

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- First Year, 2019

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE
GRANT OF RIGHT-OF-WAY TO THE BUREAU OF INDIAN AFFAIRS, NAVAJO
REGION, NAVAJO DIVISION OF TRANSPORTATION FOR THE BIRDSPRINGS
ROAD PROJECT N71 (3) 2 & 4 LOCATED ON NAVAJO NATION TRUST LANDS
IN TSIDI TO'II CHAPTER (NAVAJO COUNTY AND COCONINO COUNTY,
ARIZONA)

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. § 501 (C)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Bureau of Indian Affairs, Navajo Region, Division of Transportation, P.O. Box 1060, Gallup, New Mexico 87301, has submitted a right-of-way application for the Birdsprings Road Project N71 (3) 2 & 4 on, over and across Navajo Nation Trust Lands in Tsidi To'ii Chapter vicinity (Navajo County and Coconino County, Arizona).
- B. The application request is attached hereto and incorporated herein as **Exhibit D**.
- C. The proposed right-of-way is described in maps and surveyor's description attached hereto and incorporated herein as **Exhibit B**.

- D. The Bureau of Indian Affairs, Navajo Region, Division of Transportation, requests waiver of valuation and compensation, 25 CFR § 169.110; waiver of the bond, insurance, or alternative form of security, 25 CFR § 169.103; waiver of due diligence, 25 CFR § 169.105 (c) (requires completion of construction of any permanent improvements within the schedule specified in the right-of-way grant); and waiver of 25 CFR § 169.125 (c)(2) allowing the grantee rights to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources. See U.S. Department of the Interior, Bureau of Indian Affairs letter dated March 20, 2018 attached as **Exhibit C**.
- E. The Bureau of Indian Affairs, Navajo Region, Division of Transportation, requests that the right-of-way include construction of utilities within the right-of-way. The utility company must first obtain the consent from the Navajo Nation in writing if the utility is to enter and cross Navajo Nation land. See U.S. Department of the Interior, Bureau of Indian Affairs letter dated March 20, 2018 attached as **Exhibit C**.
- F. The Finding of No Significant Impact (FONSI) and other environmental and archaeological studies are attached hereto as Exhibit E.
- G. The application for the right-of-way as submitted by Bureau of Indian Affairs, Navajo Region, Division of Transportation has been reviewed by through the Executive Official Review Document No. 011916 and "Approved" or found "Sufficient". See **Exhibit F**.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to the Bureau of Indian Affairs, Navajo Region, Division of Transportation for the Birdsprings Road Project N71 (3) 2 & 4 on, over and across Navajo Nation Trust Lands in Tsidi To'ii Chapter vicinity (Navajo County and Coconino County, Arizona). The location is more particularly described on the survey map attached hereto as **Exhibit B**.

- B. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation for the right-of-way; it has determined that accepting the agreed-upon compensation and waiving valuation is in its best interest of the Navajo Nation pursuant to 25 CFR § 169.110.
- C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for bond, insurance or alternative form of security on the part of the Grantee based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation pursuant to 25 CFR § 169.103.
- D. The Resources and Development Committee of the Navajo Nation Council hereby waives the due diligence provisions stated in 25 CFR § 169.105 (c) because a waiver is in the best interest of the Indian landowners. 25 CFR § 169.105 (c).
- E. The Resources and Development Committee of the Navajo Nation Council hereby waives 25 CFR § 169.105 (c)(2) thereby allowing the grantee rights to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources. 25 CFR § 169.105 (c)(2).
- F. The Resources and Development Committee of the Navajo Nation Council hereby approves the Bureau of Indian Affairs, Navajo Region, Division of Transportation, request that the right-of-way include construction of utilities within the right-of-way. The utility company must first obtain the consent from the Navajo Nation in writing if the utility is to enter and cross Navajo Nation land.
- G. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit A**.
- H. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting at the Navajo Division of 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, and 0 opposed, on this 31st day of July 2019.



Rickie Nez, Chairperson
Resources and Development Committee
of the 24th Navajo Nation Council

Motion: Honorable Herman Daniels
Second: Honorable Wilson C. Stewart, Jr.

Chairperson Rickie Nez not voting.



FORM 05/09/02
(BIA Roads)

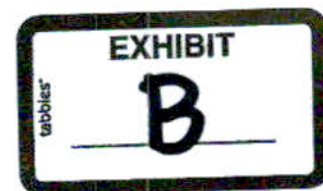
TERMS AND CONDITIONS

Right-of-Way for BIA

Project No. N71(3) 2 & 4
Birdsprings Road

- a. The term of the right-of-way shall be 75 years.
- b. Consideration for the grant of the right-of-way is hereby waived, because the project will benefit Navajos living in the area.
- c. The Grantee shall abide by all applicable laws and regulations of the Navajo Nation and of the United States, now in force and effect or as may be hereafter in force and effect, including but not limited to the following:
 - i. Title 25, Code of Federal Regulations, Parts 162 and 169;
 - ii. All applicable Federal and Tribal antiquities laws and regulations, with the following additional condition: In the event of a discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discover" means any previously unidentified or incorrectly identified cultural resources, including by not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices; and
 - iii. The Navajo Preference in Employment Act, 15 N.N.C. §§ 201 et seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§ 201 et seq.
- d. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during construction and maintenance of the project.
- e. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost expense, maintain the land and all improvements thereon and make all necessary and reasonable repairs.
- f. The Grantee shall obtain permission to cross-existing rights-of-way from the appropriate parties before construction of the proposed project.
- g. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
- h. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land, without the prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted upon conditions or withheld in the sole discretion of the Navajo Nation.
- i. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land or to any improvements located thereon.
- j. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any buildings and other improvements erected or placed thereon.

- k. Nothing contained herein shall be construed to affect or be deemed a waiver of the sovereign immunity from suit of the Navajo Nation.
- l. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, contractors and subcontractors, of the Grantee, and the term "Grantee" whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
- m. Grantee shall retain as much of the natural vegetation within the right-of-way as possible.
- n. Grantee shall re-vegetate all disturbed areas.
- o. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the traveling public, and all activities conducted or otherwise occurring within the right-of-way, and specifically including, but no limited to, jurisdiction to enforce speed limits and compliance with traffic control devices, enforce Navajo Nation laws applicable to the operating of motor vehicles and jurisdiction to adjudicate disputes arising from motor vehicle accidents or other conduct or activities occurring within the right-of-way, and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.



**RIGHT-OF-WAY LEGAL DESCRIPTION
BIRDSPRINGS ROAD PROJECT No.'s N71(3)2&4
NAVAJO NATION, BIRDSPRINGS, ARIZONA
GILA AND SALT RIVER MERIDIAN
NAVAJO COUNTY AND COCONINO COUNTY**

BIA ROAD PROJECT N71(3)2&4 MAIN ALIGNMENT

A strip of land modeled at 30.480 meters left and 30.480 meters right wide along the following described centerline lying within Un-Surveyed Sections 02, 03, 11, and 12, Township 21 North, Range 15 East, G&SRM, Navajo County, and Sections 28, 33 and 34, Township 22 North, Range 15 East, G&SRM, Navajo County and Sections 16, 21 and 28 Township 22 North, Range 15 East, G&SRM, Coconino County more particularly described as follows:

Beginning at Engineer's surveyed centerline, **POINT OF BEGINNING** (P.O.B.) Station 7+406.440 meters on BIA Road Project 71(3)2&4, Main Alignment and coincident to End of Project N71(2)2&4, whence said point having North American Datum (NAD) 83 Geodetic Coordinates Values of $N = 35^{\circ}13'55.7816''$ $W = 110^{\circ}42'26.0092''$ and NAD83 GRID COORDINATES - AZSPC-CZ are $N = 469998.618m$ $E = 323446.736m$, said point having a section corner tie to the northwest corner of Section 03, common to Section 04, Township 21 North, Range 15 East, G&SRM, Navajo County, and Sections 33 & 34, Township 22 North, Range 15 East, G&SRM, Navajo County, Arizona, bears $N 49^{\circ}05'44'' W$, a distance of 4235.589 meters, and whence a Network Control tie was made to "PCP-1", bears $N 53^{\circ}16'10'' E$, a distance of 1253.467 meters;

PROTRACTED SECTION 11, TOWNSHIP 21 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along the arc of $2^{\circ}02'28''$ Curve 2, having a radius of 855.585 meters, a central angle of $32^{\circ}56'36''$ LEFT, having an arc length of 491.936 meters, a tangent distance of 252.976 meters, a chord distance of 485.188 meters and a chord bearing of $N 21^{\circ}37'20'' W$, to P.T. Station 7+898.376m;

THENCE, $N 38^{\circ}05'38'' W$, along said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 627.704 meters to PC Station 8+526.080m;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along a 2-Part curve of Curve 3, whence Curve 3A has an arc of $0^{\circ}26'11''$, having a radius of 4001.757 meters, a central angle of $4^{\circ}27'04''$ LEFT, having an arc length of 310.883 meters, a tangent distance of 155.520 meters, a chord distance of 310.804 meters and a chord bearing of $N 40^{\circ}19'10'' W$, to P.O.C. Station 8+836.963m; said point intersects a protracted north line of Section 11, common to the protracted south line of Section 02, Township 21 North, Range 15 East, G&SRM, Navajo County, which a section corner tie is made to the protracted northwest corner of said Section 11, common to Sections 10, 02 and 03 and bears a "Protracted Bearing" of $S 89^{\circ}45'35'' W$, a distance of 831.281 meters;

PROTRACTED SECTION 02, TOWNSHIP 21 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along the second part of Curve 3, whence Curve 3B has an arc of $0^{\circ}26'11''$, having a radius of 4001.757 meters, a central angle of $2^{\circ}14'31''$ LEFT, having an arc length of 156.585 meters, a tangent distance of 78.302 meters, a chord distance of 156.575 meters and a chord bearing of $N 43^{\circ}39'58'' W$, to P.T. Station 8+993.547m;

THENCE, $N 44^{\circ}47'13'' W$, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 932.913 meters to P.O.I. Station 9+926.460m, said point is the beginning of the Spur Alignment, Station 0+000.000m, which a section corner tie is made to the northwest corner of Section 02, common to Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County and common to Sections 34 and 35, Township 22 North, Range 15 East, G&SRM, Navajo County, bears $N 02^{\circ}34'19'' W$, a distance of 849.844 meters;

THENCE, $N 44^{\circ}47'13'' W$, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 89.020 meters to P.O.T. Station 10+015.480m, said point intersects a protracted west line of Section 02, common to protracted east line of Section 03, Township 21 North, Range 15 East, G&SRM, Coconino County, which a section corner tie is made to the northwest corner of said Section 02, common to Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County, and common to Sections 34 and 35, Township 22 North, Range 15 East, G&SRM, Navajo County, bears a "Protracted Bearing" of $N 00^{\circ}13'14'' E$, a distance of 764.341 meters;

PROTRACTED SECTION 03, TOWNSHIP 21 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, $N 44^{\circ}47'13'' W$, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 536.895 meters to P.C. Station 10+552.375m;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along a 2-Part curve of Curve 4, whence Curve 4A has an arc of $0^{\circ}34'55''$, having a radius of 3001.308 meters, a central angle of $11^{\circ}19'51''$ LEFT, having an arc length of 593.537 meters, a tangent distance of 297.739 meters, a chord distance of 592.570 meters and a chord bearing of $N 50^{\circ}27'09'' W$, to P.O.C. Station 11+145.912m, said point intersects the north line of Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County, common to the south line of Section 34, Township 22 North, Range 15 East, G&SRM, Navajo County, which a quarter section tie is made to the north quarter corner of said Section 03, bears $N 89^{\circ}35'34'' E$, a distance of 33.594 meters;

SECTION 34, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along the second part of Curve 4, whence Curve 4B has an arc of $0^{\circ}34'55''$, having a radius of 3001.308 meters, a central angle of $0^{\circ}54'13''$ LEFT, having an arc length of 47.327 meters, a tangent distance of 23.664 meters, a chord distance of 47.327 meters and a chord bearing of $N 56^{\circ}34'10'' W$, to P.T. Station 11+193.239m;

THENCE, N 57°01'16" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 226.807 meters to P.C. Station 11+420.046m;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along a 2-Part curve of Curve 5, whence Curve 5A has an arc of 0°59'51", having a radius of 1750.760 meters, a central angle of 26°32'47" RIGHT, having an arc length of 811.166 meters, a tangent distance of 412.998 meters, a chord distance of 803.930 meters and a chord bearing of N 43°44'53" W, to P.O.C. Station 12+231.212m, said point intersects the west line of Section 34, common to east line of Section 33, Township 22 North, Range 15 East, G&SRM, Navajo County, which a quarter section tie is made to the west quarter corner of said Section 34, bears N 01°08'50" W, a distance of 73.628 meters;

SECTION 33, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment and along the second part of Curve 5, whence Curve 5B has an arc of 0°59'51", having a radius of 1750.760 meters, a central angle of 7°21'36" RIGHT, having an arc length of 224.896 meters, a tangent distance of 112.603 meters, a chord distance of 224.741 meters and a chord bearing of N 26°47'41" W, to P.T. Station 12+456.108m;

THENCE, N 23°06'53" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 739.782 meters to P.O.T. Station 13+195.890m, said point intersects the north line of Section 33, common to the south line of Section 28, Township 22 North, Range 15 East, G&SRM, Navajo County, which a section corner tie is made to the northeast corner of said Section 33, common to Sections 27, 28 and 34, Township 22 North, Range 15 East, G&SRM, Navajo County, bears N 89°41'38" E, a distance of 374.036 meters;

SECTION 28, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, N 23°06'53" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 1145.717 meters to P.O.T. Station 14+341.607m, said point intersects the west line of the northeast quarter section of Section 28, coincident as the approximate location of the Navajo County Line, a counterpart to the Coconino County Line, Township 22 North, Range 15 East, G&SRM, which a quarter corner tie is made to the north corner of said Section 28, common to south corner of Section 21, Township 22 North, Range 15 East, G&SRM, Navajo County, bears N 01°04'12" W, a distance of 564.166 meters, All within Navajo County and now entering Coconino County;

SECTION 28, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, COCONINO COUNTY, NAVAJO NATION LANDS;

THENCE, N 23°06'53" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 612.399 meters to P.O.T. Station 14+954.006m, said point intersects the north line of Section 28, common to south line of Section 21, Township 22 North, Range 15 East, G&SRM, Coconino County, which a quarter corner tie is made to the north corner of said Section 28, bears N 89°47'33" E, a distance of 229.879 meters;

SECTION 21, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, COCONINO COUNTY, NAVAJO NATION LANDS;

THENCE, N 23°06'53" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 582.894 meters to P.C. Station 15+536.899m;

THENCE, continuing with said centerline N71(3)2&4 Main Alignment and along the arc of 0°59'51" Curve 6, having a radius of 1750.755 meters, a central angle of 22°43'29" RIGHT, having an arc length of 694.385 meters, a tangent distance of 351.817 meters, a chord distance of 689.843 meters and a chord bearing of N 11°45'09" W, to P.T. Station 16+231.284m;

THENCE, N 00°23'25" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 408.362 meters to P.O.T. Station 16+639.646m, said point intersects the north line of Section 21, common to south line of Section 16, Township 22 North, Range 15 East, G&SRM, Coconino County, which a section corner tie is made to the northwest corner of said Section 21, common to Sections 16, 17 and 20 bears S 89°53'18" W, a distance of 222.285 meters;

SECTION 16, TOWNSHIP 22 NORTH, RANGE 15 EAST, G&SRM, COCONINO COUNTY, NAVAJO NATION LANDS;

THENCE, N 00°23'25" W, continuing with said centerline BIA Road Project N71(3)2&4 Main Alignment, a distance of 668.010 meters to END OF PROJECT N71(3)2&4, Station 17+307.656m, said point intersects the south Right of Way line of Road Project N15(9)2&4, Station 21+911.062 meters, whence said point having North American Datum (NAD) 83 Geodetic Coordinates Values of N 35°18'26.7210" W 110°45'27.0256" and NAD83 GRID COORDINATES - AZSPC-CZ are N = 478293.634m E = 318772.131m, and whence a center corner tie was made to Center Section 16, Township 22 North, Range 15 East, Coconino County and bears N 75°46'46" E, a distance of 582.972 meters;

The Project Right of Way N71(3)2&4 Main Alignment width is modeled at 30.480 meters left and 30.480 meters right on each side of said centerline survey BIA Road Project N71(3)2&4 contains a total of 9.901 kilometers (6.35 miles) in length, and contains 60.358 hectares (149.15 acres), more or less.

THENCE, N 00°23'25" W, continuing with said centerline BIA Road Project N71(3)2&4, a distance of 30.502 meters to POINT OF INTERSECTION N71(3)2&4, Station 17+338.158, said point intersects the centerline alignment of Road Project N15(9)2&4, Station 21+911.054 meters;

BIA ROAD PROJECT N71(3)2&4 SPUR ALIGNMENT

A strip of land modeled at 22.860 meters left and 22.860 meters right wide along the following described centerline and lying within Un-Surveyed Sections 02 and 03, Township 21 North, Range 15 East, G&SRM, Navajo County and more particularly described as follows:

Beginning at Engineer's surveyed centerline, **POINT OF INTERSECTION (POI)** Station 0+000.000 meters, common to Centerline alignment Project N71(3)2&4 Main Alignment, Station 9+926.460;

PROTRACTED SECTION 02, TOWNSHIP 21 NORTH, RANGE 15 EAST, G&SRM, NAVAJO COUNTY, NAVAJO NATION LANDS;

THENCE, S 45°12'47" W, continuing with said centerline BIA Road Project N71(3)2&4 Spur Alignment, a distance of 30.480 meters to POINT OF BEGINNING Station 0+030.480, whence said point having North American Datum (NAD) 83 Geodetic Coordinates Values of N = 35°14'59.2021" W = 110°43'26.5434" and NAD83 GRID COORDINATES - AZSPC-CZ are N = 471934.548m E = 321892.629m, said point having a section corner tie to the north west corner of Section 02, common to Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County, and common to Sections 34 and 35, Township 22 North, Range 15 East, G&SRM, Navajo County, bears N 02°34'19" W, a distance of 849.844 meters;

THENCE, S 45°12'47" W, along said centerline BIA Road Project N71(3)2&4 Spur Alignment, a distance of 58.564 meters to P.O.T. Station 0+089.044m, said point intersects the protracted west line of Section 02, common to the protracted east line of Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County, which a section corner tie is made to the northwest corner of said Section 02, common to Section 03, Township 21 North, Range 15 East, G&SRM, Navajo County, and common to Sections 34 and 35, Township 22 North, Range 15 East, G&SRM, Navajo County, bears a "Protracted Bearing" of N 00°13'14" E, a distance of 890.251 meters;

THENCE, S 45°12'47" W, along said centerline BIA Road Project N71(3)2&4 Spur Alignment, a distance of 732.650 meters to P.C. Station 0+821.694m;

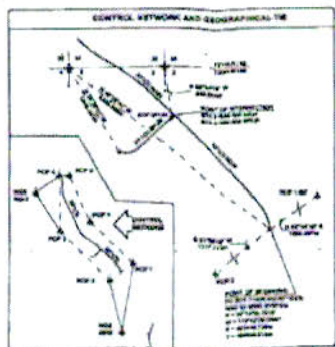
THENCE, continuing with said centerline N71(3)2&4 Spur Alignment and along the arc of 6°58'57" Curve 7, having a radius of 250.109 meters, a central angle of 58°14'25" RIGHT, having an arc length of 254.232 meters, a tangent distance of 139.324 meters, a chord distance of 243.428 meters and a chord bearing of S 74°20'00" W, to P.T. Station 1+075.926m;

THENCE, N 76°32'48" W, along said centerline BIA Road Project N71(3)2&4 Spur Alignment, a distance of 64.863 meters to END OF PROJECT Station 1+140.789, whence said point having North American Datum (NAD) 83 Geodetic Coordinates Values of N 35°14'39.8081" W 110°44'00.8055" and NAD83 GRID COORDINATES - AZSPC-CZ are N = 471326.515m E = 321033.613m, and whence a section corner tie was made to the north west corner of Section 03, common to Section 04, Township 21 North, Range 15 East, Navajo County and common to Sections 33 and 34, Township 22 North, Range 15 East, G%SRM, Navajo County, bears N 28°36'01" W, a distance of 1646.457 meters;

The Project Right of Way N71(3)2&4 Spur Alignment width is modeled at 22.860 meters left and 22.860 meters right on each side of said centerline survey contains a total of 1.110 kilometers (0.69 miles) in length, and contains 5.076 hectares (12.54 acres), more or less.

SECRET
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UNITED STATES	
DEPARTMENT OF THE INTERIOR	
BUREAU OF INDIAN AFFAIRS	
NAVAJO REGIONAL OFFICE • DIVISION OF TRANSPORTATION	
RIGHT OF WAY PLAT DRAWING	
PROJECT N713284	
LOCATION	DATE
BIRNDAWONG, ARIZONA	APPROVED BY: AUGUST 2008 DRAWN BY: AUGUST 2008
CHILCHIC, ARIZONA	APPROVED BY: MARCH 2008 DRAWN BY: MARCH 2008



N71(3) 2 & 4 RIGHT OF WAY TAKINGS BY ALIGNMENT

Section	Alignment	Perimeter	Area (M ²)	Hectares	Acres
16	MAIN	1457.940m (4783.27ft)	40721.857m (438167.18sqft)	4.072	10.06
21	MAIN	3498.422m (11477.76ft)	102756.687m (1105661.95sqft)	10.276	25.39
28	MAIN	3648.542m (11970.28ft)	107174.729m (1153200.08sqft)	10.717	26.48
33	MAIN	2117.181m (6946.13ft)	58776.850m (632431.75sqft)	5.878	14.52
34	MAIN	2405.587m (7892.35ft)	66180.510m (712102.29sqft)	6.618	16.34
2	MAIN	2525.490m (8285.73ft)	71840.690m (773005.82sqft)	7.184	17.75
3	MAIN	2456.282m (8058.67ft)	68921.012m (741590.09sqft)	6.892	17.03
11	MAIN	2984.575m (9791.91ft)	85822.346m (923448.44sqft)	8.582	21.21
12	MAIN	261.847m (859.08ft)	1384.101m (14892.92sqft)	0.138	0.34
2	SPUR	227.513m (746.44ft)	2677.525m (28810.17sqft)	0.268	0.66
3	SPUR	2213.878m (7263.38ft)	48085.815m (517403.37sqft)	4.809	11.88
TOTALS		23797.256m (78074.99ft)	654341.456m (7040714.07sqft)	65.434	161.69

N71(3) 2 & 4 RIGHT OF WAY TAKINGS BY SECTIONS

Township						
Range	Section	Perimeter	Area (M ²)	Hectares	Acres	
T21N,R15E	2	2753.003m (9032.16ft)	74518.215m (801815.99sqft)	7.452	18.41	
T21N,R15E	3	4670.160m (15322.05ft)	117006.827m (1258993.46sqft)	11.701	28.91	
T21N,R15E	11	2984.575m (9791.91ft)	85822.346m (923448.44sqft)	8.582	21.21	
T21N,R15E	12	261.847m (859.08ft)	1384.101m (14892.92sqft)	0.138	0.34	
TOTALS		10669.584m (35005.20ft)	278731.489m (2999150.82sqft)	27.873	68.88	
Township						
Range	Section	Perimeter	Area (M ²)	Hectares	Acres	
T22N,R15E	16	1457.940m (4783.27ft)	40721.857m (438167.18sqft)	4.072	10.06	
T22N,R15E	21	3498.422m (11477.76ft)	102756.687m (1105661.95sqft)	10.276	25.39	
T22N,R15E	28	3648.542m (11970.28ft)	107174.729m (1153200.08sqft)	10.717	26.48	
T22N,R15E	33	2117.181m (6946.13ft)	58776.185m (632431.75sqft)	5.878	14.52	
T22N,R15E	34	2405.587m (7892.35ft)	66180.510m (712102.29sqft)	6.618	16.34	
TOTALS		13127.671m (43069.788ft)	375609.968m (4041563.255sqft)	37.561	92.81	

<u>N71(3) 2, & 4 RIGHT OF WAY TAKINGS BY COUNTY</u>				
COUNTY	PERIMETER	AREA(M ²)	HECTARES	ACRES
NAVAJO	16314.328m (53524.70ft)	473531.087m (5095194.49sqft)	47.353	117.01
COCONINO	6155.475m (20195.13ft)	180810.370m (1945519.58sqft)	18.081	44.68
TOTAL	23797.256m (78074.99ft)	654341.456m (7040714.07sqft)	65.434	161.69

RIGHT OF WAY TABLE BY STATIONS								
N71(3)2&4			LENGTH		WIDTH			
STATION	-	STATION	METERS	FEET	LEFT	RIGHT	Hectares	Acres
MAIN ALIGNMENT								
7+406.440	-	17+307.656	9901.216	32484.30	30.480m (100.00ft)	30.480m (100.00ft)	60.358	149.18
SPUR ALIGNMENT								
0+030.480	-	1+140.789	1110.309	3642.75	22.860m (75.00ft)	22.860m (75.00ft)	5.076	12.54
					TOTALS:		65.434	161.69



In Reply Refer To:
Division of Transportation
M/C: N370

United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305



MAR 20 2018



Honorable Russell Begaye
P.O. Box 7440
Window Rock, AZ 86515

Dear President Begaye:

The Naa'bik'iyati Committee of the 22nd Navajo Nation Council has authorized the BIA Navajo Region Division of Transportation (BIA-NRDOT) to improve BIA Road Project N71(3)2&4 located in Birdsprings, Navajo & Coconino Counties, Arizona and traverses through Navajo Nation Trust lands. Therefore, BIA-NRDOT is submitting an Application for Perpetual Right-of-Way (ROW) to construct and maintain this road.

At the request of community members and the Navajo Nation Resource Development Committee (RDC), this road Project is scheduled for improvement so as to alleviate hardship/difficult traveling conditions during the winter and rainy seasons, especially for the school buses and the elderly folks.

Pursuant to the enclosed Navajo Nation Council Resolution No. CN-67-02 "Approving Interim Standard Terms and Condition for the Granting of Right-of-Way for BIA Road Construction Projects on the Navajo Nation," the Nation has previously waived any compensation that is subject to a transportation project application. The Terms and Conditions have not been updated under the new Right-of-Way Regulations. However, the new 25 CFR Part 169 Regulations requires the Bureau of Indian Affairs (BIA) to request for a tribal consent/waiver for the following sections of the new regulation:

(1) 25 CFR § 169.103: ***What bonds, insurance, or other security must accompany the application?***

(f) *We may waive the requirement for a bond, insurance, or alternative form of security:*

- a. *For individually owned Indian land, if the Indian landowners of the majority of the interests request it and we determine, in writing, that a waiver is in the Indian landowners' best interest considering the purpose of and risks associated with the right-of-way, or if the grantee is a utility cooperative and is providing a direct benefit to the Indian land or is a tribal utility.*

- b. *For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest.*

(2) 25 CFR §169.110: *How much monetary compensation must be paid for a right-of-way over or across tribal land?*

- a. *A right-of-way over or across tribal land may allow for any payment amount negotiated by the tribe, and we will defer to the tribe and not require a valuation if the tribe submits a tribal authorization expressly stating that it:*
 - (1) *Has agreed upon compensation satisfactory to the tribe;*
 - (2) *Waives valuation; and*
 - (3) *Has determined that accepting such agreed-upon compensation and waiving valuation is in its best interest.*

(3) § 169.105: *What requirements for due diligence must a right-of-way grant include?*

- a. *If permanent improvements are to be constructed, the right-of-way grant must include due diligence requirements that require the grantee to complete construction of any permanent improvements within the schedule specified in the right-of-way grant or general schedule of construction, and a process for changing the schedule by mutual consent of the parties. If construction does not occur, or is not expected to be completed, within the time period specified in the grant, the grantee must provide the Indian landowners and BIA with an explanation of good cause as to the nature of any delay, the anticipated date of construction of facilities, and evidence of progress toward commencement of construction.*
- b. *Failure of the grantee to comply with the due diligence requirements of the grant is a violation of the grant and may lead to cancellation of the right-of-way under § 169.405 or § 169.408.*
- c. *BIA may waive the requirements in this section if we determine, in writing, that a waiver is in the best interest of the Indian landowners.*

(4) § 169.125 *What will the grant of right-of-way contain?*

- (c) *The grant will state that:*
 - (1) *The tribe maintains its existing jurisdiction over the land, activities, and persons within the right-of-way under*
§ 169.10 and reserves the right of the tribe to reasonable access to the lands subject to the grant to determine grantee's compliance with consent conditions or to protect public health and safety;
 - (2) *The grantee has no right to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources, unless otherwise provided for in the grant;*

Based upon the above requirements, BIA is requesting the Navajo Nation's concurrence (in writing) to: 1) waive the bonding requirements; 2) waive the valuation and compensation requirements as the Project is in the Nation's best interests; 3) waive the due diligence

requirement or allow the timeline to being when actual construction takes pace up to the contract final construction deadlines, taking into account any time extensions authorized by BIA due to any change orders in the work or unforeseen construction issues; 4) that the term of the right-of-way grant be *"for as long as the project is used for its intended purpose and that the program can use the material within the easement to build the project"* and 5) in addition, we request the right-of-way grant of easement include a utility system provision/condition.

The ROW easement will include construction of utilities within the N71(3)2&4 easement corridor. This provision will allow the road ROW grant to the BIA-NRDOT be used for such purpose that will benefit the tribal communities and their socioeconomic development needs with respect to utilities. The utility conveyance construction and maintenance must not interfere with the integrity of the road prism, road ditches, road design features and miscellaneous road appurtenances. Any and all utility installations or relocations will be approved through the BIA-NRDOT permitting process where applicable and subject to: "Utility company(s) must first obtain consent from the underlying land owner (Navajo Nation) in writing if the utility is crossing such land".

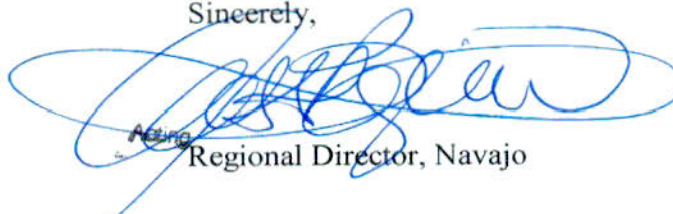
Enclosed is the ROW application and supporting documents for BIA Project N71(3)2&4 which traverses through Navajo Nation Trust lands. The supporting documents are:

1. One original and a photocopy of the New Title 225, Part 169 Right-of-Way application;
2. One original reproducible right-of-way plat map;
3. Two photocopies of the right-of-way plat map;
4. Two photocopies of the legal description; and
5. One photocopy of the Abbreviated Environmental Assessment (EA) report consisting of the Finding of No Significant Impact (FONSI) Archaeological/Cultural Compliance report, Biological Resources Compliance report.
6. One photocopy of the Navajo Nation Council Resolution No. CN-67-02 "Approving Interim Standard Terms and Condition for the Granting of Right-of-Way for BIA Road Construction Projects on the Navajo Nation;
7. One photocopy referencing a legislative action by the Navajo Nation Recourses Committee Resolution Number RCO-106-09, approving Utility Systems with the Navajo Mountain Road Project N16(6)/N162(1)/N164(1)2&4 Right-of-Way corridor;

BIA-NRDOT is requesting your office to process this application expeditiously to ensure this Project receives the ROW clearance before construction commences. Construction for this Project is schedule for FY 2019.

If additional information is needed please contact Mr. Herby Larsen, Division Manager, at (505) 863-8281 or Mr. Harold Riley at (505) 863-8284 with the BIA-NRDOT office. Thank you for your prompt attention in this matter as we await your reply.

Sincerely,



Regional Director, Navajo

Enclosures

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address: Bureau of Indian Affairs, Navajo Region, Division of Transportation, P.O. Box 1060, Gallup, New Mexico 87301
2. Tract(s) or parcel(s) affected by the right-of-way: See attached ROW Plat Map.
3. General location (easement description): See attached Legal Description.
4. Purpose: Construction of an all-weather roadway, operation and maintenance of Public Highway Navajo Route N71(3)2&4 and accordance with 25 CFR, Part 170
5. Term(Renewal, if applicable): Perpetual term.
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.105:

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:**NOTE: DUE TO THE APPLICANT BEING THE US GOVERNMENT THE FOLLOWING IS REQUESTED:**

- I. A REQUEST TO WAIVE ITEM No's. 3 and 6 WILL BE MADE TO THE NAVAJO NATION.
 - II. ITEM No. 7 IS NOT APPLICABLE.
-
1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of way;
 2. A map of definite location of the right-of-way; (25 CFR 169.102((b)(2); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 AND § 1764, and showing existing facilities adjacent to the proposed project.)
 3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
 4. Record of notice that the right-of-way was provided to all Indian landowners;
 5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);

6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
 - a. The representative has authority to execute the application;
 - b. The right-of-way will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

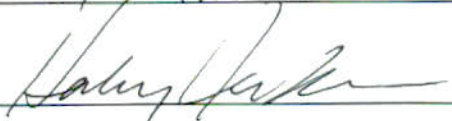
Applicant Point of Contact Information:

NAME: Herby J. Larsen
ADDRESS: BIA, NRO Division of Transportation
P.O. Box 1060
CITY/STATE: Gallup, New Mexico
ZIP: 87301
PHONE: (505) 863-8281
FAX: (505) 863-8355
EMAIL: Herby.Larsen@bia.gov

DATE:

3/22/18

APPLICANT:


(Signature)

Herby J. Larsen
(Print Name)

(Waiver of compensation for damages)

CONSENT TO USE NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, PAISY SINGER, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit BIA BRANCH OF ROADS of WESTERN NAVAJO AGENCY of TUAB CITY, ARIZONA 86045 to use a portion of my land use area for the following purpose (s): For a Right-of-way for road construction and its operation and maintenance on BIA Road Project N71, Birdsprings Bridge and Road.

as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project s proposed.

REMARKS:

6/10/92
Date

Paisy Singer
Land User Signature (or thumbprint)

52694
Census No. Permit No.

WITNESS:

Ant C. Shi

12-03-92
Date

Russell Walker
Grazing Committee or Land Board Member

5
District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read//or fully
explained// to the land user in Navajo// or English// (check where applicable).

Ant C. Shi

Field Agent Signature

CONSENT FORM - 3

(Waiver of compensation for damages)

To: <u>CHAS. SIMS</u>	From: <u>P. K. B.</u>
Co/Dept: <u>NAVAJO</u>	Co: <u>NAVAJO</u>
Phone: <u>(620) 680-6838</u>	Phone: <u></u>
Fax: <u></u>	Fax: <u></u>

CONSENT TO
NAVAJO TRIBAL

TO WHOM IT MAY CONCERN:

I, BENNY SINGER, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit BIA, BRANCH OF ROADS WESTERN NAVAJO AGENCY of TURA CITY, ARIZONA to use a portion of my land use area for the following purpose (s): FOR A RIGHT OF WAY FOR ROAD AND
BRIDGE CONSTRUCTION ON BIA ROAD PROJECT NTI, BIRDSPRINGS
BRIDGE AND ROAD.

as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

REMARKS:

6/10/92
Date

X Benny Y. Singer
Land User Signature (or thumbprint)

5-441
Census No Permit No.

WITNESS:

Chas. Sims
12-03-92
Date

Ron Bill Walker
Grazing Committee or Land Board Member

5
District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read or fully
explained to the land user in Navajo or English (check where applicable).

Chas. Sims
Field Agent Signature



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87301



IN REPLY REFER TO:
465- Office of Environmental Quality Act Compliance and Review

NOV 26 2018

Geraldine Jones
Senior Environmental Specialist
Navajo Department of Transportation
PO Box 4620
Window Rock, AZ 86515

Re: Finding of No New Significant Impact – Navajo Nation Department of
Transportation's (NDOT) Proposed Road Improvement for N71(3)2&4
Birdsprings, Coconino County, Arizona **EA-19-35135**

Dear Ms. Jones:

The Office of Environmental Quality Act Review and Compliance reviewed the environmental assessment, *Navajo Regional Transportation's Proposed Road Improvement for N71(3)2&4, Birdsprings, Coconino County, Arizona*, prepared by the Navajo Department of Transportation (NDOT).

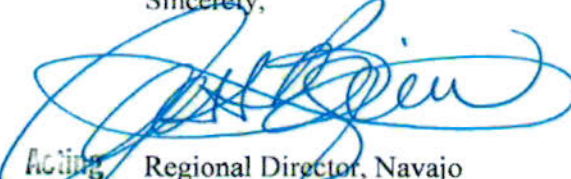
NDOT and BIA Navajo Region Division of Transportation (NRDOT) in cooperation with the Federal Highway Administration's Office of Tribal Transportation (FHWA TTIP) proposes a construction project to include alignment adjustments, grade and drain, and pave surfacing starting from previously constructed project N71(2) to the intersection of N15 for a total length of 6.87 miles, 11.063km.

The NRDOT in conjunction with BIA Western Agency Division of Transportation proposes to obtain a right-of-way for the project located on the Navajo Reservation near Bird Springs, Coconino County, AZ. The adjusted alignment, N71(3)2&4 will include a spur road to the new Birdsprings grade school. The access road is approximately 0.706 miles long (1.137 m) with construction work consisting of grading, installation of drainage structures, traffic control, and an all-weather paved surface.

In accordance with Section 102(2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), the Bureau of Indian Affairs, Navajo Region finds that the Proposed Action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the attached Environmental Assessment (EA) and supporting appendices and documents.

Should you have any questions, please contact Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist, at (505) 863-8287.

Sincerely,



Acting Regional Director, Navajo

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-19-35135
PROPOSED ROAD IMPROVEMENT FOR N71(3)2&4
NAVAJO DEPARTMENT OF TRANSPORTATION**

Location:

**35° 13' 58.45" North, 110° 42' 26.24" West
T21N, R15E – East of Old Leupp, AZ Quadrangle**

**35° 18' 26.33" North, 110° 45' 59.90" West
T22N, R15E – Winslow NW, AZ Quadrangle**

Birdsprings Chapter, Coconino County, Arizona

NDOT and BIA Navajo Region Division of Transportation (NRDOT) in cooperation with the Federal Highway Administration's Office of Tribal Transportation (FHWA TTIP) proposes a construction project to include alignment adjustments, grade and drain, and pave surfacing starting from previously constructed project N71(2) to the intersection of N15 for a total length of 6.87 miles, 11.063km.

The NRDOT in conjunction with BIA Western Agency Division of Transportation proposes to obtain a right-of-way for the project located on the Navajo Reservation near Bird Springs, Coconino County, AZ. The adjusted alignment, N71(3)2&4 will include a spur road to the new Birdsprings grade school. The access road is approximately 0.706 miles long (1.137 m) with construction work consisting of grading, installation of drainage structures, traffic control, and an all-weather paved surface.

The ROW measurements for the proposed project are:

Right-of-Way Table for the Proposed Project					
N71					
<i>Begin Station</i>	<i>End Station</i>	<i>Width (Meters)</i>		<i>Width (Feet)</i>	
		<i>Left</i>	<i>Right</i>	<i>Left</i>	<i>Right</i>
7+406.440	17+307.656	30.48	30.48	100	100
School Access					
<i>Begin Station</i>	<i>End Station</i>	<i>Width (Meters)</i>		<i>Width (Feet)</i>	
		<i>Left</i>	<i>Right</i>	<i>Left</i>	<i>Right</i>
0+030.175	1+140.789	22.86	22.86	75	75

The BIA's deliberation as to whether a Finding of No Significant Impact (FONSI) is appropriate, or, whether an Environmental Impact Statement (EIS) should be prepared, took into consideration, the following issues, which are addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment including land, water, living, cultural, resource use patterns, environmental justice, other impacts, and

cumulative impacts. Impacts to physical and biological resources will be localized and relatively minor.

2. **Public health and safety:** Public health will not be affected by the project. There will be no disproportionately high and adverse human health effects on populations defined in Executive Order 12898 (Environmental Justice) or the general public. Controlled access to active work areas and appropriate hazardous material management and waste disposal associated with construction will minimize any potential risks to public health, safety, and the environment.
3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of $\frac{1}{2}$ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency: A Section 401 pre-construction notice with an application will be submitted to the NNEPA for a Section 401 determination prior to construction activities taking place. The BIA Division of Transportation has initiated consultation with NNEPA in preparation for submitting 401 permits. The BIA within its specifications and drawing incorporates the requirements to Nation Wide permit coordination with the NNEPA has been performed. The general permit conditions include implementing best management practices to prevent degrading water quality. A permit for water will be obtained from the Navajo Nation and the construction contractor would obtain a permit from the Navajo Department of Water Resources Management at least 30 days prior to construction. The project will not impact wetlands, as no wetlands were identified within the project limits and the floodplain of the Little Colorado Basin. Riprap will be placed at outlets of new drainage structures as an overall beneficial impact to the waters of the U.S. (EA Section 5B Water Resources Impacts and Mitigation).
4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to many other areas of tribal land in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The proposed activity will be in adherence to common road

construction standards. Due to soil erosion air borne dust will be controlled by water the construction site to limit fugitive dust.

7. **Degree to which this action will establish a precedent for future action with significant effects:** This project does not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** There were two consultations with the Navajo Historic Preservation Department (NNHPD) with two issued CRCFs: NNHPD No. HPD92-392.3 dated April 4, 2003; and NNHPD No. HPD-15-481 (revised) dated November 16, 2018. Both CRCFs outline Effect/Conditions of Compliance that shall be adhered to.

In the event of a discovery of a previously unidentified or incorrectly identified cultural resource(s), all operations in the immediate vicinity of the discovery must cease, and the NNHPD must be notified.

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form (BRCF) with NNDFW Review No. 14ndot107-N71, was issued by the Navajo Nation Department of Fish and Wildlife (NNDFW) on October 16, 2015, approving the proposed action with avoidance/mitigation measures and conditions of compliance.

Avoidance/mitigation measures include: The NDOT will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*); [2] All project personnel and equipment will remain in the project area. Ground disturbance outside the proposed project area is strongly discouraged.

Conditions of compliance include: The Burrowing Owl (*Athene cunicularia*) is known to occur within the project area. Project activity shall avoid the breeding season of 01 MAR-15 AUG. If breeding season cannot be avoided, surveys must be conducted. Activity will not be allowed within a 1/4 mile of an active nest burrow until the young have fledged the nesting area.

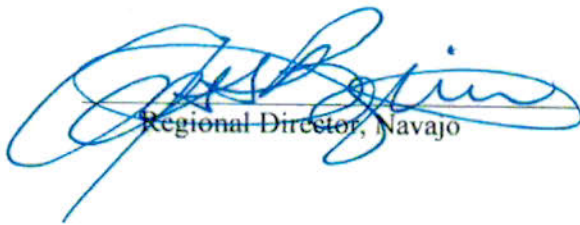
11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or tribal environmental laws or requirements.
12. **Indian Trust Assets:** The proposed project area does not contain any Indian Trust Assets in the form of perennial water resources, fisheries, paleontology resources or agricultural resources. The proposed project area is not part of any right-of-way avoidance and exclusion

areas, wilderness area, special management area, area of critical environmental concern, or other protected area. The Proposed Action includes the use of current landscape to construct road and no borrow pits are proposed. All water used for the site will require a permit from the Navajo Nation Water Resources Department.

CONCLUSION

The proposed action is the Preferred Alternative. It does not constitute a major federal action, which normally requires preparation of an environmental impact statement (EIS).

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.


Regional Director, Navajo


Date



Vaivai, Justine <justine.vaivai@bia.gov>

[EXTERNAL] BIA TTP short form EA - N71(3) Little Singer School.docx

Geraldine Jones <gjones@navajodot.org>

Fri, Nov 2, 2018 at 12:31 PM

To: "justine.vaivai@bia.gov" <justine.vaivai@bia.gov>, "harrilene.yazzie@bia.gov" <harrilene.yazzie@bia.gov>

Cc: Taft Blackhorse <tblackhorse@navajodot.org>, "harold.riley@bia.gov" <harold.riley@bia.gov>

Good afternoon Justine,

I had made the corrections to N71(3) EA report base on Harold's review. I am emailing you the EA report itself without all the attachments. Your office should still have all the attachments. Any questions give me a call at 928-206-1776 or email. Thank you very much.

**BIA TTP short form EA - N71(3) Little Singer School.docx**

77K

NAVAJO DIVISION OF TRANSPORTATION



TTP Projects Abbreviated Environmental Assessment

Proposed Project: N71(3)2&4

Date: 10-02-18

Preparer Information

Name: Geraldine Jones

Title: Senior Environmental Specialist

Email: gjones@navajodot.org

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Attachments

Attachment A – Topographic Map of Project Location, N12
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APPLICABILITY

This form can be used if the proposed project has been determined to be routine in nature having limited context and intensity (e.g., limited size and magnitude or short-term effects). This Form is intended to be used when a project cannot be categorically excluded from a formal environmental assessment, but when the environmental impacts of the proposed project are excluded to be insignificant and a detailed EA would not be appropriate. Accordingly, this Form is intended to meet the intent of a short EA while satisfying the regulatory requirements of an EA. Proper completion of the Form will allow the BIA to determine whether the proposed project can be processed with a short EA, or whether a more detailed EA or EIS must be prepared.

The Form can be used if the project will result in no significant environmental impacts on threatened/endangered species, public health or safety, wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on the nationwide river inventory, prime or unique farmlands, and historic properties. The project will not have any highly controversial or uncertain effects on the environment or pose any unique or unknown environmental risks to immediate and surrounding environment. The project will not establish a precedent.

