele of your project in comparison to fonown blologleat reacurces of the Navajo Naton and has ncluded the findings win this leder. The leter is composed of seven perts. The eectiorse as they appear in the lather are.

1. Known speedes - itit of el apecues with relative prodmity to the project

2 Potendsi speches - a list of polertat epecies based on projed proximty to respecteve autable habiat
3. Quadrangles - an exhauateve int of quade sortaning the project

4 Projwet fummary - E eategorised lite of biciogical roeources within rolatve proxinty to tho proiset grouped by individual profect ans(e) or quaca
5. Conditionsi Criteria Notes - additional detsis conetming variout spocies. hathat erc.
6. Personnel Contacts - I Int of employee contacts
7. Reseurees - identules eources for tirmer intormatoon

Known Species liets "epeciex of concem" known to occur wimin proudnity to the projoct area. Pianning for avoidance of thees speces le eqpected. If no species are clsplayed then baeed upon the records of the Navoio Nation Department of Fiah and Widite (NNDFWi) there are no "epeclea of concern" witin praximiyy to the project. Reler to the Mavapo Endangered Species List (NESL) Speciea Accounta for recommended avoidance meapures, biolopy. and dstritudion of NESL Epecies on the Navalo Nation (Inapofyly findterp/ep acoounthem).

Potental Species inta apociea that are potentially within prodruity to the project area and need to be evaluated for presencerabeence. If no species are found whin the Known or Potentel Spectes letw, the project is not eapected to atlect ary federally listed apecees, nor dignicandy impaet ary tribelly lieted epecies or oener species of concern Potental for species has been dotermused primeny on habitat charcctertetes and epecies range information. A thorough habitst anayms. and i necesegry. epecies epocifle surveys are required to determine the potental for eech epeches.
 oerth' n ntive epecies and speciea of economic or culural egndeance For legaty grotected gpecies, the
 Bird Treaty Act (MISTA), and Eagle Protection Ad (EPA). No legal protection is anhordod wocien whth only ESA candidate. NESL Group 4 status, and aperes hated on the Senstive Species Unt Preose be twere of
these species durng surveya and inform the NHiDFW of coseeveciont. Reporied obsonvetions of these speces and documenting them in project pianning and manogament is importard for conservacon and may contritute to ensurng they will not be up listed in the futere.

In any and al correapondence wth MWOFW or MNHP concerning tiss project plesee che the Data Request Code assocated whth this cocument. it can be found in tris report on the top nign conver of the every page. Additionaly please cite this code in any biological ovaluaton documents refurned to our oflice.

1. Known Species mese mavelo sndangered Speciee Lix, FE-Foderaly Endangend. FT Frederaly Threatened, FC-Federal Cendidaw)

## Sosemas

Mun - Mustel nigripes / Blact-focted Ferren NESL G2 FE

## 2. Potential Species

## Seacina

AOCH - Aqult chryeseton / Golden Emgle NESL G3
CHMO = Cheradtus montanus / Mountin Plover NESL G4
FAPE = Feloo peregrud i Peregne Fitcon NESL GA

## 3. Quadrangles (7.5 Minute)

## ourateramies

Low Mountan (351 10-H1) 142
4. Project Summary feot Milete 3 miesmelements ocouring uthin $183 \mathrm{~m} / \mathrm{ts}$ MSO-mwedtan sponed ow PACs, POTS spotentor specles, RCP Evologleal Areed)

| STE | EOPM | coam | quad | Mso | pors. | AREAS |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Nant | Mue | Cowlimain | Now | FADETMO. | Anen |

Page 2 of 7

## 5. Conditional Criteria Notes (neoms newsione mede phese read thoroughy. For cemtan



A blologloat Resource Lind Use Clowanoe P ofieles and Proeqdures (RCP) - Ths puppose of the PCP be to agsist the Navaio Napon governmert and chapter enture complance when federal and Niaviro faws which protect, walle repources, meluding glarsis. and thetr habtet reetting in an expedited land use clearance process. Anmer yourt of reveareh and study. the NNDFW has idoratied and magped wilante noblut and senave areas that cover the ertare Mavayo Nason.
The following fa a brief summey of sla (f) wild le enemi

2Mrocterasely Sevevive Aree - moderate reserletors on development to swoid seneldive apeceeshaptrats
3 Lets Sens live Mrew - ferwost reaticbon on dovelopenent.
4. Communty Developmom Ara"- areas in and around town wath fow or no reatrictions on development.
5.Brovogroal Preserv - no development unfeas companible whthe pupoee of this area.
6. Recreabon Area - no dewolopment urimat eompaotble with tre pupose of tye area.

None - outurde the boundarie of the Navajo Nation
This is nat htended to be an flit dencrintion of the fice please nefer to tie our webote for addelonal information at hepolunum fillwerplelophtm.

B Amptorx - If rigtors art incun to oceut whin 1 mite of propot locaton: Contach Chad Srith at 871-7070 regarding your evelumtion of petential inyest and midigedon.

- Golden and Bald Eaples- II Coldion or Baid Eagle are knonn to oceur watin I mile of the projec, cocimon inakere need to enture that thoy are not in wiolation of the Gotden and equa Enove Neg Pripgetign

- Ferruginous timis - Refor to "Navajo Nation Departurent of Fiah and Widite Fermunous
 information on avoiding impacts to Fermy nous Haute whill i mie of project focation.
 mpolwnipnenetw orgtoea_repahim for relevant ntomadion on proper propect plarring neartaitin apotrod ow protected activty centiris and hablat

 Surveyon on the Navijo itation must be permiped by the Dresoor. NNDFW. Contact Jefl Cole at (888) $871-7068$ for permiting procedure Questions permining to surveys bhould sed directed to the NNDFW Zoologiat (Ched Smith) for arimals at 871.7070 , and scoariat (Andive Havemon) for plants at (928)523-3221. Cueations regarding tiolop cat Evalugticn ahould be directed to Jeft Cole at $871-7088$

O OHGas Lease Sales - Any ectiry or ewaporation pes fat could hold contaminerta shoutd be lined end covered. Covering ptes, with a net or cther materlal. will derer wapertow and othor migratory bid upe Uning pros mil protect ground witer quality.
E Power the Projeets - These project need fo ereut that they do not volate the requindione set forth in
 htip-Mnilp.ridtw orgioes_repehepr pod.
F. Guy Wires - Does the project deesg indude guy wies for servcurz eupport? if so. end it bird apecies may occur in relatively inigh concentrations in the project area, then guy wires thould be equipped wht higtly visual martere to reduce the potertbal mortaity due to bird-guy wre colialone. Exarnples of vieund murkers include antion bella and burd fight chertars Elds ean be expected to occur in relafvely high concentretions along migration routes (©.g., twers, fidges or other distinctive linoer fopographic features) or where imporiant hatitat for breeding fiesding roosting etc oceurt. The U.S Finh and Vildife Service recommende marding guy wires with at least one nuarter per 100 meters of whe.
6 san Juan Rlver - On 21 March 1894 (Fedord Regintor. VcL. 59, No. 54). the U.S. Fah and Widife

 unctudes the Suk and wo 100-yoar Soodplain trom the State Route 371 Bridge in Ta9N, R13W eec 17 (New Mexico Mondan) to Nestual Campon in the Sen Juen am of Lake Powell Ti1S. R11E. eec. 26 (Sols Late Mondian) \&p to the ful pool elewaton. Razorback sucker crtseal habitat includes one SJR and ti 100-year foodpinin trom the Hogleack Diversion in T29N, R16W sec. 9 (New Mexco Merldan) to the ful pool elevaton at the mouth of Nequathai Canyon on the San Juan am of Late Poweil in Ti1S. R11E sec 26 (Sci Late Meridien). A actors carried out frided or authorized by a federal agency which moy aner the consthent eienents of criest habith must undergo ascion 7 consutwoon under tie Endangered Species Ad of 1873, as amended. Congthent elements are thoee phymead and biological atimbutea eacertial to a epecies coneevation and include but are not fimhed to water. Phyoical habriat and bologieat environmont as requined for each parteviar Mite atage of a epeeves
M. Limb Colorado nituer - On 21 March 1994 (Fedaral Regnter. Vol. S9, No. 54) the US. Finh and Wildito Servce deegrated Critical Mabtot along portons of the Colorado and Litue Colorado Fivers (LCR) for Cla eypte (humplock chub). Whein or adjacent to the Navajo Nation thi crimeat habiat includes the LCR
 corfuenes with the Colorado Rver in T3ON RSE sec. I (SSGRNi) and the Colorado River and 100-yoser lloodolan trom Nautuloce Camon (River Nat 341 T3GN RSE sec 35 (S8GRM) to the confluence with the LCR. An actors earfied out funded or authoraed by a federt agency whech may abler the ocnothuent clements of Crtical Hathwt must undergo eection 7 consutation under the Endangered Specape Act of 1973. ss amended. Constmuent efoments are drose phyeicat and biological atribelvee espental to a species conservation and inetude. but are not limited to waler. phywled hatbat and biological envionment as recuined for each particular life stegt of apecies
I. Wetsends - Is Aricone and Now Nmoco. potenter mpacts to weolands should aleo be evalured The U.S. Fioh i Whime Service'a National Weouands Inventory (NYM) mapa should be examined to dsternine whether areas twaitied ta wellands are loested dooe enough to the project ette(e) to be irmpacted. In casea whers the maga are inconcturve (eq. the to their smat acale), field eunvey must be completed. For feld surveys, wetsands idenaticaton and celineation methodotogy contained in the "Coppe of Engneers Wetancs Dewneston Maruc' (Technical Report $Y-87-11$ should be med. When wesands are prewent potentsl mpocts muet be addreseed in en envirormental asecetment and the amy Conps of Engineer. Phoenx ofice, must be contscted. NM maps are evalable for examnation at the Navajo Niturat Hertage Program (NNEYP) chict, or may be purchased trough the U.S. Geologicy Survey (order forms are avaliable trough the NNHP). The NWHP has complete coverage of the Navalo Nadton. excluding Uth. at $1: 100,000$ ecaic, and coverage at $1: 24.000$ scale in the southwempern portion of ins Mava, $\rho$ Jation. in Uth the U.S. Fins Wildie Semee's Nabond Wedanda truentory mapa are not yet avalable for the Unah portion of tha Navajo Nation, therefore field aurveya thould be completed to determine whether weblands are located cloas enough to the project ane(s) to be impocted For field surveys wetands idertification and dellineation methodology cortalined in the "Corpe of Engineere Wetanda Deineaten hanuar (Tectmical Report $\vee-87-1$ ) should be veed. When wefuenct are present, potential impocta must be addruped in en envionmental asoestmont and the Avmy Corgs of Eng neors. Phoenux office, muat be contacted. For more mifomation contpet the Mavio Environmental Protecoon Agoncy/s Water Ouatry Program.





 mepective requeer.












 Antarenal)

## Tedoalich

## 6. Personnel Contacts

Wildife Manger
3am Diswood
e2t-171.7082
medienopot And hworn.
Reolendst
Chad Emith
228.e7t. 7070
grandingmenterer
Qotanis
Vaesnt

Rialapleal Rexieger
Pamals Kysolicy
21.871.70ss
milyoneliar nootomeach
Gis Simpecation
Dexter D Prate
22.6es2128
meallondty nix
willlife Teab
Senp Detsoi
528.671 .6472


## 7. Resources

Nofonas Emironmental Potey Act
Naympo Endangered Spocies Ust


Spectes Account:

Brological inveatigntion Permit Application

Navaro Nation Senaitive Species Lst


Yarious Species Marrogement andlor Document and Reporta


Cormetant List
(Coming Soon)

Dexter D Prall ${ }^{2}$.


Denter D Pret CIS Supensor - Natural Hertage Program Navajo Nation Department of Fith and Wicite

# Appendix E-Cultural Resources Compliance Form 



THE NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT TELIP28: 871.7198 FAX I928! 871.7886

## CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:
NNHPD NO.: HPD-16-287
$\square$ iss
OTHER PROJECT NO: ISB-16-053
PROJECT TITLE: A Cultural Resource Inventory of a Proposed Twenty-Acre MultiPurpose Tract in Low Mountain Chapter Navajo County Ancona

LEAD AGENCY: BIANR
SPONSOR: Low Mountain Chapter, P.O Box 4418. Blue Gap Anzons 86520
PROJECT DESCRIPTION: The proposed undertaking wit involve ground disturbing activities resulting from construction, installation of uthties \& facilities within the 20-acre lease area Ground disturbing activities will be intensive and extensive with the use of heavy equipment


## EFFECTICONDITIONS OF COMPLIANCE: No htetoric properties affected.



 (828) 871.7193

FORM PREPARED BY: Tamara Billie
FINALIZED May 10. 2016
Notification to Proceed Recommended Conditions
$\square$ Yes a No
$=$ Yes 6 No


Historic Preservation Office

$\qquad$

regional Dreveron villas


## 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

Bluc Gap, Arizona 86520

Prepared By:
Dodge Environmental, LLC.
P.O. Box 75

Fruitland. New Mexico 87416
Julv 11. 2016
EXHIBIT D
Table of Contents

1. Introiluction ..... 1
2. Project Description. ..... 1
2.1 Location ..... 1
2.2 Proposed Action ..... 2
3. Affected Emvinonment. ..... 2
3.1 Navajo Nation Department of Fish and Wildlife Land Use ..... 2
3.2 Physical Resources ..... 3
3.3 Biological Resources ..... 3
4. Survey Method ..... 4
4.1 Pre-Field Survey/Data Review ..... 4
4.2 Field Survey ..... 7
5. USFWS Federally List Species ..... 7
5.1 USFWS Eliminated from Detailed Evaluation ..... 7
6. Navajo Species of Concem ..... 8
6.1 Navajo Species of Concern Eliminated from Detailed Evaluation ..... 8
6.2 Navajo Species of Concern Warranting Detailed Evaluation. ..... 8
6.2.1 Golden Eagle ..... 8
6.2.2 Burrowing Owl ..... 9
7. Analysis and Determination of Effects ..... 9
7.1 USFWS Federally Listed Species ..... 9
7.2 Navajo Species of Concern ..... 10
7.2.1 Potential Impacts to Golden Eagle ..... 10
7.2.2 Potential Impacts to Burrowing Owh ..... II
7.2.3 Species Protected Under the MBTA ..... II
7.3 Wethonds ..... 12
7.4 Cumulative Effects ..... 13
8. Mitigation ..... 13
9. Certification ..... 16
10. Personmel ..... 16
11. Consultation and Coordination. ..... 16
12. References and Literature Cibed ..... 17