AUTHORITY

This is an abbreviated EA written in accordance with 43 CFR 46.310: (b) "When the Responsible Official determines that there are no unresolved conflicts about the proposed action with respect to alternatives uses of available resources, the environmental assessment need only consider the proposed action and does not need to consider additional alternatives, including the no action alternative. (See Section 102(2)(E) of NEPA)." The EA contains the minimum EA requirements found in 43CFR 46.310 (a): (a) At a minimum, and environmental assessment must include brief discussions of (1) The proposal; (2) The need for the proposal; (3) The environmental impacts of the proposed action; (4) The environmental impacts of the alternatives considered; and (5) A list of agencies and persons consulted.

If you have questions as to whether the use of this form is appropriate for your project, contact the Regional Environmental Scientist or Senior Environmental Specialist before using this form.

1. Project Description (List and clearly describe ALL components of project including all connected actions). Attach a map or drawing of the area with the location(s) of the proposed action(s) identified: The project starts at 35° 13' 58.45"North; 110° 42' 26.24"West and it ends at 35° 18' 26.33"North; 110° 45' 59.90"West. The Navajo Division of Transportation (NDOT) and BIA Navajo Region Division of Transportation (NRDOT) in cooperation with the Federal Highway Administration's Office of Tribal Transportation (FHWA TTIP) proposes a construction project to include alignment adjustments, grade and drain, and pave surfacing starting from previously constructed project N71(2) to the intersection N15 for a total length of 6.87 miles, 11.063km (see attachment 1).

The NRDOT) in conjunction with BIA Western Agency Division of Transportation (WADOT) proposes to obtain a right-of-way for the project located on the Navajo Reservation near Bird Springs, Coconino County, Arizona. The adjusted alignment, N71(3)2&4 will include a spur road to the new Birdsprings grade school. The access road is approximately 0.706 miles long (1.137) with construction work consisting of grading, installing of drainage structures, traffic control, and an all-weather paved surface. Road construction activities will be initiated in accordance with applicable Road Construction Specification FP-2014.

A new 6.87-mile project will replace the existing N71 alignment which sits in a flood plain a couple miles west of Birdsprings Chapter House. The new Road design typical will have 3.91m driving lanes with 610mm paved shoulders for an overall roadway width with a clear recovery zone of 3.2m left and right shoulders.

The new 6.87 miles of paved surface will replace the existing N71 which sits in a flood plain a couple miles west of Bird Springs Chapter House. The beginning of project will begin at N71 and N6380 intersection and end at N15 west of Bird Springs Chapter House. The new Road design will have a 12.0m new paving with a 3.60m driving lane, it will have a 1.20m paved shoulder on each side.

Culverts will be installed within the 6.87 mile stretch of road, these culverts are different sizes in length and diameters. There will be 7 new culverts replacing the existing old culverts. Most of them will be place back in the existing location with the same length and diameters.

The ROW measurements seeking is:

RIGHT -OF-WAY TABLE			
Begin Station	End Station	WIDTH (Meters)	
		LEFT	RIGHT
N71			
7+406.440	17+307.656	30.48	30.48
School Access			
0+030.175	1+140.789	22.86	22.86

Type II gates and cattle guards will be installed on the project to prevent livestock from entering the roadway. Corrugated metal pipes (CMPs) with end sections will be installed under the roadway and driveways to facilitate drainage. Dissipation structures will be constructed on outlets of the CMPs. The

roadway will be striped and appropriate MUTCD compliant signage will be installed. Temporary and permanent erosion control methods will be installed to prevent excessive sediment transport from the disturbed areas of construction. Existing utility crossings will be relocated that are conflicting with the proposed roadway construction.

2. Project Purpose and Need:

The purpose of the action is to provide a safer road for the traveling of the public and students attending the Birdsprings School. The goal of the project is to improve the safety of the existing infrastructure. The proposed action includes raising the grade of the existing road, paving with hot asphalt pavement and improving the drainage by setting engineered sized pipes to manage the flows.

The need includes providing a proper drainage system. The road becomes impassable during heavy inclement weather which emergency personnel, school buses, local commuters, etc. cannot reach destinations.

3. Describe the affected environment (existing conditions) and land use in the vicinity of the project:

The route is an unimproved dirt road with no proper drainage during inclement weather. Route N71 is in a rolling type terrain. Elevation is between 4700 to 4840 feet. The flat terrain has snakeweed, greasewood, dry tumbleweed, sage, narrow leaf yucca and wild tea. The Little Colorado River runs a couple miles south of the project site. The area is moderately vegetated. The area lies on the Colorado Plateau and made up of an array of geologic features including uplifts, monoclines and broad basins to the north of the project site.

The main community developments include the Little Singer School, Bird Springs Senior Citizen Center, Bird Springs NHA subdivisions, several churches, non-subdivision home sites, warehouses, and chapter house tract. The main community is surrounded by open rangelands and scattered home sites and numerous dirt roads. Public transportation is unavailable in Bird Springs Chapter. However, there are BIA and public schools bus dirt routes throughout this area. About 10 miles to the west of the project site is the community of Leupp.

4. Alternatives to the Project: Describe any other reasonable actions that may feasibly substitute for the proposed project and include a description of the "No Action" alternative. If there are no feasible or reasonable alternatives to the proposed project, explain why (attach alternatives drawings as applicable):

Alternatives; Under the preferred Alternative, the NRDOT proposes to obtain rights-of-way to re-construct 6.87 miles of N71 and Little Singer School Access road to all-weather route that will address the flooding issues, sight distance, traffic control, and better road surface for the traveling public. Those areas of the new alignment that deviate from the existing road will be reclaimed within the new right-of-way corridor with turnouts for those residents that need access to the old road. This alternative would require shifting some sections of the existing road to get it out of the flood plain which may have some adverse effects to the landscape/environment.

Under a less preferred alternative, the NRDOT &NDOT would only add drainage structures to pass the runoff and provide a gravel surface for further traction. This alternative would not provide for a safer road nor would it address the flooding of those sections of the route that fall into the flood plain. The road would

still become impassable during floods and gravel surfacing would have to be repaired every year which would be costly to the maintenance program. An expansion, modification, or improvement of an existing dirt road has few practicable alternatives available because there is minimal change to the roadway to be effective in serving the traveling public.

Routes within the area of the project are not *independent* routes because they are connecting routes to get to public or private emergency services. The routes are connected to other routes such as N15 and N6380. These routes lead to areas such as Leupp, Winslow, Dilkon, Hopi, and Flagstaff, Arizona. These towns provide medical, social, and other commercial services.

No Action Alternative; The National Environmental Policy Act requires a "no action" alternative be considered in part of the environmental analysis for the proposed project. Under the "no alternative action" the proposed roadway will not be built leaving the road in an unsafe condition. Community members will be limited to existing poor roadway conditions for residents and the traveling public use. No pavement would be constructed, drainage improvements would not be provided to cross over the washes safely. N71 would continue to be impassable during flash flooding and dust would continue to be a problem. The road will continue to be unsafe for the public and students who travel these roads each day.

The No Action alternative would only include minor roadway corrections and routine maintenance activities without major improvements of the existing roadway the service conditions would not improve. The flooding would continue N71 due to unstable vegetation and soils. Lack of adequate roadway width, crown and shoulders for proper drainage leveling deplorable conditions during snow and monsoon weather.

Construction of N71(3)2&4 and Little Singer School Access road project using the present roadway alignment and width or combination thereof, is a solution to improving the traffic. This alternative address the drainage problems or future increase in traffic. This alternative would consist of grading, blading, grubbing and applying 3-6 inches of chip seal surface. Resurfacing is feasible on N71 because pf the existing surface from pervious dirt road to chip seal that is incised below the natural terrain resulting in constant impassable conditions during storms.

Alternative will include improvement to the existing route from dirt road to chip seal within the existing right-of-way to create continuous traffic flow through the entire route. This alternative shall include construction of the drainage areas to control flood and/or drainage issues. Chip sealing will be placed on the roadway as a final all weather driving surface. Installation/replacement of culverts will better accessibility for school buses, residents, emergency personnel in a safe manner in all weather conditions.

5. Environmental Consequences

(A) LAND RESOURCES

Would the proposed project directly or indirectly impact land resources (topography, soils)?

The project will call for removal of vegetation and soil which will be accomplished in a manner to reduce soil erosion and to disturb as little vegetation as possible. Grading operations and reseedling of indigenous species will begin immediately following the subgrade construction. Heavy equipment will be inspected and cleaned prior to entering the project area to remove any mud or soil adhering to the equipment, which may harbor seeds of noxious weeds, prior to construction and transportation of any

heavy equipment to the project site. Preventative measures will be taken to reduce the likelihood of spreading noxious weeds in the project area. Additionally, construction crews will avoid transporting seed of noxious plants from other project area to the next. Best Management Practices (BMPs) for erosion control shall be implemented as appropriate in accordance with the NRDOT BMPs in Appendix 1. Disturbed areas shall be revegetated with native vegetation in accordance with the seed mix designs presented in the SWPPP.

(B) WATER RESOURCES IMPACTS AND MITIGATION

Would the proposed project directly or indirectly impact water resources (including wetlands and floodplains)? Briefly explain.

The proposed roadway will cross various drainages. Road construction is expected to impact these drainages. A total of 18 culverts will be installed on the new roadway alignment and NDOT will consult with Navajo Nation EPA on Clean Water Act Permitting. Foreseeable effects of the proposed action would be a temporary increase in surface water runoff from the project area until the disturbed ground stabilizes from establishing vegetation and mulching of the slopes. Drainage structures would be installed in a manner that minimizes soil erosion and provides for a minimum of 12 inches (30 centimeters) of cover over the pipe. The permits are to be obtained prior to construction. Floodplain consultation was conducted with Navajo Division of Natural Resources Department of Water Management Branch.

Construction equipment would be inspected daily for leaks. Leaking equipment would be removed from the project site until repaired and spills are cleaned. All fuels, oils, lubricants, and hydraulic fluids would be kept in sealed, storage containers or facilities that are located within the construction area. Parking and staging areas would be located within the boundaries of the construction area. Structural replacements would be performed during periods of low-or-no flow periods to minimize water quality impacts. Any asphalt or concrete materials would be disposed of offsite in accordance with applicable federal and tribal regulations as well as the NRDOT BMPs.

Section 402(p) of the Clean Water Act (CWA) clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Industrial activity includes storm water discharge associated with construction activities that involves clearing, grading, and excavation that result in the disturbance of more than one acre of total land area. Because construction activities in the proposed action would disturb more than 1 acre of land, section 402 of the CWA requires that the BIA and the contractor file with the United States Environmental Protection Agency (EPA) a "Notice of Intent" and comply with the terms of this permit. The construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain the necessary permits before work commences.

Section 401 pre-construction notice with application will be submitted to Navajo Nation EPA (NNEPA) for a 401 determination prior to construction activities taking place. The BIA Division of Transportation has initiated consultation with NNEPA in preparation for submitting 401 permits. The BIA within its specifications and drawings incorporates the requirements to Nation Wide permit coordination with the Navajo Nation Environmental Protection Agency has been performed. Written communication was sent to the NNEPA attached. The general permit conditions include implementing best management practices to prevent degrading water quality. These practices include the following measures.

- Inspect construction equipment daily for leaks
- Remove leaking equipment from the project site until repaired and spills are cleaned
- Store fuels, oils, lubricants, and hydraulic fluids in sealed storage containers or enclosed facilities within the construction area
- Locate parking and staging areas within the boundaries of the construction area
- Use existing roads for detours, equipment storage, and material and water hauling to the extent possible
- Dispose of asphalt or concrete materials offsite in accordance with applicable Federal and Tribal regulations
- Impacts to the small area of floodplain in the project area will be limited and minor

The proposed action would not affect the volume of surface or groundwater in the project area. Water would be required for construction activities. It is unknown at this time as to where the water will be obtained. Permits to use water would be obtained from the appropriate agencies or persons as required. If water is obtained from the Navajo Nation, then the construction contractor would obtain a permit from the Department of Water Resources Management at least 30 days prior to construction. The contractor would notify the Navajo Nation of the location of water resources to be used during construction.

The project will not impact wetlands or as no wetlands were identified within the project limits and the floodplain of the Little Colorado Basin. Riprap will be placed at outlets of new drainage structures as an overall beneficial impact to the waters of the U.S.

(C) LIVING RESOURCES

Would the proposed project directly or indirectly impact living resources? Briefly explain. (Attach record of consultation with federal and state agencies or Tribal biologist as appropriate). On January 21, 2014, Navajo Division of Transportation Project Management Department received a list of "*potential and known species*" on N71 from Navajo Fish & Wildlife. Navajo Fish & Wildlife has a total of 9 listed species; 1) Arizona Rose Sage, 2) Peregrine Falcon, 3) Southwest Willow Flycatcher, 4) Yellow Warbler, 5) Yellow-billed Cuckoo, 6) Mountain Plover, 7) Ferruginous Hawk, 8) Burrowing Owl and 9) Golden Eagle.

The project will not have direct impact to the living resources within the project area.

(D) CULTURAL RESOURCES

Would the proposed project directly or indirectly impact cultural resources? Briefly explain. Describe any impact the proposed project might have on any properties in or eligible for inclusion in the National Register of Historic Places. (Include a record of your consultation and response with the State) Would the proposed project directly or indirectly impact cultural resources? The FHWA has determined that N71(3) Bird Spring Road to Little Singer School Project would result in ***no historic properties affected***. There are no Cultural Properties present within the project area and/or buffer zone. Several archaeological sites have been identified along the 6.87 miles of the new aligned roadway. Monitoring will be required during the construction of the roadway that have been identified along the 6.87 miles of the new roadway alignment. The original report has a survey corridor that is 300 ft.

(a) Describe any impact the proposed project might have on any properties in or eligible for inclusion in the National Register of Historic Places.

Navajo Nation Historic Preservation (NNHPD) completed the new aligned roadway Archeological survey for 9.9 miles and Navajo Division of Transportation Archeologist surveyed the Little Singer Spur Road for 0.71 miles. Navajo Division of Transportation (NDOT) completed none cultural inventories for the Little Singer School Access road and 3 traditional cultural properties surveyed by NNHPD. By 6.87 miles of the new aligned roadway.

(b) Describe any impacts to archaeological resources as a result of the proposed project.

A total of 67 cultural resources was identified during the cultural resources inventory. Those consists of 17 archeological sites (components), 3 traditional Navajo cultural properties, 17 burials, 29 isolated occurrences, and 1 in-use area. The site boundary will be flag and a temporary fence will be placed along the construction zone edge prior to construction activities as called for in the design plans. All construction and fencing activities within 50 ft. (15 m) of the site will be monitored. Construction activities will be limited to the construction zone.

(E) RESOURCE USE PATTERNS

Would the proposed project directly or indirectly impact resources use patterns (hunting/fishing, agriculture, mining, recreation, transportation networks)?

The proposed project would not impact use patterns because of the project following the new aligned roadway as much as possible and avoiding crop fields, recreation areas, and other development along the proposed route. The proposed route is simply construct the new roadway for the safety of the Bird Spring Community. A traffic control plan will be developed for safety purpose for the local transportation.

(F) ENVIRONMENTAL JUSTICE

Would the proposed project have a disproportionate impact on minority and/or low-income communities? Consider human health, social, economic, and environmental issues.

The project will only create a positive impact to the many low-income, minority families that use this road to commute to and from school, work, church, etc. No adverse effects related to environmental justice or socio-economics are expected.

(G) OTHER IMPACTS

Would the proposed project directly or indirectly impact any other area (sound/noise, wilderness, public health and safety)?

Due to existing traffic of the project area, there are no sound or noise issues associated with the proposed action. Noise will temporarily be increased above current background noise; however, it is expected to be minor and work will occur during daytime hours and not on weekends or holidays. Also, due to existing traffic of the project area, there are no sound or noise issues associated with the proposed action. Air quality attainment are based on the NAAQS. Due to the fact that the project will not result in increased traffic volume, long-term emissions increases will not occur. Thus, the proposed action will no lasting adverse impacts on the air quality. Construction crews will limit unnecessary

idle times on diesel-powered engines, implement dust control measures during land clearing and other related activities, and cover loads during transport.

(H) CUMULATIVE IMPACTS

Discuss impacts from past, present and reasonably foreseeable future projects in the area. Would the proposed project produce a cumulative effect on any of the environmental impact categories above? Consider projects that are connected and may have common timing and/or location. For purposes of this Form, generally use 3 years for past projects and 5 years for future foreseeable projects.

The proposed surface disturbance and increased sediment yields, along with an increase in the road that would direct sedimentation crossing would occur mainly where the unnamed tributary that would encroach into the roadway. Other vegetation damaging practices such as livestock grazing and vegetation management could impact the water resources within the analysis area and could continue to do so throughout the life of the proposed project. Community development in the area is currently minimal and is likely to increase in the future. This increase has not been quantified; however, it is expected to be de minimis based on the surrounding community development. The foreseeable effects of the proposed action on the socioeconomic resources of the construction area are beneficial. Community and economic development within Bird Springs area dependent upon the condition of its roadways. Paved, all-weather roadway provide improved access to health care, facilities, schools, housing and jobs.

6. PERMITS

List all required permits for the proposed project. Has coordination with the appropriate agency commenced and what is the expected time frame of receiving a permit?

Permits that will be required for this project include Navajo Nation Environmental Protection Agency – Water Quality Program for 404 permit, 401 Certification and 402 permit.

7. MITIGATION

Describe those mitigation measures to be taken to avoid creation of significant impacts to a particular resource as a result of the proposed project, and include a discussion of any impacts that cannot be mitigated.

Navajo DOT will not conduct ground disturbing activities within occupied habitat for the burrowing owl or mountain plover between March and August. A survey for active migratory bird nests will occur prior to construction and any ground disturbing activities. If an active nest is identified, the Navajo Fish and Wildlife Department (NNFWD) will be contacted before conducting further project activities. If any project activities are proposed to take place during the nesting season, the project area should be surveyed for active or occupied bird nests. Preventative measures will be taken to reduce the likelihood for spreading noxious weeds in the project area. Additionally, construction crews will avoid transporting seeds of noxious plants from other to the project area. Heavy equipment will be inspected and cleaned prior to entering the project area to remove any mud or soil adhering to the equipment, which may harbor seeds of noxious weeds, prior to construction of any heavy equipment to the project site. In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to, archaeological deposits, human remain or locations reportedly associated with Native American religious/traditional beliefs or practices], the Contractor must immediately cease all operations in the immediate vicinity of the discovery and notify the Engineer. The Contractor should be aware of his/her responsibilities under the Historic Preservation Act of 1966 and the Archaeological Resources Protection Act of 1979. Upon notification of a discovery by the Contractor, the Engineer must

immediately notify the Navajo Nation Tribal Historic Preservation office (NNTHPO) and the FHWA Environmental Coordinator. Removal of vegetation and soil will be accomplished in a manner to reduce soil erosion and to disturb as little vegetation as possible. The BRCF has a survey corridor that is 300 ft. in width and is 6.87 miles in length. Grading operations and reseeded of indigenous species will begin immediately following construction. If water is obtained from the Navajo Nation, then the construction contractor would obtain a permit from the Department of Water Resources Management at least 30 day prior to construction. No work shall occur within jurisdictional Waters of the United States until the appropriate Clean Water Act Section 401 and 404 permits are obtained prior to construction. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities. Best Management Practices (BMPs) for erosion control shall be implemented as appropriate in accordance with the SWPPP. Disturbed areas shall be revegetated with native vegetation in accordance with the seed mix designs presented in the SWPPP. Any locally known flooding sources and drainage issues will be considered during the design and construction phases of the proposed project. Parking and staging areas will be located within the boundaries of the construction area. Drainage structures will be installed in a manner that minimizes soil erosion. Structural replacements will be performed during periods of low-or-no flow periods to minimize water quality impacts. Short term airborne pollutant impacts from construction related activities will be controlled with regular applications of water to graded and exposed areas within the project. Construction equipment will be inspected daily for leaks. Leaking equipment will be removed from the project site until repaired and spills will be cleaned up. All waste materials (asphalt, brush, concrete, steel, etc.) shall be disposed off-site in accordance with applicable local, state, federal and tribal regulations. All fuels, oils, lubricants, and hydraulic fluids will be kept in sealed storage containers or facilities that are located within the construction area. Construction crews will limit unnecessary idle times on diesel-powered engines, implement dust control measures during land clearing and other related activities, and cover loads during transport. Any buried utility alignments will be repositioned.

8. LIST OF AGENCIES AND PERSON CONSULTED

1. Navajo Nation Tribal Historic Preservation Officer, Tamara Billie
2. Navajo Nation Environmental Protection Agency, LeAnna Martinez
3. Navajo Natural Heritage Program, Pamela A. Kyselka
4. Navajo Division of Transportation, Taft Blackhorse, Curtis Yazzie & Kim Mangum
5. NRDOT, Harold Riley-PE

9. LIST OF ATTACHMENTS

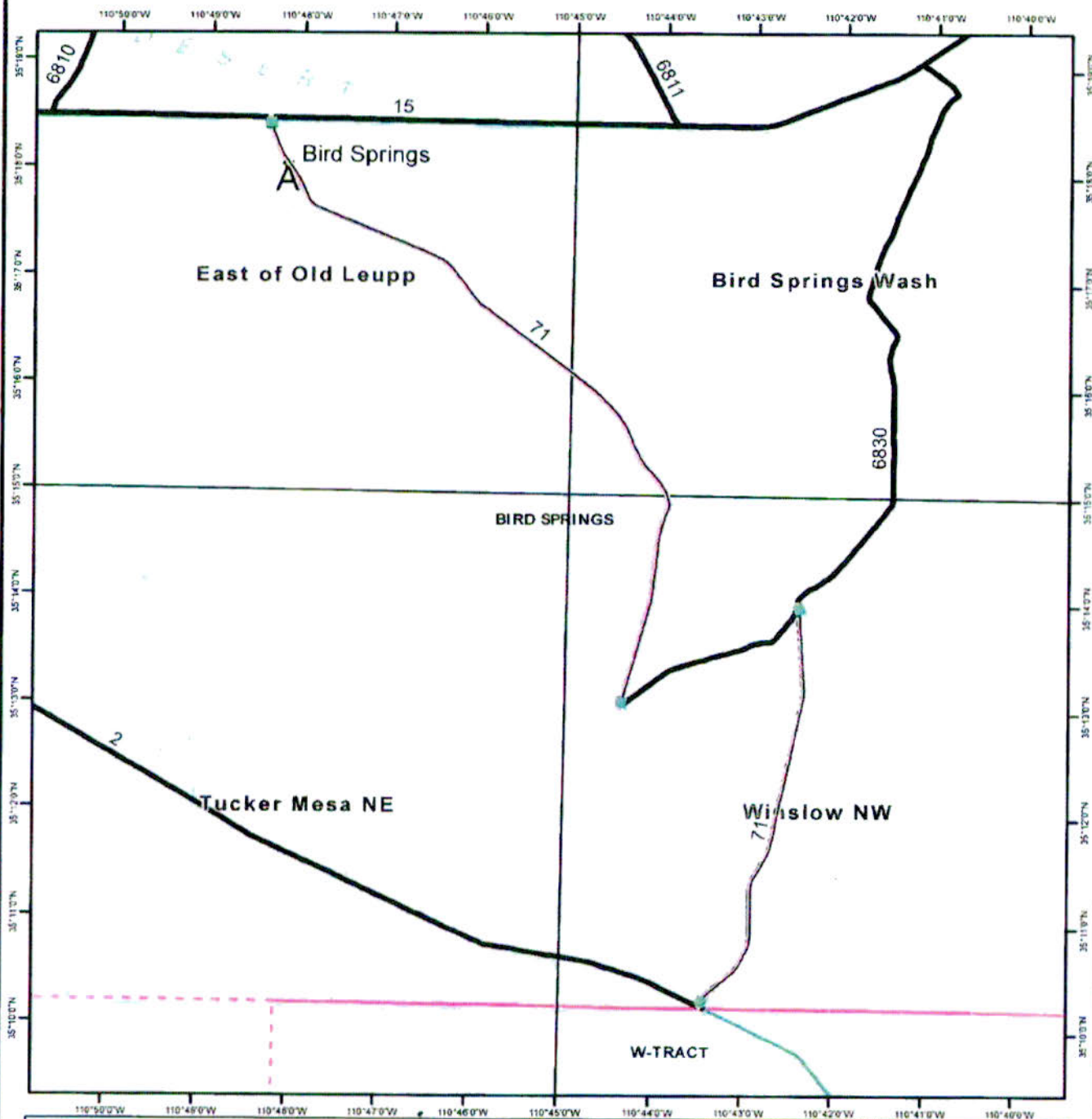
1. Project Location (Map)
2. NRDOT BMPs
3. Birdsprings Chapter Resolution
4. Biological Report
5. Biological Compliance Form
6. Arch Compliance

ABREVIATED ENVIRONMENTAL ASSESSMENT

Attachment 1 – Project Location (Maps)
Existing N71 Route



WESTERN AGENCY
Route N71 - Current Route
East of Old Leupp, Bird Springs Wash & Winslow NW



- | | |
|-------------------|--------------|
| Sections | County Roads |
| Chapter Locations | US Highways |
| BIA Roads | Chapter |
| State Roads | |

- | |
|--------------------|
| Others |
| 32 - Shiprock |
| 33 - Western |
| 34 - Eastern |
| 35 - Chinle |
| 36 - Fort Defiance |

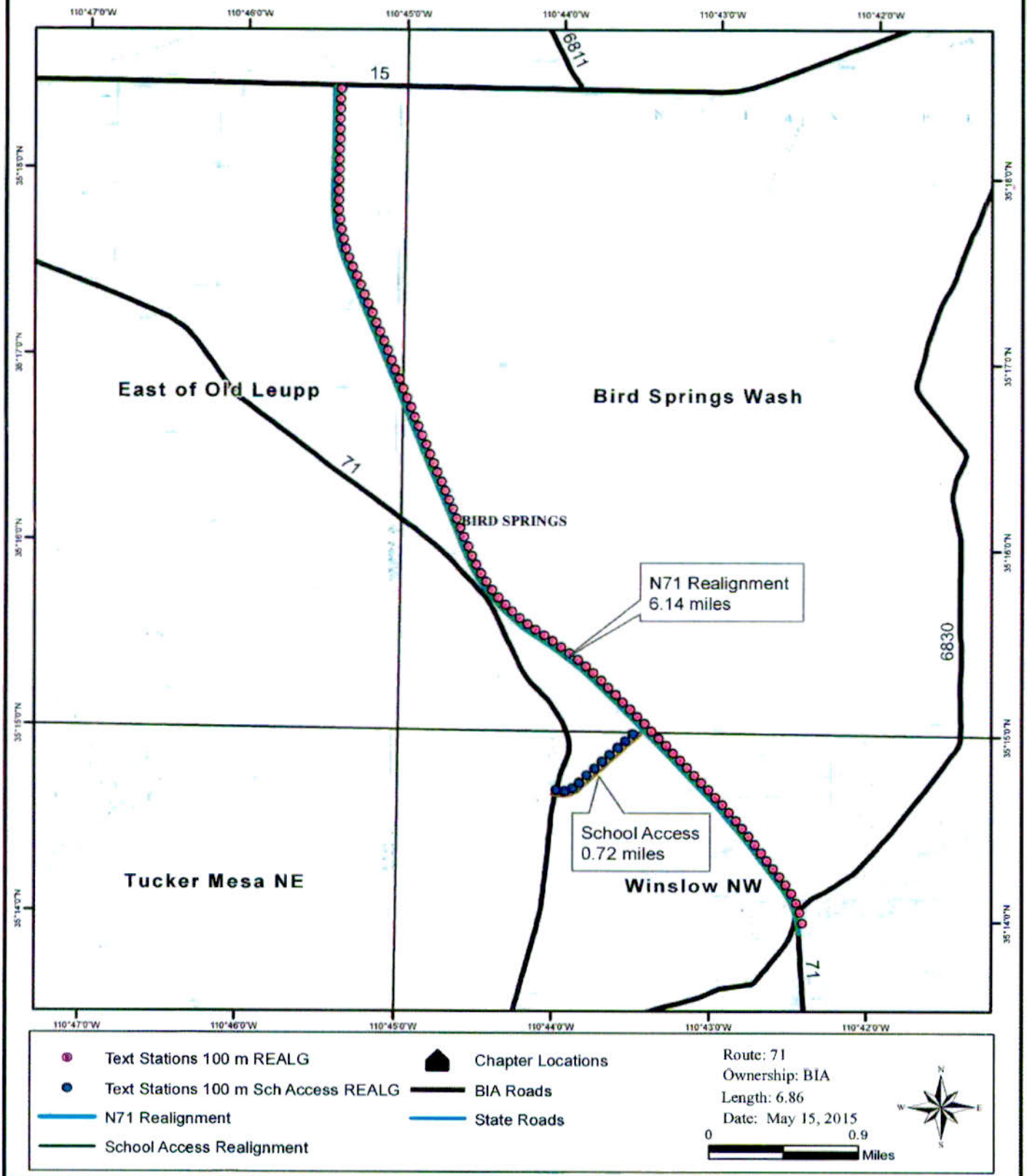
Route: 71
Ownership: BIA
Length: 13
Date: May 15, 2015

0 1.7
Miles





WESTERN AGENCY
Route N71 Realignment
East of Old Leupp, Bird Springs Wash, & Winslow NW



Attachment 2 – NRDOT BMPs

Best Management Practices
Navajo Regional Division of Transportation

In order to avoid, reduce, or mitigate potentially adverse impacts during the construction of this project, the Navajo Regional Division of Transportation Contractor will incorporate the following best management practices (to the fullest extent).

1. Construct the project in accordance with the Manual for Standard Specifications for Construction of roads on Federal Highway Projects (FP-14), and in compliance with all applicable Navajo Tribal and Federal laws, codes, safety regulations, and executive orders.
2. The Government Contractor will avoid any increase in sedimentation of bodies of water on or near the project by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The Contractor will implement the SWPPP prior to any ground-disturbing activities. Adjustments in the SWPPP, during construction, shall be coordinated with the Government COR to insure compliance with the Clean Water Act.
3. The Government Contractor shall stockpile the existing topsoil for uses in re-vegetation of borrow pits and roadway slopes, where feasible in accordance with the FP-14 and contract specifications.
4. The cut and fill volumes will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain. All disturbed ground on the project will be disked, seeded, mulched, and re-vegetated as described in the supplemental specifications for section 625.

Reclamation will be considered successful when the desirable native vegetation is established, erosion is controlled, weeds are a minimal threat, and it is likely that ground cover will return to a desirable condition. Cover of desirable native vegetation will be considered sufficient when it reaches 70% cover relative to the surrounding vegetation.

5. The following BMPs will be followed for all structural improvements, including any pipelines, storage tanks, and troughs:
 - All construction trash and debris would be removed from project site.
 - All equipment brought in from off the site will be power washed before entering the site to avoid the possible introduction and invasion of noxious and invasive weeds. All construction trash and debris would be removed from project site.
 - Ground disturbance from the heavy equipment would be re-seeded with a certified weed free seed mix per section 625 of the FP-14 supplemental specifications. The seed would be suitable to area and match existing native species.

- If an archeological site is encountered, construction must cease, and the COR and project owner representative must be notified immediately.
- If at any time, populations of noxious weeds are encountered, construction must cease and measures must be taken to clear the right of way. The problem area would be sprayed with the appropriate herbicide in accordance with section 109.02m of the FP-14. By law, the target weed must be listed on the label of the herbicide being applied, and the rate applied must be in accordance with the manufacturer's recommendations.

6. Construction hours (limited to 40 hour work weeks) will be between 6:00 am and 8:00 pm, Monday through Friday, (weather permitting). In high wildlife use areas, an alternate construction schedule may be used in consultation with the Navajo Fish and Wildlife Department and/or U.S. Fish and Wildlife Service.

7. The Contractor's camp and equipment storage area will be kept clean and free of litter at all times, to prevent debris and litter from entering bodies of water. All trash will be disposed of in accordance with USEPA regulations and all camp sites and equipment storage areas will be restored to their natural condition at project completion (in accordance with government, Tribal, State or BLM permit requirements).

8. The Contractor will daily inspect all construction equipment for leaks and notify the COR on the removal of leaking equipment from the project site until the leaking equipment is repaired and spills cleaned up to the satisfaction of the COR and Environmental Quality Office. Equipment will be washed down in a designated area to prevent transport of mud, noxious weeds, and other debris from leaving the project limits when transporting equipment off the project site. Such debris will be collected and hauled off to a disposal site by the Contractor.

9. **Noxious weed control Standard Operating Procedures** for work on Tribal lands will be followed:

- Ensure equipment involved in land disturbing actions, be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds equipment should be cleaned prior to moving off site.
- Survey and inventory proposed work areas for noxious weeds; take reasonable measures to avoid spread of noxious weeds found (i.e. - cleaning equipment with pressure washers, stockpiling overburden material for later treatment, avoiding driving through weed patches). The following noxious weeds have been identified as occurring on lands within the boundaries the Navajo Reservation.

- 1) Russian Knapweed (*Centaurea repens*)
- 2) Musk Thistle (*Carduus nutans*)

- 3) Bull Thistle (*Cirsium vulgare*)
- 4) Canada Thistle (*Cirsium arvense*)
- 5) Scotch Thistle (*Onopordum acanthium*)
- 6) Hoary Cress (*Cardaria draba*)
- 7) Perennial Pepperweed (*Lepidium latifolium*)
- 8) Halogeton (*Halogeton glomeratus*)
- 9) Spotted Knapweed (*Centaurea maculosa*)
- 10) Dalmatian Toadflax (*Linaria genistifolia*)
- 11) Yellow Toadflax (*Linaria vulgaris*)
- 12) Camelthorn (*Alhagipseudalhagi*)
- 13) Yellow Starthistle (*Centaurea solstitialis*)
- 14) Saltcedar (*Tamarix spp.*)
- 15) Diffuse Knapweed (*Centaurea diffusa*)

- Use only certified weed free erosion control and re-vegetation materials (e.g. mulch, seed, natural fiber mats).
- If fill dirt or gravel will be required, the source needs to be noxious weed free to the fullest extent possible.
- The site should be monitored by the COR for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found the COR will notify the COTR who will determine the best method for the control of the particular weed species.

Reclamation and re-vegetation of the work site will use species specified by the contract. All seed should be certified weed free. The area will be monitored to determine the success of the re-vegetation, and re-vegetation may have to be continued until successful.

Any need for noxious weeds treatment shall be in accordance with section 109.02(m) of the FP-2014.

10. All oils, fuels, lubricants, and hydraulic fluids will be kept in sealed storage containers and or facilities that meet EPA regulations for preventing contamination of the environment.

11. Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at his expense as directed by the COR.

12. Parking and staging areas will be limited to the construction limits. Existing roads may be used for detours, storage of equipment, and the hauling of materials and water to the fullest extent possible with proper permits. Storage areas within the construction limits will utilize existing disturbed areas and be kept as small as possible.

13. The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for a minimum of 610 mm of cover over the pipe as measured from the roadway shoulder.

14. Structural replacements will be performed during periods of low- or no-flow periods to minimize water quality impacts. No dumping of waste concrete will be allowed on the project site except in approved and lined pits on the project. Any and all excess concrete and asphalt materials will be disposed of (off site) in accordance to EPA regulations and section 107.10 of the FP-2014.

15. The Contractor will acquire water-use and aggregate material permissions/permits through the landowner process, and follow all requirements of such permits, including royalties and environmental and Clean Water Act requirements.

16. The government and project owner will acquire and construction Contractor will comply with the following regulations regarding the Federal Clean Water Act permits:

- a) Section 401 & 404 permits to be acquired by owner
- b) Water Quality (Section 402) Certification to be acquired by owner
- c) National Pollution Discharge Elimination System (NPDES) permit and the Storm Water Pollution Prevention Plan to be prepared by Contractor and approved by owner and COR.

17. Comply with all mitigation requirements concerning archaeological sites on or near the project site as defined in the compliance documents provided herein.

Attachment 3 – Birdsprings Chapter Resolution

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

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

PROJECT NAME & NO.: N71 Road Re-Alignment and Little Singer School Access Road Improvement

DESCRIPTION: NDOT proposes roadway re-alignment of 7.5 miles from the intersection of N71 and N6830 to the Bird Springs Chapter house and the improvement of 0.72 mile the Little Singer School access road. The project would involve clearing, grubbing and blading to prep the road surface for the application of aggregate material.

LOCATION: Bird Springs Chapter, Coconino County, Arizona

REPRESENTATIVE: Geraldine Jones, Senior Environmental Specialist, NDOT

ACTION AGENCY: Navajo Division of Transportation (NDOT)

B.R. REPORT TITLE / DATE / PREPARER: 7.5 Mile of New Roadway Realignment on N71 and Little Singer Access Road/MAY 2015/Geraldine Jones

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Nesting habitat is present for ATCU and CHMO.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Charadrius montanus* (Mountain Plover) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The NDOT will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*); [2] All project personnel and equipment will remain in the project area. Ground disturbance outside the proposed action area is strongly discouraged.

CONDITIONS OF COMPLIANCE*: The Burrowing Owl (*Athene cunicularia*) is known to occur within the project area. Project activity shall avoid the breeding season of 01 MAR-15 AUG. If the breeding season cannot be avoided, surveys must be conducted. Activity will be not allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area.

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 OCT 2015

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Pom. Gloria M. Pom., Director, Navajo Nation Department of Fish and Wildlife

10/16/13

*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

Attachment 4 – Biological Compliance Form



PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ

NAVAJO FISH AND WILDLIFE P.O. BOX 1180 WINDOW ROCK, AZ 86515

15 October 2015

14ndot107-N71

Geraldine Jones, Environmental Specialist
Division of Transportation
Post Office Box 4620
Window Rock, Arizona 86515

Dear Geraldine,

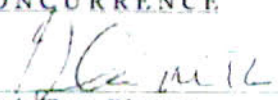
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Biological Evaluation for the **N71 Road Re-Alignment and Little Singer School Access Road Improvement** project located in Bird Springs Chapter, Arizona. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The Burrowing Owl (*Athene cunicularia*) is known to occur within the project area. Project activity shall avoid the breeding season of 01 MAR-15 AUG. If the breeding season cannot be avoided, surveys must be conducted. Activity will be not allowed within a 1/4 mile of an active nest burrow until the young have fledged the nesting area.

Please contact me at 928-871-7065 with any questions that you have concerning the review of this project.

Sincerely,


Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE


Gloria Tom, Director
Department of Fish and Wildlife

10/16/15
Date



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO: <input checked="" type="checkbox"/> Navajo DOT	NNHPD NO.: HPD-15-481 - REVISED OTHER PROJECT NO.: Navajo DOT 13-08
--	--

PROJECT TITLE: A Cultural Resource Inventory of 0.73 Miles of N71(3) Bird Springs Spur Road to Little Singer School for Navajo DOT in Bird Springs, Navajo County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Navajo Division of Transportation, PO Box 4620, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The proposed project consists of approximately 0.73-mile long by 200-ft wide graded road which will be graded, leveled, construction of fences & gates. The total area of effect is 17.7-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust
CHAPTER: Bird Springs
LOCATION: T. 21 N, R. 15 E – Sec. 02 & 03; Bird Springs Wash & Winslow NW Quadrangles, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Kimberly Mangum
NAVAJO ANTIQUITIES PERMIT NO.: NTC
DATE INSPECTED: 05/21/14 & 06/02/14
DATE OF REPORT: 07/01/14
TOTAL ACREAGE INSPECTED: 17.7 ac. Total
METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND: None
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: None
LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not 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 must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Billie
FINALIZED: November 7, 2018 – *Revised*

Notification to Proceed Recommended ☒ Yes ☐ No

Conditions: ☐ Yes ☒ No

Navajo Region Approval ☒ Yes ☐ No

Richard M. Begay 11/9/18
Richard M. Begay, Dept. Mgr./THRO Date
The Navajo Nation
Heritage & Historic Preservation
Department 11-16-18

J. Halliday
BIA – Navajo Regional Office Date

-DOCUMENT IS VOID IF ALTERED-

***** AMENDMENT *****
 CULTURAL RESOURCES COMPLIANCE FORM
 HISTORIC PRESERVATION DEPARTMENT
 P.O. BOX 4950, WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO
<u>AZ</u>	SHPO
<u>X</u>	ACHP
<u>X</u>	BIA Real Estate Services
<u>X</u>	BIA-NR-BOR, Gallup
<u>X</u>	NNHPD-Roads Planning Program
<u>X</u>	Bird Springs Chapter
<u>X</u>	Hopi Tribe
<u>X</u>	Pueblo of Acoma
<u>X</u>	Pueblo of Laguna
<u>X</u>	Pueblo of Zia
<u>X</u>	Pueblo of Zuni

NNHPD NO. HPD 92-392.3
 OTHER PROJECT NO.
BIA-BOR 94-007.3
BIA-NR-BOR N33401

PROJECT TITLE: An Archaeological and Ethnographic Inventory of the N71(2&3) Bird Springs Road Project in Bird Springs, Bird Springs Chapter, Western Agency, Navajo and Coconino County, Arizona

LEAD AGENCY: Bureau of Indian Affairs, Navajo Region, Branch of Roads

SPONSOR: Bureau of Indian Affairs, Navajo Region, Branch of Roads, P.O. Box 1060, Gallup, NM 87305

PROJECT DESCRIPTION: Realignment and construction of a 9.9 mile long by 200 feet wide graded road, consisting of grading, leveling, and graveling the new alignment and erecting right-of-way fences with gates. The area surveyed was 300 ft wide, 150 feet left and right of the staked centerline.

LAND STATUS: Tribal Trust

CHAPTER: Bird Springs

LOCATION: The proposed N71(2&3) road alignment is located approximately 1/2 to 3 miles east of the existing graded N71 road, although in some places, the proposed and existing road are nearly synonymous. The beginning of project (BOP) is approximately 2 miles north of the north bank of the Little Colorado River and the end of project (EOP) is at the existing paved Navajo Route 15, approximately 1,000 ft east of the Bird Springs Chapter House. The project area, in Township 22N, Range 15E (Unplatted), is found on the Winslow NE, Arizona 1986 Provisional Edition 1986; Bird Springs, Arizona, 1972; and East of Old Leupp, Arizona 1986 United States Geological Survey (USGS) 7.5' quadrangle maps.

USGS 7.5' quadrangle	Description	Township	Range	Section	UTM Zone 12	
					Northing	Eastings
Winslow NW, AZ Provisional Edition 1986	BOP	21N	15E	Unplatted	3894900	526290
Winslow NW, AZ Provisional Edition 1986	Point A	21N	15E	Unplatted	3897180	526750
Winslow NW, AZ Provisional Edition 1986	Point B	21N	15E	Unplatted	3898800	526670

USGS 7.5' quadrangle	Description	Township	Range	Section	UTM Zone 12	
					Northing	Easting
Winslow NW, AZ Provisional Edition 1986	Point C	21N	15E	Unplatted	3899060	526620
Bird Springs Wash, Arizona 1972	Point D	21N	15E	Unplatted	3900780	525180
Bird Springs Wash, Arizona 1972	Point E	22N	15E	Unplatted	3901720	523880
Bird Springs Wash, Arizona 1972	Point F	22N	15E	Unplatted	3902040	523670
East of Old Leupp, Arizona 1986	Point G	22N	15E	Unplatted	3905640	522160
East of Old Leupp, Arizona 1986	Point H	22N	15E	Unplatted	3906120	522100
East of Old Leupp, Arizona 1986	EOP	22N	15E	Unplatted	3907000	522100

DATE INSPECTED: A Class III pedestrian cultural resources survey was conducted between August 14 and August 17, 2000; the resources that were encountered were recorded between November 13 and 17, 2000 from November 26 to December 01, 2000, with addition work conducted in October 2002.

DATE OF REPORT: Finalized, March 3, 2003

TOTAL ACREAGE INSPECTED: The survey area encompasses 360 acres whereas the total area of effect is 240 acres. (A 300 ft wide corridor was assessed to accommodate the requested 200 ft wide ROW.)

METHOD OF INVESTIGATION: Class III pedestrian survey, recording, and mapping; interviews with Bird Springs community members and Chapter officials. Consultation with interested parties (the Acoma Pueblo, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Office, the Hopi Tribe, the Pueblo of Laguna, the Pueblo of Zia, and the Pueblo of Zuni) took place on November 21, 2000 and again on April 15, 2002.

LIST OF CULTURAL RESOURCES FOUND: A total of 67 cultural resources was identified during the cultural resources inventory. These consist of 17 archaeological sites (23 components), 3 traditional Navajo cultural properties, 17 burials, 29 isolated occurrences, and 1 in-use area:

- AZ-O-51-3 (unknown prehistoric sherd and lithic scatter);
- AZ-O-51-4, Component 1 (=AD 800-825 sherd and lithic scatter);
- AZ-O-51-4, Component 2 (=AD 1100-1125 sherd and lithic scatter);
- AZ-O-51-5 (=AD 1150-1200 sherd and lithic scatter);
- AZ-O-51-6, Component 1 (1930s Navajo habitation);
- AZ-O-51-6, Component 2 (unknown historic or prehistoric lithic scatter);
- AZ-O-46-9, Component 1 (1930s Navajo habitation);
- AZ-O-46-9, Component 2 (unknown historic or prehistoric lithic scatter);
- AZ-O-46-10 (=AD 1100-1225 sherd and lithic scatter);
- AZ-O-46-11 (1986 Navajo stock watering locus);
- AZ-O-46-12, Component 1 (=AD 800-900 pithouse village/hamlet);

AZ-O-46-12, Component 2 (=1925 Navajo Hook'eeghan [burial] hogan);
 AZ-O-46-13, Component 1 (1910s-1950s Navajo habitation);
 AZ-O-46-13, Component 2 (=AD 550-800 sherd and lithic scatter);
 AZ-O-46-14, Component 1 (1950s-1970s *Jini'eeh* [Second Night] site);
 AZ-O-46-14, Component 2 (unknown prehistoric lithic procurement area or sherd and lithic scatter);
 AZ-O-46-15 (=1923-1930s Navajo habitation and birth place);
 AZ-O-47-12, (Paleoindian [?] or Archaic [?] lithic scatter);
 AZ-O-47-13 (=AD 1070-1150 possible habitation);
~~AZ-O-47-14 (unknown campsite or limited activity area [lithics only]);~~
 AZ-O-47-15 (=AD 800-850 agricultural field);
 AZ-O-47-16 (=AD 900-1000 sherd and lithic scatter);
 AZ-O-47-17 (=AD 1040-1130 probable habitation);
 N71-E-01 (1954 Navajo *Hozh'oghi* [Blessingway] site and offering place);
 N71-E-02 (1870s-present Navajo plant gathering area);
 N71-E-03 (1950s-present Navajo 'Anaa'ji [Enemyway] site);
 N71-In Use-01, Component 1 (1980s-present earthen dam);
 N71-In Use 01, Component 2 (1994-present Navajo *Nilch'iji* [Windway] offering site);
 N71-B-01 through N71-B-18 (Navajo burials);
 Isolated Occurrences IO-01 through IO-29.

LIST OF NRHP ELIGIBLE PROPERTIES:

AZ-O-51-4, Components 1 and 2;
 AZ-O-51-5;
 AZ-O-46-9, Components 1 and 2;
 AZ-O-46-10;
 AZ-O-46-12, Component 1;
 AZ-O-46-13, Components 1 and 2;
 AZ-O-46-14, Component 2;
 AZ-O-46-15;
 AZ-O-47-12;
 AZ-O-47-13;
 AZ-O-47-15;
 AZ-O-47-16;
 AZ-O-47-17;
 N71-E-01;
 N71-E-02;
 N71-E-03.

LIST OF PROPERTIES WHERE NRHP STATUS CANNOT BE DETERMINED:

AZ-O-51-3;
 AZ-O-51-6, Components 1 and 2;
 AZ-O-47-14.

LIST OF NON-ELIGIBLE NRHP PROPERTIES:

AZ-O-46-11;
 AZ-O-46-12, Component 2;
 AZ-O-46-14, Component 1;
 N71-B-01 through N71-B-18;
 IO-01 through IO-29.

LIST OF ARPA RESOURCES:

AZ-O-51-3 (possibly);

AZ-O-51-4, Components 1 and 2;
 AZ-O-51-5;
 AZ-O-51-6, Component 2 (possibly);
 AZ-O-46-9, Component 2 (possibly);
 AZ-O-46-10;
 AZ-O-46-12, Component 1;
 AZ-O-46-13, Component 2;
 AZ-O-46-14; Component 2;
 AZ-O-47-12;
 AZ-O-47-13;
 AZ-O-47-14 (possibly);
 AZ-O-47-15;
 AZ-O-47-16;
 AZ-O-47-17;

LIST OF AIRFA RESOURCES:

AZ-O-46-12, Component 2;
 AZ-O-46-13, Component 1 (possibly);
 AZ-O-46-14, Component 1;
 AZ-O-46-15;
 N71-E-01;
 N71-E-02;
 N71-E-03;
 N71-In Use-01, Component 2;
 N71-B-01 through N71-B-018;

LIST OF NAGPRA RESOURCES:

AZ-O-46-12, Component 2;
 N71-B-01 through N71-B-18.

TERMS/CONDITIONS OF COMPLIANCE: In accordance of Stipulation 3 of the document entitled "A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section, Within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that the undertaking will have no adverse effect on historic properties provided the following stipulations are met:

Site No.	Component No.	Stipulations
AZ-O-51-3		No additional work; monitor construction activities on right side of ROW, between stations 8+160 and 8+200 to ensure there are no subsurface cultural deposits within the ROW.

Site No.	Component No.	Stipulations
AZ-O-51-4	1 & 2	<p>Realign ROW to avoid beginning at a point approximately 900 m northwest of mapping point "C," UTM 526989E, 3899758N (see Figure 3 of the report), and continue northwest to a point approximately 900 m southeast of mapping point "E," UTM 524510E, 3901280N. Arrange a field meeting between BIA and NNHPD personnel to ensure that the new alignment is suitable from an engineering perspective and conduct a cultural resources survey of the new alignment to determine if additional cultural resources sites are present. If site cannot be avoided, test to determine nature and extent of cultural deposits within ROW.</p>
AZ-O-51-5		<p>Realign ROW to avoid (see recommendation for AZ-O-51-4). If this isn't possible, monitoring is required on west edge of the ROW, between station numbers 9+530 and 9+580 to ensure there are no subsurface cultural deposits within the ROW.</p>
AZ-O-51-6	1	<p>Realign ROW to avoid (see recommendation for AZ-O-51-4); ethnographic data recovery if not possible to avoid.</p>
	2	<p>Realign ROW to avoid (see recommendation for AZ-O-51-4); archaeological testing to determine nature & extent of cultural deposits if not possible to avoid.</p>
AZ-O-46-9	1 & 2	<p>Realign ROW to avoid (see recommendation for AZ-O-51-4); archaeological testing to determine nature & extent of cultural deposits or ethnographic data recovery if not possible to avoid.</p>
AZ-O-46-10		<p>Realign ROW to avoid (see recommendation for AZ-O-51-4); archaeological testing to determine nature & extent of cultural deposits if not possible to avoid.</p>
AZ-O-46-11		<p>None.</p>
AZ-O-46-12	1	<p>Realign ROW to avoid beginning at mapping point "F," ca. UTM 523670E, 3902040N (see Figure 3 of the report), and continue northwest to ca. 522800E, 3903720N; from 522800E, 3903720N continue north to ca. 522740E, 3904200N to angle the alignment back to meet the existing centerline. Arrange a field meeting between BIA and Roads Planning Program personnel to ensure that the new alignment is suitable from an engineering perspective and conduct a cultural resources survey of the new alignment to determine if additional cultural resources sites are present. If site cannot be avoided, test to determine nature and extent of cultural deposits within ROW.</p>
	2	<p>Realigning ROW to avoid this component is required. Erect a fence, between stations 13+150 & 13+210 prior to construction activities to ensure a minimum 15 m buffer between the edge of the ROW and Component 2. Monitoring by a cultural resources specialist is required during the erection of the fence.</p>

Site No.	Component No.	Stipulations
AZ-O-46-13	1 & 2	Realign ROW to avoid (see recommendation for AZ-O-46-12). If this is not possible, test the portion of the site within the ROW to determine the nature and extent of cultural deposits.
	1	Realigning ROW to avoid is required (see recommendation for AZ-O-46-12).
AZ-O-46-14	2	Realign ROW to avoid (see recommendation for AZ-O-46-12). Then, establish the surface extent of the unrecorded low density lithic scatter shown on Figure B2 of the report and test both sides of the realigned ROW to evaluate the nature and significance of cultural deposits. If this component cannot be avoided by reroute then testing to determine the nature and extent of cultural deposits is required between station numbers 13+780 and 13+860.
AZ-O-46-15		Realigning ROW to avoid this site is required (see recommendation for AZ-O-46-12).
AZ-O-47-12		None.
AZ-O-47-13		Realign to avoid by ≥ 50 ft (15 m) between stations 16+654.75 and 16+890.25, OR test between 16+670 and 16+875 to evaluate nature and extent of cultural deposits in ROW.
AZ-O-47-14		None.
AZ-O-47-15		None.
AZ-O-47-16		If avoidance is not possible, test the portion of the site within the ROW, between 16+160 and 16+270, to evaluate significance of cultural deposits.
AZ-O-47-17		None.
N71-E-01		None.
N71-E-02		Realigning ROW to avoid this site is required (see recommendation for AZ-O-51-4).
N71-E-03		None.
N71-B-01 through B-08		None.
N71-B-09		Realigning ROW to avoid this burial is required (see recommendation for AZ-O-51-4).
N71-B-10 through B-12		None.
N71-B-13 and B-14		Realigning ROW to avoid this burial is required (see recommendation for AZ-O-46-12).
N71-B-15 through B-18		None.

Site No.	Component No.	Stipulations
N71-IU-01	1 & 2	Realigning ROW to avoid this burial is required (see recommendation for AZ-O-51-4).
Isolated Occurrences	None.	

The BIA shall also insure that all borrow areas, material source areas, staging areas, access routes, and any other construction areas are inventoried for cultural resources prior to any ground disturbance associated with the project. Prior determinations made by any federal agency that use of an area would have no effect on historic properties, or that an area contained no historic properties are sufficient to meet the terms of this condition, unless and until historic properties are discovered, as indicated below. Areas not previously inventoried must be assessed by BIA or its agents or contractors prior to any ground disturbing activities.

In the event of a discovery ("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 must cease and the Navajo Nation Historic Preservation Department must be notified within one business day at 928/871-7132.

FORM PREPARED BY: Nina Swidler
FINALIZED: March 4, 2003

NOTIFICATION TO
PROCEED RECOMMENDED:
CONDITIONS:

Yes ☒
Yes ☒

No ☐
No ☐


Alan Downer
Navajo Nation Historic Preservation Officer

03/20/03
Date

Agency Approval:

Yes ☒
No ☐


Elouise Chicharello
Director, Bureau of Indian Affairs, Navajo Region

4/4/03
Date

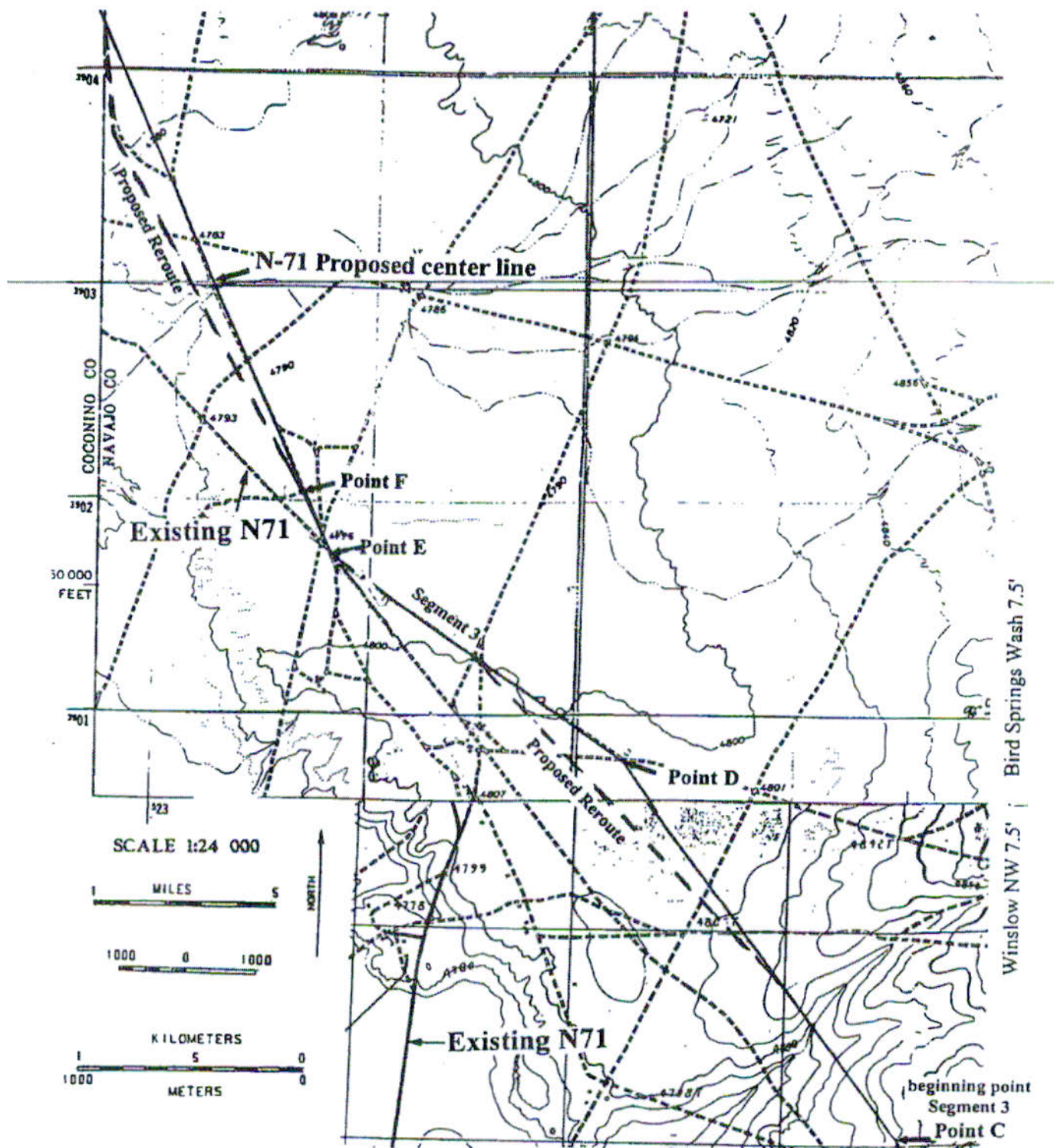


Figure 3. Map Showing Proposed Alignment and Reroutes for the Navajo Route N71(2&3) Road Project. USGS 7.5' Quad: Winslow NW Arizona Provisional Edition 1986 and Bird Springs Wash, Arizona 1972. HPD-92-392.3/BOR-94-007.3.

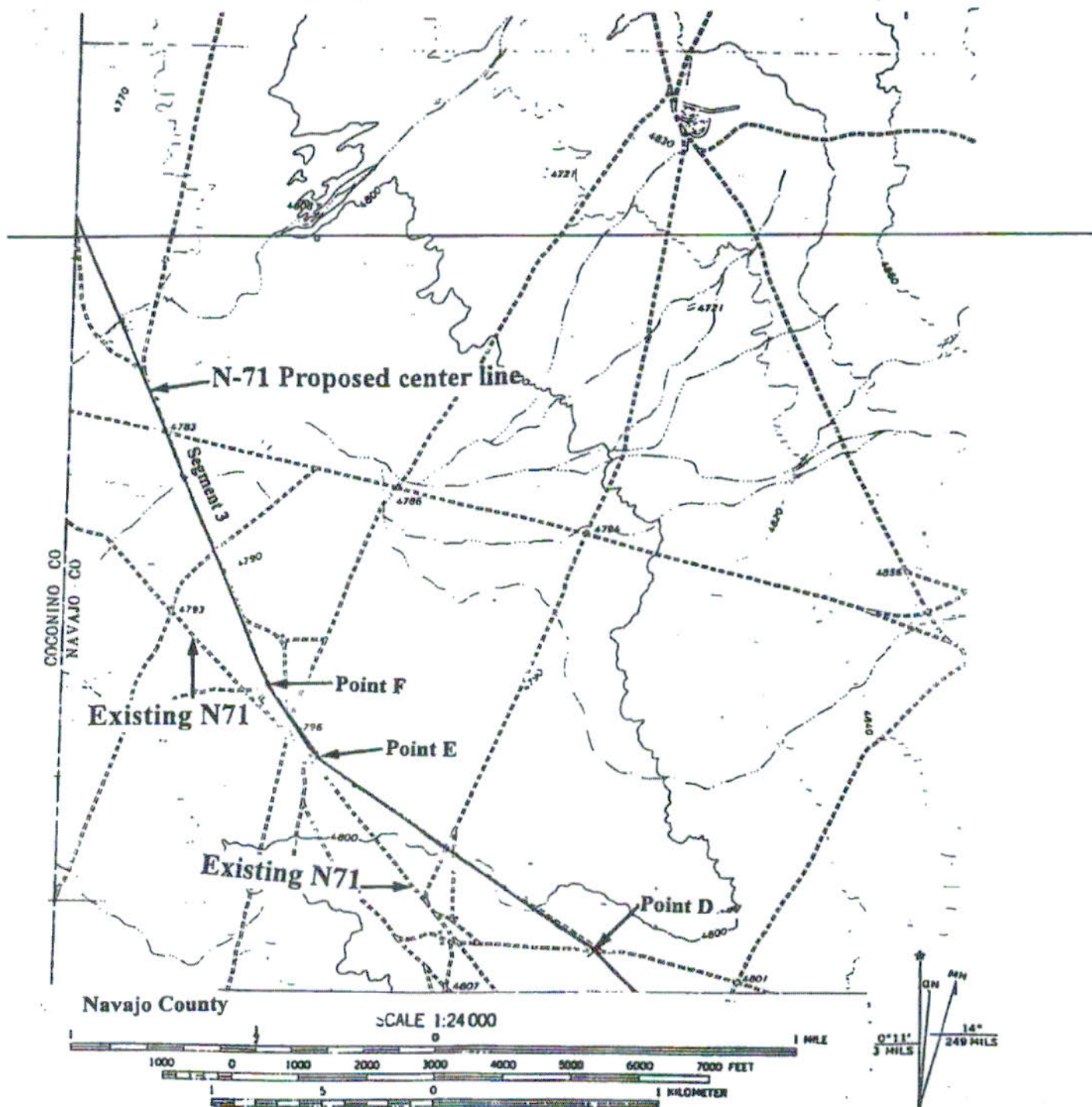


Figure 4. Location Map Showing Project Alignment and Location for the Navajo Route N71(2&3) Road Project. USGS 7.5' Quad: Bird Springs Wash, Arizona 1972. HPD-92-392.3/BOR-94-007.3.

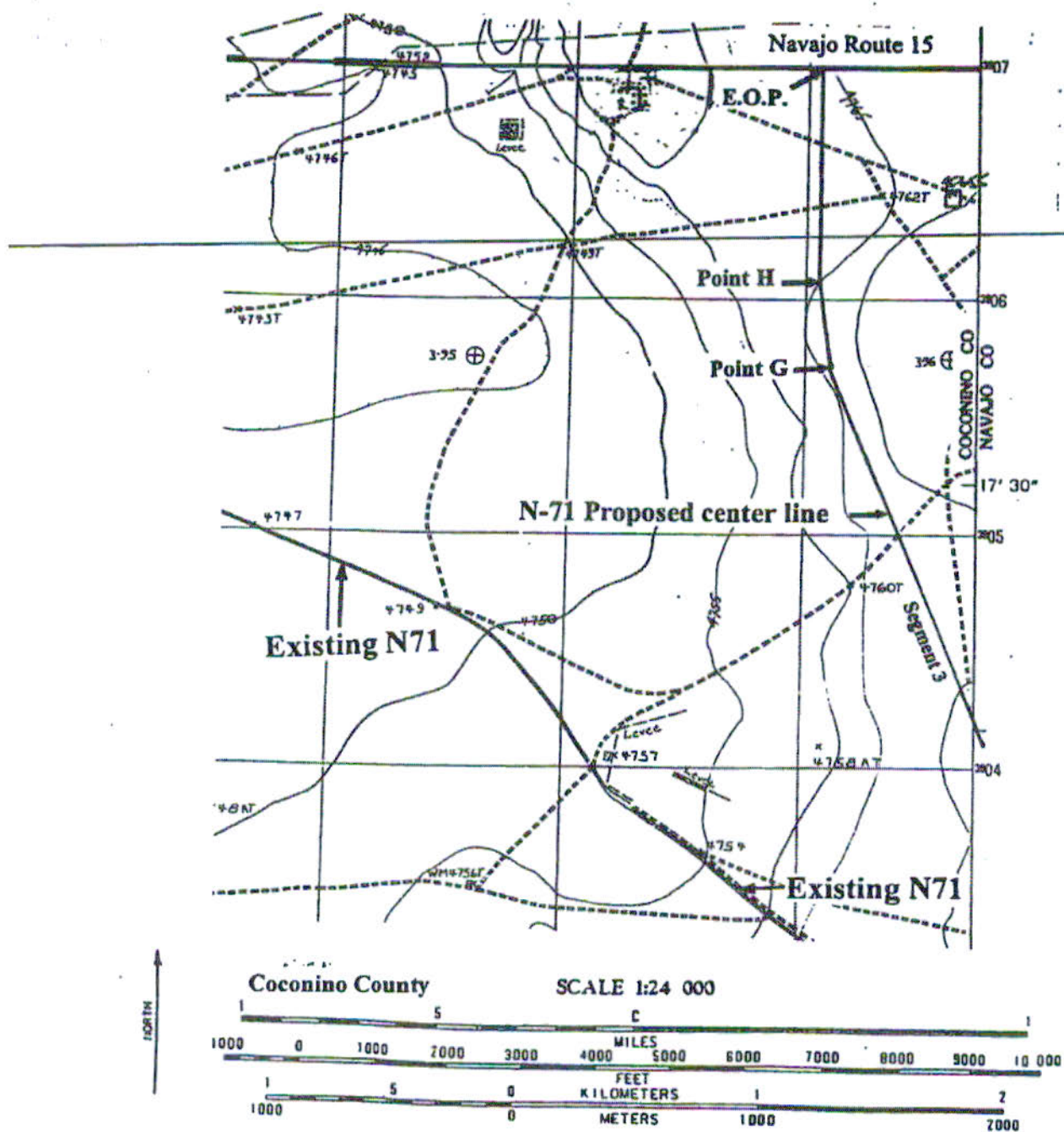


Figure 5. Location Map Showing Project Alignment and Location for the Navajo Route N71(2&3) Road Project. USGS 7.5' Quad: East of Old Leupp, Arizona 1986. HPD-92-392.3/BOR-94-007.3.

Biological Evaluation Report

7.5 Mile of New Roadway Alignment on N71 and
Little Singer Access Road
Bird Springs Chapter, Coconino County, Arizona



Prepared for:

Navajo Division of Transportation & Bird Springs Chapter



Prepared by:



Geraldine Jones, Senior Environmental Specialist
Project Management
(928) 674-2136

Prepared on:

May 2015

Attachment 5 – Biological Report

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Attachment C (Natural Heritage Program Correspondence-Species Listing.).....	14

I. Introduction

Navajo Division of Transportation (NDOT) Project Management Department had completed a field survey of new roadway alignment of N71 and Little Singer School Access Road within Bird Springs Chapter, Coconino County, Arizona in April 2014. The area had been assessed for soil type, geologic information, and Threatened and Endangered Species. Navajo Division of Transportation had received a listing of threatened and endangered species from Navajo Fish and Wildlife. Habitat and specie survey had been completed to ensure its habitat were properly located and later avoided and mitigated in order to lessened the impacts. Bureau of Indian Affairs Department of Transportation of Western Agency is planning to re-aligned 7.5 miles of road from the intersection of N71 and N15 to Bird Springs Chapter House to the Little Singer School including an access road which is 0.72 miles is part of the improvement. On page 10 are maps of where the old and new alignment is at. The existing road N71 becomes impassable during inclement weather and gets flooded out as well. The road is utilized by the community people to travel to Little Singer School and Winslow. Several school districts, emergency personnel and medical personnel use the road as well. Many residents have health conditions that live along his road. The survey was conducted on the entire length of the road. A biological report had been done in the past in 2000.

A. Location:

The new roadway alignment starts about from the intersection of N71 and N6830. The alignment goes in a northwesterly direction for a couple of miles and goes to the north where it ends by Bird Springs Chapter House at Route N15. It is 4.6 miles from the Little Colorado River.

B. Project Description

1. The new roadway construction will consist of road grading, drainage work, clearing and grubbing, right-of-way fencing, placement of a chip seal surface, and other incidentals for 7.5 miles. Other activities include blading to prep the road for the application of the aggregate material.

II. Description of Environment:

A. Topography

1. N71 is in a flat terrain. Elevation is around 4,700 feet. The southern portion of the area is in a floodplain of the Little Colorado River where the existing N71 is at. The riverbed shows the scouring and sediment deposition.

B. Geologic Parent Material

1. The geology of the area consists of Quaternary sedimentary deposits overlying the Chinle and Moenkopi bedrock formation. The sedimentary deposits are clay, silt, sand, and gravel. To the west of the area you will see the landmark San Francisco Peak. To the northeast is the Seba Dalkai hills.

C. Soil Type

1. Clay and silt sand are the main soil types on the entire length of the road. Several areas are gravel.

D. Habitat Type

1. Observed vegetation within the road location were snakeweed, dry tumbleweed, narrow leaf yucca, bunch grasses, salt bushes, wide leaf yucca, cholla cactus, prickly pear cactus, rabbit brush, greasewood, and salt grass.

III. Species Biology and Status:

January 21, 2014, Navajo Division of Transportation Project Management Department received a list of "*potential species*" on N71 from Navajo Fish & Wildlife. Navajo Fish & Wildlife has a total of nine (9) listed species; 1) Arizona Rose Sage, 2) Peregrine Falcon, 3) Southwest Willow Flycatcher, 4) Yellow Warbler, 5) Yellow-billed Cuckoo, 6) Mountain Plover, 7) Ferruginous Hawk, 8) Burrowing Owl, and 9) Golden Eagle.

1. Arizona Rose Sedge (Bigleaf Sage)

NESL group 4,

Much branched spreading shrubs. Flowering from July to October. This specie can be found in dry, sandy slopes or in rocky places in mountains in desert foothills on the Navajo Nation. Distribution is north of Dilkon.

2. Peregrine Falcon

NESL group 3, ESA endangered, MBTA

Crown and nape black; black wedge extends below eye, forming a distinctive helmet. Peregrines inhabit open wetlands near cliffs. The most common habitat for this bird is the presence of tall cliffs. Cliffs serve as perching and nesting sites, and unobstructed view of the surrounding area. Peregrine feed primarily on small to medium sized birds, such as songbirds, shore birds and ducks.

3. Southwest Willow Flycatcher

NESL group 2, ESA Endangered

Breeding range may occur at any elevations. Fly catcher territories and nests are typically near open water, cienegas, marshy seeps, or saturated soil having dense patches of vegetation interspersed with small openings and sparser vegetation that is not uniformly dense

4. Yellow Warbler

NESL group 4,

There are no current breeding records for Navajo Nation, but potentially exists throughout suitable habitat. Nests can be found primarily in wet areas, often associated with wetlands.

5. Yellow-billed Cuckoo

NESL group 2,

The cuckoo population covers the western part of United States including the Navajo Nation and rare. Breeding may occur at all level of elevations throughout Navajo Nation. Breeding may occur along the Little Colorado and Colorado rivers, within Canton de Chelly, Chinle Valley, and other canyons or streams with appropriate areas. This specie will nest within close proximity of water.

6. Mountain Plover

NESL group 4, ESA candidate, MTBA

Mountain Plover shows white underwings. This specie prefers habitat on dry level of semi-desert prairies and grassland with scattered shrubs. This specie is associated with prairie dog towns, nesting in shallow depression on barren flat land.

7. Ferruginous Hawk

NESL group 3, MBTA, ESA

This species is brown with variable golden wash over back of head and neck. This species prefer high cliff, butte, mesa, and volcanic plus surrounded by open grassland with minimal human disturbance.

8. Burrowing Owl

NESL group 4,

This species has a wide breeding distribution on the western part of North America. This species does exist south of Texas on towards California, Oregon and Washington. This species does occur on the Navajo Nation as well in low elevations desert land to juniper habitats. Nest can be found in ground burrow typically in dry open grassland.

9. Golden Eagle

NESL group 3, MBTA, ESA

This species is brown with variable golden wash over back of head and neck. This species prefer high cliff, butte, mesa, and volcanic plus surrounded by open grassland with minimal human disturbance.

IV Survey Method:

- A. The listing of threatened and endangered species provided by Navajo Fish & Wildlife was reviewed and there were a total of nine species. Habitat survey was done within and near the existing road beginning from N71 and N6830 intersection and ending at N15 by Bird Springs Chapter House.
- B. No survey was conducted within or near the Little Colorado River because the Beginning of Project is about 4 miles north of the river.
- C. Field surveying was conducted on the new roadway alignment and the Little Singer Access road. 7.5 miles total in length.
- D. Survey conducted on May 18 to 20, 2015 was in conjunction with Plans in Hand Field Review with the presence of BIA Area Office personnel out of Gallup, NM and BIA personnel out of Western Agency.
- E. The survey was conducted in March, April, and May 2015. Survey was conducted on the basis of habitat suitability for these species of concern. A field survey consisted of going through each species and its habitat. Habitat assessment was conducted according to each individual species' habitat suitability for these species of concerns.

1. Arizona Rose Sage (Bigleaf Sage)

Area is heavily vegetated but this species doesn't exist.

2. Peregrine Falcon

No species was observed and habitat does not exist as well.

3. Southwest Willow Flycatcher

During the time of the area was surveyed, there were no species found.

4. Yellow Warbler

No specie was observed throughout the surveying period.

5. Yellow-billed Cuckoo

This specie has been mentioned to have its breeding along the Little Colorado River, but the project

6. Mountain Plover

Habitat exists, rolling flat grassland, but no specie had been observed during the survey periods.

7. Ferruginous Hawk

Habitat for this specie does exist within the area. There was rolling desert grassland, but no specie was observed during the survey periods. NTUA power lines are within the area but they do not have any nests as well.

8. Burrowing Owl

Area is an open grassland, but no specie was observed in the area.

9. Golden Eagle

Area is heavily vegetated where jackrabbits are around, this specie can prey on jackrabbits but during survey periods, no specie observed in the area.

V Survey Results:

- A. Surveys were conducted several days in March, April and May of 2015 on N71. West of N71 you could see San Francisco Peak.
- B. A total of 7.5 miles of new roadway alignment with a 150 feet ROW will be affected.
- C. During the time of the survey, no listed threatened and endangered species were found and their habitats as well.
- D. Observed species included crows and rabbits. No nests were found within the area.
- E. There were NTUA water and utility line crossings in several areas of the new roadway alignment and Little Singer School Access road. A sewer and water manholes will be relocated along the Little Singer School Access road.
- F. A cattle guard that was located at the Beginning of Project will be moved to the End of Project.
- G. A total of 14 culverts will be installed on the new roadway alignment and BIA Western Agency Office will consult with Navajo Nation EPA on Clean Water Act permitting.

VI Impact Analysis:

- A. A total of 7.5 miles of new roadway alignment including Little Singer School Access road will be impacted by clearing, grubbing, and blading. Heavy Equipment Operators will be informed to stay within the 200 feet road ROW granted to eliminate further disturbance and contamination.

B. Impacts on threatened & Endangered Species

1. The project will have no impact on the listed species provided by Navajo Fish & Wildlife and there were no wetland areas within or near the new roadway alignment and Little Singer School Access road.
2. Clearing, grubbing, blading and prep work for gravel activity will be done on the new roadway alignment and Little Singer Access Road to build a safer bus route and public road. Vegetation growth within the 150 feet Right-of-Way will be cleared. Vegetation growth outside the Right-of-Way will be avoided to eliminate erosion.
3. There should be no disturbance to the soil along the ROW. Disturbance to soil may result in increase siltation and sedimentation.

VII Avoidance and Mitigation:

- A. 7.5 miles with a 150 feet wide will be impacted to construct the new roadway alignment with the Little Singer School Access road. To avoid further impacts and disturbance, equipment operators needs to stay within the proposed new roadway alignment and Little Singer School Access road.
- B. Careful and diligent implementation of Best Management plans and practice of erosion and sedimentation controls will mitigate siltation and sedimentation impacts along the right-of-way.
- C. Prevention of possibility of leakage of toxic material and hazardous substances off heavy equipments should be put into a plan and implemented during grading. All equipments shall be inspected daily for leaks and spills. All leaking equipment should be removed from the site until all leaks are repaired and cleaned up. All leaks and spills should be reported.
- D. All toxic and hazardous substances, oil, fuel, and lubricants, and hydraulic fluids shall be kept in appropriate containers form preventing contamination of the environment.

VIII Conclusion:

The major concern of the entire project is the possible impacts to the vegetation and soil outside the 150 feet Right-of-Way. Listed Threatened and Endangered species provided by Navajo Fish and Wildlife had been surveyed and no species were observed. Habitat for endangered birds do exist but no nests had been found within or near the area. The new roadway alignment with Little Singer School Access road will have an impact of 7.5 miles with 150 feet Right-of-Way. Area will be disturbed heavily by clearing, grubbing, and blading. The improvement mainly will be on the proposed 150 feet Right-of-Way. The existing N71 will continue to be used during the new roadway alignment is being constructed, so daily traffic will not be affected. There are heavy traffic going through everyday utilized by residences, school buses, medical patients, and etc. The construction of new roadway alignment will make it a safer road for motorist, because there are many pot holes and wash outs of the road. During rainy months and winter time, the road gets impassible due to the dirt condition.

IX Personnel

Geraldine Jones, Senior Environmental Specialist
Navajo Division of Transportation
P.O. Box 4620
Window Rock, Arizona 86515
(928) 674-2136

X. Consultation & Coordination

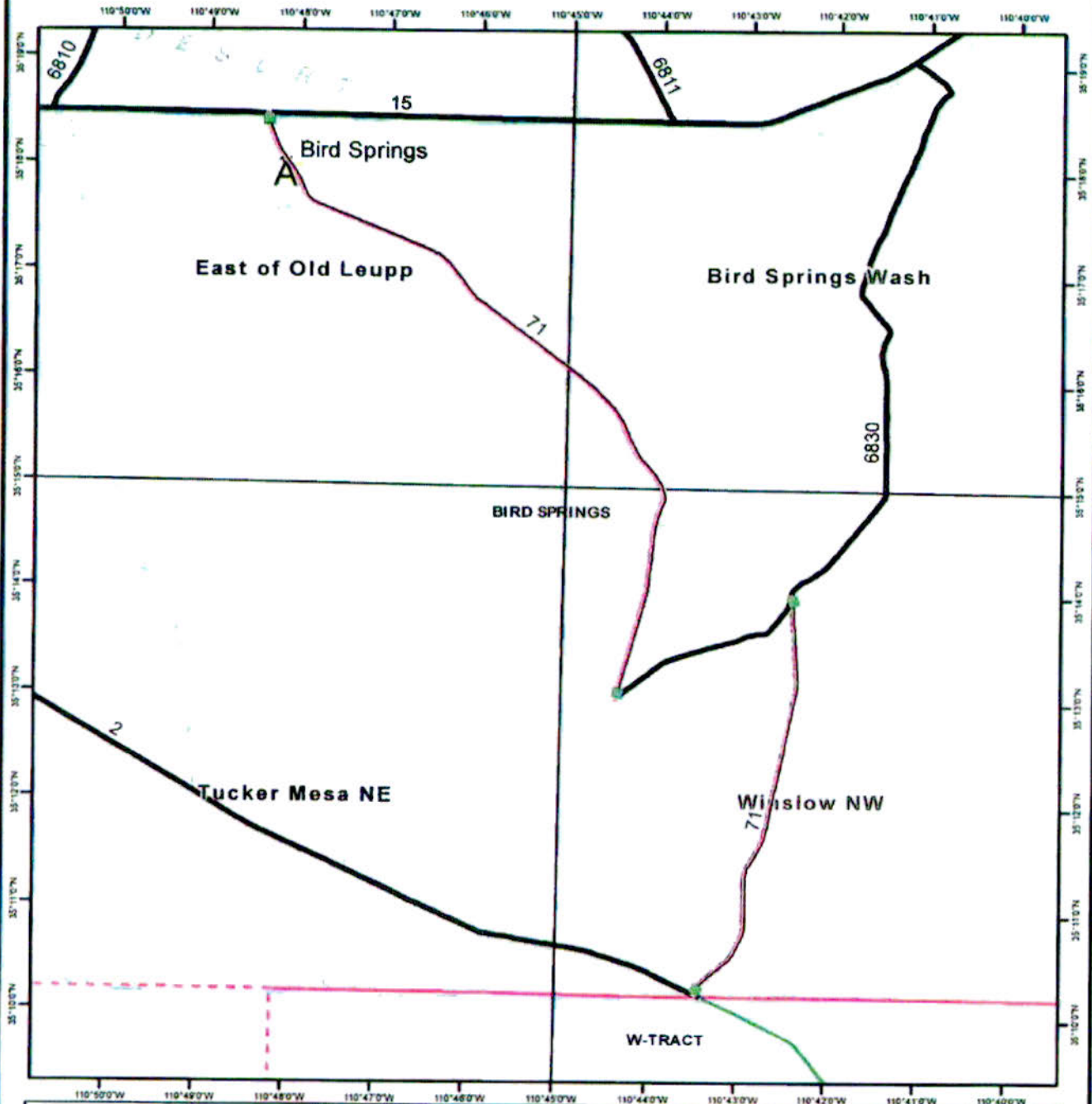
Dexter D. Prall, GIS Supervisor
Department of Fish & Wildlife
P.O. Box 1480
Window Rock, Arizona 86515

XI Bibliography & References

Navajo Nation Endangered Species List, Species Accounts, Version 2.05, August 2005



WESTERN AGENCY
Route N71 - Current Route
East of Old Leupp, Bird Springs Wash & Winslow NW



- Sections
- Chapter Locations
- BIA Roads
- State Roads
- County Roads
- US Highways
- Chapter

- Others
- 32 - Shiprock
- 33 - Western
- 34 - Eastern
- 35 - Chinle
- 36 - Fort Defiance

Route: 71
Ownership: BIA
Length: 13
Date: May 15, 2015

0 1.7 Miles

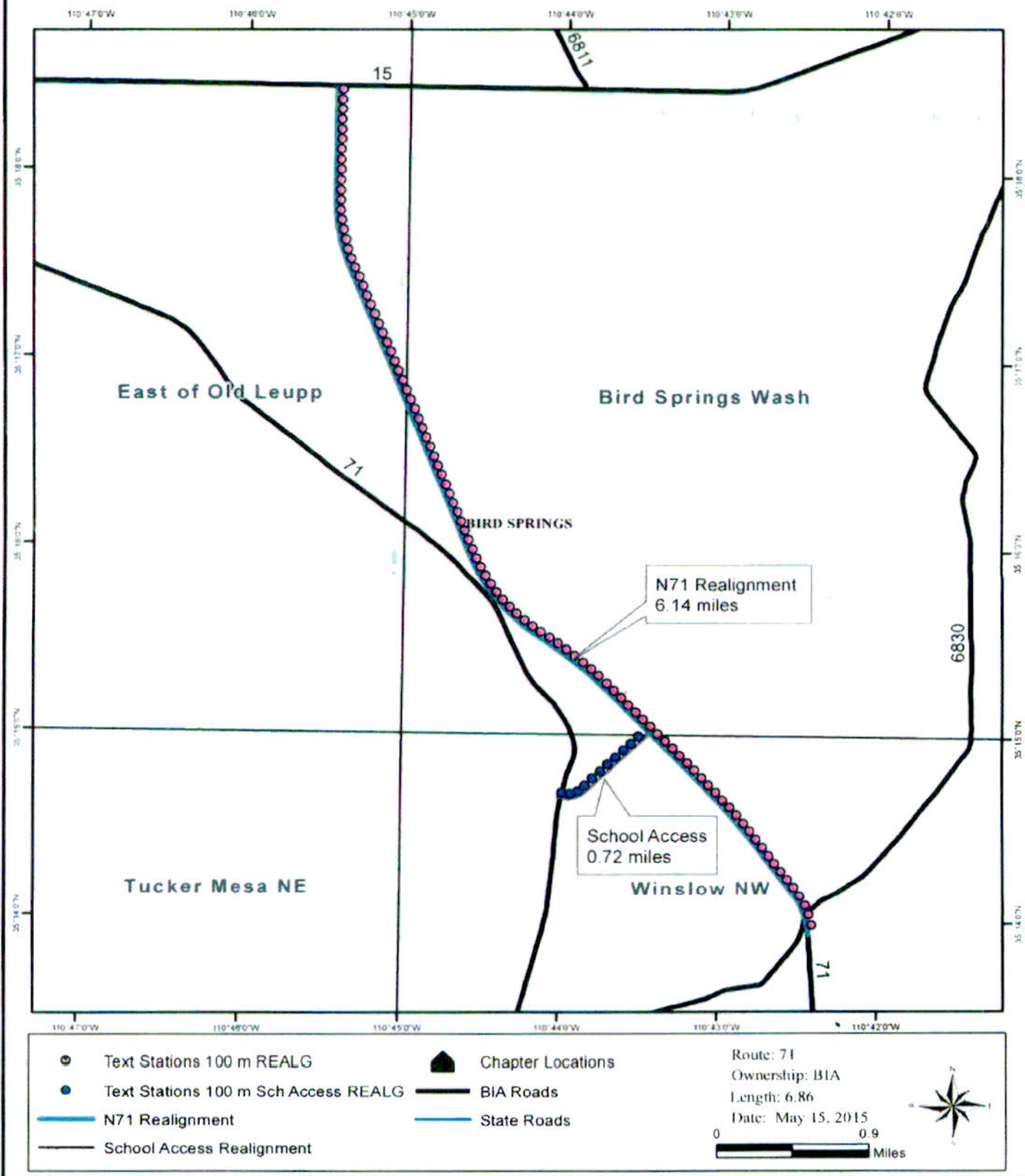


Attachment B

Map of New Roadway Alignment of N71 with Little Singer School Access Road
Bird Springs Chapter, Coconino County, Arizona



WESTERN AGENCY
Route N71 Realignment
East of Old Leupp, Bird Springs Wash, & Winslow NW



B. Existing Data Review: A check of NNHPD records prior to the survey indicate that there has been no previous archaeological survey conducted, and no sites were recorded within a 200-foot radius of the project area.

C. Area Environmental & Cultural Setting: The environment for this project is located on fine-grained brownish-tan eolian soil. Vegetation includes snakeweed, rabbitbrush, saltbush, yucca, and small grasses. The elevation is approximately 4797 ft (m). The Cultural setting of this area includes the ancient community of Anasazi that occupied the Little Colorado River to the southwest. The main occupation is called "Homol'ovi Ruins" located near Winslow and to the southwest along the Little Colorado River. Up to 5 clusters of roomblocks are located there with planting fields.

D. Field Methods: Kimberly Mangum performed a Class III pedestrian inventory of a 17.7 ac/7.1 ha road segment using east to west transects spaced approximately 15 meters apart, for the project area. This method provided 100% coverage of the total area of effect which is 17.7 ac/7.1 ha, the total area surveyed, which is 17.7 ac/7.1 ha. At the time of survey, Kimberly Mangum conducted a Traditional Cultural Places (TCPs) interview with local residents concerning burials, sacred places, and plant/herb gathering areas that would designate the presence of TCPs located within the project area. Local residents stated that there are no TCPs located within the project area.

15. CULTURAL RESOURCE FINDINGS:

A. Location/Identification of Each Resource: No cultural resources were encountered.

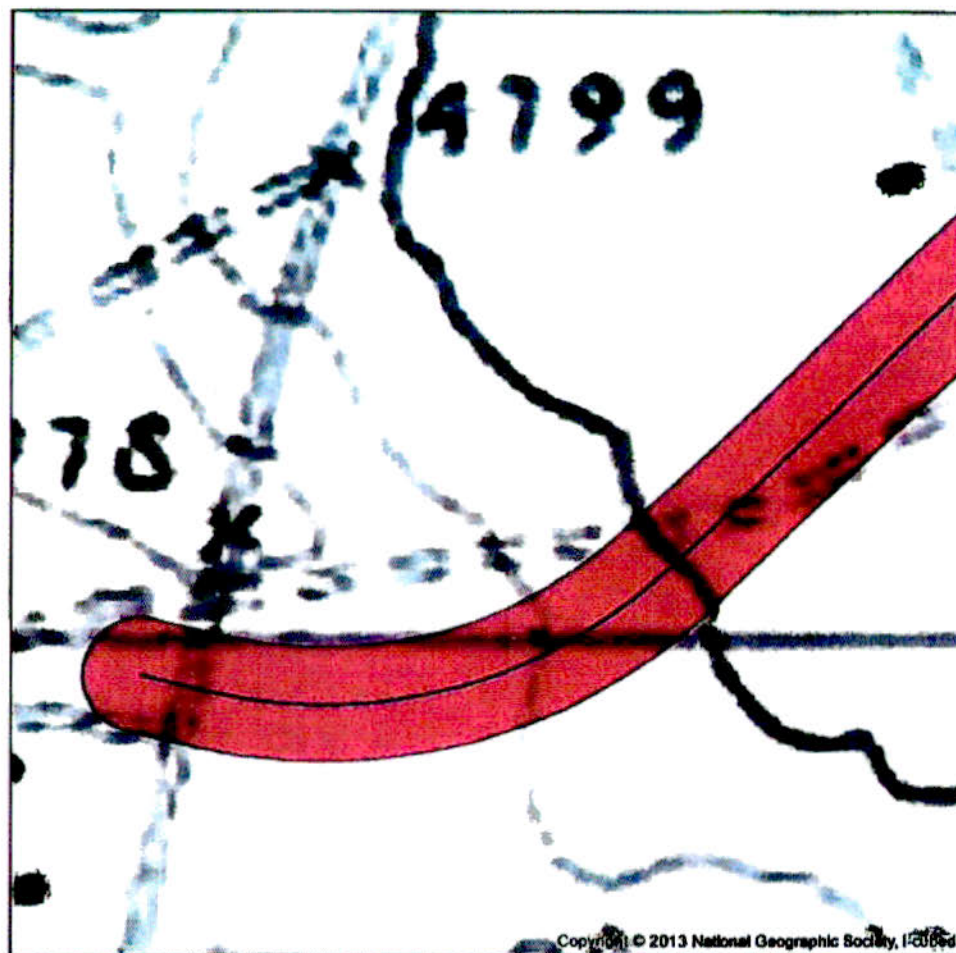
B. Evaluation of Significance of Each Resource: No cultural resource to evaluate.