## Attachments

Attachment $\mathbf{A}$-Mape ..... A-1
Attachment B -Photographs ..... B-1
Attachment C -NNDFW Data Request for Navajo Species of Concern ..... C-1
Attachment D -Plants and Wildlife Observed in the Proposed Project Area ..... D-1
LIST OF TABLES
Table 4-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed comsideration. ..... 5
Table 4-2. NNHP Navajo species of concern with potential to occur on the Low Mountain, Arizona, USGS 7.5-minute quadrangle map. ..... 6
Table 7-1. Priority bird species listed by USFWS Birds of Conservation Concern associated with the proposed action. ${ }^{1}$ ..... 11
List of Figures
Figure 1: Proposed Low Mountain Chapter community recreation project - Vicinity Map ..... A-2
Figure 2: Proposed Low Mountain Chapter community recreation project - Topographic Map ..... A-3
Figure 3: Proposed Low Mountain Chapter community recreation project - Aerial ..... A-4
List of Photographs
Photograph I: (Cover Page) view of the project area looking south from the northeastern comer. ..... iii
Photograph 2: View of the project area looking south from the northwest comer ..... B-2
Photograph 3: View of the project area looking northeast from the southwest corner. ..... B-2

## Acronyms

| ABNDN | Azeé Bee Nahaghí of Dine Nation |
| :--- | :--- |
| BE | Biological Evaluation |
| BGEPA | Bald and Golden Eagle Protection Act |
| BIA | Bureau of Indian Affair |
| BMPs | best management practices |
| EO | Element Occurring |
| ESA | Endangered Species Act |
| IPaC | Information, Planning, and Conservation |
| MBTA | Migratory Bird Treaty 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 |
| SWPPPP | Storm Water Pollution Prevention Pian |
| TES | threatened and endangered species |
| USEPA | U.S. Environmental Protection Agency |
| USFWS | U.S. Fish and Wililife Services |
| USGS | U.S. Geotogical Survey |
| NHA | Navajo Housing Authority |

Photograph 1: (Cover Page) view of the project area looking south from the northeastern comer.

## 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 approximatcly 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 amalyze 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 $\S 507$ ), 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 contimued existence of any U.S. Fish and Wildlife Service (USFWS) federally listed species, or any NESL species of concem. No other USFWS federally listed species or NESL 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 I 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 Moumtain, 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 $\mathbb{R}$ ange 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 Ageney.

### 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 20.0acre 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 $\mathbf{2 0 . 0}$-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 Wildilife 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.

### 3.2 Physical Resources

The topography of the proposed project is within a region characterized by a broed alluvial flat of Tse Chizzi Wash and bordered by terraced mesas. The proposed project is located on a genely 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 (Ulich el at. 1984). Low Mountain, or "Tá Sahdi Dá Askani" (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 Deeta" (translated as "pifion 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 westem boundary of the proposed project area. There are no well-defined ephemeral or intermittent drainages occurring within the proposed project area.

### 3.3 Biologlcal 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 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. A complete list of plant species observed in the survey area is provided as Attachmem $\mathbf{D}$.

## Great Bastn desert scrub (mixed desert scrub sertes):

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 gractis) 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 (Chrysothammus greemel), fourwing saltbush (Atriplex canescens) and broom snakeweed (Gutterrezia 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 (Cymomys 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 regalls), 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 wildife 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-I 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 projoct area.

Table 4-1. USFWS federally listed species for Navajo County, Arizona and the reasons for elimination from detailed consideration.

| Species | Status ${ }^{3}$ | Habitat Association ${ }^{2}$ | Reason for Elimination from Consideration |
| :---: | :---: | :---: | :---: |
| Birds |  |  |  |
| California condor (Gymnogyps califomianus) | E | 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 (Coccyzus americanus) | T | 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 (Gilo robusta) | 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 (Conis 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. |
| Repetiles |  |  |  |
| Northern Mexican gartersnake (Thamnophis eques megolops) | T | 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 [PaC websitc 2016.
Species listed by USFWS: $E=$ endangerod; $T=$ threatened; $P T=$ proposod Ureatcned; 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 ( 16 doc 1104 ) 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 othervise sensitive species protected under the Bald and Golden Eagle Protection Act (BGEPA) and the MBTA, and species of economic and cultural significance.

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 arca) 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 ${ }^{2}$ | Status ${ }^{2}$ | Habitat Association ${ }^{3}$ | Navajo Nation Distubation ${ }^{3}$ | 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 (Charadrius montonus) | 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 (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 Gien 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 thetr own burrows and are typlcally associated with prairie dog colonles. Found in dry, open, short-grass, treeless plains. Use areas | Potential habitat on the Novajo Nation Includes all low-elevation desertland to elevations of junlper habltats. 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. |


| Species ${ }^{1}$ | Status ${ }^{2}$ | Habitat Associstion ${ }^{3}$ | Navajo Nation Distulaztion ${ }^{3}$ | Potential To Occur in the Project Area |
| :---: | :---: | :---: | :---: | :---: |
|  |  | that include shrubs such as four-wing salthush and rabbit-brush. |  |  |
| Memmal |  |  |  |  |
| Black-footed ferret (Mustelo nignipes) | Group 2 | Praírie dog colonies on flat to open shrub/grassland (about $>200$ acres with $\geq 8$ burrows/acres). | No wild populations of this species are currently known to exist in Arizona. A reintroduced population exists in Aubrey Valley (Coconino Countyl, Arizona. | Not expected. Although a NNHP listed element occurring 3 miles from the project area, the prairie dos population in the project and action areas is too small to support a blackfooted ferret population. |

INNDI'W Data Request for Navajo Species of Concem (see Attachument C).
${ }^{2}$ NIESL. Group definitions include: Group $1=$ species or subspocies that no longer occur on the Navajo Nation; Group $2=$ endangerod and includes species whose prospects of survival or recruitment are in jeopardy; Group $3=$ endangered and includes species whose prospects of survival and recruitnent are likely to be in jeopardy in the foresecable future; Group 4 = candidates and includes species that may be endangered, but for which the NNHP lacks sufficient information to support being listed.
${ }^{3}$ Source: Mikesic and Roth $2(108$.

### 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 ficld survey consisted of slow, systematic, parallel pedestrian transects spaced approximately 20 feet apart over the entire project area, as well visual observations within a 1/3mile radius surrounding the proposed project arca.

All plant and wildlife species observed in the project area by direct sighting or indirect evidence (e.g., tracks, scat, 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 coneern with the potential to occur in the project area (Table 4-I 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 cach USFWS federally listed species (Table 4-1), none of the five USFWS federally listed threatened, endangered, or proposed threatened specics 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.

## 6. Navano 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 momamus), and peregrine falcon (Falco peregrimus).

### 6.2 Navajo Specles 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 eagle 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.

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 Eurrowing 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, Acrive 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 comer 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.

The proposed project and action areas do not contain suitable nesting, foraging, migratory, or roosting habitat for yellow-billed cuckoo (Coccyzus americamus) or California condor (Gymnogyps calffomianus); 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 (Gila robusta) are expected.

Although the proposed project is located within the proposed experimental population, non-essential range of the gray wolf (Canfs 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 (Thammophis eques megalopr), 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 cagles 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.

### 7.2.2 Potential Impacts to Burrowing Owl

Potential burrowing owl habitat was observed within the southwestern comer of the proposed project area where scattered inactive prairic 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 $1 / 4$ mile of the proposed project. Burrowing owls do not select the same nest site year after year. Construction activitics 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 scasonal timing restriction to minimize impacts to burrowing owls. Dodge Environmental, LLC recommends that construction activities (i.c., ground disturbance and construction) occur from August ! 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 activitics.

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 ycar 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.

Table 7-1. Priority bird species listed by USFWS Birds of Conservation Concern associated with the proposed action.'

| Species | Seasonal Occurrence in <br> Project Area | Potential <br> Nesting Impact |
| :--- | :--- | :--- |
| Bald eagle (Holeacetus leucocephalus) | Winter | No |
| Brewer's sparrow (Spizella brewer) | Breeding | No |


| Spacies | Seasonal Occurrence in Project Area | Potential Nesting Impact |
| :---: | :---: | :---: |
| Burrowing owl (Athene cunicularia) | Breeding | Yes |
| Golden easle (Aquila chrysoctos) | Year-round | No |
| Grace's warbler (Dendroico grociae) | Breeding | No |
| Gray vireo (Vireo vicinion) | Breeding | No |
| Juniper titmouse (Bacolophus ridgway) | Year-round | No |
| Loggerhead shrike (Lonius ludovicionus) | Year-round | Possible |
| Olive-side fiycatcher (Contopus cooper) | Breeding | No |
| Peregrine falcon (Folco peregninus) | Breeding | No |
| Pinyon jay (Gymmorinus cymocephatus) | Year-round | No |
| Prairie falcon (Folco mexkconus) | Year-round | No |
| Short-eared owl (Asio flammeus) | Year-round | No |
| Swainson's hawk (Buteo swoinson) | Breeding | No |
| Virginia's warbler (Vermivora virginlae) | Breeding | No |
| Williamson's sapsucker (Sphyropicus thyoideus) | Breeding | No |
| Willow flyeatcher (Empidonax trailli) | Breeding | No |

${ }^{1}$ 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 http://www.fws.gov/wetlands/Data/Mapper, html. No wetlands, floodplains, springs, or permanent natural water resources, nor riparian, or aquatic habitats were identified in the project and action areas.

### 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 proposod 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. Curmulative 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 cagle, 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
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 implementod 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 prompely 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 propared 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.

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.

## 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 8507). 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.

## Oh $=0 \operatorname{sex}$

Date: Inly 11. 2016
John E. Dodge, Project Biologist

## 10. Personnel

## John Dodge, President/Biologist

Dodge Environmental, LLC
P.O. Box 75

Fruitland, NM 87416
Phone: (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

## 12. References and Literature Cited

Brown, D.E. (ed.). 1994. Biotic Communities: Southwestern United States and Northwestern Mexico. 342 pp. Desert PI, Vol. 4. University of Utah Press. Salt Lake City, UT.

Kochert, M.N., K. Stecnhoff, C.L. Mclntyre, and E.H. Craig. 2002. Golden Eagle (Aquila chrysaetos). In: Poolc. A., and F. Gill (cds.). The Birds of North America. No. 684. The Academy of Natural Sciences, Philadelphia, PA, and The American Omithologists' Union, Washington, D.C.

Mikesic, D. and D. Roth. Reviscd 2008. Navajo Nations Endangered Species List: Specics Accounts: Version 3.08. Navajo Natural Heritage Program, Division of Natural Resources, Department of Fish and Wildlife, Window Rock, Arizona.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008. Biological Resource Land Use Clearance Policics and Procedures (RCP). RCP-44-08.

Navajo Nation Department of Fish and Wildlife (NNDFW). 1997. Navajo Nation Biological Evaluation Guidelincs. Navajo Nation Department of Fish and Wildlifc. Window Rock, AZ.

Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management. U.S. Fish and Wildlife Service.

Palmer, R.S. 1988. Golden cagle. In R.S. Palmer (ed). Handbook of North American Birds. Yalc Univ. press.
U.S. Fish and Wildlife Scrvices (USFWS). 2015. National Wetland Inventory maps for the proposed project area and vicinity was performed on Junc 21, 2016 at http://www.fivs.gov/wetlands/Data/Mapper.html
U.S. Fish and Wildlife Services (USFWS). 2016. Information, Planning and Conservation IPaC-System. Listed and Sensitive Species in Navajo County, Arizona. U.S. Fish and Wildlife Service Environmental Conservation Online System. Available at http://ecos.fivs.gov/ipac/wizard/chooseLocation!prepare.action. Accessed Junc 10, 2016.

Ulrich, G.E., G.H. Billingsley, R. Hercford, E.W. Wolfc, L.D. Nealcy, and R.L. Sutton. 1984. Map showing geology, structure, and uranium deposits of the Flagstaff 1 degrees $\times 2$ degrecs quadrangle, Arizona: U.S. Gcological Survey, Miscellancous Investigations Series Map I-1446, scalc $1: 250,000$. Available at http://ngmdb.usgs.gov/ngmdb/ngmdb home.html. Accessed Junc 20, 2016.

## Attachment A-Maps



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


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


Figure 3: Proposed Low Mountain Chapter community recreation project - Acrial

## Attachment B-Photographs



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.