16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking, and we recommend the client be allowed to proceed with their construction as planned.

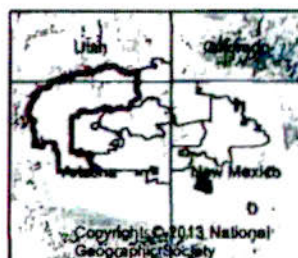
17. CERTIFICATION:

SIGNATURE/DATE: Taft Blackhorse
General Charge Name: Taft Blackhorse, Project Management Director

SIGNATURE/DATE: Kimberly Mangum
Direct Charge Name: Kimberly Mangum, Principal Archaeologist



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N71(3) Little Singer Spur Road

Legend

 Project Area

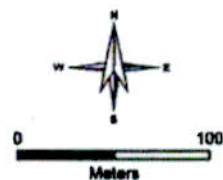
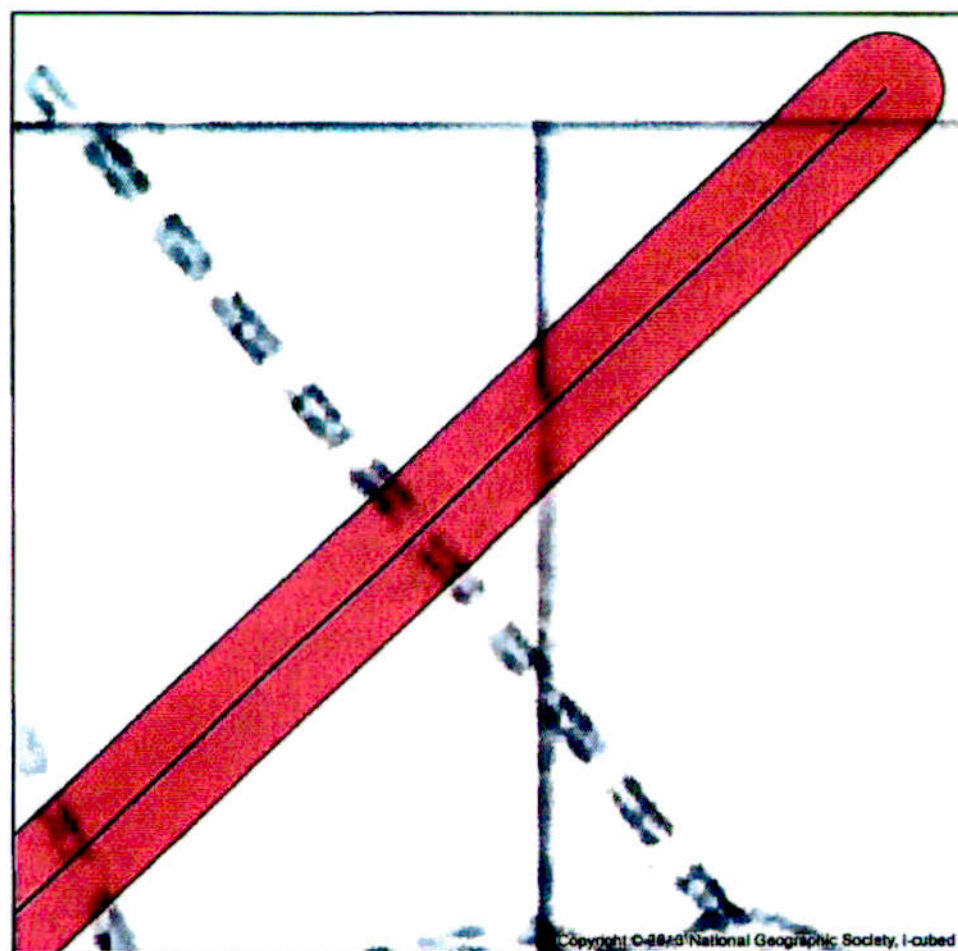
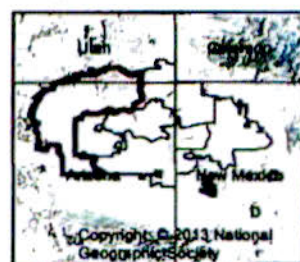


Figure 2. N71(3) Spur Road at 1:3,000 m scale. National Geographic Society Digital Map.



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N71(3) Little Singer Spur Road

Legend

 Project Area

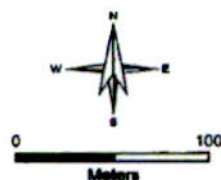


Figure 3. N71(3) Spur Road at 1:3,000 m scale. National Geographic Society Digital Map.

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE

1. HPD REPORT NO. <i>* REVISED: HPD-15-481</i>	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: NDOT 13-08: <i>A Cultural Resource Inventory of 0.73 miles of N71(3) Bird Springs Spur Road to Little Singer School for Navajo Division of Transportation in Bird Springs, Navajo County, Western Agency, Arizona.</i> Author: Kimberly Mangum		5. FIELDWORK DATES: 5/21;6/2/14
CONSULTANT NAME AND ADDRESS: Gen'l Charge: Taft Blackhorse Org. Name: Navajo Department of Transportation Org. Address: Dilkon NDOT Yard BIA RT 60 Telephone: (928) 657-8185		6. REPORT DATE: July 1, 2014
10. SPONSORING ORGANIZATION NAME AND ADDRESS: Ind. Responsible: Taft Blackhorse Org. Name: Navajo Division of Transportation Org. Address: PO BOX 4620 Window Rock, AZ 86515 Telephone: (505) 371-8394		8. PERMIT NO. NTC
		9. CONSULTANT REPORT NO. NDOT 13-08
		11. SPONSOR PROJECT NO. N/A
		12. AREA OF EFFECT: 17.7 ac/7.2 ha AREA SURVEYED: 17.7 ac/7.2 ha
13. LOCATION (MAP ATTACHED): <u>Written description of project area location/access:</u> This project is located along the Rincon Basin of the Painted Desert. Little Colorado River is located ca. 2.5 miles southwest. Ives Mesa is to the northeast ca. 4.5 miles. Access to the project area is from the Bird Springs Chapterhouse. South of the chapterhouse is a two-track road. Take this route that heads southwest for 1.7 miles. At this junction turn left (SE) to a maintained dirt road. Follow this route for 4 miles to the Little Singer School. Immediately to the left (east) is the west end of the project area.		
a. Chapter: Bird Springs	e. Land Status: Navajo Tribal Trust	
b. Agency: Western	f. UTM Center: N3900466 E524753 (Zone 12)	
c. County: Navajo	g. Legal Location: T21N, R15E of Sections 2 & 3	
d. State: Arizona	7.5' USGS Map: Bird Springs Wash & Winslow NW, Arizona (2013 National Geographic Society Digital Map)	

14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //

A. Description of Undertaking: The lead agency is Navajo Division of Transportation. The client has proposed to have use of an area for the construction of a 0.73 mile long by 200 feet wide graded road, consisting of grading, leveling, and graveling the new alignment and erecting right-of-way fences with gates. The area surveyed was 200 ft. wide, 100 feet left and right of the staked centerline.

Location surveyed	Northing	Easting
North end extent	3900841	525128
North end West extent	3900842	525088
North end East extent	3900796	525131
South end extent	3900188	524211
South end West extent	3900150	524231
South end East extent	3900212	524242

Attachment 6 – Arch Compliance

ECOSYSTEM

MANAGEMENT, INC.

Master EA

Environmental Assessment
N 71(1) (2) (3)
Birdsprings, Arizona
Navajo and Coconino Counties
Navajo Nation

Submitted to BIA by
Ecosystem Management, Inc.
4004 Carlisle NE, Suite C1
Albuquerque, New Mexico 87107



UNITED STATES GOVERNMENT

memorandum

DATE: JUN - 1 2001
REPLY TO
ATTN OF: Navajo Regional NEPA Coordinator

SUBJECT: FONSI - Project N71(1)1,273(2)2&3(3)2&3, - Near Birdsprings,
Navajo & Coconino Counties, Arizona EA-00-148 (Ref.EA-95-028)

TO: Area Road Engineer
Attention: Supervisory Highway Engineer (Planning and Design)

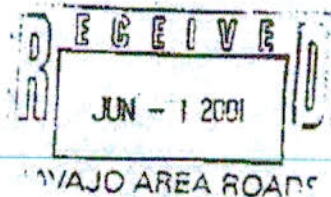
The environmental assessment, EA-00-148, for the proposed replacement (realignment and graveling) of Navajo Route 71 near Birdsprings, Navajo County, Arizona, Project N71(1)1,2&3,(2)2&3, and (3)2&3, was reviewed in the Navajo Regional Office, Branch of Environmental Services. A Finding of No Significant Impact (FONSI) has been determined for the proposed action which will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the road project is not required.

The attached FONSI determination should be appended to the final EA and all other copies prepared for distribution. Submit a file copy of the final EA to the Navajo Regional Office, Branch of Environmental Services.

If you need additional information or have questions about the FONSI determination, you may contact Mr. Leonard Robbins, Navajo Regional NEPA Coordinator, at (505) 863-8286.



Attachment



OPTIONAL FORM NO. 10
GSA
(REV. 1-84)
5010-118
NSN 7540-00-654-0924

FINDING OF NO SIGNIFICANT IMPACT
BIRDSPRINGS ROAD AND LITTLE SINGER SCHOOL ACCESS ROAD
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-00-148
LOCATION: Winslow, NW, AZ. and Bird Springs Wash, AZ
Quadrangles, USGS 7.5 Minute Series Maps
E.O.P: T21N, R15E, Unplatted
E.O.P: T22N, R15E, Unplatted
Near Birdsprings, Navajo & Coconino Counties, Arizona

The proposed action is realignment and graveling of Bird Springs Road (Navajo Route 71) including construction of three bridges, and a school access road. Project N71(1)1,2&3, (2)2&3, and (3)2&3, will encompass 314 acres (127 hectares). The project is sponsored by the Bureau of Indian Affairs, Navajo Regional Office, Branch of Roads, P.O. Box 1060, Gallup, New Mexico 87305.

The project environmental assessment (EA) was reviewed in the Navajo Regional Office, Branch of Environmental Services. Based on the information contained in the environmental assessment, and the mitigation measures specified in the document, it is determined that the project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the project environmental assessment document, serve as the basis for this decision:

1. Agency and public involvement was solicited, and environmental issues relative to the development of the N11 road construction project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and five potentially viable alternatives including the "no action" alternative.
3. Re-vegetation measures shall be applied to all disturbed land surfaces. Species and planting methodologies will be those recommended by the Navajo Nation Department of Agriculture (EA, Appendix 7).
4. Potential impacts to flood plains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990. In consultation with the Army Corps of Engineers, it is determined that there are no

jurisdictional wetlands in the project alignment (EA, Part IV.A.2)

5. CWA 401 - In compliance with the Clean Water Act, as amended, Clean Water Certification from the United States Environmental Protection Agency shall be obtained prior to construction. It is anticipated that this project will be authorized under Nationwide Permit No. 14, Linear Transportation Crossings (EA, Part IV.B.2).

6. CWA 402(p) - In compliance with the Clean Water Act, as amended, Section 402(p), Storm Water Pollution Protection, a notice of intent for storm water discharges associated with construction activities shall be filed with the U.S. Environmental Protection Agency by the Bureau of Indian Affairs, Branch of Roads or its contractor (EA, Part IV.B.2).

7. CWA 404 - In compliance with the Clean Water Act, as amended, consultation with the U.S. Army Corps of Engineers shall take place prior to construction to verify that the project can be constructed under the authority of Nationwide Permit No. 14, Linear Transportation Crossings (EA, Part IV.B.2).

8. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 Consultation, and 36 CFR 800.9 (b), a cultural resources assessment, including traditional cultural properties, was performed for the proposed project by the Navajo Nation Historic Preservation Department (NNHPD) which issued Cultural Resource Compliance Form (CRCF), NNHPD NO. 92-392.1. The NNHPD determined that the project will have no effect on significant cultural resources. The Bureau of Indian Affairs and its contractors shall comply with the condition stated in the CRCF (Appendix 5).

In the event of a discovery [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 must cease, and the Navajo Nation Historic Preservation Department must be notified.

9. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Nation Natural Heritage Program (NNNHP). There is no record of species of concern occurring on the proposed road alignment. Vehicular and pedestrian surveys of the project site to determine impacts to T & E species were conducted by Ecosystem Management, Inc., biologists in the spring and summer of 2000. It was determined

that the proposal to construct N71 will have minimal impact on the biological resources in the project area. A Southwestern willow flycatcher survey shall be conducted prior to construction where a bridge is proposed to cross the Little Colorado River. If nesting Southwestern willow flycatchers are identified at the site, construction will occur outside the breeding season. A survey for Bald eagles shall be conducted in the winter and spring prior to construction. Surveys for occupied migratory birds shall be conducted in the spring/summer prior to construction (Appendix 3 - Biological Evaluation Report).

10. Public health and safety would be significantly enhanced by the proposed action. Construction of the new alignment and bridges will provide safer driving conditions under adverse weather conditions and high flows in the Little Colorado River. The proposed road will provide an improved route for emergency vehicle response (EA, Part IV.D.1).

11. In accordance with the Resource Conservation and Recovery Act, Subtitle C, hazardous materials/waste will be mitigated as described in the EA, Part IV.C.

12. In accordance with the Resource Conservation and Recovery Act, Subtitle D, non-hazardous solid waste will be mitigated as described in the EA, Part IV.C.

13. Cumulative and secondary effects on soil quality, cultural resources, and wildlife resources (species and habitat) were considered and found acceptable with the proposed mitigation.

14. In accordance with the President's Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

15. The proposed project, supported by resolution of the Bird Springs Chapter, would improve the economic and social conditions of the affected Indian communities (Appendix 2).


Navajo Regional NEPA Coordinator

JUN -1 2001

Date

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APPENDICES

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- (4) Wetland Delineation Forms
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I. Description of the Proposed Action

A. Project Description

The Bureau of Indian Affairs (BIA) Navajo Regional Office, Branch of Roads proposes to replace Navajo Route 71 (N71), the Birdsprings Road, an existing dirt road located on the Navajo Nation near Birdsprings, in Navajo and Coconino Counties, Arizona. The new alignment, N71 (1) 1, 2 & 3, (2) 2 & 3, & (3) 2 & 3 begins at Navajo Route 2 at the end of County Road 7 and ends at the existing pavement of Navajo Route 15 (Appendix 1). Construction will consist of clearing and grubbing of vegetation, cutting roadway, filling embankments, installing drainage pipes, constructing two major bridges, and placing gravel on the road surface. Construction will be scheduled for three phases (Appendix 1). The first phase, N71 (1) 1, 2 & 3 is located in the southern portion of the project. In this phase, one bridge is proposed to cross the Little Colorado River and one bridge is proposed to cross the floodplain. The first phase is approximately 3.6 kilometers (km) (2.2 miles [mi]) in length, of which 0.2 km (0.1 mi) consists of the existing Navajo Route 2. The second phase, N71 (2) 2 & 3 is approximately 4.3 km (2.7 mi) in length. The third and northern phase of the project, N71 (3) 2 & 3, is approximately 11.7 km (7.3 mi) in length. An access road from the proposed N71 (3) 2 & 3 alignment to the Little Singer School is also included as part of the proposed project. This access road is approximately 1.2 km (0.7 mi) long. The right-of-way width for this project is 60.96 m (199.95 ft) wide. The total length of the project is approximately 20.8 km (12.9 mi). The total area of land to be affected by this project is approximately 127 hectares (ha) (314 acres) (ac).

A Finding of No Significant Impact (FONSI) already exists for Project N71 (1) 1, 2 & 3 (EA-95-028). However, since that time, the project description and preferred alternative route has been revised. Also, the second and third phases of this project were not included in the original EA. Therefore, this new EA, with a revised project description and new information, covers the whole project and supersedes the previous EA.

B. Purpose and Need for Action

The purpose of the action is to provide an all-weather crossing of the Little Colorado River and the associated floodplain. The existing N71 crosses the bed of the Little Colorado River. When the river is running, crossing can only be made by four wheel drive vehicles. At times, no vehicles can traverse this river crossing. Even when the river is dry, school buses and ambulances do not use the crossing because of the potential of getting stuck in the sand (BIA 1996). N71 is the shortest route to Winslow where Birdsprings residents rely upon services provided by medical clinics, schools, and commercial establishments. Two alternative routes, Arizona State Highway 87 to east and Arizona State Highway 99 to the west add 1.5 to 2.0 hours to the trip from Birdsprings to Winslow. The new alignment would improve public safety and reliability for those using N71.

C. Location

The project is located on the Navajo Nation near Birdsprings in Navajo and Coconino Counties, Arizona. The beginning of the project (the southern terminus) is located in T 21 N, R 15 E and the end of the project (northern terminus) is in T 22 N, R 15 E. The Townships and Ranges in this region were surveyed prior to the year 1900; consequently much of the area is unplatted. The project is mapped on the following US Geological Survey 7.5 minute quadrangles: Winslow NW, AZ; Bird Springs Wash, AZ; and East of Leupp, AZ (Appendix 1).

II. Alternatives

The northern terminus and southern terminus of the proposed alignment are the same for all four action alternatives. The locations of all alternative routes are shown in Appendix 1.

A. No Action Alternative- Existing Navajo Route 71

This option maintains the current transportation route with the low-flow crossing of the Little Colorado River. The no action alternative begins approximately 0.8 km (0.5 mi) west of the four action alternatives. The road at the river crossing is likely to lower over time and eventually become unusable (BIA 1996). A segment of N71 is also located within the floodplain of the Little Colorado that periodically floods over the road. The existing Navajo Route 71 is a dirt road that may not be passable after a rain or snow.

B. Alternative Route A1-Preferred Alternative

The total length of Alternative route A1 is 19.6 km (12.2 mi). The width of the corridor is 60.96 m (199.95 ft). The proposed alignment begins at Navajo Route 2 (the southern limit of the project) and ends at the existing pavement of Navajo Route 15 east of the Birdsprings Chapter House (the northern limit of the project). The floodplains will be bridged and culverted. Under Alternative A1, one bridge is proposed to cross the Little Colorado River and one bridge is proposed to cross the floodplain. Bridge spans range from 78 m (256 ft) to 334 m (1096 ft). Corrugated metal pipe culverts and and/or pipe arches will be spaced between the bridges that will cross the floodplain (Red Mountain Engineers 1998). The lowest point of the bridge beams are set at no less than 0.6 m (2.0 ft) above the 25-year water surface elevations (Red Mountain Engineers 1998). Of the four alternatives, A1 is the one located on the highest ground and farthest to the east. Approximately 3.2 km (2 mi) of this alternative is located within the floodplain. An access road from the proposed N71 alignment to the Little Singer School is also included in this alternative. This access road is approximately 1.2 km (0.7 mi) long and 60.96 m (199.95 ft) wide (BIA 1999). The proposed access road is not in the floodplain.

The residents of the Birdsprings Chapter support Alternative Route A1 over the No Action Alternative and Alternative Routes A2, A3, and A4 (Appendix 2, Resolution of Birdsprings Chapter, Western Navajo Agency, Resolution No: BS-08-051-99).

C. Alternative Route A2

The total length of Alternative route A2 is 13.61 km (8.46 mi). The width of the corridor is 60.96 m (199.95 ft). Of the four alternatives, the A2 alignment is the one located furthest west.

Segments of the A2 alignment route are identical with Alternatives A1, A2 A3 and A4 (Appendix 1) (BIA 1999). The floodplains will be bridged and culverted. Under Alternative A2, one bridge is proposed to cross the Little Colorado River and one bridge is proposed to cross the floodplain. Bridge spans range from 78 m (256 ft) to 334 m (1096 ft). Corrugated metal pipe culverts and/or pipe arches will be spaced between the bridges crossing the floodplain (Red Mountain Engineers 1998). The lowest point of the bridge beams are set at no less than 0.6 m (2.0 ft) above the 25-year water surface elevations (Red Mountain Engineers 1998). The locations of the proposed bridges are the same as those for Alternatives A1, A3, and A4. Approximately 5.6 km (3.5 mi) of this route is located in the floodplain (BIA Western Navajo Area Agency Memorandum, May 16, 2000). In comparison to the other four alternatives, a greater portion of this alternative route is located within the floodplain. This alignment also traverses Little Singer School land (BIA Western Navajo Area Agency Memorandum, May 16, 2000); therefore an access road to the school is not proposed under this alternative.

D. Alternative Route A3

The total length of alternative route A3 is 13.47 km (8.37 mi). The width of the corridor is 60.96 m (199.95 ft). Portions of the A3 alignment route are identical with Alternatives A1, A2 and A4 (Appendix 1) (BIA 1999). The floodplains will be bridged and culverted. Under Alternative A3, one bridge is proposed to cross the Little Colorado River and one bridge is proposed to cross the floodplain. Bridge spans range from 78 m (256 ft) to 334 m (1096 ft). Corrugated metal pipe culverts and/or pipe arches will be spaced between the bridges crossing the floodplain (Red Mountain Engineers 1998). The lowest point of the bridge beams are set at no less than 0.6 m (2.0 ft) above the 25-year water surface elevations (Red Mountain Engineers 1998). Approximately 4.0 km (2.5 mi) of this alignment is located in the floodplain (BIA Western Area Agency Memorandum, May 16, 2000). An access road to the Little Singer School is not required for this route (BIA Western Area Agency Memorandum, May 16, 2000).

E. Alternative Route A4

The total length of alternative route A4 is 13.59 km (8.44 mi). The width of the corridor is 60.96 m [199.95 ft]. The northern terminus, southern terminus, and the locations of the bridges are the same for all four alternatives. Portions of the A4 alignment route are identical with A1, A2 and A3 (Figure 1). The floodplains will be bridged and culverted. Under Alternative A4, one bridge is proposed to cross the Little Colorado River and one bridge is proposed to cross the floodplain. Bridge spans range from 78 m (256 ft) to 334 m (1096 ft). Corrugated metal pipe culverts and/or pipe arches will be spaced between the bridges crossing the floodplain (Red Mountain Engineers 1998). The lowest point of the bridge beam elevations are set at no less than 0.6 m (2.0 ft) above the 25-year water surface elevations (Red Mountain Engineers 1998). Approximately 4.4 km (2.75 mi) of this alignment is located in the floodplain. (BIA Western Area Agency Memorandum, May 16, 2000). An access road to the Little Singer School is not required for this route (BIA Western Area Agency Memorandum, May 16, 2000).

III. Description of the Affected Environment

A. Land Resources

1. Topography

The terrain in most of the project area and surrounding landscape is flat. Elevations range from approximately 1,453 m (4,780 ft) to 1,487 m (4,890 ft). The southern portion of the project area is located in the floodplain of the Little Colorado River. The floodplain has not been entirely mapped on Flood Insurance Maps.

The proposed river crossing is located at the apex of a river meander (NNEPA, letter May 5, 2000) or rather on the "straightest portion of the Little Colorado River that is in the area best suited for a crossing" (BIA, letter April 6, 2001). The riverbed shows evidence of scouring and sediment deposition. Sandbars are exposed during low flows in the river. The spur dike layout will be designed to counteract erosion related to the apex location. In response to the bridge site questions raised by NNEPA in their May 5, 2000 letter, an alternative bridge location was considered. However, due to the erosive nature of the channel, a straight section with stable characteristics and meeting other bridge criteria could not be located (see Appendix 8).

2. Soils

Surface soils at depths of 2.9 m to 5.9 m (9.5 ft to 19.5 ft) below the ground surface at the sites of the proposed bridges consist primarily of sand, silty sand, clayey sand, and sandy silty clay. The clayey sand is medium to high in plasticity. Sandstone and claystone underlie the surface soils (Geo-Test 1999). A soil survey of the entire project area has yet to be completed.

3. Geologic Setting

The geology in the project area consists of Quaternary sedimentary deposits overlying the Chinle and Moenkopi bedrock formations. The Chinle and Moenkopi formations are Tertiary age sediments. The sedimentary deposits are clay, silt, sand, and gravel that extend to depths that exceed 27.4 m (89.9 ft) in some areas. The Chinle formation in this area consists of the Shinarump, Owl Rock, and Petrified Forest members. The predominant rock types in the Chinle formation are claystone, mudstone, siltstone, sandstone and conglomerates. Shale, siltstone, mudstone, and sandstone are the predominant rock types in the Moenkopi formation that contains the Wupatki, Holbrook, and Moqui members (Geo-Test 1999).

The nearest fault line to the proposed bridge crossing is 3.2 km (2.0 mi) to the southwest (BIA 1996).

B. Water Resources

1. Surface Water

Stream flow in the Little Colorado River is intermittent and varies from over bank flooding to a dry channel. Approximately 85% of the stream flow in the Little Colorado River occurs during the March-April and August-September periods (Cooley et al. 1969). Data on the stream flow in is presented in Table 1.

Table 1: Little Colorado River Data* at Bridge Crossing

Bank full Width	21 m to 27 m (70 ft to 88 ft)
Flood prone Width	43 m to 46 m (140 ft to 150 ft)
Mean Depth	0.8 m to 0.9 m (2.5 ft to 2.8 ft)
Maximum Depth	1.1 m to 1.2 m (3.6 ft to 4.1 ft)

(*Natural Resources and Conservation Service 1999)

The Navajo Nation Environmental Protection Agency "designated uses" of the segment of the Little Colorado River within the project area are domestic, primary human contact, secondary human contact, ephemeral warm water habitat, and livestock and wildlife watering (Ecosystem Management, Inc. 1997).

Water quality in the Little Colorado River is degraded by flow alterations, rangeland practices, exotic species, metals, salinity, and selenium (Ecosystem Management, Inc. 1997).

2. Groundwater

Wells in the area produce 20 gallons/minute of brackish water, high in dissolved solids (BIA 1996). Groundwater is derived from the Navajo Sandstone in the N Aquifer and the C Aquifer which are present in the Shinarump Member of the Chinle Formation, the Coconino Sandstone and the Kaibab Limestone. Water derived from the C Aquifer in the Leupp area has more than 3,900 milligrams/liter of total dissolved solids (BIA 1996).

C. Air Resources

1. Quality

The air quality in the area is generally good. An air quality monitoring program was established in 1973 at the Cholla powerplant, located approximately 19.2 km (12 mi) west of Holbrook (BIA 1996) and an estimated 48 km (30 mi) southeast of the project area. The area is in attainment for air quality.

2. Visibility

Visibility is good except during high winds when there is considerable wind blown sand and dust in the air.

3. Climate/Meteorology

The climate is semiarid or sub-humid. Daytime temperatures in the summer are usually in the mid 90's Fahrenheit (°F) and nighttime temperatures are in the low 60's (°F). January, the coldest month, has an average high temperature of 48 degrees (°F) (9 degrees Centigrade [°C]) and an average low temperature of 19 degrees (°F) (-7 °C). Average annual precipitation is 17.8 centimeters (cm) (7 inches [in]). May and June are the driest months (BIA 1996).

D. Biotic Resources

1. Description of the Ecosystems and Biological Communities

The principal biotic community within the project area is the Great Basin Desertscrub (Brown 1982). There is also a riparian ecosystem along the Little Colorado River.

2. Wildlife

a. Terrestrial

A red-tailed hawk (*Buteo jamaicensis*) was observed soaring above a nest in a large cottonwood tree approximately 137 m (450 ft) west of the site proposed for a bridge in the floodplain. A nestling, presumably a red-tailed hawk, was observed and heard vocalizing on April 18, 2000. A songbird nest was observed in a cottonwood tree that is located within the project right-of-way, approximately 30 m (100 ft) east of the centerline of the alignment. This cottonwood tree is located in the floodplain within the project right-of-way at the site of a proposed bridge.

Bird species observed in the project area include the horned lark (*Eremophila alpestris*), raven (*Corvus corax*), and sage thrasher (*Oreoscoptes montanus*). Several desert cottontail rabbits (*Sylvilagus audubonii*) were seen. Animal species observed in the project area are listed in the Biological Evaluation (Appendix 3).

b. Riparian/Aquatic

The Little Colorado River is intermittent in the project area; consequently the channel is dry much of the year. Fish are not generally found. Amphibians, including the northern leopard frog (*Rana pipiens*), could occur along the river. No amphibians were observed in the project area.

c. Threatened and Endangered Species

The Navajo Natural Heritage Program responded to a request for information on threatened, endangered or sensitive species with potential to occur in the project area (Appendix 3).

Table 2: Sensitive Species that May Occur in the Project Area

Common Name	Scientific Name	Status
Pronghorn	<i>Antilocapra americana americana</i>	Group 3
Golden eagle	<i>Aquila chrysaetos</i>	Group 3; MBTA; EPA
Ferruginous hawk	<i>Buteo regalis</i>	Group 3; MBTA
Mountain plover	<i>Charadrius montanus</i>	Group 4; C; MBTA
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Group 2; E; MBTA
Greater roadrunner	<i>Geococcyx californianus</i>	-----
Bald eagle	<i>Haliaeetus leucocephalus</i>	T; MBTA; EPA
Black-footed ferret	<i>Mustela nigripes</i>	NESL Group 2; E
Western burrowing owl	<i>Speotyto cunicularia hypugea</i>	MBTA

C = federal Candidate; E = federal Endangered; EPA = Eagle Protection Act;

Groups 2 = Navajo Endangered Species List (NESL); Group 3 = NESL, Group 4 = NESL; MBTA = federal Migratory Bird Treaty Act.

The bald eagle (*Haliaeetus leucocephalus*) typically nests and roosts in large trees that are close to rivers, lakes, and reservoirs. They winter and nest at some locations in Arizona. There is suitable nesting and roosting habitat for this species in the project area. Bald eagles and nests were not observed during field surveys in April and May of 2000.

Black-footed ferrets (*Mustela nigripes*) are nocturnal mammals that inhabit abandoned burrows of prairie dogs that represent the primary prey species. Only prairie dog towns over approximately 200 acres (81 hectares) in size and with a density greater than 20 burrows per hectare are considered sufficient to support black-footed ferrets (US Fish and Wildlife Service

Black-footed Ferret Survey guidelines 1989). No prairie dog towns or black-footed ferrets were observed during field surveys.

Ferruginous hawks (*Buteo regalis*) generally inhabit dry, open country. The large stick nests are usually built in trees, on hillsides, buttes, cliffs or rocky pinnacles. The project area has limited potential habitat for this species. No ferruginous hawks or nests were observed during field surveys.

The golden eagle (*Aquila chrysaetos*) primarily inhabits hilly or mountainous terrain and hunts over open country for birds, snakes, carrion, and small mammals. Golden eagles nest in trees 3 m to 30 m (10 ft to 100 ft) above ground or on rocky cliffs. This species has been observed within 1.6 km (1 mi) of the project area at a site located on the Winslow NW USGS 7.5 minute quadrangle (Appendix 3). There are a few scattered cottonwood trees in the floodplain of the Little Colorado River suitable for nesting and roosting. No golden eagles or nests were observed during field surveys.

Greater roadrunners (*Geococcyx californianus*) inhabit dry, open country with scattered cover and brush. Roadrunners prey largely upon reptiles. There is suitable habitat in the project area. No roadrunners were observed.

Mountain plovers (*Charadrius montanus*) are found in varied topographical settings including barren playas, wide valleys, steep hills and ridgetops, rocky hillsides, and thickly vegetated flats (Sager 1996). A characteristic common to these settings is the presence of bare ground where this species nests. There is suitable habitat in the project area. This species migrates south for the winter. Mountain plovers and nests were not observed during field surveys.

Pronghorn (*Antilocapra americana americana*) inhabit areas of scattered shrubs and grasses with rolling hills or mesas. Bluegrass (*Poa* spp), globemallow (*Sphaeralcea* spp), and buckwheat (*Eriogonum* spp) are among the preferred foods of the pronghorn (Hoffmeister 1986). There is suitable habitat in the project area. No pronghorn were observed during field surveys.

The southwestern willow flycatcher (*Empidonax traillii extimus*) is a neotropical migrant endemic to riparian vegetation. This species is known to nest in tamarisk (*Tamarix* spp), boxelder (*Acer negundo*), and willows (*Salix* spp). There is suitable habitat for this species where the proposed bridge crosses the Little Colorado River (Figure 2). On the south side of the river, there is an area with tamarisk and coyote willow (*Salix exigua*). This area exceeds 3 m (10 ft) in width and is several hundred meters in length. On the north side of the river the same plant community is present but it is wider and extends through the entire right-of-way. A monoculture of tamarisk grows to the north for approximately 502 m (1,650 ft). No southwestern willow flycatchers or nests were detected during field surveys.

The western burrowing owl (*Speotyto cunicularia hypugea*) nests in burrows in pastures, grasslands, and farmlands. This species feeds upon rodents, birds, and reptiles. A significant portion of the project is located in a floodplain where rodent burrows are not common. Therefore, the area of suitable habitat is limited in the project area. No suitable burrows were observed in the project area. No western burrowing owls were observed during field surveys.

Potential suitable nesting habitat for the bald eagle, mountain plover, pronghorn and southwestern willow flycatcher are mapped on the USGS quadrangles (Appendix 1 of the Biological Evaluation).

3. Vegetation

a. Terrestrial

The vegetation to the north of the floodplain of the Little Colorado River is dominated by black greasewood (*Sarcobatus vermiculatus*), New Mexico saltbush (*Atriplex obovata*), rubber rabbitbrush (*Ericameria nauseosa*), and alkali sacaton (*Sporobolus airoides*).

b. Riparian/Aquatic

On the southern bridge approach, a flat, sandy plain near the Little Colorado River, the vegetation is dominated by the following shrubs and perennial grass species: black greasewood, (*Sarcobatus vermiculatus*), camelthorn (*Alhagi camelorum*), New Mexico saltbush, and alkali sacaton (*Sporobolus airoides*). This vegetation type extends southwest across the floodplain to Navajo Route 2 and beyond. There is a low terrace just above the riverbank on the west side. This terrace is dominated by camelthorn but also has sparse coyote willow (*Salix exigua*), sparse salt cedar (*Tamarix* sp), saltgrass (*Distichlis stricta*), and quackgrass (*Elymus repens*). Just below this terrace, at the river edge, is a narrow band of shrubby 0.6 m - 0.9 m (2 ft - 3 ft) tall coyote willow and tamarisk. There is an open expanse, characterized by a lack of trees that extends for approximately 61 m (200 ft) along the western side of the river. The southern approach intersects the river at this clearing. On the west side of this clear area, a band of coyote willow and tamarisk extends for several hundred meters, about 18 m (60 ft) away from the river edge. On the east boundary there is a narrow band of salt cedar that extends for 18 m (60 ft) where the tree layer gives way to an essentially open area with low, scrub willow, tamarisk, and shrubs. On the north side of the river, the bridge approach cuts through a dense canopy of coyote willow and tamarisk (Figure 1). There are three Fremont cottonwoods (*Populus fremontii*) on the north side of the river approximately 36 m (120 ft) from the river. The tree canopy is approximately 2 m - 3 m (7 ft - 10 ft) in height. This heavy canopy extends along the north bank for at least 182 m (600 ft) to both the east and the west. The canopy of the tamarisk and willow extends northward, away from the river, for approximately 15 m (50 ft). The mixed canopy then gives way to a continuous stand of tamarisk that stretches to the north. Increasingly large openings in the salt cedar support thickets of camelthorn. Beyond the monoculture of tamarisk, there is a flat plain where the plant species are predominantly camelthorn, rubber rabbitbrush, Russian thistle (*Salsola pestifer*), four-wing saltbush (*Atriplex canescens*), the common sunflower (*Helianthus annuus*) and occasional stands of tamarisk. This plain extends approximately 0.6 km (0.4 mi) northward. There are a few scattered Fremont cottonwoods growing in the plain.



(Figure 1): Riparian Vegetation along the Little Colorado River
at the Site of a Proposed Bridge

A wetland delineation was conducted on the north and south banks of the Little Colorado River at the site of the proposed bridge crossing (Appendix 4). The soil material in the area is classified as very sandy inorganic soil with a hue, value and chroma of 5YR6/3 respectively. It is a light, reddish brown. The Natural Resources and Conservation Service (NRCS) has not mapped the soils in the area. The vegetative community is represented by the shrub layer community, dominated by coyote willow (*Salix exigua*), an obligate (OBL) wetland species and salt cedar (*Tamarix chinensis*), a facultative-wet (FACW) wetland species. There are also minor inclusions of camelthorn and Fremont's cottonwood, both facultative-wet wetland species. The areas on the north and south banks of the river are not jurisdictional wetlands according to the US Army Corps of Engineers (personal communication, Jim Woods, August 12, 2000). There are no hydric soils that demonstrate extended periods of saturation.

Portions of the project areas in the floodplain, where two bridges are proposed, have cracked soils, indicating wetland hydrology. Wetland delineations were conducted at these sites (Appendix 4). However, the only hydrophytic vegetation is tamarisk, a FACW species, and the common sunflower (*Helianthus annuus*) which is classified as a facultative minus (FAC -) wetland species in the southwest (US Department of Interior 1997). These project areas are not jurisdictional wetlands according to the US Army Corps of Engineers (personal communication, Jim Woods, August 12, 2000).

4. Agriculture (Livestock, Crops, Prime and Unique Farmland)

The project area, particularly near the Little Colorado River, is extensively utilized by livestock. Horses and cattle were observed in the project area. Small cultivated fields of corn were also observed outside of the right-of-way. The Birdsprings Farm Project, 57 hectares (140 acres) in size, was established in 1985 (Navajo Nation 1997). This farm is located several miles from the project area.

E. Cultural Resources**1. Traditional Cultural Properties, Historic, Religious Properties**

The Navajo Nation Historic Preservation Department (NNHPD) is preparing a report on the traditional cultural, historic and religious properties of the project area (personal communication, Gary Morrison, April, 2000).

2. Archaeological Resources

The Navajo Nation Historic Preservation Department (NNHPD) has conducted archaeological surveys for this project. One prehistoric archaeological site was found along N71 (1) 1, 2 & 3, but this site will be avoided. Numerous archaeological sites and burials were found along N71 (3) 2 & 3. In order to avoid these sites, the alignment will have to be shifted. Most likely the alignment will be moved farther to the east, and farther away from the existing houses. See Appendix 6 for compliance documents and related archaeological information.

F. Socioeconomic Conditions**1. Employment and Income**

The project area is located in the Birdsprings Chapter. Major employers are the Little Singer School, the Transwestern Pipeline Station, and the Navajo Nation (Navajo Nation 1997).

In 1989, the median household income of residents of Leupp, located near Birdsprings, was \$17,389. Of these households, fifty per cent had incomes of less than \$5,000 per year (Navajo Nation 1993).

2. Demographics and Trends

In 1989, the population of the Birdsprings Chapter was 640 (Navajo Nation 1990). The population of Birdsprings Chapter declined by 78 people between the 1980 census and the 1990 census (Navajo Nation 1990).

3. Lifestyles, Cultural Values, Attitudes, Expectations

The project area is rural. Many residents are engaged in traditional ranching and farming. The average number of persons per occupied housing unit in 1989 was 4.54 (Navajo Nation 1993).

The Birdsprings Chapter on August 19, 1999 passed Resolution No: BS-08-051-99 "Approving the Request of the Western Navajo Agency Bureau of Indian Affairs Roads Department for Two Hundred Feet (200 feet) Total Right of Way Width Clearance on the Preferred Alignment No. 1 of Navajo Nation Route 71 to Include the Turnout Road to Little Singer Community School and Fencing Which Will Establish the Right of Way Boundary Along the Proposed Alignment Road Project" (Appendix 2).

Service Unit, letter May 25, 2000). The water lines will be constructed in areas east of Leupp, outside of the proposed N71 alignment,

G. Resource/Land Use Patterns

1. Hunting, Fishing, Gathering

Residents of Birdsprings Chapter practice traditional hunting and gathering of plants and fuelwood in the project area. The Little Colorado River is intermittent in the project area and does not afford good opportunities for fishing.

2. Timber Harvesting

Woody species in the project area are primarily tamarisk and coyote willow. These species are generally not commercially harvested. Most of the scattered cottonwoods are senescent. Dead portions of cottonwoods appear to have been cut for fuelwood.

3. Agriculture

The Birdsprings Farm Project, 57 hectares (140 acres) in size, was established in 1985 (Navajo Nation 1997). It is not located within the project area. Individuals also maintain cultivated fields. Cultivated fields were not seen in the project area.

4. Mining

Sand and gravel is a local natural resource (Navajo Nation 1997), but no mining was observed in the project area. Gypsum reserves are found at Black Falls which is located outside the project area.

5. Outdoor Recreation

Areas outside, but closest to, the project area that are known for outdoor recreation are Grand Falls on the Little Colorado River and the Petrified Forest National Park near Holbrook. At least one raft trip has been taken on the Little Colorado River from Winslow to the confluence of the Colorado River (personal communication, David Wegner, 1993). Such trips are rare.

6. Transportation Use Networks

The existing alignment of N71 begins 17.6 km (11 mi) east of Leupp, Arizona and ends approximately 24 km (15 mi) north of Winslow, Arizona. Navajo Route N71 primarily provides the residents of Birdsprings Chapter (and to a lesser degree the members of the Tolani Lake Chapter) with access to Winslow. Navajo Route 71 extends for 16 (km) 10 mi) in a north by northwesterly direction connecting Navajo Route 2, at its southernmost end, to Navajo Route 15. This existing route necessitates crossing the Little Colorado River without the aid of any engineered structure. There is a rock and concrete low water structure which is reportedly 0.9 m (3 ft) feet under sediment at this river crossing (BIA 1993).

7. Land Use Plans

Presently there are no known land use plans in the vicinity of the project. A proposed diversion dam on the Little Colorado River would divert water to a reservoir and canal system. Tucker Flats, located approximately 5 km (3 mi) south of the project site has been proposed as the reservoir site (BIA 1996).

8. Solid Waste Sites

There is a solid waste transfer station in Leupp. Birdsprings Chapter is in the process of installing an open top bin at the chapter house (personal communication, James Benally, Navajo EPA, May 11, 2000).

9. Hazardous Waste Sites

No known hazardous waste sites are located within the project area.

H. Other Values**1. Wilderness**

There are no areas designated as wilderness in the project area.

2. Sound and Noise

Road traffic is the only major source of noise in the project area. The average daily traffic count on N71 is 87 vehicles per day. This is projected to increase to 101 vehicles per day in 2007 (BIA 1993).

3. Public Health and Safety

Under existing conditions, high water and floods along the Little Colorado River pose a major threat to the health and safety of those who use N71 in the project area. Buses and emergency vehicles are unable to cross the river under high water conditions.

The proposed bridges and roadway will not be overtopped by the 100 year flood and 50 year flood. During those events, the freeboard (the clearance between the water surface and lowest part of the beams) will be less than 0.6 m (2 ft). The bridge foundations are designed to withstand a 500 year flood. It has not been determined if the approach roadways will withstand a 500 year flood. Because the bridges and roadway will not be flooded during 50 year and 100 year floods, no provisions have been made to warn the public regarding hazards during those flood events (BIA, letter April 6, 2001).

4. Visual Setting

There are scenic vistas of the rangeland and San Francisco Peaks in the project area.

5. Non-User Values

The area has value as a rural, largely undeveloped open space.

IV. Environmental Consequences of the Proposed Action

Environmental consequences of implementation of A1, the preferred alternative, are described in this section.

A. Biological Impacts

1. Vegetation

The loss of riparian species represents the primary adverse affect of the proposed project on vegetation. Removal of riparian vegetation will result in the loss of forage and cover for animals, particularly mammals. There will also be a loss of nesting, breeding, perching, and foraging habitat for birds. However, similar riparian vegetation is available for several miles along the river adjacent to the project site. Consequently loss of riparian vegetation is not likely to adversely effect animal populations in the project area. Coyote willow and tamarisk populations from undisturbed areas would recolonize areas of disturbance through local seed dispersal and vegetative propagation. The Great Basin Desert Scrub community extends for over a hundred miles from the project area. Loss of vegetation in that plant community will temporarily affect animals in the project area.

No woody vegetation will be removed except where required to place permanent structures. Species and planting methodologies will be those recommended by the Navajo Nation Department of Agriculture (Appendix 7-Table B).

At least three cottonwood trees that are located within the project right-of-way will be cut. The contractor will contact the Navajo Nation Department of Forestry prior to cutting any trees.

2. Wetlands

There are no jurisdictional wetlands in the project alignment. The Navajo Nation EPA is evaluating the option of placing wetlands near the project area into a National Wetland Reserve Program under the Natural Resources and Conservation Service (Navajo Nation Environmental Protection Agency, Water Quality/NPDES Program letter, May 5, 2000) (Appendix 7).

3. Threatened, Endangered, and Protected Species

Project construction is not likely to adversely affect threatened, endangered, or protected species. There is suitable habitat for the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) in the project area. The area of suitable habitat along the Little Colorado River at the site of the proposed bridge crossing will be surveyed prior to construction in accordance with standard protocol (Sogge et al 1997). If southwestern willow flycatchers are found nesting in the project area during the surveys, then construction will be scheduled outside the breeding season.

Although no bald eagles were observed during field surveys in April and May of 2000, there is also suitable winter, roosting habitat for the bald eagle (*Haliaeetus leucocephalus*) in the cottonwood trees located in the floodplain within the project area. Therefore, surveys for the bald eagle will be conducted in areas of suitable habitat during the winter prior to construction. If bald eagles are observed during surveys, then consultation with the Navajo Fish and Wildlife Department will be undertaken.

4. Wildlife

Migratory birds and their nests are protected by the Migratory Bird Treaty Act (MBTA). The scattered cottonwood trees in the floodplain north of the Little Colorado River provide suitable nesting habitat for birds. There are at least three cottonwood trees that are located in the project right-of-way. Any cottonwood trees that must be removed during construction should be surveyed for nests by a qualified biologist prior to construction. If any active nests are identified in the right-of-way then the biologist may be required to obtain a Migratory Bird Permit from the US Fish and Wildlife Service prior to removal of the bird occupying the nest. A raptor nest, occupied by a red-tailed hawk, will not be adversely affected during construction. It is located outside the right-of-way where the ground will be disturbed.

Potential impacts to fish, that may exist downstream in the Little Colorado River, from erosion or pollutants resulting from the project will be negligible. Implementation of the project will have little effect on the surface water quality (see Section B of IV Environmental Consequences). The intermittent flows are high in sediment load under normal circumstances. Any contribution of sediment due to project construction is negligible. A temporary increase in erosion and turbidity will occur during construction.

The noise and activity during construction will disturb wildlife in the project area. However, the impacts on wildlife are expected to be temporary and minor.

B. Physical Impacts

1. Geological and Soil Resources

Foreseeable effects to the geological and soil resources of the project area from the proposed action are soil disturbance and erosion from construction of the road and bridges. Some small initial increase in soil erosion will occur until the road slopes restabilize from seeding and mulching. Fencing along both sides of the realigned road with appropriate gates at the designated turnout sites will prevent the entrance of livestock into the revegetated area and will facilitate the successful establishment of plant cover. Graveling the existing road will result, in the long-term, in a reduction of existing erosion. Drainage structures will be installed under the proposed action to prevent washouts that may cause further erosion.

2. Water Quality

Implementation of the project will have little effect on the surface water quality of the Little Colorado River. The intermittent flows in the Little Colorado River are high in sediment load under normal circumstances. Any contribution of sediment due to short term construction is negligible. A temporary increase in erosion and turbidity may occur during construction.

In order to avoid, reduce, or mitigate potentially adverse impacts during construction of this project, the Navajo Regional Branch of Roads will incorporate Best Management Practices into the design plans to the fullest extent possible (Appendix 9).

Construction activities near drainages will be conducted in periods of no flow or low flow in order to minimize water quality impacts. All equipment will be inspected daily to ensure that leaks or discharges of contaminants do not occur. All fuels, hydraulic fluids, and other petrochemicals will be stored and dispensed away from arroyos or their banks outside of the 100-

year floodplain. Wastewater from vehicle washdown or other construction related activities would be contained, treated or removed for off-site disposal

Foreseeable effects of the proposed action will be a temporary increase in surface water from the road until the road slopes restabilize from vegetation and mulching of the slopes. Graveling the road will in the long term reduce sedimentation rates and non-point source pollution of the washes. The proposed action includes placement of drainage structures that will reduce the sedimentation rates and non-point pollution in the floodplain and ephemeral washes.

Section 404 of the Clean Water Act of 1977 (CWA), as amended, provides for the protection of waters of the United States through regulation of discharge or dredged materials in aquatic habitats. In the proposed action, the placement of dredged or fill materials associated with road crossings would be authorized under Nationwide Permit No. 14 – Linear Transportation Crossings (see Appendix 5). Verification from the Army Corps of Engineers will be obtained prior to construction.

Section 401 of the CWA requires that any permit applicant under Section 404 also obtain water quality certification for this proposed action from the Environmental Protection Agency (EPA), Region 9, San Francisco, California. Conditions attached to the 404 permit and the Water Quality Certification will reduce negative effects of the proposed action to the water resources in the construction area (Appendix 5). Certification from the EPA will be obtained prior to construction.

Section 402(p) of the CWA clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Industrial activity includes storm water discharge associated with construction activities that involve clearing, grading, and excavation that result in the disturbance of more than five acres of total land area. Because construction activities in the proposed action will disturb more than five acres of land, section 402(p) of the CWA requires that the BIA and the contractor file with EPA, Region 9 a "Notice of Intent" and comply with the terms of this permit (Appendix 5). The construction contractor will prepare a Stormwater Pollution Prevention Plan and obtain the necessary permits before work commences.

3. Water Resources

The project will not affect the volume of surface or groundwater in the project area.

Wells in the project area are located outside the right of way. It is anticipated that there will be no effect on wells by the proposed action. Any effects on the washes due to road construction will be alleviated by conditions in the Nationwide permit.

The Navajo Nation Water Code (Title 22, Navajo Tribal Code, Chapter 7) of the Navajo Department of Water Resources Management states that "it is unlawful for any person within the territorial jurisdiction of the Navajo Nation as defined in 7 N.T.C. 254 to impound, divert, withdraw, or otherwise make any use of water within the territorial jurisdiction of the Navajo Nation unless the applicable provisions of this code and regulations and determinations hereunder have been complied with. No right to use water, from whatever source, shall be recognized, except use rights obtained under and subject to this code." Therefore, the contractor will obtain a permit from the Department of Water Resources Management for construction of

this project for at least thirty days prior to construction. The contractor will notify the Navajo Nation of the location of the borrow and water resources to be used during construction.

4. Air Resources

The proposed action will result in a temporary increase in suspended dust during construction. Dust abatement will be achieved by a sprinkle truck. In the long term, graveling the existing dirt road will reduce the level of suspended dust particles.

5. Infrastructure

The IHS, NTUA, and NCC will be notified before construction begins to prevent damage to underground utility lines, if any are present. None were observed during field surveys.

C. Solid Waste Disposal and Hazardous Materials/Waste Inventory

Solid wastes will be produced as a result of construction activities. Measures will be taken to minimize the waste. Construction materials will be reused or recycled whenever possible. Materials that cannot be recycled or reused will be disposed of in a certified landfill. Any contaminated soils or hazardous materials will be disposed of in accordance with Environmental Protection Agency protocol (Navajo Nation Solid Waste Code RC-171-90).

D. Other Values

1. Public Health and Safety

The public safety will be significantly enhanced by the proposed action. Construction of the new road alignment and bridges will provide safer driving conditions under adverse weather conditions and high flows in the Little Colorado River. Graveling the road will make the road passable during inclement weather. Driving time from Birdsprings to Winslow will be shortened by approximately one-half hour. The proposed road will provide an improved route for emergency vehicle response. Signs or flagmen will be used during construction.

2. Noise

The proposed action will cause a temporary increase in noise during construction. All construction will take place during daylight hours to minimize disturbance to local residents. Trucks and heavy equipment will be equipped with standard noise suppression mufflers in good working condition.

3. Cultural Resources

If cultural resources are identified in the area of effect of this project, NNHPD will apply the criteria of effect and adverse effect (36 CFR 800.9[a] and [b]) and inform the BIA Regional Director which measures may be used to avoid, minimize, or mitigate effects to the resources. NNHPD may recommend a preferred measure. The Arizona Council of Historic Preservation (ACHP) and State Historic Preservation Office as well as interested parties will be provided with copies of all the proposed and finalized treatment plans as well as the determinations of the project on the cultural resources.

E. Cumulative Impacts

The cumulative adverse impacts from the proposed construction on the resources of the project area would be negligible. Adverse impacts are expected to be restricted to a loss of vegetation,

and a temporary increase in dust, noise, and traffic delays during construction. Implementation of the mitigation steps described above would prevent significant adverse impacts to the human environment. Water quality should be enhanced through the use of new drainage structures and revegetation. An improved roadway would provide greater safety and facilitate access to service centers for residents and visitors. Emergency service providers will be able to utilize an improved all-weather road that would decrease response time over the existing road, even during bad weather. The foreseeable effects of the proposed action on land use in the area will be beneficial. An improved road may also stimulate economic development in the Birdsprings Chapter.

V. CONCLUSION REGARDING THE SIGNIFICANCE OF THE PROPOSED ACTION

The proposed road improvements to Navajo Route N71 (1) (2) (3) will improve the health and safety of the traveling public as well as accommodate projected future traffic volume. The proposed project is consistent with the goals of the Master Road Plan of the Navajo Nation.

Archaeological surveys of the project area, review and the determination of effects for the road improvements will be obtained. The BIA will consult with the Navajo Nation Historic Preservation Office regarding avoidance and/or mitigation of impacts, if any, upon cultural resources.

Impacts to riparian vegetation will be mitigated by planting native vegetation to replace that lost during construction.

No impacts to federally listed threatened or endangered species would result from the proposed action.

VI. CONSULTATION AND COORDINATION

A. Personnel

Mike Tremble, Environmental Scientist/Biologist, Ecosystem Management, Inc. (B.A. and M.Sc. Biology); 15 years of experience in environmental science.

Bill Hevron, Environmental Scientist/Biologist, Ecosystem Management, Inc. (B.A. and M.A. in Biology-Botany); 15 years of experience in environmental science.

B. Agency/Entity Consultation and Coordination

1. Federal Agencies

Regional Natural Resource Manager
BIA Navajo Regional Office
Gallup, New Mexico

Area Forester
BIA Navajo Regional Office
Gallup, New Mexico

Army Corps of Engineers
Albuquerque Area Office
Albuquerque, New Mexico

Environmental Quality Officer
BIA Navajo Regional Office
Gallup, New Mexico

Highway Engineer
BIA Navajo Regional Office
Branch of Roads
Gallup, New Mexico

Supervisory Scientist
BIA Navajo Regional Office
Land Inventory & Classification Section
Gallup, New Mexico

Indian Health Service
Navajo Regional Office
OEH
Window Rock, Arizona

Field Supervisor
U.S. Fish and Wildlife Service
Arizona Ecological Services Office
Phoenix, AZ

2. Tribal Agencies

Director
Navajo Nation Department of Agriculture
Window Rock, Arizona

Director
Navajo Nation Department of Highway Safety
Window Rock, Arizona

Director
Navajo Nation Department of Transportation
Window Rock, Arizona

Program Manager
Water Quality Program
Navajo Nation Environmental Protection Agency
Window Rock, Arizona

Environmental Specialist
Navajo Nation Environmental Protection Agency
Air Quality Program
Window Rock, Arizona

Director
Navajo Nation Forestry Department
Window Rock, Arizona

Director
Navajo Nation Land Administration
Window Rock, Arizona

Director
Navajo Nation Minerals Department
Window Rock, Arizona

Director
Navajo Nation Water Resources Management Department
Fort Defiance, Arizona

Wildlife Manager
Navajo Natural Heritage Program
Window Rock, Arizona

3. Other

Chapter President
Birdsprings Chapter
Birdsprings, Arizona

Director
Navajo Communications
Window Rock, Arizona

Operations Manager
Navajo Transmission Utility Authority
Fort Defiance, Arizona

C. Bibliography/References

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VII. Document Preparer's Signature



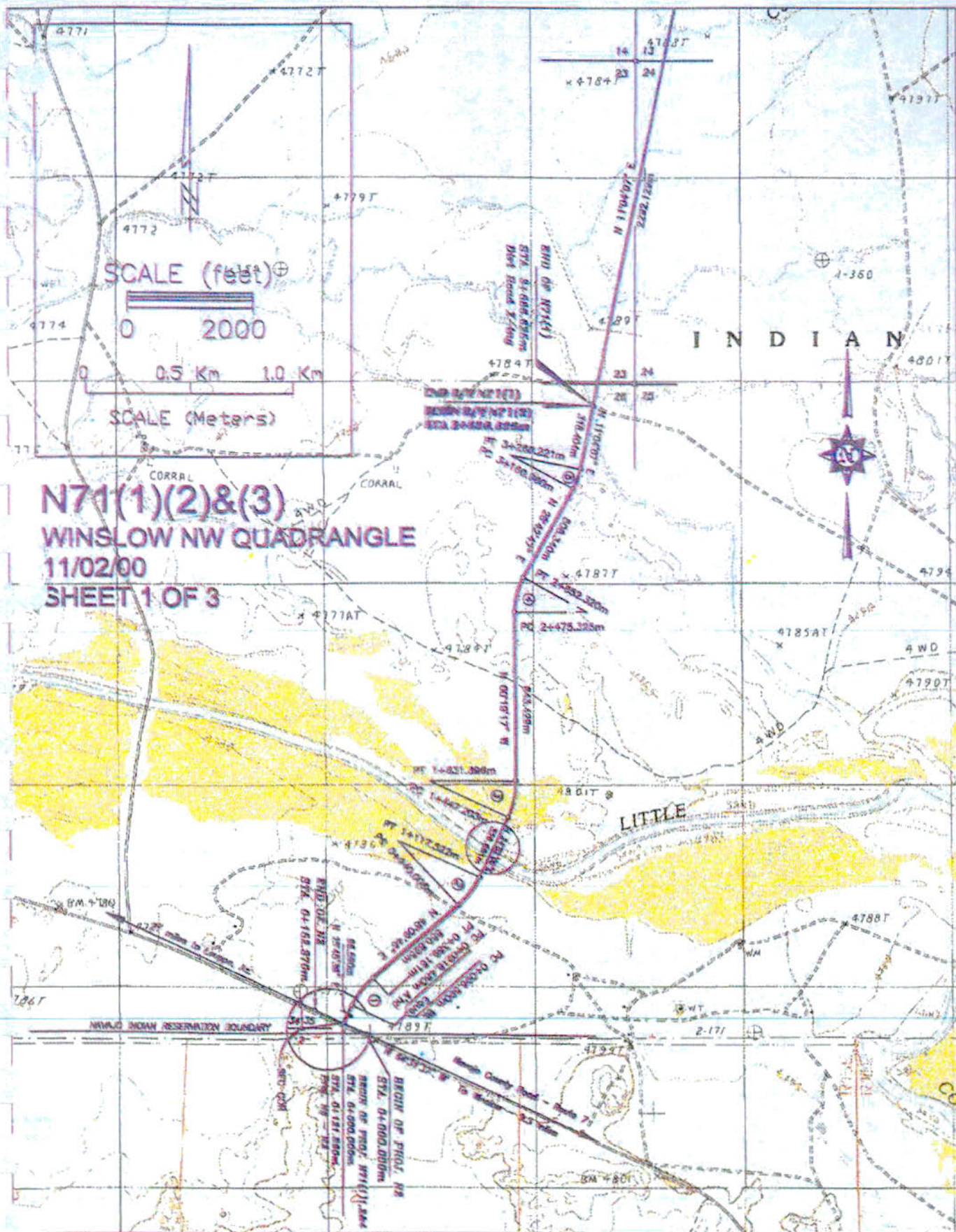
Michael Tremble,
Ecosystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, NM 87107
Tele: (505) 884-8300

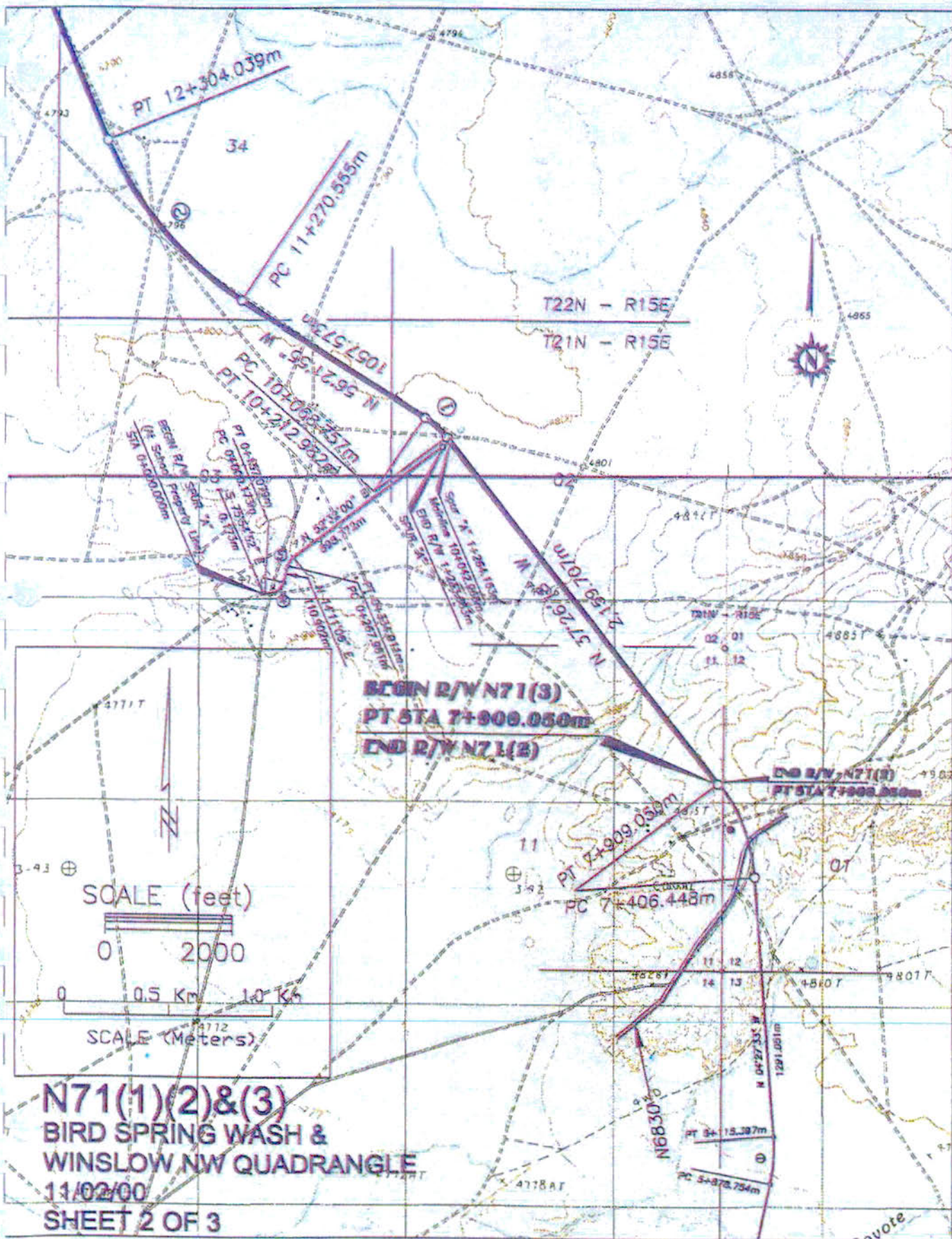
VIII. Appendices

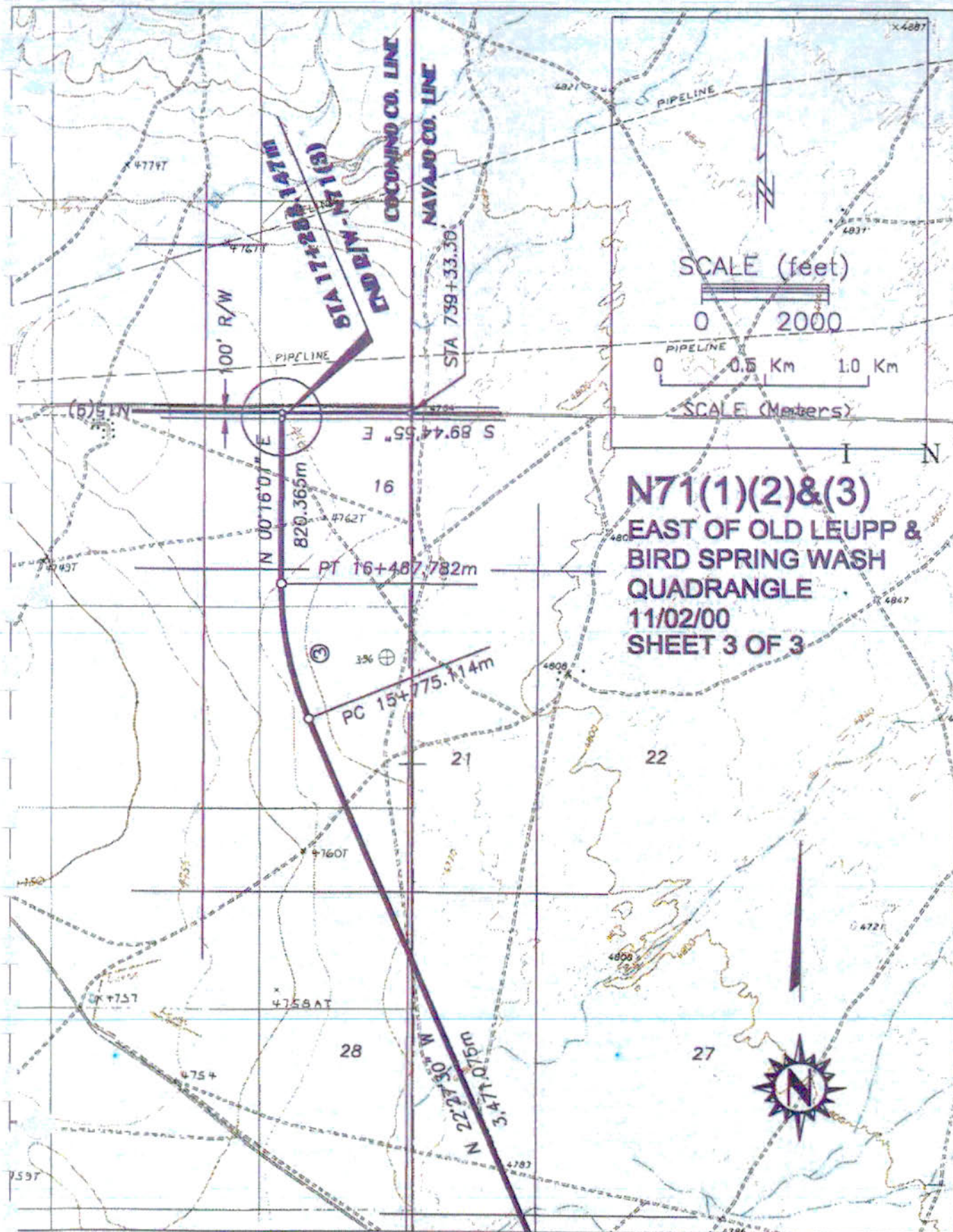
- (1) Project Maps**
- (2) Birdsprings Chapter Resolutions and Public Hearing Reports**
- (3) Biological Evaluation Report**
- (4) Wetland Delineation Forms**
- (5) Clean Water Act Information**
- (6) Cultural Resource Information**
- (7) Revegetation Recommendations of Navajo Department of Agriculture**
- (8) Consultation Letters and Responses**
- (9) Best Management Practices**
- (10) Project Area Photos**

APPENDIX 1

Project Maps







0+6.253m
A2
1201.750m
01.750m

A1
A2
A3
A4

14.853.6918
13,6122.160
13,469.1664
13,590.9945

14.854/9.23
13.612/8.46
13.469/8.37
13.591/8.445

A2
1414.132m

A4
2193.298m
A1
4354.927m

A2
1315.426m

A4
4413.335m
A3
4354.978m

A2
1537.341m

A4
972.589m
A1
1662.192m

A2
955.476m
A3
1391.049m

A2 A4
722.185m

A3
374.277m

Earthen Dam

Proposed Alignment 1

A1
2490.813m

A2 A3 A4
3172.076m

BIA Route 6830

A1
557.913m

Earthen Dam

A1
420.375m

BIA Route N71

Proposed Alignment 2

Sta. 6+195.535

A2 A3 A4
2336.823m

A1
3010.289m



No.	*Homeowner
77	Charlie (Yazzie) Singer
78	Thomas John
79	Thomas Whitehair
80	Bennie Singer
81	Sam Kelly
82	Earl Johnson
83	Oliver Wagoner
84	Polly Curley
85	Harris Curley
86	Leroy Long
87	Eugene Yazzie
121	Little Singer School
430	Evelyn Dixon

*(Information from Winslow IHS)

APPENDIX 2

Birdsprings Chapter Resolutions and Public Hearing Reports

Birdsprings Chapter

HC 61 Box K / Winslow, AZ 86047
Telephone (520) 686-6220 / Fax (520) 686-6338

Ray Curley, President
Joe T. Thompson, Vice President
Bessie McCabe, Secretary/Treasurer

Thomas Walker, Jr., Grazing Official
Freddie Howard, Council Delegate
Henry Moore, Jr., Com. Service Coordinator

RESOLUTION OF BIRDSPRINGS CHAPTER

WESTERN NAVAJO AGENCY

Resolution No: BS-08-050-99

Approving the Preferred Alignment No. 1 and Requesting the Western Navajo Agency Roads Committee to Direct the Western Navajo Agency Bureau of Indian Affairs Roads Department to Include the Installations of Cattle Guards, Livestock Pass, Culverts, Fencing with Appropriate Gates at Designated Turnouts, Underpass Walkways for Children and Pedestrians and Parking Lots for the Birdsprings Chapter Dome Facility and for the Little Singer Community School During the Installation and Construction of the Realignment Road Project of Navajo Nation Route 71.

WHEREAS:

1. The Birdsprings Chapter is a certified chapter established and recognized by the Navajo Nation Council with local governance powers to review all matters affecting the development of the community, 2NT sec 4045 (a); and,
2. The Western Navajo Agency Roads Committee is recognized and established by the Navajo Nation Council to review, plan, advocate for and approve construction, improvements, maintenance and repairs of roads and all appropriate transportation systems throughout the Western Navajo Agency; and,
3. The Bureau of Indian Affairs has the responsibilities, mandates and roles to provide assistance to the Navajo Nation in many areas which includes maintenance and repairs of major systems roads; and,
4. The preferred Alignment No. 1 of the Realignment Road Project of Navajo Nation Route 71 was the initial alignment which involved the signed consents of the immediate Grazing Permittees in the proposed area; and,
5. The cattle guards and livestock pass are adequate and will facilitate livestock management and control along the realignment project; and,
6. The road and turnout culverts will provide sufficient flood control and minimize road damages, thus, be effective for the appropriate maintenance and repair projects; and,
7. The fencing along both sides of the realigned road with the appropriate gates at the designated turnout sites will prevent the entrance of livestock or other unsuspected traffic onto the road and within the 200 feet Right-of-Way area; and,
8. The underpass walkways for children and pedestrians at the applicable designated site will provide safe passage and traffic accessibility; and,

9. The parking lots for the Chapter's dome facility and the Little Singer Community School will provide adequate parking accessibility at the facilities, facilitate controlled traffic movement and alleviate traffic problems during adverse conditions; and,
10. The Birdsprings Chapter has determined that these stated items are essential and necessary to provide safe and assuring conditions to satisfy the expected changes within the immediate area.

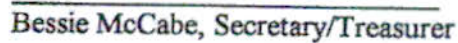
NOW THEREFORE BE IT RESOLVED THAT:

1. The Birdsprings Chapters approves the preferred Alignment No. 1 and requests the Western Navajo Agency Roads Committee to direct the Western Navajo Agency Bureau of Indian Affairs Roads Department to include the installations of cattle guards, livestock pass, culverts, fencing with appropriate gates at designated turnouts and underpass walkways for children and pedestrians and parking lots for the Birdsprings Chapter Dome Facility and for the Little Singer Community School during the installation and construction of the realignment road project of Navajo Nation Route 71.

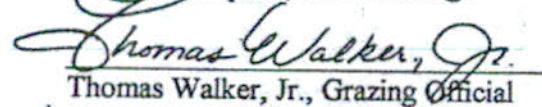
CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called Chapter Meeting in which a quorum was present and that the same was passed by vote of 41 in favor, 0 opposed and 0 abstained on this 19th day August, 1999.


Ray Curley, President


Bessie McCabe, Secretary/Treasurer


Joe T. Thompson, Vice President


Thomas Walker, Jr., Grazing Official


Freddie Howard, Council Delegate

Birdsprings Chapter

HC 61 Box K / Winslow, AZ 86047
Telephone (520) 686-6220 / Fax (520) 686-6338

Ray Curley, President
Joe T. Thompson, Vice President
Bessie McCabe, Secretary/Treasurer

Thomas Walker, Jr., Grazing Official
Freddie Howard, Council Delegate
Henry Moore, Jr., Com. Service Coordinator

RESOLUTION OF BIRDSPRINGS CHAPTER WESTERN NAVAJO AGENCY Resolution No: BS-08-051-99

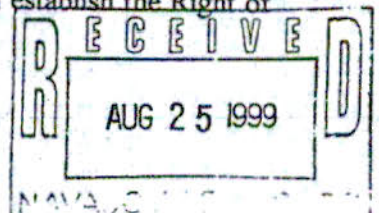
Approving the Request of the Western Navajo Agency Bureau of Indian Affairs Roads Department for Two Hundred Feet (200 feet) Total Right of Way Width Clearance on the Preferred Alignment No. 1 of Navajo Nation Route 71 to Include the Turnout Road to Little Singer Community School and Fencing Which Will Establish the Right of Way Boundary Along the Proposed Alignment Road Project

WHEREAS:

1. The Birdsprings Chapter is a certified chapter established and recognized by the Navajo Nation Council with local governance powers to review all matters affecting the development of the community, 2NT, sec. 4045 (a); and,
3. The Bureau of Indian Affairs has the responsibilities, mandates and roles to provide assistance to the Navajo Nation in many areas which includes maintaining and repairing of major systems roads; and,
3. The two hundred feet (200 ft.) total Right of Way width is essential and necessary to conserve land area within the installation and construction site; and,
4. The Right of Way area will be designated for construction purposes and activities within the area will be the total responsibility of the requesting party; and,
5. The fencing of the Right of Way will establish a boundary along the preferred alignment of Navajo Nation Route 71; and,
6. The Birdsprings Chapter has determined the Right of Way be designated for the purpose of providing the appropriate and adequate transportation system essential for the development of the community and necessity for its residents.

NOW THEREFORE BE IT RESOLVED THAT:

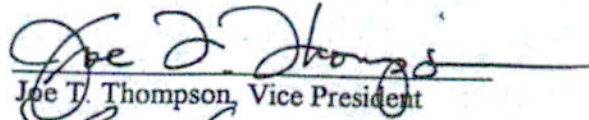
1. The Birdsprings Chapter approves the request of the Western Navajo Agency Bureau of Indian Affairs Roads Department for two hundred feet (200 feet) total Right of Way width clearance on the preferred realignment No. 1 of Navajo Nation Route 71 to include the turnout road to Little Singer Community School and fencing which will establish the Right of Way boundary along the proposed realignment road project.




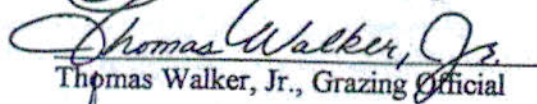
CERTIFICATION

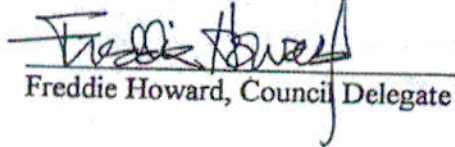
We hereby certify that the foregoing resolution was considered at a duly called Chapter Meeting in which a quorum was present and that the same was passed by vote of 34 in favor, 0 opposed and 0 abstained on this 19th day August, 1999.


Ray Curley, President


Joe T. Thompson, Vice President


Bessie McCabe, Secretary/Treasurer


Thomas Walker, Jr., Grazing Official


Freddie Howard, Council Delegate

Chapter Meeting Report
at Birdsprings, AZ
on August 12, 1999

SUBJECT: N71(1)2,3; BIRDSPRINGS TO LITTLE SINGER

I have come before the community again, this time it's at the Official Chapter Meeting. I have shared on what I have learned about the alternative alignment # 1,4, and 2, which is combined to make preferred alignment. This alignment was decided at the Task Force Meeting on the 12th of August. The people who attended the meeting signed in. A copy of the attendance sheet is enclosed. Anyhow, this alignment was not recommended by Toney T. and Carolyn Singer Nez.

Toney and Carolyn Nez did not want this alignment, because their homesite lease was too close to the preferred alignment. Also, the proposed 30 acres that was set aside for school was found on the preferred alignment.

For these reasons, the Chapter Officials and Kee T. Yazzie proposed to stay with alignment #1; the old alignment. This became the "official" preferred alignment #1, and did away with the preferred alignment that was chosen at the August 12th meeting.

At the Chapter Meeting, I have told the community all the above information, and why the alignment #1 was the only option to decide on; wheather to build the road or not.

Toney Nez had asked me why there was money for alignment #1, and then the BIA puts all these other alternatives alignments? I answered him to the best of my knowledge. I replied, the BIA placed the alignment #1 prior to our current Agency Road Engineer. Since then, the BIA had evaluated the alignment and estimated the construction dollars on how much they thought it would cost to build the road. and,

On June 10th, 1992, an agent from the Navajo Nation Project Review Dept., Art Slim, came out and got consent from people who were residing near the proposed alignment. Benny Singer had signed the consent form, but he said he doesn't remembered signing the form nor recognized the person, Art Slim. and,

Recently, our survey crew were marking the proposed alignment until they had encountered Benny Singer pulling out the stakes. The stakes were indication of where the alignment lies, because we had scheduled a field meeting with Area Branch of Roads. The Roads Dept. suggest of placing other alternatives alignments. and,

The construction dollars for alignment #1 will be available for any alignment that was chosen. However, a final decision will be made at the Area Branch of Roads. For example: If the Chapter decided on the alignment #2, which is in the flood plains. The chance of building a road would be, no road. and,

Now, you as community needs to decide on proposed alignment #1, wheather the road gets built on this alignment. Somebody from the audience stated that alignment #1 has all the consent form signed and what are we waiting for. More people were moved by this statement and passed the resolution; voted 41 in favor, 0 opposed, and 0 abstained. Benny Singer was not at the Chapter Meeting. He was aware of the meeting, because it was mentioned at the Task Force Meeting on the 12th of August.

Another resolution was passed; voted 34 in favor, 0 opposed, and 0 abstained. The resolution was about approving 200 feet right-of-way for the above subject.

end

written by Pauline Crank
August 24, 1999



CONSENT FORM - 3

(Waiver of compensation for damages)

CONSENT TO
NAVAJO TRIBAL

To: <u>OUT-STATE</u>	From: <u>1000</u>
Co./Dept.: <u>BIATCOADS</u>	Co.: <u>BIATCOADS</u>
Phone #: <u>(620) 680-6838</u>	Phone #: <u></u>
Fax #: <u></u>	Fax #: <u></u>

TO WHOM IT MAY CONCERN:

I, BENNY SINGER, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit BIA, BRANCH OF ROADS WESTERN NAVAJO AGENCY of TUWA CITY, ARIZONA to use a portion of my land use area for the following purpose (s): FOR A RIGHT OF WAY FOR ROAD AND BRIDGE CONSTRUCTION ON BIA ROAD PROJECT N71, BIRDS SPRINGS BRIDGE AND ROAD.

as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project proposed.

REMARKS: _____

6/16/92 X Benny Singer 5-441
Date Land User Signature (or thumbprint) Census No. Permit No.

WITNESS:

12-03-92 Rex Lee Walker 5
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read or fully explained to the land user in Navajo or English (check where applicable).

Rex Lee Walker
Field Agent Signature

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, PAISY SINGER, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit BIA BRANCH OF ROADS WESTERN NAVAJO AGENCY of TUAC CITY, ARIZONA 86045 to use a portion of my land use area for the following purpose (s): For a Right-of-way for road construction and its operation and maintenance on BIA Road Project N71, Birdsprings Bridge and Road.

as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project s proposed.

REMARKS:

6/10/92
Date

Paisy Singer
Land User Signature (or thumbprint)

Census No.

52694
Permit No.

WITNESS:

Art C. Shi

12-03-92
Date

Russell Walker
Grazing Committee or Land Board Member

5
District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read// or fully explained// to the land user in Navajo/ or English// (check where applicable).

Art C. Shi

Field Agent Signature

Birdsprings Bridge Meeting
AND N-71 Realignment - August 12, 1999
LSCS

Name

1. Joe Thompson - Birdspring Chapter Vice Pres.
2. Pauline Crank - BIA Roads
3. Hank Moore - CSC, Birdsprings Chapter
- John
- Benny V. Singer
- Marie Singer
- Mark Sorenson Executive Director, LSCS
- Patsy Singer
- Robby K. Singer Jr. Birdspring just visit
- Thomas Whitehead
- Danny Whitehead
- Candido Curley
- Lena Whitehead
- Judy Thompson
- L. M. G. Jr.
- Marn Woodley
- Thomas Walker, Jr.
- Tom Chabin Coconino County

received 8/18/99

**TASK FORCE MEETING
AT LITTLE SINGER COMMUNITY SCHOOL,
BIRDSPRINGS, ARIZONA**

On August 12, 1999, I went to Little Singer School for a task force meeting. The meeting consisted of Vice-President, Joe Tom Thompson; Hank Moore, Community Services Coordinator; Thomas Walker Jr., Grazing Officer; Mark Sorensen, Director for Wellness Center at Little Singer School, and the general public who resides along the four alternatives proposed alignments.

The meeting started off with introduction. The purpose of the meeting was to share more inside of why the alignment was needed at certain locations. Some of the key factors that should be considered was to keep the roadway out of flood plains, construct with less culverts, and more importantly pave the road in suitable place with feasible amount of money. The history of the road alignment was proposed back in the late 80's. In the early 90's people who resides along the alternative #1, signed consent forms. To date, some people don't remembered signing the consent forms.

Benny Singer stated that proposed alignment #1 was too close to his home where his umbilical cord was placed. He would rather see the roadway far over the hill, which is in the flood plains. He thinks that placing the road close to his home is disrespectful, especially where his umbilical cord was placed. By placing the roadway near his residential it would also jeopardized his livestock. People would steal or run over his sheep. Also, his wife was at the meeting. She thought the roadway was too close to their place. Benny stated why other companies built roads in narrow canyons, or steep hills and the BIA couldn't built a road in the flat areas. If their reason was the cost then more money should be allocated.

Marie Singer stated that she was uncomfortable having the roadway near her home. I believe she is the daughter or daughter-in-law to Benny Singer. She resides at #77, Charlie Yazzie Singer, on the map. Charlie Singer was not present at the meeting, maybe Marie spoke behalf of him too. She prefers the proposed alignment #2.

Mark Sorensen was eagerly in favor of proposed alignment that is near #79; Thomas Whitehair, and continues near the school. Also, Carolyn Singer Nez accepted the alignment near her backyard, who was at the meeting. Toney T. Nez, her husband, was not at the meeting. Later, Toney stated to Hank Moore that this alternative alignment was not accepted by him, because it was too close to his backyard. Hank had mentioned to him that his wife was at the meeting and she had accepted the proposed alignment near their place. Toney stated that it doesn't mean it's validate. He refuse to allow the proposed alignment in his backyard.

Toney and Carolyn Singer Nez's homestead is not on the 24x36" map, but it is located right on the proposed alignment #2; near the school. He has a foundation built and a corral in that parcel. The school proposed land use, 60 acres, is on the proposed alignment #2, which is shown on the 24x36" map.

Tom Chabin from Coconino County stated that his county maintains twelve miles of dirt road in Birdsprings area and it's more likely that the new road will be in the Navajo County. Therefore, he will eliminate the twelve miles and pick up twelve miles in another area to maintain. This was just to let us know.

Thomas Walker Jr. expressed to everyone that some people including himself from the Little Singer School were the initial group that proposed for a paved road. He expressed himself

in a understanding way of why the road was badly needed. He wants a road in his community whether if its close to the school or not.

During the meeting general public stated their concerns. The above statements were the main concerns that opposed to the proposed alignment. Majority of the people were in favor of the road, because of the clayey soil. People have hard times driving out of the mud and people create dust when they travel the dirt road fast.

I have mentioned from the beginning of the meeting that proposed roadway needs to stays out of the flood plains, construct with less culverts, and the best candidate was proposed alignment #1. The BIA thinks about the future of the road. If the road gets built in the flood plains, more time and money will be invested to that road. This will exhaust maintenance funds and other roads will not be maintained as much. The important thing to remember was the maintenance funds. Each year a reduction was made in the maintenance funds and BIA won't able to maintain all system roads. This was explained over and over thru out the meeting to the public.

Written by Pauline Crank

end

RESOLUTION OF BIRDSPRINGS CHAPTER
Western Navajo Agency

Birdsprings Chapter is Supporting and approves the New Route 7/8
mile East of the Original Site and Supports the immediate
Development of the Birdsprings Bridge.

WHEREAS:

1. The Birdsprings Chapter is a certified chapter established and recognized by the Navajo Nation Council to exercise its local authority to advocate for the needs of its community, 2NTC sec. 4048; and,
2. For many years the Birdsprings Chapter have been requesting through appropriate Entities for development of a Bridge across the Little Colorado River South of Birdsprings Chapter; and,
3. After many indepth preliminary engineering analysis, meetings and negotiations with the BIA Branch of Roads, the BIA Branch of Roads have taken into account sociological, technical, environmental and economical factors and is recommending an alternate site to make the crossing more effective and less costly; and,
4. In order that the BIA Branch of Roads to continue working towards the construction of the Birdsprings Bridge, the most practical location and cost is taken into account, whereby the recommended alternate site is 7/8 mile upstream, east of the original site and the current crossing.

THEREFORE BE IT RESOLVED THAT:

1. That the Birdsprings Chapter is supporting and approves of the alternate site, which is 7/8 mile upstream east from the current Little Colorado River crossing and the original site, taking into consideration the cost of the bridge and for more effective crossing.

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

We, hereby certify that the foregoing resolution was duly considered at a duly called chapter meeting at which a quorum was present and that the same was passed by a vote of 30 in favor and 6 opposed on this 12 day of December 1993.

[Signature]
NAVAJO NATION COUNCIL DELEGATE

[Signature]
NAVAJO NATION COUNCIL DELEGATE

[Signature]
Rosebell Walker, Grazing Member

[Signature]
Leonard Curtis, President

[Signature]
Thomas Begay, Vice-President

[Signature]
Joanie Little, Secretary

District I
PERCY DEAL
P.O. Box 365
Orsibi, AZ 86038
Phone 524-6161 ext. 406

District II
JESSE THOMPSON
P.O. Box 504
Kykotsmovi, AZ 86039
Phone 657-3655

District III
MARLIN F. GILLESPIE
216 Encanto Drive
Holbrook, AZ 86025
Phone 524-3041

District IV
PETE SHUMWAY
P.O. Box 161
Taylor, AZ 85939
Phone 536-4060

District V
LARRY A. LAYTON
P.O. Box 771
Lakeside, AZ 855
Phone 367-255

NAVAJO COUNTY BOARD OF SUPERVISORS

Governmental Complex
P.O. Box 668 - 100 E. Carter Drive
Holbrook, AZ 86025
(602) 524-6161 Ext. 406 FAX (602) 524-3094

EDWARD J. KOURY
County Manager

SHARON R. KEENE-WRIGHT
Clerk of the

RESOLUTION NO. 83-93

A RESOLUTION IN SUPPORT OF THE BIRD SPRINGS BRIDGE PROJECT OVER THE LITTLE COLORADO RIVER


WHEREAS, Navajo County is desirous of helping the residents of the Bird Springs area to obtain a bridge across the Little Colorado River in Navajo County, Arizona to enable residents to be able to reach Winslow safely and quickly, and;

WHEREAS, Navajo County has for some time supported placing a bridge over the Little Colorado River at Bird Springs and;

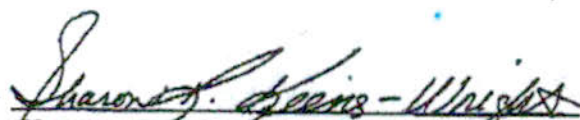
WHEREAS, Navajo County understands the need for a feasibility study and may be willing to commit funds to help have a feasibility study completed;

NOW, THEREFORE, BE IT RESOLVED that the Navajo County Board of Supervisors supports the Bird Springs Bridge Project.

Passed this 8th day of November, 1993.


Larry A. Layton, Chairman

ATTEST:


Sharon R. Keene-Wright, Clerk of the Board

RESOLUTION NO. 908

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WINSLOW, ARIZONA, ENCOURAGING SUPPORT FOR THE
BIRD SPRINGS BRIDGE PROJECT

WHEREAS, the community of Bird Springs, located north of Winslow, has substantial need for a bridge to facilitate transportation from the community of Bird Springs to Interstate 40; and

WHEREAS, the City of Winslow is desirous of supporting in every way the effort of the community of Bird Springs to obtain said bridge.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WINSLOW, ARIZONA, that the City of Winslow encourages all governmental entities having jurisdiction regarding Bird Springs and the Bird Springs community area to assist the community of Bird Springs in obtaining the proposed bridge.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF WINSLOW, ARIZONA, this 28th day of April, 1992.

George L. Metzger
Mayor

ATTEST:

Linda Johnson
City Clerk (Deputy)

APPROVED AS TO FORM:

Frank Patton
City Attorney

PUBLIC HEARING

October 25, 1994

ENVIRONMENTAL ASSESSMENT FOR LITTLE COLORADO RIVER BRIDGE CROSSING

COMMENT REQUEST FORM

Written comments or suggestions regarding the proposed Little Colorado River Bridge Crossing north of Winslow, Arizona on the Navajo Indian Reservation, on route 71 going to Birdsprings, Arizona, may be submitted on this form or, if you prefer, mailed to the address below by October 31, 1994.