# Attachment C-NNDFW Data Request for Navajo Species of Concern 

PO Box 1480
Window Rock. Az
86516
P 9288716472
F 9288717603
htep //nnhp.nndfworg

02-lune-2016
Jomn Doage
Dodge Exwronmental, LLC
POEON 75
Frutand RM 87416
SUBuEct Low Mountain Chupter Conmunhty Recreational Project
Jolm Dodge
NWHP hes pertormed an analysis of your proyed n comparison so known biolopeay rewarces of the Nevayo frevon and has metuded the findings on thes lether The ietber if composed of even pert The sectione ala they spopear in the letter are

Known \$pecws - a list of all specces whin retative provinty to the propet
Potontial Spereves - a inst of potertel speciea omed on profect proximy to rempectue sutable hobras
Ousarangles - an extoustive fist of quate contaning the propect
 grouped by incividual profed she(s) or qupde
5 Condebomal Cnterds Moles - addronal detais ooncerning vanous apecrea hatites, etc
5 Personnel Contacs - a hst of employee contacts
7 Resovices - identities sources for arther information
 svodince of these specues is expected tif no specres are oupliyed then based upon the records of the
 the progect Reter to the Alevapo Endangered Species Unt inESL; Specves Accourtis for recommended evondence messures bology, and disertution of NESL mpecies on the Nivato Nimion

 tor presencerabeence if no spetoes are found wetm the known or Poternam Specess hets the project an not
 apecies of concern Potental for apecies has been determuned prmanty on nstimet charactenstacs and apecies range informeton A thorough natitst analyes and if necespary species spectic suneyb are rechired to determine the potertas for each specress

Spedies of concem notuce proweted candidate and other rare or ocnerwae senutrie species including certain natre species and species of economic or cumural agnaficance For lepaly provected specres, the following theal and federal statuses are mocated MESL federal Endangered Specces Act (ESA), Mgratory Bra Treaty Act (NBTA) and Eagte Protection Act (EPA) Mo legu prowation th whorded species with onty ESA condidate. NESL group 4 status and apecied listed on the Sentidve Species Liter. Please be aware of
these species during surveys ind miorm the Nriof of obeprations Reported obeervations of these speces end cocumenting them in propect plennirg and mandgement is important for conacrumon end mimy contbues to enwing they win not be wo lsted mo the future

In ary and wh correspondence win NiDFW or Mirlip concerring the project please ens the Deta Request Code sasposited with the cocument fean be found in thas report on the fop righ comer of the every oage

 FT-Federaly Thresensed. FC=Federa Cencidel)

## Snetruen

Mutil = Mustela norges/ Black-fooved Ferret NESL G2 FE

## 2. Potential Species

## Spacer

AOCH = Aqute chryameto / Goloen Exple MESL C3
CrMO = Charrarnus montanus / Mountion Plover MESL GA
FAPE - Fico pergrmus / Peregine Filcon NESL GA

## 3. Quadrangles (7.5 Minute)

## puadranales

Low Mountan (3SilOHi)/ Az

| 315 | Soltir | EO3ME | amap | M40 | Pots | AnEas |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Lom Mourtan Clumer fiecremon Ane | None | Mxe |  | Nore | FAPE OMOS. | free3 |

5. Conditional Criteria Notes (Ancems mumons mede peose read thoroughy For certan spocies, andibr orcumstances. ploase read and comply)

A Biologleal Rewource Lind Uwe Clearance Polvies and Proeeduret (RCP) . The purpoet of the RCP a
 whech protect. wilife rescurces incuing phatis and ther hobet rewting in en expecived land uet
 habtsi and sensurve treas that cover the entire Nurbio Ntaton
The following to bpes aummary of elf (B) whate reas
I Migity Senubve Aree - recommended no developpnert with tow eroeptions
2 Moderabely Semetive Arew - moderde remerictors on development to avod senerve specesthabtata
3 Lest Swntitivp Anea - liwest restriction on development

development
5 Brologicel Presenv - no ocvelopment unless ocmpatole with the purpose of thas trea 6 Rucrateon whe - no develogmert unless compative with the pupone of the area
None - Cutiude the boundmies of the Mwivpo Noton



B Aaptore - 1 rapars are hnown to ocour imun i mie of proseer wamon Cortect Ched Smell at 671.7070 regerting your evalumbon of potertiat mpectas and mitopen

- Golden and Bald Eaplet- II Goiden or Bod Eagte are Mhoun so occur witm I mie of the propect


- Ferruginous Hawls = Refer to "Nawho Nation Departurent of Fith and Wirmite"s Fermugnous
 unformation on avouding imonctis io Fomugnous huwts witun 1 mie of propect locaton

 epoled owi protected activy certers and habiat
C. Surweys - Evologred surveys need to be conducted tuing the appropnmte season to ensure they are complete and scourate please refer to Nik Specses Accourds fuphinntpindtw.orgha accountitm Surveyor on ve Nevto Mabon must be permized by the Durector NPNFW Contact Jefl Cole at (936 879.7068 for permiting proceoures Queveons pertanng to surveys dhould be drected to the NNDPW Zoologist (Chad Smmin) for anmats a 871.7070 and Botanust (Andrest Hasemon) for plants it (928,523-3221 Cuestions regarding bicioged evatuntion should be drected to defl Cote at 871 -7080

D OHGss Lesse \$aifs - Any setuing or evaporason prts thei could hodd contmmints should be ined and covered Covering pte with a net or ther matenal will deter wenertowi and dother migratory burd uat Ling pise will grotect ground witer ounty
E Power bee Propects - These propects need to ensure that they do not volute the regulations aet forth in
 Hp/innhprndiw orghoce_repshepr pol
F Guy Wires - Does the propect detign include guy wres for structura sopport? If so and ill brd soeqes mey oceur in relavely high concentrabons in the propect ares, then guy wres ahould be oqupped uith
 marters inchude owtoon bels and bird biti civerters Birds can bexpected to oceur in relaovely high concentratons along migraton rouest (e of Trers, ndges or other distinctwe lneer topograplach fomeures) or where important hewtat for brewding, teeding rooking etc ccours The US Fith and widlie Semoe recommence meiting guy wres whin sit least one mether per 100 meters of were
6 San Jum River - On 21 March 199 (Federal Regeter. VoL. S9, No S4), the US. Fith and Vuthe Servce dewgnated porvons of the Sen Jum Rover (SJT) as crocul hetotat for Plychocherlus lucus (Colorado ptemmenow) and Xyruchen teranus (Resorbeck sucher Colorado pileminnow critical hatoitat ncudes the STR and ti 100 -year floooplain from the Stase Rouse 371 Bridet in T29N, R13W sec 17 (New Hexco Mendian) to Neskehm Cenyon in the Sen Juan amm ollake Poweli in Tsis. R11E. eec 26 (Sul Like Mendan) up to the fill pool elevason Racorback sucker crecil mabith motudes the SiR and \& 100-year foodplan from the Hoglack Diversion in T29N, R16W, ect P (New Menco Mlenciani to the Ah pool elevatuon te the mouth of Neatahar Curyon on the San Juan am of Lase Powell M T41S RilE. sec 35 (Set Late Mencien) Al actions camed out hunded or suthonzed by a federel egency which imily atier the conethuent elements of cribest habitat mut undergo section 7 oonmutation under the Endengered Specxes Act of 1973. as amenced. Constuent afements are thoee phymed and biologreal ationtules
 bologeal ervironmert as reoured for each particult Mfe stage of a specees
 Servce deagnated Crbical Haptat along portons of the Colorado and Luse Colorado Ruvers (LCRI tor

 contuence tith the Colorato Rwer in T3EN RSE eec I (S\&GRM) and the Colorsdo Puver and 1c0-yter soocplen from Mathitod Ceryon (Rover Hie 34) T36N RSE sec 35 (SAGRA) to ie contuence with the LCR A actors carmed out funded or myorsed by a tederal agency wheh may amer the constbuent evernens of Crecel thbet mut undergo secton 7 conkitmoon under the Endangered Specees Att of
 beces coneervavon sind inchude but are not frruted to water phymedi habeat and bologeal ervironment as recuired for ecch particular ife stage of asecues
I Wetionds - In Anzona and Naw Mesco potermal mpacts so wetands should also be eveluated the

 cases where the mepe are inconcluarve $i$ e.g de so mew amsl scavel held surveym must be cornoleted For fitd surveya. weltinos identhicason and datineation methodology conterned in the Coppe of Engmeers Wetands Delneaton Manuer (Techrucu Report Y-st-ilimpuld be used When wedands are presert, powertel mupects must be addreseed in wn ervironanentel sasesamert and the Amy Corpo of Engmeers Phoerur ofkce must be contacted NYM maps are lvatatle for examnation at the Nevapo Matural Hertage Program (NNa-P) oflice, of may be purchaged through the US Geologeal Sunvy (order forms are avalable through the NNMP) Tha NPAPP has complete coverage of the Navajo Nasion. erching Utan of $\$ 100.000$ scave. and coverage of 124.000 scase in the foutrimestern porbon of the

 determine whether wetance are located clowe enough to the propect tepts) to be mpecaed for feld sureys wettands identitcition and delinetton methodology contained in the "Corps of Engungers Webands Debneaten Manuer (Tectuncel Report Y-87-1I thould be used. When wetiands bre preeent, potentuat mpects must be addreseed in an ervtronmentes assesament and the Amy Corpe of Engrneers. Proenux ofice, must be contacted For more miformabon contact the Nivioo Environmental Protection Agancy's Water Ounlicy Program
$\qquad$
 brologites and computersed databese and is beed on data avatable athe the of in response if propect plinning betes more than hwo (00) years from the aste of dia responve vertication of the information provided heren an necestery thoutd not be ragarded sa the thel stamemork on the occurrence of iny specses nor ghowd in eupsase for on-me surveyt aso becivee ine MNDFW urformecon econlinually updsed any green information response ie onty wholy approprate for is rempectve request
K Ground Water Pumping - Progectis involving the ground water purnpung for minng operatore.

 NESL Speces potentaly umpseted by ground water pumpng: Carex apecuicola (Nivepo Sedge) Crmm ryobergil (Aycberg's Thaste) Prmula speewcola (Ceve Primroee Phetanthere zothecina (Alcove Bog
 specuicoty (Aloove Rock Daty). Sympryotnchum wetaly (Wewhs Amencan-awer) Coccyau

 Plychochetu luclus (Cotorado Pkemnnow) Kymuchen texanus (Razorback Sucker). Cnctue me reame
 Ceryte atcyon (Betted Kingfigner). Dendroca petectua (Velow Wartier), Porzana carcina (Sora),
 Amberineil

## 6. Personnel Contacts

Wellite Musper
Sym Drswood
321 륩 7062
ctinwert onnetherm

## $20010-911$

Crad Sant
925 eri 7070
cxathbratherta
Botanus
Vacment

Pandio Hyselma
3238717055
muach mottmexa

Gis Supecutar
Oenter OPrall
3266452898


Wedafle Text
Somps Debor
921 1 714472
adetholinopitheng

## 7. Resources

Putuonal Emvonmmertal Poitcy act
Alavayo Endaingered specaes Last
http: fhnhe nngtw orglendsngered htm

Specles Accounts
http/lonhenndtw ora/sp account htm
Biologral Investigation Permit Application htto: finnhonndte. orgletucty permithtr

Navajo Nation Sensitive Species List http:/hnnhe. nndtw oro/study permit htm

Vanous Species Management andior Documert and Reports http/lhnhe nngtw oro/docs reps htm

Consuitant List
(Coming Soon)

##  <br> Pexter 0 Pral/ Deparmmen dill hand wadide  

Denter 1 Prall, GIS Supervetor - Meturai Hertiagi Program Natro Mescon Depertnert of Fith and Widife

## Attachment D-Plants and Wildilife Observed In the Proposed Project Area



## 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

## Bruce Mac/lroy/Aw

Reviewed By: Bruce M. Macllroy, P.E. Senior Geotechnical Engineer

## Low Mountain Chapter

P.O. Box 4416

Blue Gap, Arizona 86520
Attn: Ms. Mareita Denny
Community Services Coordinator

Re: Geotechnical Evaluation
Job No. 2526JW115
Headstart and Multi-Purpose Buildings
North of BIA Route 67
Low Mountain, Arizona

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


Coples to: Addressee (emailed)

## TABLE OF CONTENTS

Page No.
1.0 PURPOSE ..... 1
2.0 PROJECT DESCRIPTION ..... 1
3.0 SCOPE OF SERVICES ..... 2
3.1 Fleld Exploration ..... 2
3.2 Laboratory Analyses ..... 2
3.3 Analyses and Report ..... 3
4.0 SITE CONDITIONS ..... 3
4.1 Surface ..... 3
4.2 Subsurface ..... 3
5.0 GEOTECHNICAL PROPERTIES ..... 4
S.1 Laboratory Tests ..... 4
5.2 Field Tests ..... 4
6.0 RECOMMENDATIONS ..... 4
6.1 General ..... 4
6.2 Foundations ..... 4
6.3 Lateral Design Criteria ..... 5
6.4 Slab-on-Grade Support ..... 6
6.5 Drainage. ..... 6
6.6 Corrosivity to Concrete ..... 7
6.7 Pavements ..... 7
6.7.1 Pavement Analyses ..... 7
7.0 EARTHYORK ..... 8
7.1 General ..... 8
7.2 Site Clearing ..... 8
7.3 Excavation ..... 9
7.4 Foundation Preparation ..... 9
7.5 Interior Slab Preparation ..... 9
7.6 Pavement Preparation ..... 9
7.7 Materials ..... 9
7.8 Placement and Compaction ..... 10
7.9 Compliance ..... 11
8.0 LIMTTATHONS ..... 11
9.0 CLOSURE ..... 12
Low Mountain Chapter Job No. 2526JW115
TABLE OF CONTENTS (Continued)
BORING LOCATION DIAGRAM. ..... Plate 1
APPENDIX A
Definition of Terminolocy ..... A-1
Method of Soil Classification ..... A-2
Boring Log Notes ..... A-3
Boring Logs ..... A-4 to A-13
APPENDIX B
Laboratory Tests ..... B-1 to B-7

# GEOTECHNICAL EVALUATION <br> HEADSTART AND MULTI-PURPOSE BULLDINGS <br> NORTH OF BIA ROUTE 67 <br> LOW MOUNTAIN, ARIZONA <br> 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 Mountaln, Arizona. The purpose of these services is to provide information and recommendatlons regarding:

- foundation design parameters
- floor slab support
- lateral earth pressures
- earthwork
- pavement sections
- drainage
- corrosivity to concrete

Results of the field exploration, fleid 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 multtpurpose 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 Soll Classification System was used to classify solls. The soil classification symbols appear on the boring logs and are briefly described in Appendix $\mathbf{A}$.

### 3.2 Laboretory Analyses

Laboratory analyses were performed on representative soll 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
- Consolldation
- Expansion
- Gradation
- Plasticity
- Soluble salts and sulfates

Test results were utilized in the deveiopment 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 impllcation, 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 Subsurface

As presented on the boring logs, surface and subsoils extending to the full depth of exploration consisted primarlly 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 detalls 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 subsolis 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 ls added to compacted near-surface solls, low 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 soll 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 solls 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 pius live-load pressure of up to 2500 pounds per square foot.

We antlcipate that total settlement of the proposed structures, supported as recommended, should be less than 1 inch. Differential settlement should be less than $\%$ inch. Additional foundation movements could occur if water from any source infiltrates the foundation solls. 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 wali footings are 24 inches and $\mathbf{1 6}$ 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 partitlons, provided that loads do not exceed 900 pounds per linear foot, thickened sections have a minimum width of $\mathbf{1 2}$ inches, and thickness and reinforcement are consistent with structural requirements.

All footings, stem wails, 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 discontinulties in any masonry walis 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 solis and/or placement of englneered 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 Desizn 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 $\mathbf{2 2 5}$ 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 Amerlcan 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 Drainase

The major cause of soil problems in this vicinity is moisture 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 utilnty and sprinkler line trenches should be well compacted and free of all construction debris to minimize the possibillty of moisture infiltration.

### 6.6 Corrosivity to Concrete

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 availablity, we recommend that Type Il portland cement be used for all concrete on and below grade.

### 6.7 Pavements

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 <br> (low traffic frequency) | 3 | 4 |
| Major access drives <br> (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.
a. A correlated R-value of 48 for the on-site soils which corresponds to a resllient 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 axie load (ESAL) of 50,000 for the major access drives and 20,000 for the passenger car parking areas.

### 7.0 EARTHWORK

### 7.1 General

The conciusions 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 reasonabie to rely upon our conclusions and recommendations if any future unobserved and untested trenching, grading or backfilling occurs.

### 7.2 Slte Clearing

Strip and remove existing vegetation, organic topsoils, 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 Excayation

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 $\mathbf{2}$ 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 fili 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 Pavement Preparation

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 Materials

a. Clean on-site native soils with a maximum dimension of $\mathbf{6}$ inches or imported materials may be used as fill material for the following:

- foundation areas
- interior slab areas
- pavement areas
- backfill
b. Frozen solis should not be used as fill or backfill.
c. Imported soils should conform to the following:
- Gradation (ASTM C136):
percent finer by weight
$6^{n}$
100
$4^{\text {n }}$
85-100
3/4" .............................................................................................................. 70-100
No. 4 Sieve ................................................................................................. 50. 100
No. 200 Sieve ................................................................................................ 40 (max)
- Maximum expansive potential (\%)* ..................................................................... 1.5

- 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<br>Material Compaction (ASTM D698)

- On-site and imported soil, reworked and fill:
Below footings .............................................................................................. 95

Below slabs-on-grade................................................................... 90
Below pavement ............................................................................ 95

- Aggregate base:

Below slabs-on-grade.................................................................... 95
Below pavement ....................................................................... 100

- Backfill:

Structural .................................................................................... 90
Non-structural............................................................................. 95
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 $\mathbf{3}$ percent below to 3 percent above optimum.

### 7.9 Compllance

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 varlations may have on our concluslons 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 varlations 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 beneficlaries of our contract with the client or this report, and nothing contalned in the contract or thls 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 explration, 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 thls 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 utillzed by professionals providing similar services in this locality. No other warranty, express or implied, is made.



[^6]COARSE-GRAINED SOILS
LESS THAN SOM FWES

| croup syme0rs | DESCMIPTION | $\begin{aligned} & \text { manon } \\ & \text { Divisioms } \end{aligned}$ |
| :---: | :---: | :---: |
| 6W | WEL-ERADED GRAVEL OR WELL-GRADED GRAVEL WTTH SAND, LESS THAN 5\% FINES | GRAVELS mone tham HALF of coanse praction <br> is lamger than sueve se |
| 6P | poonly-graoko gravel on poontr-graded GRAVEL WTH SAND, LESS THAN SK FINES |  |
| 6M | SXTY GRAVEL OA SITV GRAVEL WITH SANO. MORE THAN 12\% FIMES |  |
| GC | Clayey gravel or clayey ghavel with SAND, MONE THAN 12\% FINES |  |
| SW | WELL-ERADED SAND OR WELL-GRADED SAND WITH GRAVEL, LESS THAN 58 FHNES |  |
| SP | POORLIT-GRADED SAND OR MOORLY-GAADED SAMD WITH GRAVEL, LESS THAN SK FINES |  |
| SM | SMTY SAND OR SMTY SAND WITH GRAVEL. NORE THAN 12\% FINES |  |
| SC | CLAYEY SAND OR CLAYEY SAMD WITH GRAVEL, MORE THAN 12X FIWES |  |

WOTE: Coarse-grained solls recelve dual symbots ff they contain 5\% to $12 \%$ fines (e.e., 5W-SM, GP.GC).

| COMPONENT | SIze Range |
| :---: | :---: |
| 8OULDERS | Above 12 in . |
| cobrles | $3 \mathrm{ln} .=12 \mathrm{ln}$. |
| eravel Coarse Fine | No. 4-5 ln. <br> K in. $=1 \mathrm{in}$. <br> Mo.4-5in. |
| SANO Coarse Mandium Fine | $\begin{gathered} \text { No. } 200 \text { - Mo. } 4 \\ \text { No. } 10-\text { No. } 4 \\ \text { Mo. } 10 \text { - No. } 10 \\ \text { Mo. } 200 \text { - No. } 40 \end{gathered}$ |
| Fines (Siti or Clay) | Below No. 200 |

MOTE: Only sizes smailer than three inches ere used to chassity solls

PLASTSCITY OF FINE GRAMAED SOLLS

| PLASTICITY OF FINE GRAINED SOMS |  |
| :---: | :--- | :--- |
| PLASTICITY MOEX | TEMM |
| 0 | NON-PLASTLC |
| $1-7$ | LOW |
| $3-20$ | MEDIUM |
| Over 20 | HIGH |

FINE-GRAINED SOILS
mone THAN SOC FIMES

| smoups | DESCRIPTION | Majon OUVSHONS |
| :---: | :---: | :---: |
| ML | SILT, SILT WITH SAND OR GRAVEL, SANDY SIT, OR GLAVELVY SMT |  |
| CL | LEAN CLAY OF LOW TO MEDIUMA PLASTICITY, SANDY CLAY, OR GRAVELUY CLAY |  |
| 01 | ORGAME SMT OR ONGANIC CLAY OF LOW TO GEDNM MASTICITY |  |
| MH | ELASTIC SILT, SANDY ELASTIC SILT, OR GRAVELY ELASTIC SILT |  |
| CH | FAT CLAY OF HIEH PLASTICITX, SANOY FAT CLAY, OM GAMVELLY FAT CLAY |  |
| OH | Ons anic sut on oncanic clav of HIGM Pastictry |  |
| PT | PEAT AMD OTMEA MIGHIY ORGAMC SOILS | MIGHLY ORGANIC SOILS |

Note; Fine-grafined solls may recehve duat classbification based upan plestictty characteristies (eds. Cl-ML).

| CONSISTENCY |  |
| :---: | :---: |
| CLAVS \& SILTS | BLOWS PER FOOT |
| VEAY SOFT | $0-2$ |
| SOFT | $3-2$ |
| FIMM | $5-8$ |
| STIFF | $9-15$ |
| VERYSTIFF | $18-30$ |
| MARO | OVER 30 |

## RELATIVE DEMSITY

| SaMDS B GRAYELS | BLONS PER FOOT |
| :---: | :---: |
| VERY LOOSE | $0-4$ |
| LOOSE | $\$-10$ |
| MEDUM OENSE | $11-30$ |
| DENSE | $31-50$ |
| VERY DENSE | OVER S0 |

NOTE: Number of blows usine 140 -pound hammer falline 30 melos to drive a 24nch-OD
( $1 \%$-inch ID) spils-barrel sampler (ASTM D1SE6).

DEFIMITION OF WATER CONTENT

| DNY |
| :---: |
| SLUGHTLY DANAP |
| OAMP |
| MOIST |
| WET |
| SATURATED |



## Western <br> Teohnologies Inc. The Qumlity People Stace $1855^{2}$

The number shown in "BORING NO." refers to the approximate location of the same number indicated on the "Boring Location Diagram" es positioned in the field by pacing or measurement from property lines and/or existing features.
"DRLLING TYPE" refers to the exploratory equipment used in the boring wherein HSA m howow 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 rine-ined spit barrel sampler driven into the sround with a 140 pound drop-hammer dropped 30 inches repeatedly untll a penetration of 12 inches is echieved or until refusal. The nurnber of blows required to advance the sampler 12 inches is defined as the " $R^{\prime \prime}$ blow count. The "R"blow count requires an engineered conversion to an equivalent SPT N-Value. Rafusal to penetration is considered more than 50 blows par foot. (Ref. ASTM D3550). A double vertical line within the symbol indicates no sample recovery. A drcie within the symbol indicates sample disturbance.
"SAMPLE TYPE" refers to the form of semple recovery, In which $R=$ Ring-lined sample and $\mathbf{G}$ a Grab sample.
"DRY DENSTY (LBS/CU FT)" refers to the laboratory-determined dry density in pounds per cubic foot.
MWATER (MOISTURE) CONTENT" ( $\%$ of Dry Wh.) refers to the iaboratory-determined water content in percent using the standard test method ASTM D2216.
"Uscs" refers to the "Unified Soll Clessification Syrtem" Group Symbol for the soll type as defined by ASTM D2487 and D2488. The solls 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 borins 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.

|  | BORING LOG NOTES | PLATE <br> A-3 |
| :---: | :---: | :---: |













[^7]


FLG-Soil Properties v2.3






## 5. LIST OF PREPARERS

John Dodge, Presiden//Biologist Dodge Environmental, LLC
P.O. Box 75

Fruitland, NM 87416
(505) 330-1361

Heidi McGrath, Principa/Biologist
Columbine Environment, LLC
2817 Junction Street
Durango, CO 81301
(970) 946-1859

## 6. Agencies, Organzation, and Persons to Receive Environmental ASSESSMENT

This EA was prepared for the B1A Division of Environmental, Cultural and Safety Management, Navajo Regional Office, located in Gallup, New Mexico, and distributed to appropriate agencies.

Pamela A. Kyselke, 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

## 7. References and Literature Cited

Arizona Burrowing Owl Working Group (ABOWG). 2007. Burrowing Owl Project Clearance Protocol. July 30, 2007. Available at
https://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/Burrowing/BUOW\ Proje ct\%20Clearance\%20Protocol. 20070730 .pdf

Arizona Department of Water Resources (ADWR). 2009. Arizona Water Atlas. Volume 2, Eastern Plateau Planning Area. Draf. Arizona Department of Water Resources, Phoenix, AZ. Available at http://www,azwater.gov/AzDWR/StatewidePlannine/WaterAtlas/EasternPlatcaw/defaulc.htm. Accessed June 2016.

Arizona Department of Water Resources (ADWR). 2016. Well Registry. Available at htips://gisweb.azwater.gov/WellRegistry/Default.aspx. Accessed June 2016.

Brown, D.E. (ed.). 1994. Biotic Communities: Southwestern United States and Northwestern Mexico. 342 pp. Desert PL, Vol. 4. University of Utah Press. Salt Lake City, UT.

Federal Emergency Management Agency (FEMA). 2016. Flood Insurance Rate Maps. Available at https://msc.fema,gov/portal/advanceSearch. Accessed June 2016.

Kochert, M.N., K. Steenhoff, C.L. McIntyre, and E.H. Craig. 2002. Golden Eagle (Aquila chrysaetor). In: Poole, A., and F. Gill (eds.). The Birds of North America. No. 684. The Academy of Natural Sciences, Philadelphia, PA, and The American Ornithologists' Union, Washington, D.C.

Mikesic, D. and D. Roth. Revised 2008. Navajo Nations Endangered Species List; Species Accounts; Version 3.08. Navajo Natural Heritage Program, Division of Natural Resources, Department of Fish and Wildlife, Window Rock, Arizona.

Navajo Air and Toxics Department (NATD). 2005. Air and Toxics Department Update, Volume 1, Issue 1. August 2005. Window Rock, Arizona.

Navajo Nation Department of Fish \& Wildlife (NNDFW). 2008a. Biological Resource Land Use Clearance Policics and Procedures (RCP). RCP-44-08.

Navajo Nation Department of Fish \& Wildife (NNDFW). 2008b. Raptor Electrocution Prevention Regulations. Navajo Natural Heritage Program; Navajo Nation Dept. of Fish and Wildlife. Window Rock, AZ.

Navajo Nation. 2004. Chapter Images: 2004. Profiles of 110 Navajo Nation Chapters. Larry Rodgers, editor. LSR Innovations, Research and Planning. Division of Community Development. Window Rock, Navajo Nation, Arizona, USA.

Navajo Nation Environmental Protection Agency (NNEPA). 2004. Navajo Nation Air Quality Control Program Operation Permit Regulations. Navajo Nation Regulations Title 4-Environment Chapter 11-Air Pollution Prevention and Control Subchapter 2-Air Quality Control Programs Part HPermits. Available at http://water.epa.sov/lawsregs/guidance/wetlands/section402.cfm.

Pagel, J.E, D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management. U.S. Fish and Wildife Service.

Palmer, R.S. 1988. Golden eagle. In R.S. Palmer (ed). Handbook of North American Birds. Yaje Univ. press.
U.S. Census Bureau American Community Survey 2006-2010 (USCB/ACS). 2010. Navajo Nation Data and Statistics. Available at http;/havaiobusiness,com/pdf/Ads/CensusRep.html. Accessed June 2016.
U.S. Department of Agriculture/Natural Resources Conservation Services (USDANRCS) Web Soil Survey. 2008. Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and McKinley and San Juan Counties, New Mexico. Survey area data: Version 13, September 20, 2014. Available at: http://websoilsurvey.nres.usda.gov/appl. Accessed June 2016.
U.S. Environmental Protection Agency (USEPA). 2016. USEPA Envirofacts Data Warehouse (Internet). Available at http://www.epa.gov/enviro/. Accessed June 2016.
U.S. Fish and Wildlife Services (USFWS). 2016a. National Wetland Inventory maps for the proposed project area and vicinity. Available at htfp;//www, fus, rov/wetlands/Data/Mapper.html. Accessed lune 21. 2016.
U.S. Fish and Wildlife Services (USFWS). 2016b. Information, Planning and Conservation IPaC-System. Listed and Sensitive Species in Navajo County, Arizona. U.S. Fish and Wildlife Service Environmental Conservation Oniine System. Available at http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare,action. Accessed June 10, 2016

Ulrich, G.E., Billingsley, G.H., Hereford, Richard, Wolfe, E.W., Nealey, L.D., and Sutton, R.L., 1984, Map showing geology, structure, and uranium deposits of the Flagstaff 1 derrees $\times 2$ docrees quadrancle, Arizona: U.S. Geological Survey, Miscellaneous Investigations Series Map I-1446, scale $1: 250,000$. Available at htp://ngmdb. uses.gov/ngmdb/ngmdb_home.html. Accessed June 2016.