It would appear that there is real co-operation between the various groups involved. Consequently the project has moved along faster than most bureaucratic operations.

With this harmony among the group those assisted should be able to realize their dream long before what had been predicted.

Help off the the various entities working to bring relief to those in the

Mr Gary Horse Capture
Horse Capture Consultants Inc.
505 Marquette NW Suite 1
Albuquerque, New Mexico
87102
Phone 505-242-3152

Name
Affected and Address

Jay Engelhardt

S. Box K

Winslow, Arizona 86047

Representing

KINO Radio

Environmental Assessment Public Meeting
Little Colorado River Crossing

HCC

PUBLIC HEARING

October 25, 1994

ENVIRONMENTAL ASSESSMENT FOR
LITTLE COLORADO RIVER BRIDGE CROSSING

COMMENT REQUEST FORM

Written comments or suggestions regarding the proposed Little Colorado River Bridge Crossing north of Winslow, Arizona on the Navajo Indian Reservation, on route 71 going to Birdsprings, Arizona, may be submitted on this form or, if you prefer, mailed to the address below by October 31, 1994.

I appreciate the opportunity to comment on this very important project. Navajo County supports this project and sees it as a needed structure in the area. As we discussed at the meeting we feel that Navajo County needs to be involved in the plan review and comment phase. We have a stake in this as representatives of the flood control district and as such could provide valuable input. I have attached a letter from Chuck Williams to Freddie Howard which expands on this issue.

Mr Gary Horse Capture
Horse Capture Consultants Inc.
505 Marquette NW Suite 1
Albuquerque, New Mexico
87102
Phone 505-242-3152

Name

KEN KUBE

Address

P.O.B. 668

HOLBROOK, ARIZONA

86025

Representing

NAVAJO COUNTY DEPT. OF
PUBLIC WORKS

Environmental Assessment Public Meeting
Little Colorado River Crossing

HCC

PUBLIC HEARING

October 25, 1994

ENVIRONMENTAL ASSESSMENT FOR
LITTLE COLORADO RIVER BRIDGE CROSSING

COMMENT REQUEST FORM

Written comments or suggestions regarding the proposed Little Colorado River Bridge Crossing north of Winslow, Arizona on the Navajo Indian Reservation, on route 71 going to Birdsprings, Arizona, may be submitted on this form or, if you prefer, mailed to the address below by October 31, 1994.

This project is most important to the public health & safety of the residents
of the Bird Springs area & also an important economic factor to the City
of Winslow and Navajo County. Navajo County is firmly committed in providing
assistance in seeing this project successfully terminated.

Mr Gary Horse Capture
Horse Capture Consultants Inc.
505 Marquette NW Suite 1
Albuquerque, New Mexico
87102
Phone 505-242-3152

Name

MARLIN F. GILLESPIE

Address

P.O. Box 668

HOLBROOK, AZ 86025

Representing

NAVAJO County AZ

Environmental Assessment Public Meeting
Little Colorado River Crossing

HCC

PUBLIC HEARING

October 25, 1994

ENVIRONMENTAL ASSESSMENT FOR
LITTLE COLORADO RIVER BRIDGE CROSSING

COMMENT REQUEST FORM

Written comments or suggestions regarding the proposed Little Colorado River Bridge Crossing north of Winslow, Arizona on the Navajo Indian Reservation, on route 71 going to Birdsprings, Arizona, may be submitted on this form or, if you prefer, mailed to the address below by October 31, 1994.

This bridge is really needed by the community of Birdsprings on the Navajo Nation. Without the bridge, the community get marooned and cut off from medical services in Winslow. We sometimes have to close school because the buses can't get to families' homes. The bridge and the road will allow families to get many services they can't get now.

Mr Gary Horse Capture
Horse Capture Consultants Inc.
505 Marquette NW Suite 1
Albuquerque, New Mexico
87102
Phone 505-242-3152

Name

Dr. Mark Sorensen

Address

Little Singer Community School
H.C. 61 Box 239
Winslow, AZ

Representing

Birdsprings Bridge Task Force

APPENDIX 3

Biological Evaluation Report

TABLE OF CONTENTS

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APPENDICES

- (1) Project Maps
- (2) Navajo Fish and Wildlife Letter Species of Concern
- (3) List of Species Observed



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

NAVAJO FISH AND WILDLIFE P.O. BOX 1480 WINDOW ROCK, AZ 86515

15 October 2015

14ndot107-N71

Geraldine Jones, Environmental Specialist
Division of Transportation
Post Office Box 4620
Window Rock, Arizona 86515

Dear Geraldine,

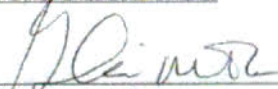
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Biological Evaluation for the **N71 Road Re-Alignment and Little Singer School Access Road Improvement** project located in Bird Springs Chapter, Arizona. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The Burrowing Owl (*Athene cunicularia*) is known to occur within the project area. Project activity shall avoid the breeding season of 01 MAR-15 AUG. If the breeding season cannot be avoided, surveys must be conducted. Activity will be not allowed within a 1/4 mile of an active nest burrow until the young have fledged the nesting area.

Please contact me at 928-871-7065 with any questions that you have concerning the review of this project.

Sincerely,


Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE


Gloria Tom, Director
Department of Fish and Wildlife

10/16/15
Date

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

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

PROJECT NAME & NO.: N71 Road Re-Alignment and Little Singer School Access Road Improvement

DESCRIPTION: NDOT proposes roadway re-alignment of 7.5 miles from the intersection of N71 and N6830 to the Bird Springs Chapter house and the improvement of 0.72 mile the Little Singer School access road. The project would involve clearing, grubbing and blading to prep the road surface for the application of aggregate material.

LOCATION: Bird Springs Chapter, Coconino County, Arizona

REPRESENTATIVE: Geraldine Jones, Senior Environmental Specialist, NDOT

ACTION AGENCY: Navajo Division of Transportation (NDOT)

B.R. REPORT TITLE / DATE / PREPARER: 7.5 Mile of New Roadway Realignment on N71 and Little Singer Access Road/MAY 2015/Geraldine Jones

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Nesting habitat is present for ATCU and CHMO.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Charadrius montanus* (Mountain Plover) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The NDOT will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*); [2] All project personnel and equipment will remain in the project area. Ground disturbance outside the proposed action area is strongly discouraged.

CONDITIONS OF COMPLIANCE*: The Burrowing Owl (*Athene cunicularia*) is known to occur within the project area. Project activity shall avoid the breeding season of 01 MAR-15 AUG. If the breeding season cannot be avoided, surveys must be conducted. Activity will be not allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area.

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 OCT 2015

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*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

I. Description of the Proposed Action

The Bureau of Indian Affairs (BIA) Navajo Regional Office, Branch of Roads proposes to replace Navajo Route 71 (N71), the Birdsprings Road, an existing dirt road located on the Navajo Nation near Birdsprings, Navajo County, Arizona. The new alignment, N71 (1) 1, 1, 2 & 3, (2) 2 & 3, & (3) 2 & 3 begins at Navajo Route 2 and ends at the existing pavement of Navajo Route 15. Construction will consist of clearing and grubbing of vegetation, cutting roadway, filling embankments, installing drainage pipes, and placing gravel on the road surface. Construction will be scheduled for three phases (Appendix 1). The first phase, N71 (1) 1, 2 & 3 is located in the southern portion of the project. In this phase, one bridge is proposed to cross the Little Colorado River and two bridges are proposed to cross the floodplain. The first phase is approximately 3.6 kilometers (km) (2.2 miles [mi]) in length, of which 0.2 km (0.1 mi) consists of the existing Navajo Route 2. The second phase, N71 (2) 2 & 3 is approximately 4.3 km (2.7 mi) in length. The third and northern phase of the project, N71 (1) (3) 2 & 3, is approximately 11.7 km (7.3 mi) in length. The total length of the project is 19.6 km (12.2 mi). The width of the corridor is 60.96 meters (m) (199.95 feet [ft]).

An access road from the proposed alignment to the Little Singer School is also included as part of the proposed project. This access road is approximately 1.2 km (0.7 mi) long and 30.48 m (11.41 ft) wide.

The project is located on the Navajo Nation near Birdsprings, Navajo County, Arizona. The beginning of the project (the southern terminus) is located in T 21 N, R 15 E and the end of the project (northern terminus) is in T 22 N, R 15 E. The project area is unplatted. It is mapped on the US Geological Survey 7.5 minute quadrangles: Winslow NW, AZ; Bird Springs Wash, AZ; and East of Leupp, AZ (Appendix 1).

II. Description of the Affected Environment

A. Land Resources

1. Topography

The terrain in most of the project area and surrounding landscape is flat. Elevations range from approximately 1,453 m (4,780 ft) to 1,487 m (4,890 ft). The southern portion of the project area is located in the floodplain of the Little Colorado River.

The proposed river crossing is located at the apex of a river meander. The riverbed shows evidence of scouring and sediment deposition. Sandbars are exposed during low flows in the river.

2. Soils

At the sites of the proposed bridges, surface soils at depths of 2.9 m to 5.9 m (9.5 ft to 19.5 ft) below the ground surface consist primarily of sand, silty sand, clayey sand, and sandy silty clay. The clayey sand is medium to high in plasticity. Sandstone and claystone underlie the surface soils (Geo-Test 1999). A soil survey of the entire project area has yet to be completed.

3. Geologic Setting

The geology in the project area consists of Quaternary sedimentary deposits overlying the Chinle and Moenkopi bedrock formations. The Chinle and Moenkopi are Tertiary age. The sedimentary deposits are clay, silt, sand, and gravel that extend to depths that exceed 27.4 m (89.9 ft) in some areas. The Chinle formation in this area consists of the Shinarump, Owl Rock, and Petrified Forest members. The predominant rock types in the Chinle formation are claystone, mudstone, siltstone, sandstone and conglomerates. Shale, siltstone, mudstone, and sandstone are the predominant rock types in the Moenkopi formation that contains the Wupatki, Holbrook, and Moqui members (Geo-Test 1999).

The nearest fault line to the proposed bridge crossing is 3.2 km (2.0 mi) to the southwest (BIA 1996).

B. Water Resources

1. Surface Water

Stream flow in the Little Colorado River is intermittent and varies from over bank flooding to a dry channel. The stream flow at bank full level is estimated to be 3,825 cubic feet per second (cfs) (BIA 1996). Approximately 85% of the stream flow in the Little Colorado River occurs during the March-April and August-September periods (Cooley et al. 1969). Data on streamflow is presented in Table 1.

Table 1: Little Colorado River Data* at Bridge Crossing

Bank full Width	21 m to 27 m (70 ft to 88 ft)
Flood prone Width	43 m to 46 m (140 ft to 150 ft)
Mean Depth	0.8 m to 0.9 m (2.5 ft to 2.8 ft)
Maximum Depth	1.1 m to 1.2 m (3.6 ft to 4.1 ft)

(*Natural Resources and Conservation Service 1999)

The Navajo Nation Environmental Protection Agency "designated uses" of the segment of the Little Colorado River within the project area are domestic, primary human contact, secondary human contact, ephemeral warm water habitat, and livestock and wildlife watering (Ecosystem Management, Inc. 1997).

Water quality in the Little Colorado River is degraded by flow alterations, rangeland practices, exotic species, metals, salinity and selenium (Ecosystem Management, Inc. 1997).

In the spring, the Little Colorado River at the project site was flowing through the reach within the project area. In the summer, the water had constricted to small pools separated by dry streambeds.

2. Groundwater

Wells in the area produce 20 gallons/minute of brackish water, high in dissolved solids (BIA 1996). Groundwater is derived from the Navajo Sandstone in the N Aquifer and the C Aquifer which are present in the Shinarump Member of the Chinle Formation, the Coconino Sandstone and the Kaibab Limestone. Water derived from the C Aquifer in the Leupp area has more than 3,900 milligrams/liter of total dissolved solids (BIA 1996).

C. Biotic Resources

1. Description of the Ecosystems and Biological Communities

The principal biotic community within the project area is the Great Basin Desertscrub (Brown 1982). There is also a riparian ecosystem along the Little Colorado River. The riparian plant community is dominated by *Salix* sp. (willow) and *Tamarix* sp. Both of these biological communities extend for many miles beyond the project area.

In the floodplain, cottonwoods (*Populus* sp.) are widely dispersed between stands of tamarisk. There are several large cottonwoods within the project site and the surrounding area.

2. Wildlife

a. Terrestrial

A red-tailed hawk (*Buteo jamaicensis*) was observed flying above a nest in a cottonwood tree located outside of the project area. A nestling, presumably a red-tailed hawk, was observed and heard vocalizing on April 18, 2000. A songbird nest was observed in a cottonwood tree that is located within the project right-of-way, approximately 30 m (100 ft) east of the centerline of the alignment. This cottonwood tree is located in the floodplain within the project right-of-way at the site of a proposed bridge.

Bird species observed in the project area include the horned lark (*Eremophila alpestris*), raven (*Corvus corax*), and sage thrasher (*Oreoscoptes montanus*). Several desert cottontail rabbits (*Sylvilagus audubonii*) were seen. Animal species observed in the project area are listed in Appendix 3.

The cottonwood trees in the floodplain provide suitable nesting habitat for raptors and other bird species protected by the Migratory Bird Treaty Act (MBTA).

b. Riparian/Aquatic

The Little Colorado River is intermittent in the project area; consequently the channel is dry much of the year. Fish are not generally found. Amphibians, including the northern leopard frog (*Rana pipiens*), could occur along the river. No amphibians were observed in the project area.

3. Vegetation

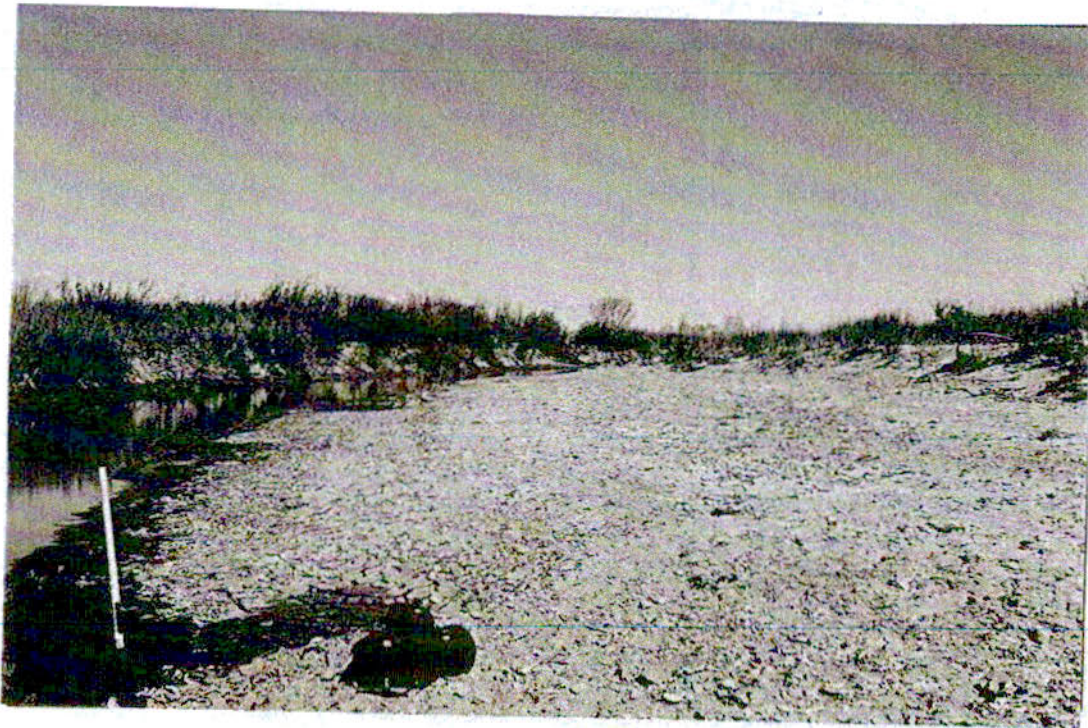
a. Terrestrial

The vegetation to the north of the floodplain of the Little Colorado River is dominated by black greasewood (*Sarcobatus vermiculatus*), New Mexico saltbush (*Atriplex obovata*), rubber rabbitbrush (*Chrysothamnus nauseosus*), and alkali sacaton (*Sporobolus airoides*).

b. Riparian/Aquatic

On the southern bridge approach, a flat, sandy plain near the Little Colorado River, the vegetation is dominated by the following shrubs and perennial grass species: black greasewood, (*Sarcobatus vermiculatus*), camelthorn (*Alhagi camelorum*), New Mexico saltbush (*Atriplex obovata*), and alkali sacaton (*Sporobolus airoides*). This vegetation type extends southwest across the floodplain to Navajo Route 2 and beyond. There is a low terrace just above the

riverbank on the west side. This terrace is dominated by camelthorn but also has sparse coyote willow (*Salix exigua*), sparse salt cedar (*Tamarix* sp), saltgrass (*Distichlis stricta*), and quackgrass (*Elymus repens*). Just below this terrace, at the river edge, is a narrow band of shrubby 0.6 m - 0.9 m (2 ft - 3 ft) tall coyote willow and tamarisk. There is an open expanse, characterized by a lack of trees that extends for approximately 61 m (200 ft) along the western side of the river. The southern approach intersects the river at this clearing. On the west side of this clear area, a band of coyote willow and tamarisk extends for several hundred meters, about 18 m (60 ft) away from the river edge. On the east boundary there is a narrow band of salt cedar that extends for 18 m (60 ft) where the tree layer gives way to an essentially open area with low, scrub willow, tamarisk, and shrubs. On the north side of the river, the bridge approach cuts through a dense canopy of coyote willow and tamarisk (Figure 3). There are three Fremont cottonwoods (*Populus fremontii*) on the north side of the river approximately 36 m (120 ft) from the river. The tree canopy is approximately 2 m - 3 m (7 ft - 10 ft) in height. This heavy canopy extends along the north bank for at least 182 m (600 ft) to both the east and the west. The canopy of the tamarisk and willow extends northward, away from the river, for approximately 15 m (50 ft). The mixed canopy then gives way to a continuous stand of tamarisk that stretches to the north. Increasingly large openings in the salt cedar support thickets of camelthorn. Beyond the monoculture of tamarisk, there is a flat plain where the plant species are predominantly camelthorn (*Alhagi camelorum*), rubber rabbitbrush (*Chrysothamnus nauseosus*), Russian thistle (*Salsola pestifer*), four-wing saltbush (*Atriplex canescens*), the common sunflower (*Helianthus annuus*) and occasional stands of tamarisk. This plain extends approximately 0.6 km (0.4 mi) northward. There are a few scattered Fremont cottonwoods growing in the plain.



(Figure 1): Riparian Vegetation along the Little Colorado River
At the Site of the Proposed Bridge

A wetland delineation was conducted on the north and south banks of the Little Colorado River at the site of the proposed bridge crossing. The soil material in the wetland is classified as very sandy inorganic soil with a hue, value and chroma of 5YR6/3 respectively. It is a light, reddish brown. The Natural Resources and Conservation Service (NRCS) has not mapped the soils in the area. The vegetative community is represented by the shrub layer community, dominated by coyote willow (*Salix exigua*), an obligate (OBL) wetland species and salt cedar (*Tamarix chinensis*), a facultative-wet (FACW) wetland species. There are also minor inclusions of camelthorn and Fremont's cottonwood, both facultative-wet wetland species. Camelthorn also occurs in the upland areas within the project area. The areas on the north and south banks of the river are not jurisdictional wetlands according to the US Army Corps of Engineers (personal communication, Jim Woods, August 12, 2000). There are no hydric soils that demonstrate extended periods of saturation. The soils are alluvial (personal communication, Jim Woods, August 12, 2000).

The project areas in the floodplain where two bridges are proposed have cracked soils, indicating wetland hydrology. Wetland delineations were conducted at these sites. However, the only hydrophytic vegetation is tamarisk, a FACW (facultative wet) species, and the common sunflower (*Helianthus annuus*) which is classified as a facultative minus (FAC -) wetland species in the southwest (US Department of Interior 1997). These project areas are not jurisdictional wetlands according to the US Army Corps of Engineers (personal communication, Jim Woods, August 12, 2000).

III. Survey Methodology

Surveys were conducted by Mike Tremble, biologist with Ecosystem Management, Inc. in the spring and summer of 2000. A site visit was made initially with personnel from the Branch of Roads. The survey route was driven and wooden stakes that marked the project centerline were located.

Vehicular and pedestrian surveys were conducted in areas within one mile of the centerline. Binoculars were used to scan the project site for nests, wildlife, and sensitive species. Cottonwood trees, in particular, were closely scrutinized.

The standard US Army Corps of Engineers wetland delineation methodology was utilized where areas of potential wetlands were identified.

Suitable habitat for the southwestern willow flycatcher was identified on both banks of the Little Colorado River. Formal surveys (US Department of Interior 1997) were not conducted. Through consultation with the Bureau of Indian Affairs, Branch of Roads, it was determined that if suitable habitat for this species is present at the project site, then formal surveys should be conducted prior to construction (see Avoidance and Mitigation section). A previous formal southwestern willow flycatcher survey conducted by Ecosystem Management, Inc. in June 1996 was negative. No southwestern willow flycatchers or nests were observed during field surveys.

No bald eagles or bald eagle nests were observed during field surveys at the project site. However, it is recommended that pre-construction winter and spring surveys be conducted for

this species in conjunction with surveys for nests of other bird species protected by the Migratory Bird Treaty Act (MBTA).

IV. Species Biology, Status, and Survey Results

The Navajo Natural Heritage Program responded to a request for information on threatened, endangered or sensitive species with potential to occur in the project area (Appendix 2).

Table 2: Sensitive Species that May Occur in the Project Area

Common Name	Scientific Name	Status
Pronghorn	<i>Antilocapra americana americana</i>	Group 3
Golden eagle	<i>Aquila chrysaetos</i>	Group 3; MBTA; EPA
Ferruginous hawk	<i>Buteo regalis</i>	Group 3; MBTA
Mountain plover	<i>Charadrius montanus</i>	Group 4; C; MBTA
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Group 2; E; MBTA
Greater roadrunner	<i>Geococcyx californianus</i>	-----
Bald eagle	<i>Haliaeetus leucocephalus</i>	T; MBTA; EPA
Black-footed ferret	<i>Mustela nigripes</i>	NESL Group 2; E
Western burrowing owl	<i>Speotyto cunicularia hypugea</i>	MBTA

C = federal Candidate; E = federal Endangered; EPA = Eagle Protection Act

Groups 2 = Endangered NESL; Group 3 = Threatened NESL; Group 4 = Candidate NESL ;

MBTA = federal Migratory Bird Treaty Act; NESL = Navajo Endangered Species List

Bald eagle

The bald eagle (*Haliaeetus leucocephalus*) typically nests and roosts in large trees that are close to rivers, lakes, and reservoirs. This species is known to winter and summer at some locations in Arizona. Bald eagles were not observed during field surveys in April and May of 2000. There is suitable nesting and roosting habitat in some cottonwood trees located in the floodplain.

Black-footed ferret

Black-footed ferrets (*Mustela nigripes*) are nocturnal mammals that inhabit abandoned burrows of prairie dogs that represent the primary prey species. Only prairie dog towns over approximately 200 acres (81 hectares) in size and with a density greater than 20 burrows per hectare (US Fish and Wildlife Service Black-footed Ferret Guidelines 1989) are considered sufficient to support black-footed ferrets. No prairie dog towns of sufficient size or black-footed ferrets were observed during field surveys.

Ferruginous hawk

Ferruginous hawks (*Buteo regalis*) generally inhabit dry, open country. The large stick nests are usually built in trees, on hillsides, buttes, cliffs or rocky pinnacles. The project area has limited potential habitat for this species. No ferruginous hawks or nests were observed during field surveys.

Golden eagle

The golden eagle (*Aquila chrysaetos*) primarily inhabits hilly or mountainous terrain and hunts over open country for birds, snakes, carrion, and small mammals. Golden eagles nest in trees 3 m to 30 m (10 ft to 100 ft) above ground or on rocky cliffs. There are a few scattered cottonwood

trees in the floodplain of the Little Colorado River that provide suitable nesting habitat for this species. No golden eagles or nests were observed during field surveys.

Greater roadrunner

Greater roadrunners (*Geococcyx californianus*) inhabit dry, open country with scattered cover and brush. Roadrunners prey largely upon reptiles. There is suitable habitat in the project area. No roadrunners were observed.

Mountain plover

Mountain plovers (*Charadrius montanus*) are found in varied topographical settings including barren playas, wide valleys, steep hills and ridgetops, rocky hillsides and thickly vegetated flats (Sager 1996). A characteristic common to these settings is the presence of bare ground where this species nests. This species migrates south during the winter. There is suitable habitat in the project area. Mountain plovers and nests were not observed during field surveys.

Pronghorn

Pronghorn (*Antilocapra americana americana*) inhabit areas of scattered shrubs and grasses with rolling hills or mesas. Bluegrass (*Poa* sp), globemallow (*Sphaeralcea* spp), and buckwheat (*Eriogonum* spp) are among the preferred foods of the pronghorn (Hoffmeister 1986). There is suitable habitat in the project area. No pronghorn were observed during field surveys.

Southwestern willow flycatcher

The southwestern willow flycatcher (*Empidonax traillii extimus*) is a neotropical migrant endemic to riparian vegetation. This species is known to nest in tamarisk (*Tamarix* spp), boxelder (*Acer negundo*), and willows (*Salix* spp). There is suitable habitat for this species where the proposed bridge crosses the Little Colorado River (Figure 1). On the south side of the river, there is an area with tamarisk and coyote willow (*Salix exigua*). This area exceeds 3 m (10 ft) in width and is several hundred meters in length. On the north side of the river the same plant community is present but it is wider and extends through the entire right-of-way. A monoculture of tamarisk grows to the north for approximately 502 m (1,650 ft). No nests or southwestern willow flycatchers were observed during field surveys.

Western burrowing owl

The western burrowing owl (*Speotyto cunicularia hypugea*) nests in burrows in pastures, grasslands, and farmlands. This species feeds upon rodents, birds, and reptiles. A portion of the project is located in a floodplain where rodent burrows are not common. Therefore, the area of suitable habitat is limited in the project area. No western burrowing owls were observed during field surveys.

USGS maps showing areas of suitable nesting habitat for the bald eagle, ferruginous hawk, golden eagle, mountain plover, pronghorn, southwestern willow flycatcher, western burrowing owl, and Migratory Birds are located in Appendix 1.

V. Impact Analysis and Mitigation

1. Vegetation

The loss of riparian species represents the primary adverse effect of the proposed project on vegetation. Removal of riparian vegetation will result in the loss of forage and cover for animals, particularly mammals. There will also be a loss of nesting, breeding, perching, and foraging habitat for birds. However, riparian vegetation is available for several miles along the river adjacent to the project site. Consequently loss of riparian vegetation is not likely to adversely effect animal populations in the project area. Coyote willow and tamarisk populations from undisturbed areas would recolonize areas of disturbance through local seed dispersal and vegetative propagation. The Great Basin Desert Scrub community extends for over a hundred miles from the project area. Loss of vegetation will not adversely affect plant species in the project area.

No woody vegetation will be removed except where required to place permanent structures. Species and planting methodologies will be those recommended by the Navajo Nation Department of Agriculture (Appendix 6).

At least three cottonwood trees that are located within the project right-of-way will be cut. The contractor will contact the Navajo Nation Department of Forestry prior to cutting any trees.

2. Wetlands

There are no jurisdictional wetlands in the project alignment. The Navajo Nation EPA is evaluating the option of placing wetlands in near the project area into a National Wetland Reserve Program under the Natural Resources and Conservation Service (Navajo Nation Environmental Protection Agency, Water Quality/NPDES Program letter, May 5, 2000).

3. Threatened, Endangered, and Protected Species

Less than 1 acre of suitable potential nesting habitat for the southwestern willow flycatcher would be removed where a bridge is proposed to cross the Little Colorado River. Because the habitat is adjacent to an intermittent stream where standing water is not always present, the habitat does not provide high quality nesting sites. The riparian vegetation extends for several miles in either direction along the river. The proposed project could possibly effect nesting southwestern willow flycatchers if they are present at the time of project construction.

There are several cottonwoods that provide potential nesting and roosting habitat for the bald eagle. The area was not surveyed in the winter when bald eagles could possibly be roosting near the site. There are least three cottonwood trees that may be removed during construction of the road and several others that are located within one mile of the area proposed for road construction. Construction noise could possibly affect bald eagles if they are present at the time of project construction.

4. Wildlife

Migratory birds and their nests are protected by the Migratory Bird Treaty Act (MBTA). The scattered cottonwood trees in the floodplain north of the Little Colorado River provide suitable nesting habitat for birds. There are at least three cottonwood trees that are located in the project

right-of-way. Any cottonwood trees that must be removed during construction should be surveyed for nests by a qualified biologist prior to construction. If any active nests are identified in the right-of-way then the biologist may be required to obtain a Migratory Bird Permit from the US Fish and Wildlife Service prior to removal of the bird occupying the nest. A raptor nest, occupied by a red-tailed hawk, occurs outside of the project area.

Potential impacts to fish, that may exist downstream in the Little Colorado River, from erosion or pollutants resulting from the project will be negligible. Implementation of the project will have little effect on the surface water quality. The intermittent flows are high in sediment load under normal circumstances. Any contribution of sediment due to project construction is negligible. A temporary increase in erosion and turbidity will occur during construction.

The noise and activity during construction will disturb wildlife in the project area. However, the impacts on wildlife are expected to be temporary and minor.

VI. Conclusion


The proposal to construct N71 (1) (2) (3), the Birdsprings Road, in Navajo County, Arizona will have minimal impact upon the biological resources in the project area. A southwestern willow flycatcher survey will be conducted using standard protocol prior to construction where a bridge is proposed to cross the Little Colorado River. If nesting southwestern willow flycatchers are identified at the site, then construction will occur outside of the breeding season. A survey for bald eagles will be conducted in the winter and spring prior to construction. Surveys for occupied migratory bird nests will be conducted in the spring/summer prior to construction.

VII. Personnel

Mike Tremble, Environmental Scientist/Biologist, Ecosystem Management, Inc. (B.A. and M.Sc. Biology); 15 years of experience in environmental science. Coursework in Wetlands Delineation, NEPA and Southwestern Willow Flycatcher protocol.

Bill Hevron, Environmental Scientist/Biologist, Ecosystem Management, Inc. (B.A. and M.Sc. in Biology-Botany); 15 years of experience in environmental science. Coursework in Wetland Delineation and NEPA.

VIII. Certification



Mike Tremble

IX. Coordination and Consultation

Jim Woods
Army Corps of Engineers
Albuquerque Area Office
Albuquerque, New Mexico

Highway Engineer
BIA Navajo Regional Office
Branch of Roads
Gallup, New Mexico

Agency Engineer
Bureau of Indian Affairs
Tuba City, AZ

Tom Morris
Water Quality Program
Navajo Nation Environmental Protection Agency
Window Rock, Arizona

Brent Nelson
Navajo Natural Heritage Program
Window Rock, Arizona

X. Authorities

Navajo Fish and Wildlife Department

Navajo Nation EPA

US Fish and Wildlife Service

US Army Corps of Engineers

XI. Bibliography

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LEGEND

Boundaries of Areas of Suitable Habitat for Species of Concern

Bald Eagle



Ferruginous hawk



Golden Eagle



Mountain plover



Pronghorn



Southwestern willow flycatcher

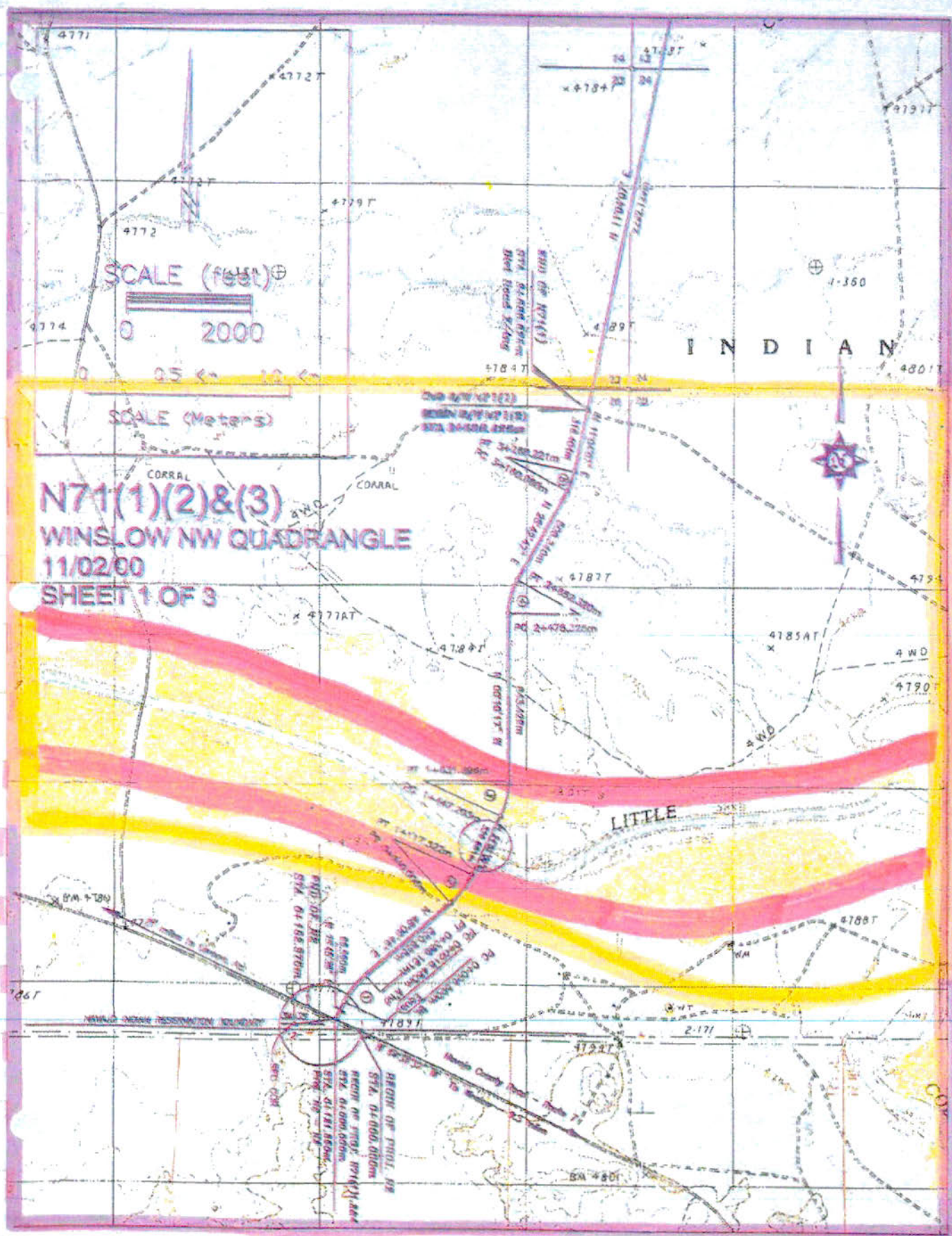


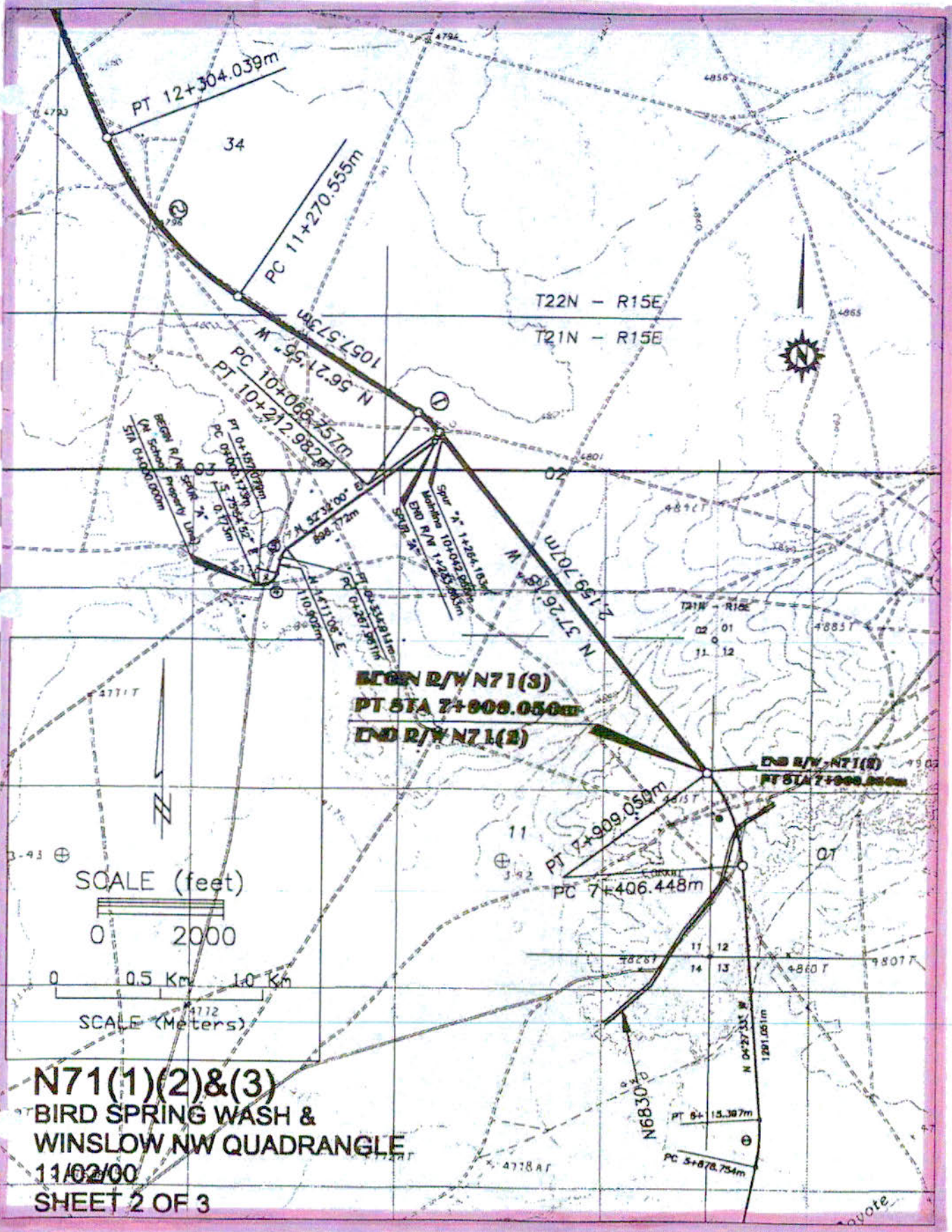
Western burrowing owl

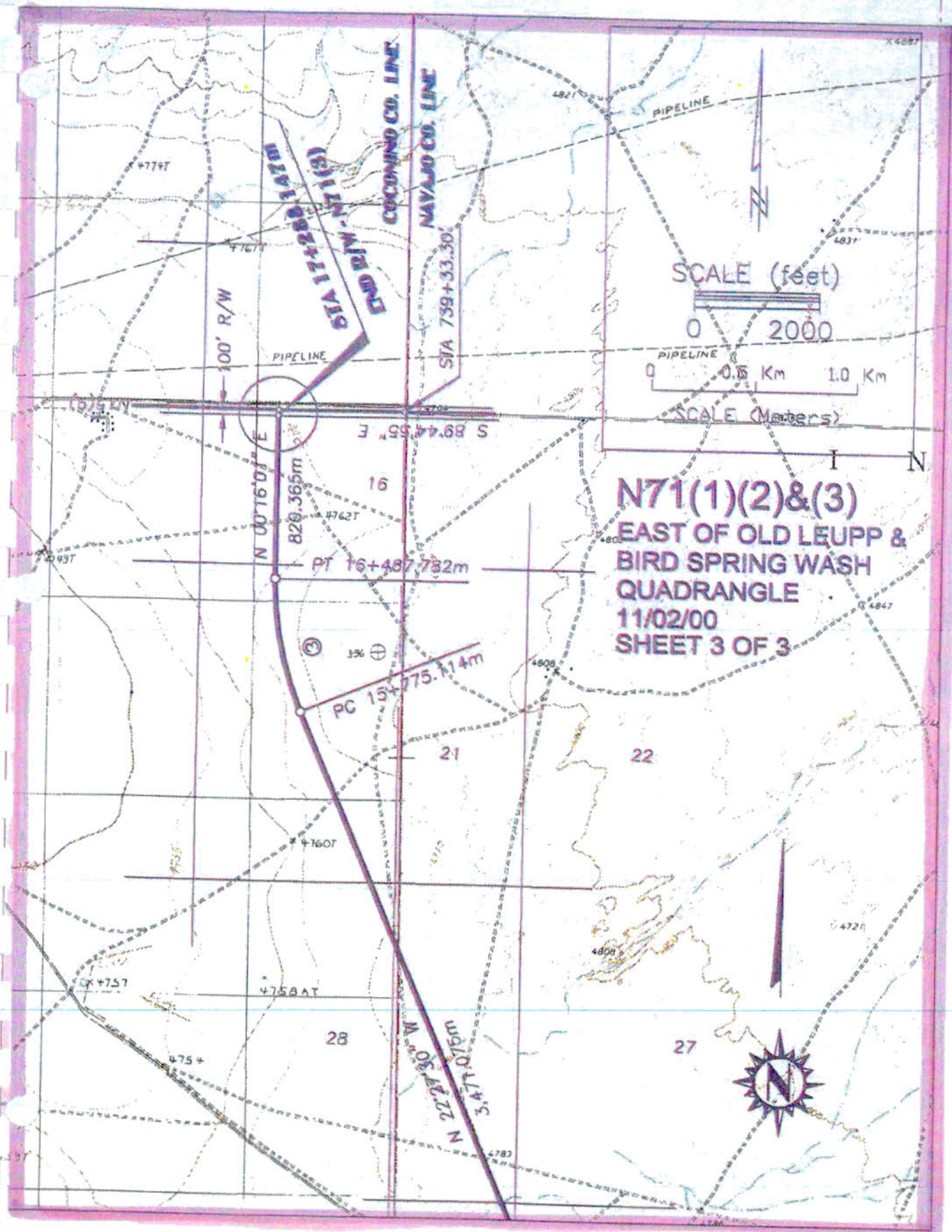


Migratory birds









List of Plant Species Observed

Scientific Name	Common Name
<i>Alhagi camelorum</i>	camel-thorn
<i>Artemisia filifolia</i>	sand sagebrush
<i>Atriplex canescens</i>	four-wing saltbush
<i>Atriplex obovata</i>	New Mexico saltbush
<i>Chrysothamnus nauseosus</i>	rubber rabbitbrush
<i>Descurainia</i> sp.	tansy-mustard
<i>Distichlis spicata</i>	desert saltgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Elymus repens</i>	quackgrass
<i>Foresteria neomexicana</i>	New Mexico olive
<i>Gutierrezia</i> sp.	snakeweed
<i>Helianthus annuus</i>	common sunflower
<i>Opuntia</i> sp.	cholla
<i>Populus fremontii</i>	Fremont's cottonwood
<i>Salix exigua</i>	coyote willow
<i>Salsola pestifer</i>	Russian thistle
<i>Sarcobatus vermiculatus</i>	black greasewood
<i>Sphaeralcea</i> sp.	globe-mallow
<i>Sporobolus airoides</i>	alkali sacaton
<i>Tamarix</i> sp.	tamarisk

List of Animal Species Observed

Scientific Name	Common Name
<i>Amphispiza belli</i>	sage sparrow
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Canis lutans</i>	coyote
<i>Corvus corax</i>	common raven
<i>Eremophila alpestris</i>	horned lark
<i>Oreoscoptes montanus</i>	sage thrasher
<i>Sylvilagus audubonii</i>	desert cottontail
<i>Tachycineta thalassina</i>	violet-green swallow
<i>Zenaida macroura</i>	mourning dove

APPENDIX 4

Wetland Delineation Forms

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>N-71 2nd Bridge area</u> Applicant/Owner: _____ Investigator: _____	Date: <u>April 18 - 2000</u> County: <u>Maui</u> State: <u>HI</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: _____ Transect ID: <u>2</u> Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Cynodon</u>	<u>1</u>		9. _____		
2. <u>Lamarckia</u>	<u>2</u>		10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p>Recorded Data (Describe in Remarks):</p> <p>___ Stream, Lake, or Tide Gauge</p> <p>___ Aerial Photographs</p> <p>___ Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>0</u> (in.)</p> <p>Depth to Free Water in Pit: <u>0</u> (in.)</p> <p>Depth to Saturated Soil: <u>0</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p>___ Inundated</p> <p>___ Saturated in Upper 12 Inches</p> <p><input checked="" type="checkbox"/> Water Marks</p> <p>___ Drift Lines</p> <p><input checked="" type="checkbox"/> Sediment Deposits</p> <p>___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p>___ Oxidized Root Channels in Upper 12 Inches</p> <p>___ Water-Stained Leaves</p> <p>___ Local Soil Survey Data</p> <p>___ FAC-Neutral Test</p> <p>___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

It was my pleasure to attend the Public Hearing for the proposed Little Colorado River bridge project on October 25, 1994.