Western Regional Climate Center (WRCC). 2016. Historical Climate Information for Keams Canyon, Arizona. Western Regional Climate Center, Reno, NV. Available at http://www.wrcc.dri.edu/cgibin/cliMANN.pl?az4586. Accessed June 2016.

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

## RESOUTION OF THE <br> LMC-16-049 LOW NOOUNTAN CHAPTER <br>    

## YAHEDSS:

1. The Low Mountaln Chapter is a dily certied chapter of the Navapo Mation and as such may preserve and promote cormmunity mitarests: AND,

C2. The Low Mountaln Cheptes requests to withiraw strese ecres (B) plat of within the Low Moumteln
 Findid: AND.
03. The Low Mountain Chapter proposes to construct a new Headstart Center Cullding and a Muathpurpose buildind for our young chiliden, and a Recreation Fietd for our youth and cormmintiny of Low Mountian; AND.
 Whidrmal of these (3) Eeresf land ghet whinh the Low Mountain Chapeer Trect, and one (1) Acre adjecent

 cienernce services for ithe development.

C-ERTTHFAC-ATT-\&OHM
We, hereby oertify that the soregoing resolution was dily consldered at a duty calad Low Moumein Chaptar Meeting in Low Mountain, (Arisona), Nevalo Nation, at wheh a querum whes preseat
 LSfition of morch, 2016.
motioned er. Fling Ganica
seconded or therm. Ahriken


## Appendix B-Legal Survey Plat



# Red Dog Graveling Partnership Project 2013-Project Plan 

Project Plan<br>Area Map<br>Pictures of Existing Road Conditions<br>Pictures of Roads Repaired with Red Dog Material<br>Picture of Crushing Operation<br>Project Cost Sheet

# Red Dog Graveling Partnership Project <br> 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 Biack Mesa Reglon 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 $\mathbf{2 5 0 , 0 0 0}$ cubic yards will cover approximately $\mathbf{1 2 5}$ 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 artificiaily 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 walver for a 5 -year period, from the Navajo Nation

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 walver is valid for 250,000 cubic yards of red dog material and is valld 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 $\mathbf{6 0}$ 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
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.

## Proiect 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 $\mathbf{2 5 0 , 0 0 0}$ cubic yard granted by the 5 -year permit are shown below.

|  | Cubic Yards | Crush Cost | Haul Cost | Total |
| :--- | :--- | :--- | :--- | :---: |
| $\mathbf{1}^{\text {st }}$ year | 50,000 cu yds | $\$ 455,000$ | $\$ 850,159$ | $\$ 1,305,159$ |
| 5 year Project | $250,000 \mathrm{cu}$ 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


Conditions for School Bus Routes


EXHIBIT C

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 $\mathbf{2 0}$-acre development site. There are 10 housing unit lots that are planned. The lots are all approximately $\mathbf{5 0}$

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.

Mult-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 athietic 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 smailer units to accommodate several different businesses. The community wish to host the development of comvenience 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 utllity 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 communlty can experience the positive attributes of development.

## Exhibit 5.6.1 Site 1 Development Plan





## Low Mountain CLUP Suryev. 2016

No.
GP8:

## Backeround Information:

Do you know what CLUPC is from LM Chapter? $\qquad$
Are you a registered with Low Mountain Chapler? $\qquad$
Do you attend monthly Chapter meotings? Why mor? $\qquad$
How many years have you lived in LM?
Married
Single
Divorced $\qquad$
How many family members reside in your home? $\qquad$ Gender: Male $\qquad$ Female $\qquad$ Age group: Head of household

1) 0-6
2) $\overline{35-44}$
3) $7-17$
๑) $45-54$
4) $18-24$
5) 55-64
6) $25-34$ $\qquad$ 8) 65 or older $\qquad$
Which of the following categories best describes your gross total family income during the last year?
7) Less than $\$ 10,000$
8) $10-15,000$
$\qquad$
9) $16-25,000$

General Assistance $\qquad$
TANF
Employment:
4) $26-35,000$ Child Support $\qquad$
5) $36-45,000$

## SSI

VA
Food Stamps $\qquad$
6) $46-55,000$ SSB
NNicheonert -
Railhool Rchronent

What is the last grade you completed?

1) Dropped out/did not finish HS
2) HS Graduate
3) Vocational Graduate
4) College Graduate $\qquad$ Some Collage

What Branch? $\qquad$

Name of School:
$\qquad$
$\qquad$

Active $\qquad$ Non-Active___ -

Are you a veteran? $\qquad$
$\qquad$ Are you Disabled?

## Type of Home:

Frame__ Mobile__ Hogen__ Relocation___ Center Block___ Log Home___
Other_ have a Homastite Lemer ?
Homesite Leme No.

## Utilities:

NTUA: Electric Water Sower
Type of Heatine Cooking sounce
Septic Tank? Yes $\qquad$ No $\qquad$
How do you dispose your trash?
Telephone? Landline___ Coll Phons


## Livestock/Land Information:

Do you have livestock?


What water is available within your area? Natural springs wells
Earthen dimes
Windmills

## Primary Needs:

What do you think our community primary needs is/are?
Community Cemetery?
Location preferned?
NHA Housing?

| Custered | Public Rental |
| :--- | :--- |
| Clan Housing | Veteran Housing |
| Scattered homes__ | Home ownership___ |

Locations prefered?
Lagcon? Yes
No__ Lagoon location
Whatione?
Powertine?
Roude?
Comments:

## LAND WITHDRAWAL DESIGNATION PROCEDURE comsistent will Remolution No. RDCJN-33-15

## 

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 mssistance for clarification.
2. 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 Designstion 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 graving).
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:
5. A letter of application or cover letter
6. A proposal for the planned use of the land; and
7. A legal survey or GPS land description indicating the location and acreages of land.
8. 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 Lend 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 Govermment, 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: $\quad$ Division of.Ecomomic Dovelopment, Bustiness Regulatory Office hamalles all Business Site Lease applications.

## II. Prolet Roviay Eaction Regramplities

A. Log in proposed land withdrawal designation package and assign project identification number:
B. Request Field Clearance services for the proposed designation project arca 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 recond the Land Withdrawal Designation on the Navajo land title recording system.
PROJECT DEVELOPMENT PROCESS

| APPUCATION FOR: |  |  |
| :---: | :---: | :---: |
| - Sand and Gravel lease | - As-Sulit ROW | LANO WITHDRAWAL FOR A LEASE: |
| - Selimic Surver | - Revocable Use Perrnits (Mission sire, Construction/Equip. Yard, etc.) | - Housing Subdivision |
| - Application Permission to Drill (APD) | - Right-of.Way Renewals, Modification, Amendments, Terminations | - Community Development |
| - Right-ot.Way |  | - Community facilies |


Land Withdraw for Designation


01 July 15
Exhibit F

# RHSOROMTOM OF Mas <br>  <br>  

## N: ICTIOR






BE IT EAMCTHD:
Section One. Findinge
A. Pursuant to 2 N.N.C. $9502(B)\{2)$, the Resources and Development Committee is authorized to give final approval of all land withdrawals; and
B. Pursuant to 2 N.N.C. $\operatorname{S501}(\mathrm{B})(3)$, the Resources and Development Committee is authorized to delegate its powers to appropriate divisions of the Navajo Nation for efficiency and streamining of government processes provided the Comuittee 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 2wo. Delegation to the Disector of the mavajo Inod Departmant to Brocess Land Withirawnis and Approval of the Idfanistrative Rules and Regulations for Iand Withdrawals
A. The Resources Comittee of the Navajo Nation Council hereby approves the delegation of authority to the director of the Mavajo Land Department, Division of Natural Resources, to approve Land Withdrawals on the Navajo Nation.
B. The Navajo Nation hereby approves the Adainistrative Rules and Regulations, attached hereto as Bxhibit "A".

## Csperymicarion

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the $23^{\text {rd }}$ 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 $16^{\text {th }}$ day of June, 2015.


Notion: Honorable Benjamin Bennett
Second: Honorable Davia Pilfred
Vote: $3-0$ (Vice Chair not voting)

## LAND WITHDRAWAL DESIGNATION REGULATIONS

## \$1. Purpose.

The purpose of these Regulations is to clacify and expedite the Land Withdmwal Designation process on the Navajo Nation, and explains chat a Land Withdrawal Deaignation does not muthorize development or disturbance ion Navajo Nation hand. This Land Withdeawal Designation process does not apply to how to get a lease. Prior to any development on the hand, a lease muat be obtrined in addition to the withdoswal. The purpose of a Lavd Withdrawal Dexignation is to denignate an area of hand for future development by,
a. Bnsuring that the rights of graxing permittees, who are in compliance with their grening permits, are properly addressed as applicable and as required under 16 N.N.C. $\$ 51401$ a seq. and to prevent any subsequent claims to the land; and
b. Ensuring that the affected Chapter supports the Land Withderwal Designation and use of the land.

## 52 Scope.

These regulations apply to -ll Land Withdenwal Designations on the Navajo Nation.

## 53. Delegation

2. The Resources and Developanent Comsinittec hereby delegates to the Director of the Navajo Land Department the power and authority to give final approval of all Land Withdiawnal Dexignations on the Navajo Nation. The Director may sub-delegate thir authority to a person under the Director's supervinion, but this delegation of withority sball not be re-delegated to any other Department or Division within the Nation widhout the consent and approval of the Renources and Development Committree of the Navajo Nation Council.
b. Resources and Development Committer hereby delegates authority to the Navajo Land Department to adminirter and manage Land Withdrawal Designations on the Navajo Nation, with the express power to adopt xules to further implement these regulations.

## 54. Definitions.

a. Community Development: Cotmmunity Development encompases infinatructure, economic development projects, installation of public fucilitice, commonity cencess, housing public services, businesses, schoolh, horpimats, goverument offices, and other similat projects.
b. Designation Holder. Any person or entity who has obtrined a Land Withdrawal Designation.
c. Industrial Development Economic activity concemed with the manufincture, 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
c. The Navijo Nation Buriness Site Leasing Regulations of 2005 (Business Site Leasing Regulations): Navajo Nation regulations that make busincas site leaser mandatory for all busincsses operating on the Navajo Nation.
f. The Navajo Nation General Leasing Regulations of 2013 (General Leasing Regulations): Navajo Nation regulations that apply to sll leases and permits for the use or possession of Navajo Nation trust had, with the exception of busimess and mineml leases.
g. The Navajo Nation Govemment The Navijo Nation Government is comprised of the legishative, executive, and judicial bmaches, ss well meplitical subdivisions. For the purpose of land use, ownembip, and there regulations, enteriprises, businesses, houring authoritics, or other entities created of owned by the Nevijo Nation are not enticies of the Navajo Nation Government.
h. The Navajo Nation Trust Land Leasing Act of 2000 (Navajo Learing Act, 25 U.S.C. \$415(c)): A fedecal haw that regulates the leasing of Navajo Nation hads. It allowe the Nation to lense 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 buainess locating within their chapter on withdonwn had.

## S 5. Use and Occupation of Navajo Nation Land.

A Land Withdrawal Deaignation does not authorize an entity outaide the Navajo Nation Govemment to use, occupy, or disturb Navajo Nation hand. The Navnjo Leasing Aet, Business Site Leasing Regulations, and General Leasing Regulations apply to all lead use on the Navajo Nation. A lense is always requiced if the land is being developed by any enting outride the Navajo Nation Government.

S6. Land Withdrawal Designatione for Navajo Nation Government.<br>The Navajo Learing Act, Business Sire Leasing Regulations, and General Leasing Regulations do not apply to the Navzjo Nation Government. The Navajo Nation Government may develop on land derignated by a land Withderwal Designation without a lease for government purposes oank.

## S 7. Procedure to Acquire a Land Withdrawnl.

2. Every individual, chapter, or entity desiring a Land Withdrawal Deaignation 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 une of the hand, and
iii. A legal survey or GPS land description indicating the location.
b. An entity requesting a Land Withdonwal Designation stall then submit their proposal to the Chapter to obrain a Resolution of Support.
i. All Chapter Resolutions should contrin standard language approving a Land Withdexwal for cither community development or industrial development.
ii. Resolutions of Support for community development Land Withderwal Designations shall contrin the following language: "The $\qquad$ Chapter hereby supports and recognizes this land withdrawal for community development, which may include, but is not limited to, the following parposes: housing. education, economic development, healthcure ficilities, public use, or goveramental use. Industrial development in not supported for this area." To change the use, Chapter approval muat be obtrined.
iii. Resolutions of Support for industrial development Land Withdrawal Designations shall contriin the following language: "The $\qquad$ Chapter hereby supports and recognizee this Land Withdemwal Derignation for the sole purpose of industrial development. Industrial development shall be considered the economic activity concemed with the manufncture, and procesting of materials or construction." To change the une, Chapter approval must be obtained.
iv. Once the Chapter Renolution of Supprost is passed by the affected Chapter, retum the signed Retolution of Support to the NLD.
c. The NLD will soquire the necossary consent from all graving permittees holding a valid grexing permit with an interest in the had as applicable and required under 16 N.N.C. sections 1402 at sy . Conseat will include infrastructure that supports the development and no additional consents are necesmary.
d. In the event the groving permittees will not consent, but the proposed project is in the best intereat of the community and the Navajo Nation; the approprince authorities may undertake eminent domain as allowed pursuant to 16 N.N.C. $\$ 5$ 1401-1403.
e. Approval from NLD.
. i. If all requirements are met, the NLD will approve the Iand Withderwal Deaignation. NLD will subeequendy recoed the Land Withdexwal Designation on the Navijo hnd tide seconding spatem.
ii. The NLD will not approve and recond a Land Withdowal Derignation until all required documents are provided for review.
E. If the Designation Holder is not the Navijo Nation Govemment, they mosat then begin the leaning process pucsuant to The Navajo Lexsing Act, Business Site Leasing Regolations, or Geneml Lesaing Regulations priot to sny development, disturbance, use, or occupation of the land.

## 58. Change in purpose.

a. If the Deaignation Holder changea the purpose of the Land Withdrawal Devignation, they must go beck to the affected Chapter to obtrin a new Resolation of Support.
b. If a Chapter, as Designation Holder, wishes to permit en ourside eacity use of a portion of or the entire Land Withdrawal Dengigation, the Chapter must relinquish
the Land Withdraven Designation and the outaide entity must apply for their own Land Withdrawal Designation in their name for their apecific purpose.