My parents and other extended family members have lived in the Birdsprings community for many generations. I have heard so many tragic stories of how people were unable to cross the river desperately trying to get to the hospital during emergency situations. Including my baby sister whom we lost enroute to the hospital when my parents were unable to cross the high river.

Even today, if the river is high we still have to travel around Leupp or Dilcon to get to Winslow. So you see, all of the hard work you are putting into this is a worthwhile project and we appreciate your efforts.

Eugene Yazzie Jr
P. O. Box 22393
Flagstaff, AZ 86002

Date: ~~Nov~~ Oct. 31, 1994

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>N 71-LCR Bridge - South S. 20</u> Applicant/Owner: <u>BIA</u> Investigator: <u>Trenk</u>	Date: <u>April 18-2000</u> County: <u>Maricopa</u> State: <u>AZ</u>
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the area a potential Problem Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If needed, explain on reverse.)	Community ID: <u>Trenk</u> Transect ID: <u>2</u> Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Tamarik</u>			9. _____		
2. _____			10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;">___ Stream, Lake, or Tide Gauge</p> <p style="margin-left: 20px;">___ Aerial Photographs</p> <p style="margin-left: 20px;">___ Other</p> <p>___ No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>4</u> (in.)</p> <p>Depth to Free Water in Pit: <u>2</u> (in.)</p> <p>Depth to Saturated Soil: <u>6</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p style="margin-left: 20px;">___ Inundated</p> <p style="margin-left: 20px;">___ Saturated in Upper 12 Inches</p> <p style="margin-left: 20px;">___ Water Marks</p> <p style="margin-left: 20px;">___ Drift Lines</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Sediment Deposits</p> <p style="margin-left: 20px;">___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p style="margin-left: 20px;">___ Oxidized Root Channels in Upper 12 Inches</p> <p style="margin-left: 20px;">___ Water-Stained Leaves</p> <p style="margin-left: 20px;">___ Local Soil Survey Data</p> <p style="margin-left: 20px;">___ FAC-Neutral Test</p> <p style="margin-left: 20px;">___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

Map Unit Name (Series and Phase): <u>NL4</u>		Drainage Class: <u>NA</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:

<u>Depth</u> <u>(inches)</u>	<u>Horizon</u>	<u>Matrix Color</u> <u>(Munsell Moist)</u>	<u>Mottle Colors</u> <u>(Munsell Moist)</u>	<u>Mottle Abundance/Contrast</u>	<u>Texture, Concretions,</u> <u>Structure, etc.</u>
<u>1-15</u>		<u>5/6/3</u>	<u>/</u>	<u>/</u>	<u>-</u>

Hydric Soil Indicators: C

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
---	--

Remarks: _____

WETLAND DETERMINATION	
Hydrophytic Vegetation Present?	<input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)
Wetland Hydrology Present?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Hydric Soils Present?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this Sampling Point Within a Wetland? - Yes <input type="radio"/> No <input checked="" type="radio"/>	
Remarks:	

- 197 -

WTI, 1995

ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>W71 LEE BRIDGE SOUTH SIDE</u> Applicant/Owner: _____ Investigator: _____	Date: <u>APRIL 19-2000</u> County: _____ State: <u>ALABAMA</u>
Do Normal Circumstances exist on the site? Yes No Is the site significantly disturbed (Atypical Situation)? Yes <u>NO</u> Is the area a potential Problem Area? Yes No (If needed, explain on reverse.)	Community ID: <u>61400</u> Transect ID: <u>1</u> Plot ID: <u>2</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>willow</u>			9. _____		
2. _____			10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks): ___ Stream, Lake, or Tide Gauge ___ Aerial Photographs ___ Other <u>✓</u> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>0.0</u> (in.)</p> <p>Depth to Free Water in Pit: <u>0.0</u> (in.)</p> <p>Depth to Saturated Soil: <u>0.0</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p>___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks <u>✓</u> Drift Lines ___ Sediment Deposits ___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p>___ Oxidized Root Channels in Upper 12 Inches ___ Water-Stained Leaves ___ Local Soil Survey Data ___ FAC-Neutral Test ___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

SOILS

Map Unit Name (Series and Phase): <u>NA</u>		Drainage Class: <u>NA</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
1-7		7.5YR 6/3	—	—	— sandy
7-15		7.5YR 5/4			
		5Y 6/3			

Hydric Soil Indicators: 0

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
---	--

Remarks: silt sandy silt

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	(Circle)	
Wetland Hydrology Present?	<input checked="" type="radio"/> Yes	<input type="radio"/> No		
Hydric Soils Present?	<input checked="" type="radio"/> Yes	<input type="radio"/> No		
Is this Sampling Point Within a Wetland?				Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks:				

Approved by HQUSACE 3/92

SOILS

Map Unit Name (Series and Phase): <u>NA</u>		Drainage Class: <u>NA</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? Yes No	
Profile Description:			
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)
		Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
	pk 13	7.5Y4/43	—
		15R2/14	—
			—
			—
			—
			—
			—
			—
Hydric Soil Indicators: <u>0</u>			
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors		<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)	
Remarks: <u>sand</u>			

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <u>Yes</u> No (Circle) Wetland Hydrology Present? <u>Yes</u> No Hydric Soils Present? <u>Yes</u> No	(Circle) Is this Sampling Point Within a Wetland? Yes <u>No</u>
Remarks:	

Approved by HQUSACE 3/92

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>V71 LCR North Side Bridge</u> Applicant/Owner: <u>US</u> Investigator: <u>T. R. R. R.</u>	Date: <u>12-1-19-2000</u> County: <u>Novato</u> State: <u>Arizona</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input type="radio"/> No Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Community ID: <u>14</u> Transect ID: <u>2</u> Plot ID: <u>1</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Tamarix</u>			9. _____		
2. <u>Willow</u>			10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p><input type="checkbox"/> Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;"><input type="checkbox"/> Stream, Lake, or Tide Gauge</p> <p style="margin-left: 20px;"><input type="checkbox"/> Aerial Photographs</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other</p> <p><input type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: _____ (in.)</p> <p>Depth to Free Water in Pit: _____ (in.)</p> <p>Depth to Saturated Soil: _____ (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p style="margin-left: 20px;"><input type="checkbox"/> Inundated</p> <p style="margin-left: 20px;"><input type="checkbox"/> Saturated in Upper 12 Inches</p> <p style="margin-left: 20px;"><input type="checkbox"/> Water Marks</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Drift Lines</p> <p style="margin-left: 20px;"><input type="checkbox"/> Sediment Deposits</p> <p style="margin-left: 20px;"><input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p style="margin-left: 20px;"><input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</p> <p style="margin-left: 20px;"><input type="checkbox"/> Water-Stained Leaves</p> <p style="margin-left: 20px;"><input type="checkbox"/> Local Soil Survey Data</p> <p style="margin-left: 20px;"><input type="checkbox"/> FAC-Neutral Test</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other (Explain in Remarks)</p>
Remarks: _____	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>N 71 North side LLC</u> Applicant/Owner: <u>D. S.</u> Investigator: <u>T. P. R. S. L. F.</u>	Date: <u>April 17, 2000</u> County: _____ State: <u>AR - NANTON</u>
Do Normal Circumstances exist on the site? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Is the site significantly disturbed (Atypical Situation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Is the area a potential Problem Area? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If needed, explain on reverse.)	Community ID: <u>4-11-2</u> Transect ID: <u>2</u> Plot ID: <u>2</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Willow</u>			9. _____		
2. <u>Potamogeton</u>			10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): _____

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;">___ Stream, Lake, or Tide Gauge</p> <p style="margin-left: 20px;">___ Aerial Photographs</p> <p style="margin-left: 20px;">___ Other</p> <p>___ No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: _____ (in.)</p> <p>Depth to Free Water in Pit: _____ (in.)</p> <p>Depth to Saturated Soil: _____ (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p>___ Inundated</p> <p>___ Saturated in Upper 12 Inches</p> <p>___ Water Marks</p> <p>___ Drift Lines</p> <p>___ Sediment Deposits</p> <p>___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p>___ Oxidized Root Channels in Upper 12 Inches</p> <p>___ Water-Stained Leaves</p> <p>___ Local Soil Survey Data</p> <p>___ FAC-Neutral Test</p> <p>___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

Map Unit Name
(Series and Phase):

Drainage Class:

Taxonomy (Subgroup):

Field Observations
Confirm Mapped Type? Yes No

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
6		7.5YR 6/8	—	—	Sand
2-15		7.5YR 5/4	—	—	Sand

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks:

Hydrophytic Vegetation Present?	Yes No (Circle)	(Circle)
Wetland Hydrology Present?	Yes No	
Hydric Soils Present?	Yes No	Is this Sampling Point Within a Wetland? - Yes No
Remarks:		

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WTI, 1995

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>N71 - 2nd Bridge area</u> Applicant/Owner: <u>BIT</u> Investigator: <u>TRIMBLE</u>	Date: <u>April 18-2000</u> County: <u>Washco</u> State: <u>AR</u>				
Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation)? Is the area a potential Problem Area? (If needed, explain on reverse.)	<table style="width: 100%;"> <tr> <td style="text-align: center;">Yes <input checked="" type="radio"/> No <input type="radio"/></td> <td rowspan="3" style="vertical-align: top; padding-left: 10px;"> Community ID: _____ Transect ID: <u>1</u> Plot ID: _____ </td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input checked="" type="radio"/></td> </tr> <tr> <td style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></td> </tr> </table>	Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: _____ Transect ID: <u>1</u> Plot ID: _____	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID: _____ Transect ID: <u>1</u> Plot ID: _____				
Yes <input type="radio"/> No <input checked="" type="radio"/>					
Yes <input type="radio"/> No <input type="radio"/>					

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Carex</u>	<u>1</u>		9. _____		
2. <u>Forstia glauca</u>	<u>1</u>		10. _____		
3. <u>Spartina</u>	<u>1</u>		11. _____		
4. <u>Forstia</u>	<u>1</u>		12. _____		
5. <u>Forstia</u>	<u>2</u>		13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 17%

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks): ___ Stream, Lake, or Tide Gauge ___ Aerial Photographs ___ Other ___ No Recorded Data Available</p> <p>Field Observations:</p> <p>Depth of Surface Water: <u>None</u> (in.)</p> <p>Depth to Free Water in Pit: <u>None</u> (in.)</p> <p>Depth to Saturated Soil: <u>None</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p>___ Inundated ___ Saturated in Upper 12 Inches <input checked="" type="checkbox"/> Water Marks ___ Drift Lines <input checked="" type="checkbox"/> Sediment Deposits ___ Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required):</p> <p>___ Oxidized Root Channels in Upper 12 Inches <input checked="" type="checkbox"/> Water-Stained Leaves ___ Local Soil Survey Data ___ FAC-Neutral Test ___ Other (Explain in Remarks)</p>
<p>Remarks: _____</p>	

SOILS

Map Unit Name (Series and Phase): <u>NA</u>		Drainage Class: <u>NA</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
1		4/4	3/4		linear
3		4/3	3/4	very sparse	linear
6-15		3/4	—	zero	

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
Remarks: <u>no indicators present</u>	

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle)	Is this Sampling Point Within a Wetland? Yes <input checked="" type="radio"/> No <input type="radio"/>
Remarks:	

Approved by HQUSACE 3/92

Map Unit Name
(Series and Phase): NA

Drainage Class: WA
Field Observations
Confirm Mapped Type? Yes No

Taxonomy (Subgroup): _____

Profile Description:

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
1-6		4/3	none	none	—
6-18		4/3	"	"	—

Hydric Soil Indicators: ☒

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks:

Hydrophytic Vegetation Present?	Yes <u>No</u> (Circle)	(Circle)
Wetland Hydrology Present?	<u>Yes</u> No	
Hydric Soils Present?	Yes <u>No</u>	
Is this Sampling Point Within a Wetland?		Yes <u>No</u>
Remarks:		

WTI, 1995

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>N 71 Bridge Area</u> Applicant/Owner: <u>P.A. Temple</u> Investigator: <u>Temple</u>	Date: <u>Apr 18 - 2000</u> County: <u>Navajo</u> State: <u>AZ</u>
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse.)	Community ID: _____ Transect ID: <u>2</u> Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Ceanothus</u>	<u>1</u>		9. _____		
2. <u>art. phac. pleutha</u>	<u>1</u>		10. _____		
3. _____			11. _____		
4. _____			12. _____		
5. _____			13. _____		
6. _____			14. _____		
7. _____			15. _____		
8. _____			16. _____		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). _____

Remarks: _____

HYDROLOGY

<p>___ Recorded Data (Describe in Remarks): ___ Stream, Lake, or Tide Gauge ___ Aerial Photographs ___ Other <input checked="" type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: <u>0</u> (in.)</p> <p>Depth to Free Water in Pit: <u>0</u> (in.)</p> <p>Depth to Saturated Soil: <u>0</u> (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <ul style="list-style-type: none"> ___ Inundated ___ Saturated in Upper 12 Inches <input checked="" type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Drift Lines <input checked="" type="checkbox"/> Sediment Deposits ___ Drainage Patterns in Wetlands <p>Secondary Indicators (2 or more required):</p> <ul style="list-style-type: none"> ___ Oxidized Root Channels in Upper 12 Inches ___ Water-Stained Leaves ___ Local Soil Survey Data ___ FAC-Neutral Test ___ Other (Explain in Remarks)
<p>Remarks: _____</p>	

SOILS

Map Unit Name (Series and Phase): <u>NA</u>		Drainage Class: <u>NA</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:		Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon				
1-6		4/3	nae	nae	—
6-15		"	"	"	—

Hydric Soil Indicators:

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
---	--

Remarks: _____

WETLAND DETERMINATION

Hydrophytic Vegetation Present? Yes <u>No</u> (Circle) Wetland Hydrology Present? <u>Yes</u> No Hydric Soils Present? Yes <u>No</u>	(Circle) Is this Sampling Point Within a Wetland? Yes <u>No</u>
Remarks: _____	

Approved by HQUSACE 3/92

APPENDIX 5

Clean Water Act Information

401 Permits

WATER QUALITY CERTIFICATION INFORMATION SUMMARY FOR NATIONWIDE PERMIT USE IN THE ALBUQUERQUE DISTRICT

Section 401 water quality certification for nationwide permits (NWP's) in the Albuquerque District has been variously issued, waived, denied, or conditioned by certifying agencies. Review the following list to determine the status of water quality certification for the type of NWP and area of use. This list is a summary of information received from the certifying agencies; the specific requirements are available in each agency's water quality certification. You must obtain any required individual water quality certification from the appropriate water quality certification authority for your project area prior to construction under the specified nationwide permits:

State of Colorado. Water quality certification for all NWPs is issued by State of Colorado statute.

State of New Mexico. Issued unconditional certification for NWPs 1, 2, 8, 9, 10, 11, 20, 22, 24, 30, and 38. Conditional certification is issued for NWPs 3-7, 12-19, 21, 23, 25, 27-29, 31-37, 39-44. If your project impacts more than 1/3 acre of wetlands, or is within a perennial surface water or perennial reach of an ephemeral or intermittent surface water, you must obtain individual water quality certification from the New Mexico Environment Department to use these conditionally certified NWPs. Contact:

New Mexico Environment Department
Surface Water Quality Bureau, Sec 401 Certification Program
Harold Runnels Building, 1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87502-6110 Phone: (505) 827-2803

State of Texas. Issued conditional water quality certification for all NWP use in Texas. The permittee must use best management practices (BMPs) described in the certification for erosion control, post-construction total soluble solids control and sedimentation control. Copies of the conditions, including the required BMPs, may be obtained from the Albuquerque District or from the Texas Natural Resource Conservation Commission. Contact:

Texas Natural Resource Conservation Commission
Water Quality Assessment Section
Water Permits & Resource Management Division (MC-150)
P.O. Box 13087
Austin, Texas 78711-3087 Phone: (512) 239-1000

10/4/00

Pueblo of Isleta jurisdiction. Requires individual water quality certification for use of any NWP within Pueblo of Isleta jurisdiction. Contact:

Water Quality Program
Pueblo of Isleta
P.O. Box 1270
Isleta, New Mexico 87022 Phone: (505) 869-2710

Pueblo of Nambe jurisdiction. Water quality certification for all NWPs is denied. Requires individual water quality certification for use of any NWP within Pueblo of Nambe jurisdiction. Contact:

Pueblo of Nambe Department of Environment and Natural Resources
Route 1, P.O. Box 117BB
Nambe Pueblo, New Mexico 87501 Phone: (505) 455-2036

Picuris Pueblo jurisdiction. Requires individual water quality certification for use of any NWP within Picuris Pueblo jurisdiction. Contact:

Environment Department
Picuris Pueblo
P.O. Box 127
Penasco, New Mexico 87553 Phone: (505) 587-2519

Pueblo of Pojoaque jurisdiction. Conditional certification is issued for use of new and modified NWPs. Requires individual water quality certification for use of any NWP within Pueblo of Pojoaque jurisdiction. Your submittal to the Pueblo must include a Pollution Prevention Plan. Copies of the conditions may be obtained from the Albuquerque District or from the Pueblo of Pojoaque Environment Department. Contact:

Pueblo of Pojoaque Environment Department
Route 11, PO Box 21G
Santa Fe, New Mexico 87501 Phone: (505) 455-2087

Pueblo of Sandia jurisdiction. Requires individual water quality certification for use of any NWP within Pueblo of Sandia jurisdiction. Contact:

Environmental Director
Pueblo of Sandia
Box 6008
Bernalillo, New Mexico 87004 Phone: (505) 867-4533

Pueblo of Tesuque jurisdiction. Requires individual water quality certification to use any NWP within Pueblo of Tesuque jurisdiction. Contact:

Pueblo of Tesuque Environment Department
Route 5, Box 360-T
Santa Fe, New Mexico 87501 Phone: (505) 983-2667 or 988-3620

Pueblo San Juan jurisdiction. Conditional certification is issued for all NWP. Requires individual water quality certification for use of any NWP within Pueblo of San Juan jurisdiction. Compliance with the Pueblo of San Juan Surface Water Quality Monitoring Program is also required. Contact: Office of Environmental Affairs
San Juan Pueblo
P.O. Box 717
San Juan Pueblo, New Mexico 87566-0717 Phone: (505) 852-4212

Santa Clara Pueblo jurisdiction. Certification is not required or is issued for NWPs 1-2, 4-5, 9-11, 15-17, 20-22, 24, 28, 32, 34-35, and 37-38. Water quality certification is issued with conditions for NWPs 6-7, 12-14, 18-19, 23, 25, 29-30, 33, and 36. All new or modified NWPs are not certified. Requires individual water quality certification for use of NWPs within Santa Clara Pueblo jurisdiction. Contact:

Santa Clara Pueblo - Office of Environmental Affairs
Surface Water Division
P.O. Box 580
Española, New Mexico 87532 Phone: (505) 753-7326, ext. 232

Tribal lands in Colorado, certifying agency: EPA, Region 8 (Note: EPA certifies projects on tribal lands in Colorado where the tribe does not have water quality certifying authority). EPA, Region 8, has denied certification of NWPs 37 and 44, and conditionally denied certification of all other NWPs. Individual water quality certification for use of NWPs must be obtained from the EPA, Region 8. Contact the applicable Tribe and:

U.S. Environmental Protection Agency, Region 8
Ecosystems Protection Program
999 18th Street, Suite 500
Denver, Colorado 80202-2466 Phone: (303) 312-6192

Tribal lands in New Mexico, certifying agency: EPA, Region 6 (Note: EPA certifies projects on tribal lands in New Mexico where the tribe does not have water quality certifying authority). Water quality certification is denied without prejudice for use of all NWPs. You must obtain individual water quality certification to use any NWP where water quality certification is denied without prejudice. Contact:

U.S. Environmental Protection Agency, Region 6
Ecosystems Protection Branch
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733 Phone: (214) 665-8333

Navajo Nation, certifying agency: EPA, Region 9. Issued additional water quality certification for NWPs 1, 2, 4-6, 8-11, 13, 15, 17, 19, 20, 22-25, 28, 30, 32, 34-36, and 38. Copies of the conditions may be obtained from the Albuquerque District or from EPA, Region 9. **Denied certification** for use of NWPs 3, 7, 12, 14, 16, 18, 21, 29, 31, 33, and 39-44. You must obtain an individual water quality certification to use these NWPs on Navajo Nation lands. Contact:

U.S. Environmental Protection Agency, Region 9
Water Division (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901 Phone: (415) 744-2009

General information regarding Section 401 water quality certification and Section 404 permit requirements may be obtained from our web site at www.spa.usace.army.mil/reg/ or by contacting us at:

Regulatory Branch
Albuquerque District, U.S. Army Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Phone: (505) 342-3283

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WQ Summary Version: 6/15/00

Effective June 7, 2000



U.S. Army Corps
of Engineers
Albuquerque District

Nationwide Permit Summary

No. 14, LINEAR TRANSPORTATION CROSSINGS (NWP Final Notice, 61 FR 12888, para. 14)

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, and airport runways and taxiways) in waters of the United States, including wetlands, provided the activity meets the following criteria:

a. This NWP is subject to the following acreage and linear limits:

- (1) For public linear transportation projects in non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters, provided the discharge does not cause the loss of greater than 1/2 acre of waters of the United States;
- (2) For public linear transportation projects in tidal waters or non-tidal wetlands adjacent to tidal waters, provided the discharge does not cause the loss of greater than 1/3 acre of waters of the United States and the length of fill for the crossing in waters of the United States does not exceed 200 linear feet; or;
- (3) For private linear transportation projects in all waters of the United States, provided the discharge does not cause the loss of greater than 1/3 acre of waters of the United States and the length of fill for the crossing in waters of the United States does not exceed 200 linear feet;

b. The permittee must notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:

- (1) The discharge causes the loss of greater than 1/10 acre of waters of the United States; or
 - (2) There is a discharge in a special aquatic site, including wetlands;
- c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the United States to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable;
- d. For discharges in special aquatic sites, including wetlands, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing a water of the United States. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an individual permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

NATIONWIDE PERMIT CONDITIONS

General Conditions: The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. **Aquatic Life Movements.** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification and Coastal Zone Management Act consistency determination.

7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a 'study river' for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. **Water Quality.** (a) In certain States and tribal lands an individual 401 water quality certification must be obtained or waived (See 33 CFR 330.4(c)).

(b) For NWP's 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the State or tribal 401 certification (either generically or individually) does not require or approve a water quality management plan, the permittee must include design criteria and techniques that will ensure that the authorized work does not result in more than minimal degradation of water quality. An important component of a water quality management plan includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality. Refer to General Condition 21 for stormwater management requirements. Another important component of a water quality management plan is the establishment and maintenance of vegetated buffers next to open waters, including streams. Refer to General Condition 19 for vegetated buffer requirements for the NWP's.

10. **Coastal Zone Management.** N/A

11. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal

permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS, the District Engineer may add species-specific regional endangered species conditions to the NWP's.

(b) Authorization of an activity by a nationwide permit does not authorize the 'take' of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with 'incidental take' provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal 'takes' of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nfms.gov/prot_res/esahome.html, respectively.

12. **Historic Properties.** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. **Notification.** (a) **Timing:** Where required by the terms of the NWP, the

prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request the additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

- (1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or
- (2) If notified in writing by the District or Division Engineer that an individual permit is required; or
- (3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

- (1) Name, address, and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity; and
- (4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));
- (5) For NWP 7, Outfall Structures and Maintenance, the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed.
- (6) For NWP 14, Linear Transportation Crossings, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable.

(7) For NWP 21, Surface Coal Mining Activities, the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan.

(8) For NWP 27, Stream and Wetland Restoration, the PCN must include documentation of the prior condition of the site that will be reverted by the permittee.

(9) For NWP 29, Single-Family Housing, the PCN must also

include:

- (i) Any past use of this NWP by the individual permittee and/or the permittee's spouse;
- (ii) A statement that the single-family housing activity is for a personal residence of the permittee;
- (iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 1/4 acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than 1/4 acre in size, a formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31, Maintenance of Existing Flood Control Projects, the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

(i) Sufficient baseline information so as to identify the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and,

(iii) Location of the dredged material disposal site.

(11) For NWP 33, Temporary Construction, Access, and Dewatering, the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.

(12) For NWPs 39, 43, and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization of losses of waters of the United States were achieved on the

project site.

(13) For NWP 39, Residential, Commercial, and Institutional Developments, and NWP 42, Recreational Facilities, the PCN must include a compensatory mitigation proposal that offsets unavoidable losses of waters of the United States or justification explaining why compensatory mitigation should not be required.

(14) For NWP 40, Agricultural Activities, the PCN must include a compensatory mitigation proposal to offset losses of waters of the United States.

(15) For NWP 43, Stormwater Management Facilities, the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with State and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the United States.

(16) For NWP 44, Mining Activities, the PCN must include a description of all waters of the United States adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the United States, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities).

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(19) For NWPs 12, 14, 29, 39, 40, 42, 43, and 44, where the proposed work involves discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within 100-year floodplains (as identified on FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the notification must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(19) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the

proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the PCN to expedite the process and the District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. Any compensatory mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant stating that the project can proceed under the terms and conditions of the nationwide permit. If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required in order to ensure no more than minimal adverse effects on the aquatic environment, the activity will be authorized within the 45-day PCN period, including the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the United States will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any

comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level. For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the United States, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner), a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to National Marine Fisheries Service within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4 acre in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWP's does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre.

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation. The project must be designed and constructed to avoid and minimize adverse effects to waters of the United States to the maximum extent practicable at the project site (i.e., on site). Mitigation will be required when necessary to ensure that the adverse effects to the aquatic environment are minimal. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) Compensatory mitigation at a minimum 1:1 ratio will be required for all wetland impacts requiring a PCN. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands to meet the minimum compensatory mitigation ratio, with preservation used only in exceptional circumstances.

(b) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size

of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed;

(c) The District Engineer will require restoration, creation, enhancement, or preservation of other aquatic resources in order to offset the authorized impacts to the extent necessary to ensure that the adverse effects on the aquatic environment are minimal. An important element of any compensatory mitigation plan for projects in or near streams or other open waters is the establishment and maintenance, to the maximum extent practicable, of vegetated buffers next to open waters on the project site. The vegetated buffer should consist of native species. The District Engineer will determine the appropriate width of the vegetated buffer and in which cases it will be required. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineer may require wider vegetated buffers to address documented water quality concerns. If there are open waters on the project site and the District Engineer requires compensatory mitigation for wetland impacts to ensure that the net adverse effects on the aquatic environment are minimal, any vegetated buffer will comprise no more than 1/3 of the remaining compensatory mitigation acreage after the permanently filled wetlands have been replaced on a one-to-one acreage basis. In addition, compensatory mitigation must address adverse effects on wetland functions and values and cannot be used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the NWRPs (e.g., for NWP 39, 1/4 acre of wetlands cannot be created to change a 1/2 acre loss of wetlands to a 1/4 acre loss; however, 1/2 acre of created wetlands can be used to reduce the impacts of a 1/3 acre loss of wetlands). If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed.

(d) To the extent appropriate, permittees should consider mitigation banking and other appropriate forms of compensatory mitigation. If the District Engineer determines that compensatory mitigation is necessary to offset losses of waters of the United States and ensure that the net adverse effects of the authorized work on the aquatic environment are minimal, consolidated mitigation approaches, such as mitigation banks, will be the preferred method of providing compensatory mitigation, unless the District Engineer determines that activity-specific compensatory mitigation is more appropriate, based on which is best for the aquatic environment. These types of mitigation are preferred because they involve larger blocks of protected aquatic environment, are more likely to meet the mitigation goals, and are more easily checked for compliance. If a mitigation bank or other consolidated mitigation approach is not available in the watershed, the District Engineer will consider other appropriate forms of compensatory

mitigation to offset the losses of waters of the United States to ensure that the net adverse effects of the authorized work on the aquatic environment are minimal.

20. Spawning Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and must not increase water flows from the project site, relocate water, or redirect water flow beyond preconstruction conditions. In addition, the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows.

22. Adverse Effects From Impoundments. If the activity, including structures and work in navigable waters of the United States or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research

Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized by the above NWP's in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after he determines that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this general condition, 100-year floodplains will be identified through the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges Below Headwaters. Discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within the 100-year floodplain at or below the point on a stream where the average annual flow is five cubic feet per second (i.e., below headwaters) are not authorized by NWP's 29, 39, 40, 42, 43, and 44. For NWP's 12 and 14, the prospective permittee must notify the District Engineer in accordance with General Condition 13 and the notification must include documentation that any permanent, above-grade fills in waters of the United States within the 100-year floodplain below headwaters comply with FEMA or FEMA-approved local floodplain construction requirements.

(b) Discharges in Headwaters (i.e., above the point on a stream where the average annual flow is five cubic feet per second).

(1) Flood Fringe. Discharges of dredged or fill material into waters

of the United States resulting in permanent, above-grade fills within the flood fringe of the 100-year floodplain of headwaters are not authorized by NWP's 12, 14, 29, 39, 40, 42, 43, and 44, unless the prospective permittee notifies the District Engineer in accordance with General Condition 13. The notification must include documentation that such discharges comply with FEMA or FEMA-approved local floodplain construction requirements.

(2) Floodway. Discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within the floodway of the 100-year floodplain of headwaters are not authorized by NWP's 29, 39, 40, 42, 43, and 44. For NWP's 12 and 14, the permittee must notify the District Engineer in accordance with General Condition 13 and the notification must include documentation that any permanent, above-grade fills proposed in the floodway comply with FEMA or FEMA-approved local floodplain construction requirements.

D. Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWP's do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. NWP's do not grant any property rights or exclusive privileges.
4. NWP's do not authorize any injury to the property or rights of others.
5. NWP's do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best management practices: Best Management Practices (BMP's) are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMP's are categorized as structural or non-structural. A BMP policy may affect the limits on a development.

Compensatory mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources which increase one or more aquatic functions.

Ephemeral stream: An ephemeral stream has flowing water only

during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round.

Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm tract: A unit of contiguous land under one ownership which is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe.")

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases are not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage as a result of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is the threshold measurement of the impact to existing waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland (i.e., a water of the United States) that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal

wetlands contiguous to tidal waters are located landward of the high tide line (i.e., the spring high tide line).

Open water: An area that, during a year with normal patterns of precipitation, has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent above-grade fill: A discharge of dredged or fill material into waters of the United States, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Steep gradient sections of streams are sometimes characterized by riffle and pool complexes. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. Pools are characterized by a slower stream velocity, a streaming flow, a smooth surface, and a finer substrate.

Single and complete project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the "single and complete project" (i.e., a single and complete crossing) will apply to each crossing of a separate water of the United States (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant

However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the United States, despite the modifications to increase the rate of water flow.

Tidal wetland: A tidal wetland is a wetland (i.e., a water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and

considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement, or preservation of aquatic habitats to ensure that activities authorized by NWP result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated shallow: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

APPENDIX 6

Cultural Resource Information



THE NAVAJO NATION

P.O. Box 9000

WINDOW ROCK, ARIZONA 86515

(602) 871-4941

HISTORIC PRESERVATION DEPARTMENT, ROADS PLANNING PROGRAM, FLAGSTAFF OFFICE, 124 N. SAN FRANCISCO STREET, SUITE E, FLAGSTAFF, ARIZONA 86001

ALBERT HALE
PRESIDENT

THOMAS ATCITY
VICE PRESIDENT

January 18, 1995

Wilson Barber, Area Director
Bureau of Indian Affairs
Navajo Area Office
P.O. Box 1060
Gallup, New Mexico 87305-1060

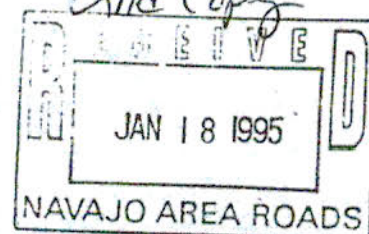
RE: Navajo Route 71(1), Birdsprings Road and Bridge (N3340100); HPD-92-392

Dear Mr. Barber:

In accordance with Stipulation 3.e. of the programmatic agreement (PA) among the Navajo Nation, the Bureau of Indian Affairs (BIA), the state historic preservation officers (SHPO) of Arizona, New Mexico, and Utah, and the Advisory Council on Historic Preservation (ACHP), for cultural resource management projects conducted under the auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section, within the boundaries of the Navajo Nation, the Navajo Nation Historic Preservation Department hereby notifies BIA that no objections have been received from the ACHP, the Arizona SHPO, or any declared interested parties regarding BIA's request to proceed with construction activities within a 200' wide corridor along this route, from Navajo Route 2 north to the Little Colorado River, and extending: ~400 feet north(west) of the river, terminating at ~P.C. 47+47.90. One historic property, AZ-O-52-1, was located along the Little Colorado River, in the extreme southeast corner of the bridge easement.

The conditions of this "clearance" are as follows; these conditions should be stipulated in all construction contracts. The project will have no effect on significant cultural resources provided that the Bureau of Indian Affairs and their contractors avoid any ground disturbing activities within 50 feet (15 m) in all directions of AZ-O-52-1.

In the event of a discovery ("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 must cease and the Navajo Nation Historic Preservation Department must be notified 602-871-6437.



A copy of the compliance form, report, and maps are attached for your reference. Please do not hesitate to contact Joseph Nixon, Roads Program Manager, at (505) 863-9349, or Nina Swidler, Supervisory Archaeologist, at (602) 773-1349 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Downer', with a stylized flourish at the end.

Alan Downer
Director

AD/ns FLG-85.002
att. 1
xc: N71 contract file
Peter Noyes, HPD-Compliance
Wilfred Frazier, BIA-NAO-BOR
Freddie Gene, Acting Western Agency Engineer, BIA-NA-BOR



THE NAVAJO NATION

ALBERT A. HALE
PRESIDENT

HISTORIC PRESERVATION DEPARTMENT
ROADS PLANNING PROGRAM
214 EAST NIZHONI BLVD.
GALLUP, NEW MEXICO 87301

THOMAS E. ATCITY
VICE PRESIDENT

December 15, 1995

ATTENTION: Signatories and Interested Parties to the Navajo Nation Historic Preservation Department - Roads Planning Program Programmatic Agreement

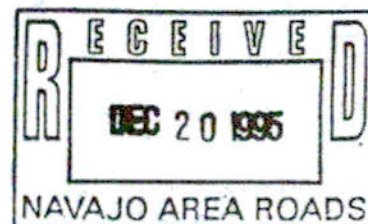
RE: NNHPD 92-392.2: "A Cultural Resources Inventory of a Proposed N-71 Road (Northern Segment) in Birdsprings, Navajo County, Arizona."

Pursuant to Stipulation 3(c) of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the enclosed documentation is provided for your review.

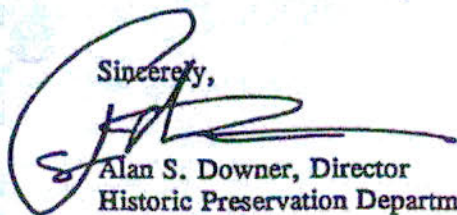
The enclosed report describes the results of a cultural resource assessment performed on a 1.33 mile long segment of road extending in a northerly direction from a proposed bridge site on the Little Colorado River. The bridge site, as well as a segment of road south of the river, were previously surveyed by Yazzie et al. (NNHPD 92-392.1). The current segment is the first in a series of undefined segments extending this route north from the Little Colorado River bridge site to its eventual connection with Navajo Route 15. No cultural resources were identified during the course of this assessment.

In accordance with Stipulation 3(e) of the Programmatic Agreement, the Navajo Nation Historic Preservation Department has determined that the proposed change of scope (addition of 1.33 mile segment) will not affect historic properties or the original determination of **no effect** on historic properties. We recommend that the change in scope be authorized by the BIA, provided that the BIA adhere to those stipulations established earlier by NNHPD 92-392.1.

If we do not receive comments from you within 15 days, we will assume you have no objection to this determination. Should you have any questions, please contact Reid Nelson, Supervisory Archaeologist at (505) 863-9349.




Sincerely,



Alan S. Downer, Director
Historic Preservation Department

C-O-N-C-U-R-R-E-N-C-E



Wilson Barber, Director
BIA, Navajo Area Office

12/10/91

Enc.:

Report

cc:

Claudia Nissley, ACHP

James Garrison, AZ-SHPO

Leigh Jenkins, Hopi Tribe

Roger Anyon, Pueblo of Zuni

Ron Shults, Governor, Pueblo of Acoma

Roland Johnson, Governor, Pueblo of Laguna

Stanley Pino, Governor, Pueblo of Zia

Wulfred Frazier, BIA-NAO-BOR

Peter Noyes, Program Manager, NNHPD-CRCS

N71 Project File

CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO. 2. (FOR HPD USE ONLY) 3. RECIPIENTS ACCESSION NO.
HPD 92-392.2

4. TITLE OR REPORT: A Cultural Resources Inventory of a Proposed N-71 Road (Northern Segment) in Birdsprings, Navajo County, Arizona.
Author(s): G. Stuart Benally, Robert Johnson

5. FIELDWORK DATES: March 3, May 5, June 8, and 9, 1995

6. REPORT DATE(S): 07/13/95

7. CONSULTANT NAME AND ADDRESS
Gen'l Charge: Joseph M. Nixon, Program Manager
Name: Navajo Nation Historic Preservation Department.
Org. Address: 214 E. Nizhoni, Gallup, NM 87301
Phone: (505) 863-9349

8. PERMIT NO.: Navajo Tribal Code

9. CONSULTANT REPORT NO. N/A

10. SPONSOR NAME AND ADDRESS:
Ind. Responsible: Mr. Wilfred Frazier
Org. Name: BIA Navajo Area Office-Branch of Roads
Org. Address: Box 1060 Gallup, NM 87305
Phone: (505) 863-8200 x281

11. SPONSOR PROJECT NO. BIA-BOR No. -94-007

12. AREA OF EFFECT: 31.5 ac (12.5 ha)
AREA SURVEYED: 31.5 ac (12.5 ha)

13. LOCATION (MAP ATTACHED): See Figures 1 and 2.

a. Chapter: Birdspring
b. Agency: Tuba City
c. County: Navajo County
d. State: Arizona

e. Land Status: Tribal Trust
f. UTM Center: Zone 12N/E (See Table 1)
g. Area: T16N R11W Sec. (See Table 1)
1/4 1/4 1/4 PM&B (see Table 1)
h. 7.5' Map Name(s): Winslow NW, AZ.
(Prov. Edition 1986)

Table 1. UTM Coordinates for the Proposed BIA N-71 Road Segment. All Locations fall Under Zone 12.

Designations	Northing	Easting	Sec.	Legals 1/4 1/4 1/4	T.	R.
A (Beg. of line)	3892810	525820	N/A	Unplatted	21N	15E
B (End of line)	3894840	526400	N/A	Unplatted	21N	15E

14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //

a. Description of Undertaking: The Western Agency Branch of Roads proposes to construct a paved road extending from Little Colorado River's (LCR) northern bank towards the community of Birdsprings, AZ. This undertaking was originated when the BIA proposed to construct a bridge (to span the LCR) and a paved road extending from the bridge south towards N2. The current undertaking consists of a paved road extending north from the bridge for a distance of 1.33 miles. The proposed route will eventually intergrade with N15. The BIA-BOR requested the proposed dimension of 200 ft (61 m) right-of-way with 6,864 ft (2,092 m) or 1.33 mile length for the undertaking. The area of effect is identical to the BIA's requested dimensions.

b. Existing Data Review: A Navajo Nation Historic Preservation Department (NNHPD) and Navajo Nation Archaeology Department records check within a 0.5 mile (0.8 km) radius of the current project area indicated that one project has been conducted within the radius and one archaeological site was identified and documented. Site AZ-O-52-1 (prehistoric artifact scatter) was recorded by Robert Johnson, Dennis Yazzie, and Harold Yazzie, for report HPD-92-392 (BIA/BOR 94-007). For a general overview see "An Archaeological Survey of Two Existing BIA Roads (N-2 and N-71) and a Proposed Bridge Site in Bird Springs, Navajo County, Arizona." (NNAD 92-120) by G. Stuart Benally and M. Warburton.

c. Area Environmental & Cultural Setting: The topographic setting of the project area is situated within the LCR floodplain. The project elevation varies between 4,800 ft (1,463 m) - 5,000 ft (1,524 m) and sustains vegetation such as greasewood, rabbit brush, Russian thistle, sand sage, salt bush, cottonwood, willow, desert olive, reeds, camel thorns, and tamarisk. Sediments throughout the project area consist mainly of interbedded silts and clays. The principle modern economic land-use appears to be livestock grazing and irrigation agriculture.

d. Field Methods: The fieldwork for this project was conducted by G. Stuart Benally, staff archaeologist for the NNHPD - Roads Planning Program. Also, Mary Francis, Paul Jim, and Robert Johnson conducted survey on May 5, 1995. While in Bird Springs on March 3, 1995, Mr. Benally met with Mr. Johnny Lomatewama, BIA Engineer Technician, to discuss the proposed N-71 route. Mr. Lomatewama physically pointed out the proposed centerline staked lathes and Mr. Benally conducted pedestrian transects and partially completed the cultural inventory. Due to severe inclement conditions encountered in the field, the survey was not completed on March 3, 1995. But on May 5, 1995, Mary Francis, Paul Jim, and Robert Johnson completed the project survey. Also, as part of the cultural inventory, ethnographic interviews were conducted regarding the possibility of sacred places, burials, and plant gathering areas within and surrounding the project area (see attached ethnographic supplemental sheet). The total area survey for this project is 200 ft (61 m) wide (right-of-way) with 6,864 ft (2,092 m) or 1.33 mile length, thus the area equals approximately 1,372,800 sq ft (127,533 sq m) or 31.5 ac (12.5 ha).

15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Resource: No archaeological sites and/or isolated occurrences were encountered. No cultural resources or burial sites were identified within or adjacent to the proposed project area during ethnographic interviews. Community discussions revealed that the community wants a good school bus route and access to and from the border towns.

b. Evaluation of Significance of Each Resource (above): No cultural resources were observed.

16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Whereas no cultural resources were encountered, archaeological clearance is recommended.

17. CERTIFICATION:

SIGNATURE: 

DATE:

7/13/95

General Charge Name: Joseph M. Nixon

SIGNATURE: 

DATE:

7-13-95

Direct Charge Name: G. Stuart Benally

ETHNOGRAPHIC SUPPLEMENTAL SHEET:

14d. Field Methods:

June 08, 1995- A community interview visit was conducted by Navajo Nation Historic Preservation Department-Roads Program Section, Navajo Cultural Specialist, Robert Johnson. The first visit was unsuccessful due to interviewees not being home. The same day the interviewer went to the chapter house and talked with clerk typist. After talking with the clerk typist the interviewee made an appointment to do an interview the following day.

While at chapter house names and residence locations were acquired. On this project only one family was interviewed since this family is the only residence close to the road project. The interview was conducted in regards to human burials, herbal gatherings, and other traditional cultural properties within or around the project area.

The interviewees have no objection to the construction of the proposed bridge and road. They stated however when right-of-way fences are erected they want the B.I.A to put in some livestock passages. This access will serve people both on sides of the fences.

In this community people observe customary land usage right and when the project is complete they want land usage to be as it was before. When ever right-of-way fences are put up people tend to overlook customary land usage and start to claim all land. The livestock rely on the Little Colorado River for water usage, so they need the traditional access.

The interviews were done in Navajo language and the information was brought back to the office and translated and transcribed onto the computer by the interviewer.