## §9. Duration and Rencwal.

2. All Land Withdrawals shall be iseued for a term of no more than five (5) yeuts, with the possibility of extension of the term every five yeats thereafter, so long as the Denignation Holder is not in violation of any provinion cet forth in these Regulations. The term shall be decermined by NLD oa a case-by-cuse badis.
b. If the Designation Holder wishes to extend the Land Withdrawal Desigration, the Designation Holder shall give written notice to NLD ninety (90) days prior to expiration of the original term. Renewal of the Land Withdrawal Deaignation will be at the sole discretion of NLD.
c. A Land Withdeawnal 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 reconding syatem and open to other applicunta for Land Withdrawal Denignation or other land use at the expination of the term or if the Land Withdrawal Denignation in terminated for any reason. In the case of a Land Withdrwwal Desigaation for a portion of a pre-ecinting Chapter had withdorwal, the aree will revert back to the Chapter withdowwal states prior to the I and Withderwal Dexignation application.

## §10. Environmental Review Process.

a. No eavironmental review is required for Land VFithdtawal Deagnations issued to the non-Navajo Nation Govemment entinies; however, when the entity obarins a lease, the General Lensing Regralations require envirommental seview.
b. Since the Navijo Nation Government is not recuired to obtain a lease prior to development on the hand, when the Navajo Nation Government obtains a Land Withdeawal Derignation for Navijo Nation Governmental use, an environmenal seview muat be completed.
c. In the event that a Land Withdrawal Dexignation was done by the Navajo Nation Goremment, but the Navajo Nation Government relinquished the Land Withdenwal Denignation for use by another non-Navajo Nation Governmental entity, the new Designation Holder most still undengo environmental review when a lease is obvined. Esch program conducting an environmental review will deternine if the use is
consistent with the former environmental review and will determine whether further analyais needs to be conducted.
511. Overaight and Enforcement.
a. Every department within the Navajo Nation Govecmment that is seapossible for such overuight aball wock to ensure that all Lavd Withdsumal Deaignations are in complinnce with these Regulation and other applicable Navijo Nation law.
b. The Navajo Nation shall have the authodity to enforce the provisions set forth in theae Regalations in acoordance with applicable Navajo Nation and federnl law.
612. Penalities.
2. If a Dexignation Holder develops or otherwise disturbs the land without fiset having a valid lease, the Dexignation Holder is subject to treapan, and a penalty will be asiessed By the NLD. 16 N.N.C. 552251 and 2252.
513. Trmafer of Land Witharown Designations.

The NLD will epprove transfers of Land Withdowal Deaigntions if the following conditions ace met:
2. Coment from the original Deaignation Holder has been socquined.
b. The original Deaignation Holder or the transerce are not in violation of the Land Withdrawal Dexignation;
c. No development or distribance has triken plece on the hand in question;
d. The purpoce of the new Deaignation Holder is in accosdance with the Reaphation of Support, or a new Resolution of Suppost has been obtnined;
e. The transferee agrees to be bound by the tems of the Land Withdinwal Deaignation; and
E. The NLD finds no compelling reason to withhoid approval.
514. Review and Amendinents.

The scope and administration of this delegation of authority to the Director of the Navijo Land Depputmeat and Adminimentive Regulations may be amended or rencladed by the Resornces and Development Committse of the Navnjo Nation Couracll

4/3/2004 (1)


# Homesite Lease Regulations 2016 

Prepared by:
Navajo Land Department
Division of Natural Resources
Department of Justice

Approved:
October 4, 2016
RDCO-74-16

Resorntion or gere

Ot the 25xit virrajo wation Connail---seoond Year 2016

## AN ACTION




ITS IF minctub:
soction One. Mindinge
A. The Resources and Development Committee of the Navajo Nation Council is expowered to approve procedures for issuing homesite leasea 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 Comaittee of the Navajo Nation Council delegated its authority to approve, issue, amend, assign, relinguish, and execute homesite leases to the Navajo Iand Department in accordance with procedures adopted by the Resources Comaittees and
C. The Division of Natural Resources Navajo Land Department is proposing amendments to the Homesite Ieases Policy and Procedures approved by RCD-289-93, attached as Exhibit ${ }^{\omega} \mathrm{F}_{\mathrm{o}}{ }^{*}$ The recommonded 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, Iand Boards, Farms Boards, and BIA Real Estate services representatives, the Homesite section of the Navajo Iand Department conducted public hearings from August 2007 to date to obtain comments and recommendations on the revisions of the Homesite Lease Regulations. Navajo Iand Departuent conducted many education/public hearings and meetings, providod news madia releases and publications. Examples of these activities are attached hereto and marked as Exhibit "B"g and
E. The proposed amended Homesite Lease Regulationa will benefit qualified appilcants 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 enforcenent 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"s and
H. The Navajo Land Department recomenends the approval of the Homesite Lease Penalties and Fines Fee Schedule attached at page 23 of Exhibit "A." Eines 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 recomends 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 fomesite 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
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."

## soction two. Appzovals

A. Resources and Development Comenittee of the Navajo Nation Council hexeby 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 Comaittee of the Navajo Nation Council approves the amended standard homesite lease application forms which include Homesite Application FORM 1: Field Clearance Cextification FORM 2; and Consent FORM 3 for Navajo Trust and Fee Land. These forms are attached hereto as Exhibits

C. The Resources and Development Comittee of the Navajo Nation Council approves the Homesite Lease Regulations Application Fee schedule, attached at page 23 of Exhibit " ${ }^{\prime \prime \prime}$; 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 Comittee of the Navajo Nation Council recomends 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 Resouxces and Development Comittee 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.

## Exhibit G

## chatrichyyon

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Comittee of the 23rid Navajo Nation Council at a duly called meoting at Navajo Dopartment of Transportation, (Navajo Nation) Tee Bonito, Now Maxico, at which quorum was preasnt and that anm was passed by a vote of 3 in favor, 2 opposed, 1 abstained this 4 th day of October, 2016.


Moticn: Eonorable Imonand Peto
Second: Bonorable Devis Filfred

Exhibit G

## TABLE OF CONTENTS

$\frac{\text { Pene }}{4}$
Section 1.00 Authority ..... 4 ..... 4
Section 2.00 Purpose ..... 4
Section 3.00 Scope ..... 4
Section 4.00 Applicant Eligibility Requirements ..... 4
Section 5.00 Amount of Land Available ..... 5
Section 6.00 Annual Rental Fee ..... 5
Section 7.00 Term ..... 5
Section 8.00 Appllication Procedures and Requirements ..... 5
Section 9.00 Environmental Review Process ..... 9
Section 10.00 Incomplete Pending Application ..... 10
Section 11.00 Navajo Nation Fee Land ..... 10
Section 12.00 Homesite Lease Abandonment ..... 10
Section 13.00 Assignment, Modification and Termination of Homestie Leases ..... 11
Section 14.00 Mortgage and Default ..... 13
Section 15.00 Grazing Official and Land Board Member Responsibilities ..... 14
Section 16.00 Grazing Disputes to Department of Agriculture ..... 15
Section 17.00 Homesite Leases Compliance and Restrictions ..... 15
Section 18.00 Homesite Lease Enforcement ..... 17
Section 19.00 Prior Approved Homesite Lease ..... 18
Section 20.00 Housing for Public Purposes Master Lease ..... 19
Section 21.00 Privacy Act ..... 20
Section 22.00 Definitions ..... 20
References
RDCO-7416: 100U20352

1. CAP-48-99 The Privacy Act ..... 26
2. CM-9-50 NNC approved 750 feet highway ROW on both sides of highway ..... 28
3. RCD-216-99 Community Cemeteries ..... 30
4. RCD-289-93 Approving the Homesite Lease Policy and Procedures ..... 32
5. RCJA-05-06 Approving and Promulgating New Rules for Land, Grazing and Farming Disputes ..... 35
6. RCJY-133-01 10-Year Forest Management Plan ..... 36
7. RCNY-142-92 Moratorium of New Homesties and Range Units within the Navajo Commercial Forest Area ..... 38
8. RCMA-34-03 Biological Resource Land Use Clearance Policies and Procedures ..... 40
9. RCN-194-02 OHA to Hear and Decide Disputes conceming Grazing Rights, Land Boundaries and Fences ..... 43
10. RCS-51-85 Boundaries of Canyon De Chelly National Monument Moratorium ..... 46
Appendix
11. Homesite Lease Application FORM 1 ..... 52
12. Fiełd Clearance Certification FORM 2 ..... 53
13. Consent FORM 3 ..... 54
14. Environmental Review Form ..... 55
15. Biological Data Request Form ..... 56
16. Request for Homesite Lease Investigation Form/Flowchart ..... 57
17. Homesite Lease Application Fee, Penalies and Fines Fee Schedule ..... 61
Navajo Land Department Homesite Lease Sub-Offices Directory ..... 62

References and Appendix can be downloaded from the Navajo Land Department website: hitp:/hwww.dinehbikeyah.org

## SECTION 1.00 AUTHORITY

1.01. Pursuant to 2 N.N.C. $\S 501$ (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 Navejo Nation General Leasing Regulations of 2013 as they relate to Homesite Leases. The Homesite Lease Regulations may be amended by the NLD consistent with appllicable 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 Right-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 ownershlp 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 Tribaily 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 govemment.

## SECTION 4.00 APPLICANT ELIGIBILTTY 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 elligible through joint husband-wfe 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 explration of the Lease. Rental payments shall be made by money order made out to "Navajo Nation,' and shall be pald at the local agency NLD Office. Failure to make rental payments when due shall constitute a defaut 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 unill 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 witten 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
8.01 APPLICATION PROCEDURES: Homesite Lease Applications will be made available at the NLD or ths agency sub-offices. Homestite Lease Applications are also available on the NLD Website: yunv.dinehbikeyah.org. A complete Homesite Lease Application package consists of:
A. Homesite Lease Application - FORM 1. An applicant must fill out the Homeste 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 acknowedgement. The thumb print must be provided in the presence of an NLD staff member with one (1) witness from NLD attesting to the thumbprint.

1. Type of Tenancy; An applicant should specily how they want to receive the grent of a lease: as a Single Person, or co-tenants-joint tenants with the right of sunvivorship, tenants in common, or community property. Future property disposition will be determined by this status in cases of diverce, death of a Lessee, or probate of a Lessee's estate. If applicants want to file as "Joint Tenents with Right of Survivorship" or "Community Property", a copy of the marriage license or validating Court Order is required, il applicable.

The following information shall be attached to the application before submission for processing at the Navajo Land Agency offices:
2. Certificate of Navaio Indian Blood/Tribal Enrollment Identification Cand: The applicant(s) must attach an original Certficate of Navajo Indian Blood. Copies of Certificates of Indian Blood can be obtained from the Agency Vital Reconds Office. All personal data must correspond with the Certificate of Navajo Indian Blood such as: $\operatorname{Name}(\mathrm{s})$, age(s), census number(s) and signature(s).
3. Archaeological Ciearance: A receipt showing the applicent paid for an Archaeologist to conduct a survey must be attached to the application, if applicable, before the application will be processed.
4. Cultural Resources Compliance Form: Applicant shall attach the Cultural Resources Compliance Form, reviewed and stgned 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. Non-refundable Application Fee: 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 stite application, the NLD will issue a recelpt for the filing fee.
B. Homesite Lease Application FORM 1-Section 2: The appllicant shall ensure that the Grazing Officlal (GO) or Land Board Official, as applicable (LBO) (collectively GOLBO) physically verifies and acknowledges the proposed home site location utilizing a hand-held Global Posilioning System (GPS) unit by reading the Latitude/ongitude coordinates in North American Daturn 1883 (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 acknowedgement is made by the GO/LBO, it will render the Homesite Lease Application invalid.
C. GOLBO must complete the Fitd Clearance Certification Form 2.
D. Homesite Lease Consent FORM 3: The GOLBO shall complete the Field Clearance Cerlification before the applicant(s) can obtain witten consent from the individual(s) who has/have been identified by the GOLBO on the Field Clearance Certification as valid grazing permilitees within the proposed homesite lease area. Thereatier, the applicant shall obtain witten consent from affected permiltees listed on the Field Clearance Certification, if required.

1. Navaio Partifioned Lands: No Consent is required from a Grazing permittee within the Navajo Partitioned Lands until grazing permits are reissued.
2. Acknowiedgement: After the epplicant obtalns witten consent from the permittees listed on the Field Clearance Certification, the GOLBO must acknowledge the signatures on the consent form.
3. Only the Valid Grazing Permittee that will be affected within a half ( $1 /$ ) mile radius of the propose homesite lease location shall consent.
E. Land Survey Plat: Certified land surveys must be conducted by a private land surveyor who is licensed and registered with any State within the United States. Private ficensed land surveyors must register with the Navajo Nation Business Regulatory Department. Private land surveyors must obtain permission to survey from the NL.D.

Cortified 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 Tle Points and Point of Beginning (POB) on the survey plat. The survey plat shall be drawn on a legal size ( $81 / \mathrm{in} \times 14 \mathrm{in}$ ) document. All corrections of land surveys must be completed by a registered land surveyor.

1. Re-Surveys: 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-ldentifying the comers (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. Biolooical Data Request Form for Blolonical Resource Clearance: The applicant shall complete the Biological Data Request Form and submit it with a money order or cashiers check payable to the Navajo Nation for Biological Resource Clearance with the processing fee of $\$ 32.50$.
8.02 Envionmental Review Form: The applicant shall complete the environmental review form and submit it to the Navajo Land Department for review by the Environmental Reviewer.

Forestry Comoliance letter, as applicable: If the homesite lease application is for a location in the Navajo Nation Commercial Forest or restricted Woodlands, Section $8.05(\mathrm{~A})$ shall apply to the homesite lease application.
8.04 Upon verfication 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 watl submit the following appropriate approved documents to the respective Bureau of Indian Affars, Agency Real Estate Services, for recording.
A. Navajo Nation Department of Fish \& Wililife (Blological Resources Compliance Form).
B. Historic Preservation Department (Cuttural Resources Complience 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 Addifional Application Requirements
A. Forest or Woodland: 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 Foresty Department shall determine whether the proposed homesite will impact the Navajo Nation forest or woodiand pursuant to RCJY-142-92. The Forestry Department may issue a lefter stating requirements and conditions to proceed with the proposed home site lease application.
B. Hinhway Access: 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 chenges at all times.
8.06 Conveyence within Housing Subdivision: When an applicant applies for a conveyance of a bot 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 Singlo-family residential development or housing for public purpose, where development has taken place and which is ready for conveyance of individual tots 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 subdwision 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 condifions 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 Homestie Lease.
E. The holder of a Housing Subdivision Master Lease shall be the Housing Subdivision Developer or TDHE. The Houshing 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 monitioring enforcement of these restrictions.

## SECTION 9.00 ENYIRONMENTAL REVEW PROCESS

9.01 Environmental Reviewer: The Environmental Reviewer ("ER') insures and conducts the ER required under these regulations. The ER is responsblbe for carrying out the Environmental Review Process ('ERPY) for homesite leases pursuant to the Navajo Nation General Leasing Regulations of 2013. The ER will consult with the retevant 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. $\S 2384$ of the General Leasing Regulations.
9.02 Action on Leasing Decisions Subiact to Comptetion 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 $\S 2384$ (CO-53-13), as well as, any other relevant laws as applicable.
9.03 Environmental Review Process Exemotions
A. The department conducting blological or archaeological clearance shall develop an intemal 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 ther expense, will conduct environmental studies as required within a tract of land before any development occurs.
9.04 Conditional Complilance Detormination Summary
A. Compliance Determination Summary issued with a requirement of midigation or a "conditional approval" requires the lessee to comply with the conditions stated. If these
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 Eartier Environmental Review Documents

A. If an existing homeste lease undenwent 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 utlized 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 mpacts of the prior leasing decistion.

## SECTION 10.00 INCOMPLETE PENDING APPLICATION

10.01 PENDING APPLICATION: A homesite lease application that is incomplete for one or more of the following reasons shall be returned to the applicand 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 Titte 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 homeste lease. Prior to the expiration of seid period, lessee may request in witing from the Nation an
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 GOLBO or NLD compliance officer shall be responslble for notifying the NLD Manager to make recommendations to cancel a homesite lease that has been abendoned. All such recommendations shall be supported by a field vist 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 stluations 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. I the lessee does not desire to devalop 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 homeste lease.
2. If the lessee fails to respond within thitty (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 regukations.
12.05 For termination of homesite leases issued prior to these regutations, 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 arder. To verify the intent of the lessees, the lessees will have to make thet application in person at the Agency NLD offices. The applicant shall provide a copy of an approved homeste lease issued by the NLD or BIA, in order to amend the lease document. A non-refundable application processing fee will be assessed. (Refor to Fee Schedule). In the event the homestre lease or any interest therein is mortgaged or pledged as security for a loan, separate approval may be requined by the lender, sureties, or loan guarantors.
13.02 Assignment 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. Biotogical Resource Compliance Form approved by the Navajo Fish and Widlife Department, if applicable.
E. Title Stakus 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 constuction 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 Navejo Nation. The approved lease amendment, modification, or termination shall be recorded with the Agency Bureau of Indian Affairs and Navajo Land Titte 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 cotenent's interest in the home site lease. The death certificate of the deceased co-tenant should be recorded.
13.06 Modification: 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, logal land description changes, and any corrections needed to a homestio 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(8) shall be recognized and will remain in effect. This regutation will also apply to Tenancy in Common and Communlty Property tenures. The involved parties shall notify the NLD of any such disposition by a court of competent jurisdiction.
13.09 Temination: The lessee(s) may voluntarily terminate his/her/their interest in a homeste lease by signing a Termination of Homesto 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 leminated. (Refer to Fee Schedule). If the lessee is in defauit or less than good standing, then the lessee must cure all matters consitiuting such default or lack of good standing; unless, MLD waives such requirements
and lessee surrenders the lease premises, subject to equlkable 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 homestie lease premises within two years, the GONBO 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 lumprovement (if any) to the lessee (See Section 12.00 ABANDONMENT. 12.03: A. 1 \& 2 for procedures).
13.11 In no instance will NLD terminale 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 nule 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 Rosidential 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 laase authorizes lessee(s) to encumber the leasehold interest of a home site to finance constuction of building improvements. The leasehold can be morigaged, plodged, or encumbered as security to finance a debt or loan. The lessee(s) may transter all of 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 coples 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/Bornower (Mortpagor/Trustor) defaults on the Mortgage or loan secured by the Deed of Trust, the Morigagee or Deed Trustee has the authority to foreclose on the secured Homestite 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 possesston of improvements on the leased premises and rents collected as provided by Navajo Nation taw and the loan document or agreement.
14.04 Any and all permanent bulldings and improvements on the leased property shall remain on the premises and shall be subject to the Navajo Nation's Right-of-Frst Refusal to purchase the leased premises with improvements prior to any resale of the premises.
14.05 Default: Should Lessee default in any payment of monies when due under the Lease or be in volation 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 falr market value to a qualfied 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 Titite Data Systems (NLTDS).

## SECTION 15.00 GRAZING OFFICIAL and LAND BOARD OFFICLAL RESPONSIBULITIES

### 15.01 Home Site Lease Anpllication FORM 1 - Section 2: See Section 8.01. B. for comoliance

15.02 Field Clearence Contification FORM 2: The GOLBO shall be responsible for identifying and acknowledging all valid grazing pemittees who have interests within one-half ( $1 / 2$ ) mile of the proposed homesite lease location, which is directly affected and impacted by the proposed Homeste identified in Section 2 of the Field Claarance Certification FORM 2.
15.03. It is the responsibility of the GOLBO to wrie-in the name of the valid Permit holder(s) and Permit number(s) on the Fleld Clearance Certification FORM 2 for the applicant to oblain signatures from the permittoes.
15.04 Homesite Lease Consent FORM3; Atter the applicant obtains witten consents from the permittees listed by GOLBO on the Fiedd Clearance Certification FORM 2, the GONBO must acknowlodige the Form, certifying to the best of their knowiedge the truth and accuracy of the approval of consenting permittees before the application is submitted to NLD for processing.
15.05 Conflict of Interest: The homesile appllicant may request the Navajo Nation Grazing Management Office to appoint an alkemate GOLBO to perform the duties described herein when the designated GONBO cannot perform his or her duty because of a confict of interest, including actions invotving relatives, or for any other leglimate reason.
15.06 The GOLBO addilional responsthelies: The GOLBO shall also velfy whether the proposed homeste is within the Navajo Nation Forest or woodlands. If the proposed homestie is within the Navajo Nation Forest or woodlands, the GOLBO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed home sife will Impect 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 Homesiles, and Range Units within the Navajo Commercial Forest pending development and approval of a new Forest Management Plan. The Forestry Dapartment may issue a better stating futher requirements which must be satisfied to proceed with the proposed homestie lease application.
A. The GOLBO shall verify that the proposed homeste lease is not within an area withdrawn or otherwise designated for community development purposes, targe or small hrigation farming projects, agricultural land use area, or if the proposed homestte 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 homeste lease.
B. The GO/BO shall verify the proposed homeste 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 mejor highway righti-of-way, the GOLBO shall inform the applicant to move beyond the 750 feet corridor or find an allermate site pursuant to 14 NNC § 1200. Chapter. Zoning Sides of Highways and NNC Resolution CM-9-50.
C. The GOLBO shall verify that the proposed homesite is not within one-half ( K ) mile of Navajo Nation government developed permanent livestock waters. If the proposed homesitie is within a half mile of the structures, the GOLBO shall inform the applicant to move the proposed homesite or relocate to an altemate site or request a witten 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 homestite lease application to the GORBO, as applicable, for adjudication or settlement. For example, NLD shall refer to the GO/BO, when a grazing permittee revokes consent after the Field Clearance Certification is submitted. NLD shall not place the application on hold unless the GOLBO, as applicable, recommends in witing 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. Sanitation: Lessee shall comply with all applicable sanitation laws, regutations 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 sanilary landfill, transfer station, or other commercial sanilary collection service. Lessee shall maintain the entire leased premises in a safe and sanitary condlition, 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. Hazardous Substances: Lessee shall not dispose of hazardous substances or materials on or in the leased premises.
C. Environmental Hazands: All non-operational vehicles must be removed and cleared from the homesite lease premises. For fallure to comply with Navajo Nation environmental laws, the Navaio Nation EPA shall impose environmental senctions for non-compliance in accordance with Navajo EPA regulations.
17.02 Minerals: 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 Navaio Nation Forestry Moratorium (Restriction): 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 homestie applicent will comply with the Navajo Nation Forestry Department requirements and the Forest Management Plan approved by Resolution No. RCJY-133-01.
17.04 Canyon De Chally National Monument Moratorium: 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 Biological Resource Land Clearance Pollcy and Procedures (RCP): No homesite lease shall be approved within Area 1: Highly Senstive Area; and Area 2: Moderately Senslive Area which are protected under the Federal and Navijo Nation laws, wildife resources, including plants, and their habitat resuling in an expediled 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 Farm Plots and Land Use Permits: Navajo Nation trust or fee lands withdrawn for agricutural uses (i.e., farm permit, agricultural lease, infigation projects, and farm projects) camot 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 sile leases.
17.07 Navalo Nation Parks and Recreational areas - 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 Navaio Nation, subject to prior approvals granted by the Navajo Nation Council or its duly authorized Commiltee.
17.08 Homesite Lease Residential Use Restriction: 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 illagal activities.
A. Applicants shall not disturb or commence construction activities on the proposed stie unil the applicant recelves an approved homesite lease.
B. A homesine 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 right-of-way (14 NNC §1200. Chapter. Zonling Sides of Highways and NNC Resolution CM-9-50).
D. A homestie lease is required pror 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 resull in a civil violation and fees will be assessed.
E. The homesite lease premises may be fenced to avold land disputes, control animals, ingress/egress, and define boundaries.
F. Homestie 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 hell, and other illegal drug activities. Any and all illegal activities conducted on the homestite 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 homeste tease.
H. Lessee is prohiblted from establishing more than one home buliding improvement as the primary residential structure, or mobile home within the leased premises. Lessee shall prohibt 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 hncurred 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 morigages(s) or Deed of Trust or purchase agreement.
J. Modem burial sites and graves are prohibited within the homesite lease premises. All burial stes 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 compllance requirements under 23 N.N.C. $\$ \S$ 2384 (A), (B), and (C) (Resolution CO-53-13) and shall not be disruptive to the adjacent residence(8).
M. Lessee shall not place a store front signage on the homesite lease and no hiving of employees to operate a home based business.
18.01 Purpose: NLD shall have at least one Compliance Officer per Agency to enforce the provistons of these Homestie 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 \& Wildifee, 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 Homestle Lease Request for Investipation: 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 homestie lease complance matters shall be forwarded to the Compliance Ollicer. Within thity (30) days of receipt, the Compliance Officer will review the request and determine whether it warrants investigation. The Compliance Officer shall provide witten notice to the requesting party indicating whether the request for investigation will be granted.
18.03 Investigations: 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 Requast 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 Navejo Nation Departments, Bureau of Indian Affars, 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 recommendetion of the Compliance Officer within thity (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 stuation in which the Compliance Officer is in a position to exploit a professlonal or offictal capacity in some way for hisher personal or occupational benefit.
18.07 There are meny actual homestes with improvements (corrals and buildings) that exceed the one (1) acre size ilimitalion. To gain compliance, enforcement actions may authorize the enlargement of an existing Homeste Lease, not to exceed an additional one (1) acre, to bring existing residential improvements within the bounds of the lease premises. Addittonal lease adjustment fees or rent or both will apply to enlarged Homeste Leases as set forth in the Fee Schedule.

## SECTION 19.00 PRIOR APPROVED HOMESIE LEASE

19.01 All proviously approved leases with active terms shall remain valid, provided that the lease is in good standing. These lease agreements inctude 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 Application Procedures. A Housing for Public Purposes Master Lease application shall be submilted to the NLD or at one of its agency sub-offices. A completed Housing for Pubtic Purposes Master Lease application shall consist of the following:
A. Housing for Public Purpose Master Lease Application. The TDHE or Housing Subdivision Developer applicant must complete and submit a Housing Subdivision Master Lease Application with the following information attached to the applicalion.

1. Certification of Compliance: The TDHE or Housing Subdivision Doveloper shal submit a Certificate of Compliance stating that all of the requirements of the Land Withdrawal Designation Regulations have been completed.
2. Key documents: Copies of key documents listed in the Land Withdrawal Designation Procedures.
B. Environmental Review Clearance: The TDHE or Housing Subdivision Developer shall conduct the necessary environmental reviews to ensure compliance with federal and tribal environmental requirements for the following:
3. New Homesite Lease Application for TDHE or Housing Subdivision Developer Clients, as applicable;
4. Now Subdivision Master Lease Application for TDHE or Housing Subdivision Developer, and
5. Existing Subdivision Master Lease for TDHE or Housing Subdivision Developer, as applicable.
20.02 Final Anproval. Upon verification for quality assurance by the NLD Agency Offices, the Housing for Public Purposes Master Lease Application package will be submilted 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 Homeste 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) wthin the housing subdivision. The TDHE or Housing Subdivision Developer, as applicable, will prepare and submit the individual homeste lease applications to the MLD for its final approval. PROVDED, however, that existing Housing Subdivisions or developed areas subject to existing homestie leases or assignments of lease for developed lots shall continue to be encumbered by the provisions and covenants of the existing homeste lease or assignment of lease for the residential improvement and lot.
D. An individual homestie 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 retated 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 Devaloper, 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 goveming documents for the Housing Subdivision idendified in Section D above, and not the NLD, shall be responsible for monitoring and enforcemenl of the restrictions in the housing unit.

### 20.04 Additional Application Requirements.

A. Highway Access: If access to a highway is requred for ingress and egress, the proposed master tease 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 Pivacy Examptions 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-4899.
22.01 Abandonment The fakure to develop the leased premises for a two (2) year period or one (1) year period for vacant lots within a subdivislon. The failure to develop means, the fallure 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 permil for farming purposes on Navajo Nation trust land.
22.05 Appeal Bond: 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 Approving or Approval: The final action taken by the Navajo Nation to issue the homesite lease (Writien authorization by the Secretary, Land Department or a delogated official or, where applicable, the "deemed approved" authorization of an amendment or sublease).
22.07 Approved Encumbrance: An encumbrance approved in witing by the Lessor.
22.08 Assjonment 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 hisher homesite lease.
22.11 BIA: 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 Connzant Agency: For purposes of environmental review. the Navajo Nation Environmental Protection Agency and the Navajo Nation Departments of Historic Preservation and Fish and Widilife; and in some instances Forestry, Minerals, Parks and Recreation; and any successor or equivalent Navajo Nation agencies with authority for environmental compliance reviow.
22.15 Collateral Assignment: An assignment of leasehold interests to secure a loan, mortage, or deed of trust to finance development of the homesite or to purchase an existing house situated on a homesite lease.
22.16 Community Propetty: 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 govem the distribution of the martial property upon dissolution of mariage in a falr and just manner, and may govem distribution of property upon the death of one spouse h accordance with 9 N.N.C. § 205.
22.17 Compliance Determination: The final action determination of the Environmental Reviewer that the proposed leasing action complies or does not comply wth the Environmental Review Process set forth in sub-chapter 8 of the Navajo Nation General Leasing Regulations of 2013.
22.18 Confilct of Interest: 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 Consent or consenting: The act of witten 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 Deed of Tnist: A deed conveying the leasehold interest of lessee (trusior) to a trustee as securty until the lender (beneficiary) is repaid a loan. In the event of breach in repayment of the loan, the
deed trustee is empowered to foreclose on the lease hold interests and improvements and resell the property in a commercially reasonable manner.
22.22 Delegation of Authority. 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 govemment to approve grants of homesite leases, and their assignment, transfer, or other lawful disposition. Sald authority may also be delegable pursuant to the Local Govemance Act, 26 N.N.C. $\$ 1$ 1-2005, as amended, or other relevant Navajo Nation law.
22.23 Improvement: Any structure; home, building, or fencing of surveyed frect, such as bulding a shack, ramada, storage shed, foundation constructed for a residential purpose.
22.24 Egress: The act of going out or leaving; extt.
22.25 Encumbrance: 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 athers use nights of lessee or lassor.
22.26 Encumbrancer means the owner or holder of an approved encumbrance.
22.27 Environmental Assessment: The study of environmental and social impact upon the quality of the human environment as required by Federal laws.
22.28 Eminent Domain: 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 retum 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 govemment.
22.32 Field Clearance: 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 homestit.
22.33 Grazing Official (GO) or Land Board Official (LBO): The elected Navajo Nalion Official responsible for grazing or farming and land matters within their assigned respective district unit boundary. Such grazing official shall mean the District Grazing Commitee Member, Eastern Navajo Land Board Member, or Farm Board Member.
22.34 Grazing Permit: 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 Holdover. Circumstances in which a lessee remains in possession of the leased premises after the lease term expires.
22.36 Homesite Lease Applicant: Eligible individual(s) who applled for a homeste lease on Navajo Nation trust or fee land but have not yet received approval of a grant of a homesite lease.
22.37 Homesite Lease; A witten 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 Housing for public purposes: 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 Housing subdivision: A lease area for which a Master Lease is issued for multi-family development, single-family residential development, or housing for public pupposes. It is an area where individual
tots 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 Infrastruclure: The basic improvements, facilities and utilities needed for the functioning of a home or dwelling; such as wateritine, power line, telephone, sidewalks, housing subdivision perks 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 Joint Tenancy with Right of Survivorship: Property held by two or more persons jointly, with equal rights to possession and enjoyment during their IVves. 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 Imited 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 exchusive possession and use of an asset or property for a stated definite period, as created by a witten lease.
22.49 Leasehold mortgage: 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 Llife estate: 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 Tities and Records Office of the BIA. This office records all titte to types of surface estates granted on the Navajo Nation.
22.54 Mortgagee: The holder of a leasehold mortgage.
22.55 Navaio: Any person who is an enrolled member of the Navajo Nation.
22.56 Navajo Land: 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 Navaio Nation Trust Land: The surface estate of land or any inlerest 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-Navaig: A person who is not an enrolled member of the Navajo Nation.
22.60 Navejo Forest: All Navajo Nation controlled lands supporting specific species of trees with a specific density or crown closure, as defined in 17 N.N.C. $\$ 520(\mathrm{H})$.
22.61 Navaio Woodiand: All Navajo controlled lands supporting specfic species of trees with a specific density or crown closure, as described in 17 N.N.C. $\$ 520$ (1).
22.62 NEPA: The National Environmental Pollcy Act of 1969, 42 U.S.C. 4321 of seq.
22.63 Permanent improvements: Bulldings, structures, and associated infrastructure attached to the leased premises.
22.64 Permif: A witten authorization or license granted by the Navajo Nation whereby the permitee is granted a use or revocable use privllege to use Navajo Nation Trust Land for a specified purpose and limited duration.
22.65 Permittes: A person or entity who has acquired a priviege to use Navajo land or federal land by a permit.
22.66 Petition: A witten request submitted to the Secretary for the review of an action or maction of the Navajo Nation that is claimed to be in violation of these Regulations. Petition may only be submilted within thity (30) days after exhausting all remedies avallabie on the Navajo Nation.
22.67 Poffessional Survevor: A surveyor who engages in the practice of land surveying and is qualfied 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 Probate: 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 Requlations: Homesite Leasing Regutations Amendments of 2015.
22.70 Relative: A father, mother, son, daughter, brother, sister, grandmother, grandfather, uncte, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-h-law, son-h-law, daughter-h-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister or legally adopted persons by court order.
22.71 Restricted land: Land where the beneficial titte to which is held by the Nation or an individual Indian, that can onty be alienated or encumbered by the beneficial owner, or, if encumbered by a homesite lease, by the lessee, with the approval of the Navajo Nation.
22.72 Right-of-Way: 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 lnee, oll and natural gas lines, telephone lines, waterines, and other utitity distribution service lines.
22.73 Secretan: The Secretary of the Interior or his duly authorized representative or successor.
22.74 Signlicant Impact. A determination that an action will have a significant effect on the quallity of the human environment after considering the following:

1) Effects on public health and safety;
2) Effects on the unique characteristics of the geographic areas, Including its historic or cultural resources, park lands or ecologically critical areas;
3) Highly controversial effects on the human environment;
4) Highly uncertain or unknown effects on the human environment;
5) Effects in terms of precedent for future actions with significant effects;
6) Effects that may ba individually insignificant, but when considered with other projects, have a signilicent impact on the environment;
7) Effects that cause loss or destruction of scientific, cultural, or historical resources; and
8) Effects on endangered or threatened species or habitat protected under Navajo Nation or foderal law.
22.75 Single-family residence: 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.
22.76 Single-family residential development: Two or more single-famlly residences owned, managed, or developed by a single enity.
22.77 Sublease: A witten agreement by which the lessee grants a right of possession no greater than that held by the lessee under the Lease.
22.78 Surety: 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 extemal layer of land for various types of land use.
22.80 Surveyor. The Navajo Nation Official responsible for providing a lagal land description of the leased premises by drafting a survey plat from data conceming 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 Tribally Desionated Housing Entity (TDHE): 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 utitizing tax credits pursuand to 25 U.S.C. 4103 (22).
22.82 Tenure: The time of holding real estate.
22.83 Tenancy in Common: 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 decedenf's fractional interest in the property must be probated.
22.84 Termination: 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 Trespass: Unauthorized possession, occupancy or use of Navajo Nation Trust Land as defined by Navajo Nation or federal law.
22.86 Unrestricted lend: Lands where titie is held by the Navajo Nation in fee simple absolute status, and the Nation is not required to obtain the approval of the Federal govemment to render further disposition or use of the land.
22.87 Violation: A fallure by Lessee to comply with an obligation created by the Lessee agreement to take an action, including payment of compensation, or to fall to comply with a term of the lease.
22.88 Weterino Point: All tribally developed and maintained springs, wells, and dirt tanks, charcos or deep reservoirs.
homesite lease application fee; penalties and fines fee schedule
1. Home site Lease Application Fling Fee: ..... $\$ 30.00$
a. Assignment ..... $\$ 45.00$
b. Amendment ..... $\$ 45.00$
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 $\$ 1,000.00(\$ 13.00+12.00)$ ..... $\$ 25.00$ ..... $\$ 25.00$
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 FFing Fee ..... $\$ 65.00$
9. Transportation Permits Fee ..... $\$ 30.00$
10. Land Surveyor Permit Fee ..... $\$ 30.00$
PENALTIES AND FINES

- Waming citation (No fee)
- 20d Citation ..... $\$ 100.00$
- $3^{20}$ Citation (Penalilies with trespassing) ..... $\$ 200.00$
- 4n Citation ..... $\$ 500.00$

1. Illegal Parking of Trailer/Mobile Home $\$ 200.00$ per month
(Fees will apply until the Tenant comes into compliance)
2. Storage Sheds, corrals, etc., without a lease / permit to improve $\$ 200.00$ per month (Fees will apply until the Tenant comes into compliance)
3. lliegal burial open range locations ..... $\$ 500.00$ per incident(Fees will apply annually until the illegal burial sites comes into compliance)
4. Environmental Valuation is enforced by Navajo EPA(Junk carshousehold trash).

Chinle Land Office<br>PO Box 2179<br>Chinle, AZ 86503<br>(928) 674-2056<br>FAX: (928) 674-2059<br>Crownpoint Land Office PO Box 948 Crownpoint, NM 87313 $\begin{array}{ll}\text { (505) } 786-2376 & \text { FAX: (505) 786-2380 }\end{array}$

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: umw.dinehbikeyah.org

- Environmental Protection Agency (EPA)


## 4

 (CRCF); and
Review by Agency Real Estate Services, forward to
 Director approval. Corrections


$\uparrow$3. Environme
3. Environmental Review questions by Navajo Environmental Protection Agency (EPA) (ff homesite is $1 / 2$ mile from
infrastructure (electricity \& water), a full Environmental Assessment is required).
4. Cultural Investigation - Fees are based on archaeology review and CRCF.
5. Forestry Review (If the homesite is located near or within the Forest areas, it requires the Navajo Nation Forestry Department's approval). Await response from program reviews, approvals: - Cultural Resources Compliance Form Once all environmental
reviews are completed; a
legal land survey is
required by a Registered
Land Surveyor to certily
the survey plat. location with a handheld GPS unit and record
the coordlnates onto FORM HSA 200-01 and location 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 homestle.
 HOMESITE LEASE
200RL CAT-EX FLOW CHART
 $\$ 47.50$ 1. HSL Fee - $\$ 15.00$
2. Biological Data Request Fee $\$ 32.50$ by Fish \& Wildlife Grazing Officlal identifies the homesite Map of your proposed Homesite


Homesite Lease is package with the following documents: - Biological Compllance Form (8RCF); - Environmental Evaluation Cultural Resources; Compllance Form (CRCF) \& Archaeology Inventory; - Certified Legal Survey Plat; 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

# LOW MOUNTAIN CHAPTER <br> AUTHORIEED LOCAL EMIDRGENCY RESPONSE TEAM (ALILART) PLAN OF OPERATION 

TABLE OF CONTENTS
I. Establishment ..... 1
II. Purpose ..... 1
III. Objectives ..... 1
IV. Membership ..... 1
V. Duties and Responsibilities ..... 2
A. Prevention ..... 2
B. Preparedness ..... 2
C. Response ..... 2
D. Recovery ..... 3
VI. Order of Business ..... 3
VII. Amendment ..... 3
VIII. Appendix ..... 3
A. Resolution Exhibit AB. Organizational ChartExhibit BC. ALERT Team ListingExhibit C

## LOW MOUNTAIN CHAPTER AUTHORIZED LOCAL EMERGENCY RESPONSE TKAM PLAN OF OPERATION


#### Abstract

I. ESTABLISEMMENT: 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 Goverument. 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:

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 RESPONSIBILITIES: 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.
9. Review funding sources and recommend funding usage for emergency management activities and ensure accountability of all funds.
B. PREPAREDNESS
10. Planning to ensure that most effective, efficient response efforts are in place to minimize damages and prevent crisis.
11. Prepare plans and standard operating procedures for emergencies.
12. Arrange training programs for crisis management personnel and support staff.
13. Stock food and water supplies.
14. Stock administrative supplies and equipment.
15. Develop and maintain schedule of testing, maintenance, and repair of equipment.
16. Establish media and rumor control program.
17. Develop a set of general guidelines for activities at the E.O.C.
C. RESPONSE
18. Response to any type of emergencies, human-caused and natural disasters by implementing emergency operations as applicable to the type of incident.
19. Activate P.C. as required or dictated by disaster condition.
20. Coordinate all operations.
21. Establish contact with higher levels of government.
22. Implement mutual aid agreements.
23. Inform resources and emergency services.
D. RECOVERY
24. Return all operations back to normal through an active recovery program.
25. Prepare necessary damage assessment report.
26. Consult appropriate agencies for information about disaster assistance.
27. Seek all necessary medical care at the nearest hospita/clinic.
28. Initiate clean up activities.

## V. 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
A. Resolution
B. Organizational Chart
C. ALERT Listing


[^0]:    "Species of concern" inchude protected, candidate, and other rate or otherumse sensutce apeciek, unchuding cettain ;bilthe spectes and ipectes of econornic or cultural significance. For each species, the followng mibal and ferterat stutused are mdtcuted: Nevayo Euclangered Species List (NESLL federal Endangenod Species Act (ESA), Migratory Burd Treaty Act *ABI'A). and Eagle I'rotection Act (EPA). No legal protecton Is afforded species with only ISA candidate or NESI group 4 atus, please be aware of these specics during surveys and inform the NFWD of observatioas. Ducumentation that these speces He nore numerous of widesproad than currently known, and addressing these epceies in project planming and munapement in mporans for conservation and nay contribute th ensaring they will mot he upliside un the fature Spocics without ESA ur NESL legal prolection (e.g. NESL. group \& gpecies) atre only meluded in requonses an a regular basss and may mut be metuded in thas
    

[^1]:    CRI of a Proposed Business Site Lease for Low Mountain Chapter of the
    Navejo Nation in Navajo County, Arizona
    MCES 07-114 September 2007
    11

[^2]:    Low Mountan Chapter

[^3]:    Low Mountain Chapter

[^4]:    Low Mountein Chapter

[^5]:    Low Mountain Chapter

[^6]:    OPIWT
    ogle

[^7]:    FLG-Soll Properties v2.1