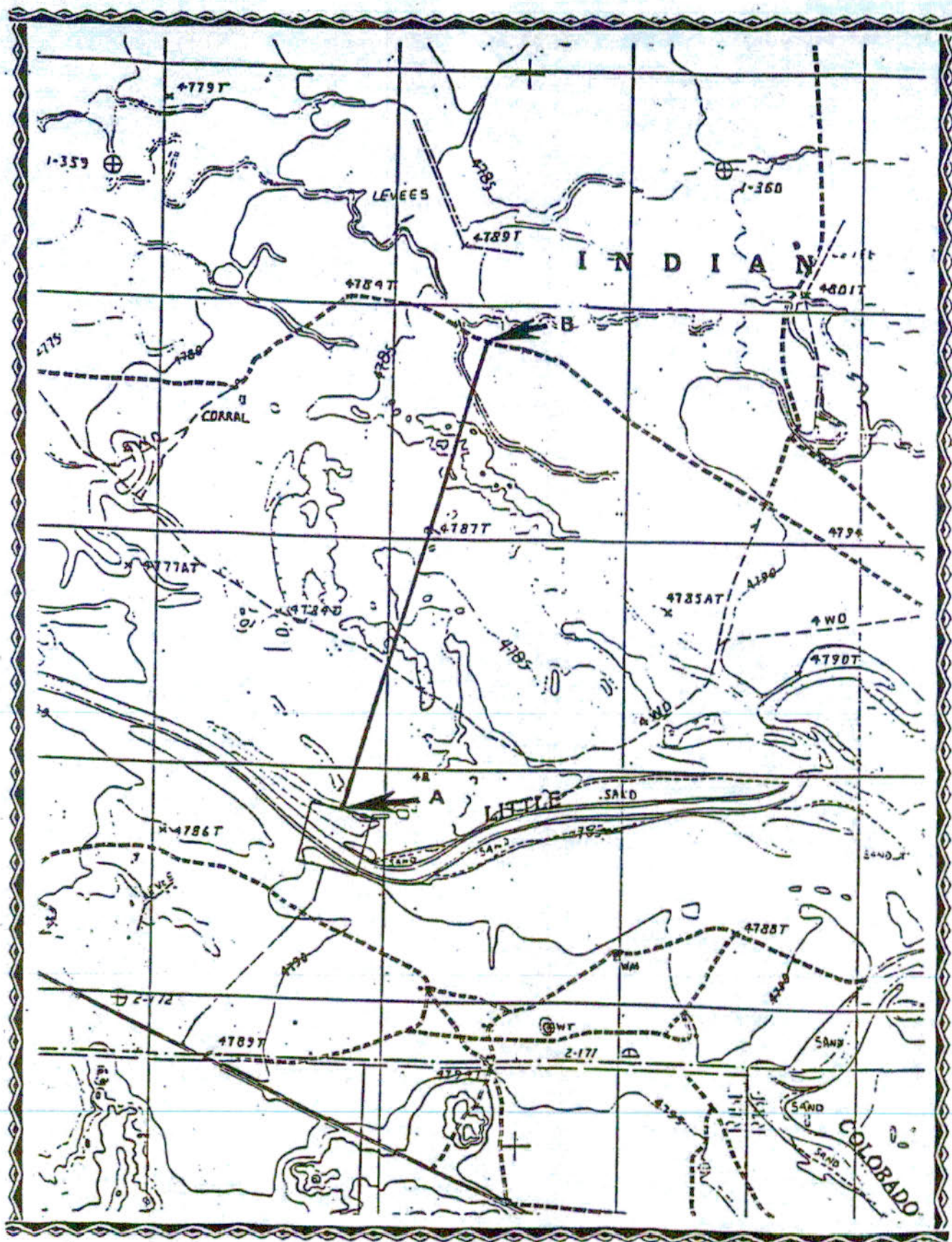


Figure 2. Map Indicating the Proposed N-71 Route (letters represent proposed N-71 UTM points). USGS 7.5' Topographic Map: Winslow NW, Arizona (Provisional Edition 1986)



THE NAVAJO NATION

P.O. BOX 308

• WINDOW ROCK, ARIZONA 86515

• (602) 871-4941

PETERSON ZAH
PRESIDENT

Historic Preservation Department
Roads Planning Program, Flagstaff Office
124 N. San Francisco Street, Suite E
Flagstaff, Arizona 86001

MARSHALL PLUMMER
VICE PRESIDENT

November 29, 1994

Wilfred D. Frazier
Area Road Engineer
Bureau of Indian Affairs
Navajo Area Office, Branch of Roads
P.O. Box 1060
Gallup, New Mexico 87305

Attention: Ramesh Patel, Engineer

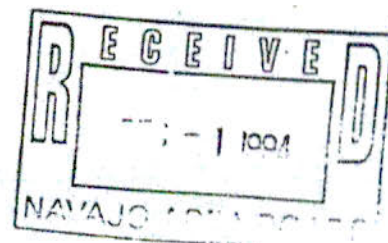
RE: *Cultural Resource Inventory on Navajo Route 71, Birdsprings Roads and Bridge;*
HPD-92-392.1

Dear Mr. Frazier:

I am providing the following information pursuant to Mr. Patel's request of this date for information concerning the Navajo Nation Historic Preservation Department's (HPD) compliance recommendations for the above-referenced project.

The project will have no effect on significant cultural resources. The Bureau of Indian Affairs and their contractors will avoid any ground disturbing activities within 50 feet (15 m) in all directions of the prehistoric archaeological site, AZ-O-52-1. In the event of a discovery, all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified at 602-871-6437.

Interested parties were sent copies of the HPD compliance form and report for this project by certified mail on November 18, 1994. Pursuant to Stipulation 3(e) of the *Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation* (PA), interested parties have 15 days, from the date of receipt, to submit comments and/or objections to the evaluations of significance and determinations of effect made in accordance with 36 CFR Part 800 and the PA. The Navajo Nation reserves the right to modify this recommendation based upon comments received from interested parties. You will be notified of the results of this consultation.



Also on November 18, 1994, HPD mailed a signed copy of the compliance form to both Wilfred Frazier, Area Engineer, and Wilfred Brown, Western Agency Superintendent. If you cannot find this document, or need any clarification of this information, please contact me at (602) 773-1349 or Joseph Nixon, Program Manager, at (505) 863-9349.

Sincerely,



Nina Swidler
Supervisory Archaeologist/Project Administrator

NS/rs
xc. FLG-94.414
 N71 file
 P. Noyes, HPD-CRCS
 J. Nixon, HPD-Roads
 B. Lesser, Sub-COR, BIA-NAO-BOR

CULTURAL RESOURCES COMPLIANCE FORM

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
P.O. Box 4950
WINDOW ROCK, ARIZONA 86515

ROUTING:AZxxxxxxxx**COPIES TO:**

SHPO

BIA REAL PROPERTY MGT/330

BIA-NAO-BOR

BIA-BOR, Western Agency

HPD-Roads Planning Section, Flagstaff Office

Pueblo of Acoma, Governor's Office

Pueblo of Zia, Governor's Office

Pueblo of Zuni, Heritage and Historic Preservation Office

Hopi Tribe, Cultural Preservation Office

NNHPD No.: 92-392.1**OTHER PROJECT NUMBERS:**BIA Sponsor No. N33 340BIA/BOR 94-007

PROJECT TITLE: A Cultural Resources Inventory for the Proposed BIA Road and Bridge Project at Birdsprings, Navajo County, Arizona

LEAD AGENCY: Bureau of Indian Affairs, Navajo Area Office

SPONSOR: Bureau of Indian Affairs, Navajo Area Office, Branch of Roads

PROJECT DESCRIPTION: Realignment, grade, drain, and gravel Navajo Route (N) 71 between N2 and N15 and to construct a new bridge over the Little Colorado River.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Birdsprings

LOCATION: The southern end of the undertaking begins at the junction of N2 and the new alignment of 71, approximately 1 miles east of the current junction of N2 and N71, east of Leupp, Arizona, and south of the Little Colorado River. The road extends approximately 3400 feet north to the river from N2. In addition, an area measuring 800-by-800 feet, extending approximately 400 on both north and south of the river, was investigated for a bridge easement.

Road legal location: beginning of project: N 3891740, E 525120, Sec. 35, T21N, R15E; end of project: N 3892580, E 525740, Sec. 35, T21N, R15E; Navajo County, Arizona.

Bridge easement legal location: NW corner - N 3892880, E 525700; NE corner - N 892880, E 525940; SE corner - N 3892540, E 525860; SW corner - N 3892620, E 525880; Sec. 35, T21N, R15E; Navajo County, Arizona.

PROJECT ARCHAEOLOGISTS:

Dennis Yazzie, Harold Yazzie, Ronald Maldonado

PROJECT ETHNOGRAPHERS:

Robert Johnson, Janet Cohen

NAVAJO ANTIQUITIES PERMIT No.:

Navajo Tribal Code

DATES INSPECTED:

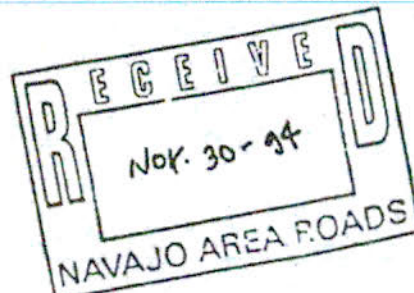
May 16, 19 & 26; June 2, 16, & 27; July 7; August 8, 1994

DATE OF REPORT:

August 24, 1994

TOTAL ACREAGE INSPECTED:

33.50 acres (13.56 ha)



METHOD OF INVESTIGATION: Archaeological Methods: Parallel transects spaced at ~15 meter intervals were walked on both sides of the centerline of the proposed road for the width of the ROW (200 feet). Parallel transects spaced at ~15 meter intervals were walked within the proposed bridge easement (approximately 400-by-800 feet on either bank of the river). The archaeological site was mapped by means of transit, range rod, and metric tape, and site forms were completed. cursory in-field ceramic and lithic analysis was completed.

Ethnographic Methods: Information regarding the location of possible traditional cultural properties, historical sites, and burial sites was collected through contacts with Birdsprings chapter officials and other knowledgeable Navajo people living in the vicinity of the Birdsprings Chapter. Declared interested parties (the pueblos of Acoma, Zia, and Zuni, and the Hopi Tribe) were notified of the proposed undertaking via a letter describing the project. The pueblos of Acoma and Zia did not respond. The Pueblo of Zuni responded but has not, as of yet, actively participated in any identification efforts. Elders from the Hopi Tribe inspected the project area on August 4, 1994, by walking along the staked centerline and within the bridge easement area south of the river for the purpose of identifying traditional cultural places. The Hopi elders also inspected the one archaeological site recorded, AZ-O-52-1.

LIST OF CULTURAL RESOURCES FOUND: 1 prehistoric archaeological site, AZ-O-52-1 was recorded.

LIST OF ELIGIBLE PROPERTIES: AZ-O-52-1

LIST OF POTENTIALLY ELIGIBLE PROPERTIES: N/A

LIST OF NON-ELIGIBLE PROPERTIES: N/A

LIST OF ARCHEOLOGICAL RESOURCES: AZ-O-52-1

EFFECT/CONDITIONS OF COMPLIANCE: The project will have no effect on significant cultural resources. The Bureau of Indian Affairs and their contractors will avoid any ground disturbing activities within 50 feet (15 m) in all directions of AZ-O-52-1.

In the event of a discovery ["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 must cease and the Navajo Nation Historic Preservation Department must be notified 602-871-6437.

FORM PREPARED BY: Nina Swidler

FINALIZED: November 9, 1994

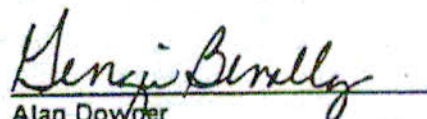
Notification to:

Proceed Recommended:

Yes ☒ No ☐

Conditions:

Yes ☒ No ☐




Alan Downer

Navajo Nation Historic Preservation Officer

11-14-94
Date

Agency Approval:

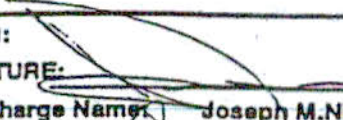
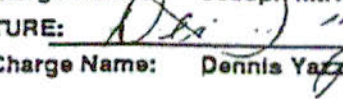
Yes ☒ No ☐



Wilson Barber

Area Director, BIA-NAO

11/21/94
Date

1. HPD REPORT NO. EPT-92-392.1		2. (FOR HPD USE ONLY)		3. RECIPIENTS ACCESSION NO.	
4. TITLE OF REPORT: A Cultural Resources Inventory for the proposed BIA Road and Bridge project at Birdsprings, Navajo County, Arizona.				5. FIELDWORK DATE: 8-4-94	
				6. REPORT DATE: 8-24-94	
AUTHOR(S): Dennis Yazzie, Harold Yazzie, Robert Johnson					
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge : Joseph M. Nixon Org. Name : NN Historic Preservation Department Org. Address : P.O. Box 4950 Window Rock, Arizona 86515 Phone : (505) 863-3949				8. PERMIT NO. NTC	
				9. CONSULTANT REPORT NO.	
10. SPONSOR NAME AND ADDRESS: Ind. Responsible : Wilfred D. Frazier Org. Name : BIA Navajo Area Office-Branch of Roads Org. Address : P.O. Box 1060 Gallup, New Mexico 87305 Phone : (505) 863 - 8200 Ext. 281				11. SPONSOR PROJECT NO. BIA / BOR 94-007	
				12. AREA OF EFFECT: 30.29ac AREA SURVEYED: 33.50ac	
13. LOCATION (MAP ATTACHED): See attached					
a. Chapter: Birdsprings		f. UTM Zone12: See attached sheet			
b. Agency: Tuba City, Western		g. Legal: Sec.35 T.21N.- R.15E.			
c. County: Navajo					
d. State: Arizona		h. 7.5 Minute Map:		Winslow NE, (1986 Provisional Edition)	
e. Land Status: Navajo Tribal Trust					
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT					
a. Description of Undertaking: See Attached Summary					
b. Existing Data Review: See Attached Summary					
c. Area Environmental & Cultural Setting: See Attached Summary					
d. Field Methods: See Attached					
15. CULTURAL RESOURCE FINDINGS: AZ-0-52-1					
a. Location/Identification of Each Resource: See Attached Site Form and Maps					
b. Evaluation of Significance of Each Resource: See Attached Site Form					
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): See Attached Summary and Site Form					
17. CERTIFICATION:					
SIGNATURE: 		DATE: 11/10/94			
Gen'l Charge Name: Joseph M. Nixon					
SIGNATURE: 		DATE: 1-7-97			
Direct Charge Name: Dennis Yazzie					

13f. Bridge Access Road.

BOP N 3891740 E 525120 T21N R15E Sec 35

EOP N 3892580 E 525740 T21N R15E Sec 35

Proposed Bridge Area:

NW Corner N 3892880 E 525700 T21N R15E Sec 35

NE Corner N 3892880 E 525940 T21N R15E Sec 35

SE Corner N 3892540 E 525860 T21N R15E Sec 35

SW Corner N 3892620 E 525880 T21N R15E Sec 35

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HON
ROAD

14a. Description of undertaking: The BIA Branch of Roads plans to realign Navajo Route 71 (71) between N2 and N15 and to construct a new bridge over the Little Colorado River. First an 800 ft by 400 ft proposed bridge location (segment 1) will be tested with soil borings. If the area is acceptable the Little Singer Bridge will be constructed along with an access road (segment 2) from N2 to the bridge. Eventually the remainder of N71 will be realigned north of the river to the intersection with N15. The proposed right-of-way for the southern access road is 200 ft wide and 3800 ft long. If the bridge location is approved, heavy traffic and construction equipment will travel along this route, which will be graded and paved.

14b. Existing Data Review : A review of the existing records at the NNHPD Window Rock Office revealed that only one previous archaeological survey was conducted within a 1.0-mile (1.6-km) radius of the project area.

Benally, Garyald S. and Miranda Warburton

1992 An Archaeological Survey of Two Existing BIA Roads (N-2 and N-71) and a Proposed Bridge Site in the Birdsprings area, Navajo County, Arizona for Birdsprings Chapter and BIA Branch of Roads . NNAD 92-120. HPD 92-392.1

The survey recorded two cultural resources, one prehistoric archaeological site and a Navajo burial.

14c. Area Environmental and Cultural Setting: Elevation within the project area ranges between 4786ft (1459m) and 4790ft (1460m). The vegetation represents a riparian community and includes cottonwood, willow, tamarisk, and mixed grasses. No other projects or development is being done within 1.0 mile of the project area.

14d. Field Methods: Parallel transects spaced at 15 m intervals on both sides of the proposed centerline (segment 2) for the width of the ROW (200 ft), and on the proposed bridge easement (segment 1) a series of transects spaced at 15 m apart for the entire 400 by 800 ft area. The entire project area was staked before field began.

15. Cultural Resource Findings: Prehistoric Artifact Scatter

a. Location\ Identification of Each Resource: An artifact scatter was located on the south bank of the river in the southeastern corner of segment 1 of the project area. (the bridge easement; see

attached map for location). The artifact scatter contains more than fifty sherds, forty lithic flakes two hammerstones, and one mono (see attached site form for description) scattered over a 40 m north-south by 80 m east-west area. No surface or subsurface were observed.

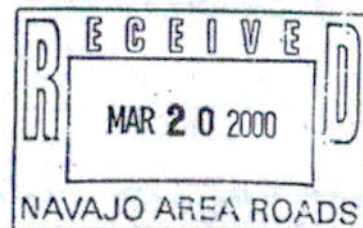
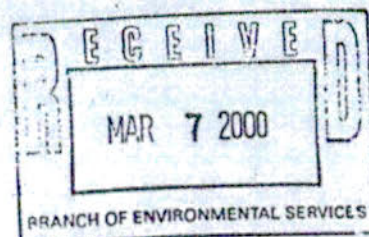
b. Evaluation of Significance: The resource is eligible for nomination (OR APPEARS TO BE ELIGIBLE FOR INCLUSION; ONLY THE KEEPER OF THE REGISTER MAKES DETERMINATIONS; WE MAKE RECOMMENDATIONS) to the National Register of Historic places (see attached site form for additional evaluation information). The resource has the potential to yield information on the prehistoric use of the area, and the location of the site retains integrity. The evaluation is based on the location and the amount and types of artifacts at the site.

REC
OCT 19
H.P.
30405 3-1-77

APPENDIX 7

Revegetation Recommendations of Navajo Department of Agriculture

Prepared By: Judy R. Willeto, Range Conservationist
Navajo Department of Agriculture
P.O. Box 4889
Window Rock, Arizona 86515
Telephone (520) 871-7076
Telefax (520) 871-6679
September 1, 1998



Reference: Reclamation of Right of Ways, Equipment/Supply Yards, Access
Roads, Sand & Gravel Pits.

Developed for:

Navajo Department of Transportation
BIA-Branch of Roads
Private Contractors

PURPOSE To stabilize soil utilizing plant materials and/or grade stabilizers of rock, wood and other materials. To reduce the damage of wind and water erosion thus stabilizing construction area. Beneficial project longevity.

PRE-CONSTRUCTION

Prior to construction and excavation, all topsoil will be removed and stockpiled and will be used for reclamation. The top 4-6 inches of soil (topsoil) will be scraped off the surface of the ground. It will be stockpiled out of the way of construction. It may be hauled to an area immediately adjacent from the construction site or will be bermed at the edge of the construction site, creating a boundary. Under no circumstances will topsoil be used as fill material in the construction process. It will be safeguarded and only be used for reclamation at the completion of construction. Stockpiled topsoil will be stabilized if construction will last longer than one year. Use seed mixture developed for the Navajo Nation.

TOPOGRAPHIC REGIONS AND SEED MIXTURES

There are three major land resource areas located on the Navajo Nation; Northern Desert, Pinon/Juniper Woodland and Ponderosa Pine Woodlands. The following will provide brief descriptions of existing vegetation and soils;

MLRA Sites - Pinon, Juniper Woodland and Ponderosa Pine Woodland

Description of vegetational cover in area:

- Trees and Shrubs - Ponderosa Pine, Pinon, Juniper, Sagebrush, Rabbitbrush
- Grasses - Blue Grama, Indian Ricegrass, Western Wheatgrass

Soils - Loams, Clay Loams, Clays

Post-It* Fax Note 7871		Date: 3/6/00	# of pages: 4
To: L. Willeto, Jr.	From: J. Willeto		
Co./Dept:	Co.: Nav. Dept. of Agri.		
Phone #: 863 8296	Phone #: 520 871 7076		
Fax #: 863 8245	Fax #: 520 871 6679		

Table A Seed Mixture to use for P/J and Ponderosa Pine Woodland

SPECIES	CULTIVAR	LBS. PLS/ACRE
Western Wheatgrass	Arriba	3.0
Crested Wheatgrass	Hycrest	3.0
Pubescent Wheatgrass	Luna	3.0
Indian Ricegrass	Paloma	2.0
Blanketflower	Red, Yellow	0.5
Red Mexican Hat	Red w/Yellow Tips	0.5
TOTAL PLS/ACRE		12.0

SEEDING DATES

Seeding is recommended from June 15 to August 30. This period is prior to the Navajo Nation monsoon season and would be beneficial to seed germination and growth. A dormant seeding can be completed from November 1 to December 15 if you are unable to seed from June to August. The seed will lay dormant under winter moisture and germinate in the spring. Deviations from these dates may hinder proper germination and growth.

MLRA Sites - Northern Desert

Description of vegetational cover in area:

Trees and Shrubs - Greasewood, Fourwing Saltbush,
Grasses - Alkali Sacaton, Indian Ricegrass, Galleta,

Soils - Loams, Sands, Sandy Loams

Table B Seed Mixture to use for Northern Desert

SPECIES	CULTIVAR	LBS. PLS/ACRE
Alkali Sacaton	Native	2.0
Galleta	Viva	2.0
Indian Rice Grass	Paloma	2.0
Western Wheatgrass	Arriba	3.0
Crested Wheatgrass	Ephraim	3.0
Scarlet Globemallow		0.5
TOTAL PLS/ACRE		12.5

SEEDING DATES (*Northern Desert*)

Since this area is considered to be a desert type area, it is recommended to complete a dormant seeding from November 1 to December 15. This is when this area gets most of its moisture. The seed will lay dormant under winter moisture and germinate in the spring. Seeding from June 15 to August 30 is optional.

SEEDBED PREPARATION

Topsoil will be replaced. Seedbed will be clean and firm, disk a maximum of two times, creating ideal soil conditions for seed adherence. Dirt clods will be broken down. Reseeding will be completed on the contour.

METHOD OF SEEDING

All seeding will be completed mechanically using a tractor and range drill or grain drill (same thing, different terminology). Broadcast seeding will only be used to seed steep slopes which the tractor and drill cannot complete. Table A will be planted in furrows, Table B can be planted in furrows or in small pits or indentions which create a micro-atmosphere under desert conditions which hold water and protect plants from wind damage and water erosion.

FERTILIZER

Fertilizer will be used if no topsoil has been salvaged for reclamation purposes. We recommend using a fertilizer high in phosphorus and potassium which will promote root development and initial growth of the plants.

MULCH

Mulching is optional. If mulch is to be used, use one ton per acre. If there is no right of way fence, it is recommended not to mulch as it would attract livestock and wildlife grazing near the road, creating hazardous driving conditions. If there is a fence, again it is optional. If using mulch, mulch must be free of noxious weeds and noxious weed seed.

Right of ways - fenced right of ways reduce hazardous conditions human life, domestic animals and wildlife. All right of ways will be fenced.

Equipment and Supply Yards - topsoil will be bermed no higher than 3 feet around yard, delineating a boundary. Fence will be placed with the berm outside of the fence. This will safeguard from damage of fill use or toxic spills. After project completion fence will be taken down, soil will be disked, stockpiled topsoil will be smooth over the impacted and seeded. Seed across slope, seed on contour.

Sand and Gravel Pits - All topsoil will be salvaged for reclamation purposes. Prior to excavation scrape all topsoil and stockpile. When filling excavated sites, if using adjacent areas for fill material, scrape topsoil and save. After scraping adjacent site within your designated area start removing materials for fill, smooth area to match the topography. Replace topsoil over smooth area then, seed with prescribed seed mixture.

Access Roads - Access roads will be closed to traffic, roads will be deep plowed, disked and seeded with prescribed seed mixture. Water bars, boulders, etc. will be used to detour traffic from damaging reclaimed area.

Erosion Control - measures will be taken to stabilize slopes and gullies.

APPENDIX 8

Consultation Letters and Responses

THE NAVAJO NATION

P. O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (520) 871-6000

KELSEY A. BEGAYE
PRESIDENT

TAYLOR McKENZIE, M.D.
VICE PRESIDENT

April 25, 2000

Mike Tremble
EcoSystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, New Mexico 87107
(505) 884-8300

RECEIVED APR 28 2000

SUBJECT: BIA Birdsprings Road Project.

Mr. Tremble;

The following information on species of concern¹ is provided in response to your 14 April 2000 request concerning the subject project, which consists of the Bureau of Indian Affairs (BIA) proposing to construct a new alignment of Navajo Route 71 (1) 1, 2 & 3, (2) 2 & 3, & (3) 2 & 3 also known as the Birdsprings Road. The project is located near Birdsprings, Navajo County, Arizona in the Birdsprings Chapter. The new proposed alignment project will replace the existing Navajo Route 71, and existing dirt road. The new roadway begins from Navajo Route N2 and ends at the existing pavement of Navajo Route N15. The total length of the project is 19.6 kilometers. The width of this corridor is 60.96 meters. The Little Singer School Access Road is included in this project. The length of the Little Singer Access Road is 1.2 kilometers and the width of its corridor is 30.48 meters. The proposed project will also consist of roadway clearing and grubbing, roadway cut and embankment fill, and installing drainage pipes at drainage areas. Three bridges crossing the Little Colorado River will be built. Gravel will be placed on the roadway. The project is scheduled for construction in Fiscal Year 2001 through Fiscal Year 2004.

Each 7.5-minute quadrangle containing project boundaries is addressed separately below. These species lists are quadrangle-specific rather than project-specific. Potential for species has been determined primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

A total of 10 species are identified in the quadrangle-specific lists. They are:

1. Antilocapra americana americana (pronghorn); NESL group 3.
2. Aquila chrysaetos (Golden Eagle); NESL group 3; MBTA; EPA.
3. Buteo regalis (Ferruginous Hawk); NESL group 3; MBTA.

¹"Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWF of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on an irregular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

4. Charadrius montanus (Mountain Plover); NESL group 4; ESA candidate; MBTA.
5. Empidonax traillii extimus (Southwestern Willow Flycatcher); NESL group 2; ESA endangered; MBTA.
6. Falco peregrinus (Peregrine Falcon); NESL group 3; MBTA.
7. Geococcyx californianus (Greater Roadrunner).
8. Haliaeetus leucocephalus (Bald Eagle); NESL group 3; ESA threatened; MBTA; EPA.
9. Mustela nigripes (black-footed ferret); NESL group 2; ESA endangered. Potential for the black-footed ferret should be evaluated if prairie-dog towns of sufficient size (per NFWD guidelines) occur in the project area.
10. Speotyto cunicularia hypugea (Western Burrowing Owl); MBTA.

WINSLOW NW, AZ QUADRANGLE

Project Sites: B.O.P. N71(1) 1, 2, & 3
 E.O.P. N71(1) 1, 2, & 3
 B.O.P. N71(2) 2 & 4
 E.O.P. N71(2) 2 & 3
 B.O.P. N71(3) 2 & 3

At this time, the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on the project sites.

Species of concern known to occur within one mile of the project site include:

1. Aquila chrysaetos - B.O.P. N71(2) 2 & 4.

Additional species of concern with potential to occur on the 7.5-minute quadrangle include:

2. Antilocapra americana americana
3. Buteo regalis
4. Charadrius montanus
5. Empidonax traillii extimus
6. Falco peregrinus
7. Haliaeetus leucocephalus
8. Mustela nigripes

BIRD SPRINGS WASH, AZ QUADRANGLE

Project Sites: Little Singer School Access Road.

Species of concern known to occur on or near the project site include:

1. Speotyto cunicularia hypugea - 1 mile Northwest of Little Singer School Access Road.

Additional species of concern with potential to occur on the 7.5-minute quadrangle include:

2. Antilocapra americana americana
3. Aquila chrysaetos
4. Buteo regalis
5. Charadrius montanus
6. Mustela nigripes

EAST OF OLD LEUPP, AZ QUADRANGLE**Project Sites: E.O.P.**

At this time, the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on the project sites.

Species of concern with potential to occur on the 7.5-minute quadrangle include:

1. Antilocapra americana americana
2. Aquila chrysaetos
3. Buteo regalis
4. Charadrius montanus
5. Empidonax traillii extimus
6. Geococcyx californianus
7. Mustela nigripes

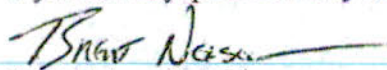
Biological surveys should be conducted during the appropriate season. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (520) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (David Mikesic) for animals at 871-7638, and Botanist (Daniela Roth) for plants at 871-7639.

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

The information in this report was identified by the NFWD's biologists and computerized database, and is based on current data. 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.

An invoice for this information is forthcoming from the Navajo Division of Finance.

If you have any questions I may be reached at (520) 871-7603.



Brent Nelson, Data Manager
Natural Heritage Program
Navajo Fish and Wildlife Department

xc: file/chrono
State Supervisor, USFWS, AZ Ecological Services State Office



April 14, 2000

Director
Navajo Nation Water Resources Management Department
PO Box 9000
Window Rock, AZ 86515

RE: Environmental Assessment for BIA Birdsprings Road Project

Ecosystem Management, Inc. is preparing an environmental assessment for the Bureau of Indian Affairs Navajo Regional Office. The BIA is proposing to construct a new alignment of Navajo Route 71 (1) 1, 2 & 3, (2) 2 & 3, & (3) 2 & 3 also known as the Birdsprings Road. The project is located near Birdsprings, Navajo County, Arizona in the Birdsprings Chapter (see attached map). The new proposed alignment project will replace the existing Navajo Route 71, an existing dirt road. The new roadway begins from Navajo Route N2 and ends at the existing pavement of Navajo Route N15. The total length of the project is 19.6 kilometers. The width of this corridor is 60.96 meters. The Little Singer School Access Road is included in this project. The length of the Little Singer School Access Road is 1.2 kilometers and the width of its corridor is 30.48 meters.

The proposed project consists of roadway clearing and grubbing, roadway cut and embankment fill, and installing drainage pipes at drainage areas. Three bridges crossing the Little Colorado River will be built. Gravel will be placed on the roadway. The project is scheduled for construction in Fiscal Year 2001 through Fiscal Year 2004.

If you have any recommendations or concerns regarding the project described above, please respond by mail to Mike Tremble, 4004 Carlisle Blvd. NE Suite C1, Albuquerque, NM 87107; or e-mail: mtremble@nmia.com; telephone (505) 884-8300 or fax (505) 884-8305.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Tremble", is written over a horizontal line.

Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Manager
Navajo Nation EPA
Air Quality Program
PO Box 339
Window Rock, AZ 86515

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Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Director
Navajo Nation EPA
PO Box 339
Window Rock, AZ 86515

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Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Tremble", is written over a light blue horizontal line.

Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Operations Manager
NTUA
PO Box 170
Fort Defiance, AZ 86504

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Sincerely,

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Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Director
Navajo Nation Forestry Department
PO Box 9000
Window Rock, AZ 86515

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The proposed project consists of roadway clearing and grubbing, roadway cut and embankment fill, and installing drainage pipes at drainage areas. Three bridges crossing the Little Colorado River will be built. Gravel will be placed on the roadway. The project is scheduled for construction in Fiscal Year 2001 through Fiscal Year 2004.

If you have any recommendations or concerns regarding the project described above, please respond by mail to Mike Tremble, 4004 Carlisle Blvd. NE Suite C1, Albuquerque, NM 87107; or e-mail: mtremble@nmia.com; telephone (505) 884-8300 or fax (505) 884-8305.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Tremble", is written over a horizontal dashed line.

Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Director
Navajo Nation Minerals Department
PO Box 9000
Window Rock, AZ 86515


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Sincerely,


Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

John Martin, Natural Resources Manager
BIA, Navajo Regional Office
PO Box 1060
Gallup, NM 87305

RE: Environmental Assessment for BIA Birdsprings Road Project

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Ecosystem Management, Inc.



April 14, 2000

Director
Navajo Nation Land Administration Department
PO Box 9000
Window Rock, AZ 86515

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April 14, 2000

Director
Navajo Nation Agriculture Department
PO Box 9000
Window Rock, AZ 86515

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Ecosystem Management, Inc.



April 14, 2000

Director
Navajo Communications
PO Box 6000
Window Rock, AZ 86515

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Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Director
Facilities Management
BIA Navajo Regional Office
Gallup, NM 87305

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Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

Leonard Robbins
Environmental Quality
BIA Navajo Regional Office
PO Box 1060
Gallup, NM 87305

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Mike Tremble
Ecosystem Management, Inc.



April 14, 2000

President
Birdsprings Chapter

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Ecosystem Management, Inc.



April 14, 2000

Brent Nelson
NNHP
Navajo Fish and Wildlife
PO Box 9000
Window Rock, AZ 86515

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April 14, 2000

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Mike Tremble
Ecosystem Management, Inc.



THE NAVAJO NATION

Navajo Nation Environmental Protection Agency
P.O. Box 339 Window Rock, Arizona 86515

(520) 871-7690

KELSEY A. BEGAYE
PRESIDENT
May 5, 2000

TAYLOR McKENZIE, MD
VICE PRESIDENT

Mike Tremble
Ecosystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, New Mexico 87107

Dear Mike:

This letter is in response to your letter of April 14, 2000 and our subsequent phone conversations concerning the proposed Birdsprings Road, N71(1)1,2,&3,(2)2&3,&(3)2&3, and the Environmental Assessment (EA) you're writing. Please find enclosed channel survey and fluvial geomorphology data for the proposed Little Colorado River (LCR) main channel bridge site. The data comes from work done for us by Stephanie Yard with the U.S. Natural Resources Conservation Service (NRCS) and Tom Moody of Natural Channel Design in Flagstaff, AZ. Stephanie and Tom each have extensive fluvial geomorphology training and experience.

The proposed main channel bridge site is at the apex of a meander. This is an inappropriate crossing site which would force the channel to adjust both up and downstream. This site would also place the bridge structure at higher damage risk than if sited in a riffle section of channel. This office, Stephanie, and Tom recommend relocating the bridge site and the road alignment which runs through wetlands to the north. These wetlands meet the hydrology and soils criteria of jurisdictional wetlands. The vegetation criterion is not, to date, resolved. A determination of jurisdictional wetlands will necessitate Clean Water Act § 404 Individual rather than Nationwide permit compliance should the road alignment remain as proposed.

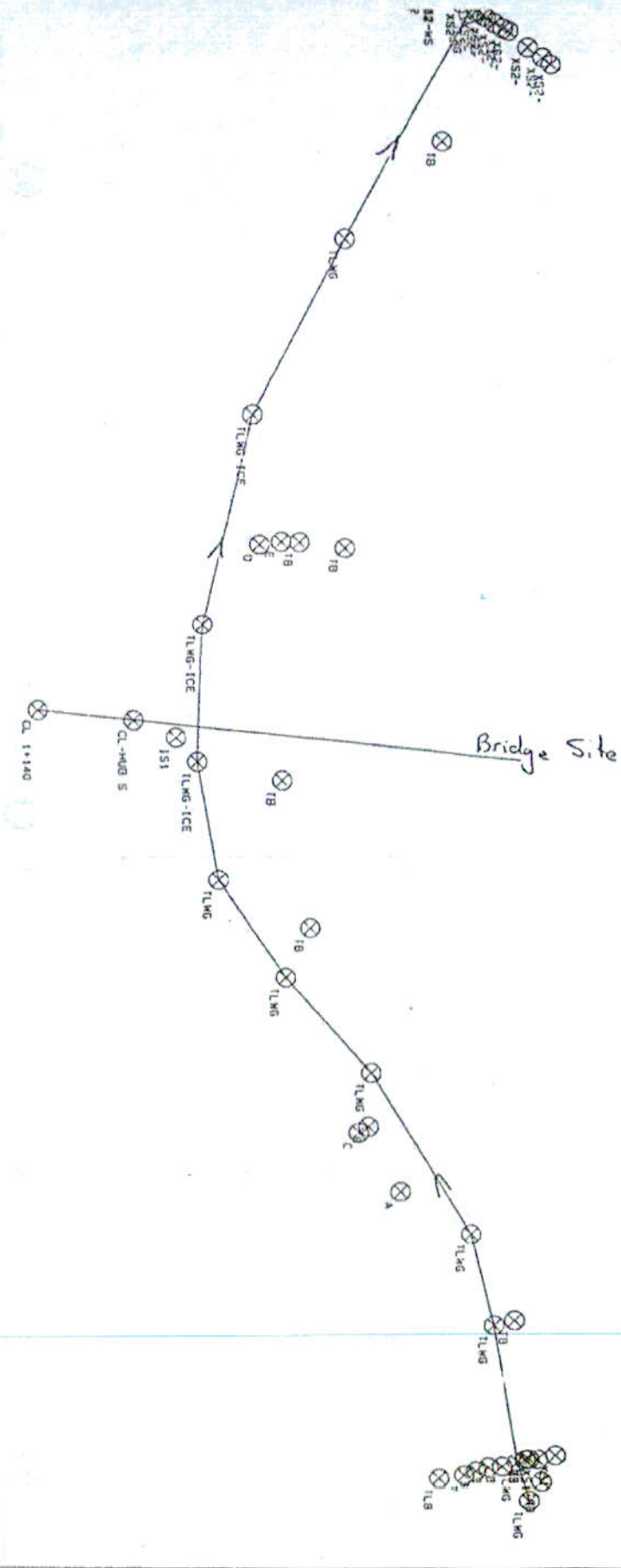
Wetlands, jurisdictional or not, are valuable throughout the southwest and Navajo Nation. Destruction of these areas results in loss of wildlife habitat and production and wetland functions of groundwater recharge, flood control, and expanded water availability during drought. Staff observed increased wildlife in the wetland areas associated with this project. This office has been told the road alignment was placed through the wetlands to avoid impacting grazing lands to the east. Range condition throughout this alignment area is very poor. The NRCS has a National Wetland Reserve Program (NWRP) which will compensate the Navajo Nation for putting these wetlands in the program. This office is pursuing this potential option.

Thank you for requesting our input and your attention to this matter. We look forward to the review of your EA. Please contact me at 520/871-7690 with questions or comments.

Sincerely:

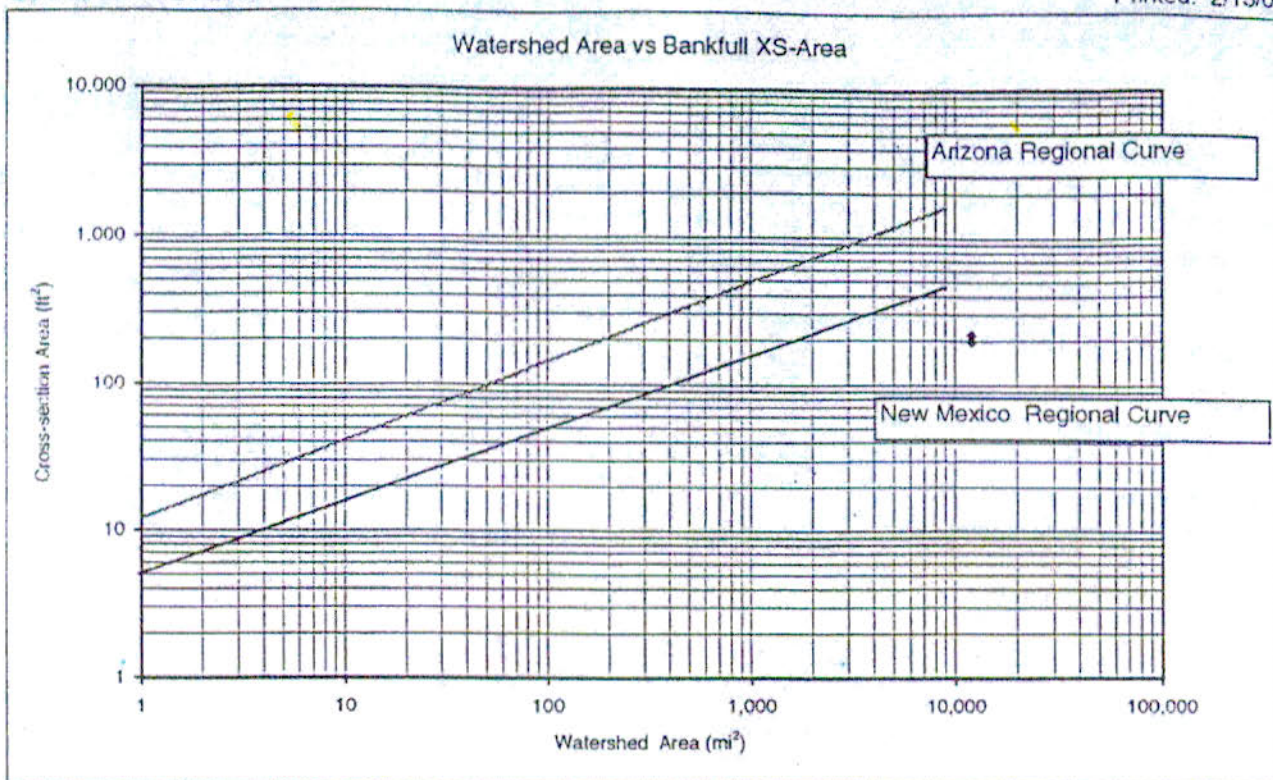
Tom Morris

Tom Morris, Environmental Specialist
Navajo Nation Environmental Protection Agency
Water Quality/NPDES Program



LCR - Bird Springs
BIA Bridge Site

1"=130'



LOCAL DATA

NAME

HUC:

WS AREA

XS AREA

WIDTH

MEAN D

MAX D

Channel

(mi²)

(ft²)

(ft)

(ft)

(ft)

Type

LCR @ Bird Springs

12000

197

70

2.8

4.1

C5

Little Colorado River (d/s Winslow)

12000

218

88

2.5

3.6

B5c

16,281

Created by:

NATURAL CHANNEL DESIGN

Flagstaff, Arizona

Version: 3.0

Revised: 9/10/99

HJC

Version: 3.0
Revised: 9/10/99

BANKFULL SURVEY FORM

Printed: 2/13/00

(shaded cells are filled by formulas)

Stream Name: LCR @ Bird Springs Date: 12/21/99
 Watershed name: Little Colorado River Watershed area: 12000 mi² (6,280
 Personnel: Yard, Mosby, DeWalt, Morris, Stevens Site Elev: 6000.0 ft
 Longitude: _____ Latitude: _____ Flow: perennial
 (Perennial / Intermittent / Ephemeral)

Notes:

(left to right looking downstream)

Cross-section Data

for right cross-section data	STA	ROD HT	Elev	DEPTH	DIST.	AREA	NOTES
1	0.0	0.9	7.1				
2	26.4	0.3	7.6		26.4		
3	38.4	6.8	1.1	3.0	13.0		
4	52.6	7.4	0.5	3.6	13.2		
5	67.0	7.0	0.9	3.2	14.4		
6	83.7	7.9	0.0	4.1	16.7		
7	91.0	7.4	0.5	3.8	7.3		
8	92.9	6.9	1.0	3.1	1.9		
9	96.1	6.5	1.4	2.7	3.2		
10	104.5	1.4	6.5		9.4		
11	123.0	1.0	6.5		18.5		
12							
13							
14							
15							
16							
17							
18							
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34							
35							
36							
37							
38							
39							
40							

TOTAL AREA: 186.54 sq ft

DATA ENTRY

Bankfull Slope: 0.001
 Water surface slope: 0.001
 Thalweg slope: 0.001
 Sinuosity (est): 1.2

Channel Type: C5

Rod Reading @ Bankfull Stage: 3.80 ft
 Rod Reading @ Water Surface: 150.0 ft
 Floodprone Width: 70 ft
 Bankfull width: 70 ft

Staking for Cross-section: S4 ft

BANKFULL DATA

Watershed area: 12000 mi²
 X-section area: 195.54 ft²
 Bankfull Width: 70.0 ft
 Mean depth: 2.8 ft
 Max Depth: 4.1 ft
 Floodprone width: 150 ft

W/D ratio: 24.9
 Ent. Ratio: 2.1
 Slope: 0.001
 D₅₀: 0.1 mm
 Sinuosity (est): 1.2
 Channel Type: C5

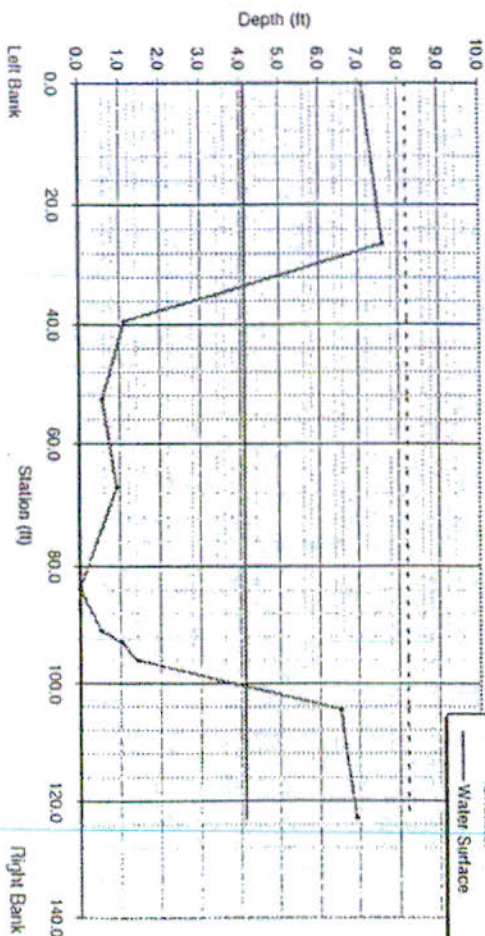
SEDIMENT TRANSPORT

$T_s = K_s \cdot V^{1.48} \cdot S$
 $C_s = 0.0875985$

Particle moved (Moberg & Smith) mm

Bed material data: ESTIMATED

Channel cross-section



Created by:

3

11

1

A

1

1

1

1

1

1

1

1

1

1

1

1

1

1

Jan 10

BANKFULL SURVEY FORM

(shaded cells are filled by formulas)

Stream Name: Little Colorado River (d/s Winslow) Date: 12/21/99
Watershed name: Little Colorado River Watershed area: 12000 mi²
Personnel: Yard, Moody, DeWall, Morris, Stevens Site Elev. 6000.0 ft
Longitude: _____ Latitude: _____ Flow: _____
(Perennial / Intermittent / Ephemeral)

Notes:

(left to right looking downstream)

Cross-section Data for right cross-section data				BVI		NOTES
STA	ROD HT	Elev	DEPTH	DIST.	AREA	
1	0.0	1.1	7.2			
2	4.3	1.0	7.3	4.3		
3	19.5	7.5	0.8	2.8	15.2	
4	21.2	7.6	0.7	2.9	1.7	4.85
5	22.2	8.3	0.0	3.6	1.0	3.25
6	48.3	7.8	0.5	3.1	26.1	87.44
7	60.2	7.8	0.5	3.1	11.9	36.83
8	65.7	8.2	0.1	3.5	5.5	18.15
9	74.5	8.0	0.3	3.3	8.8	28.92
10	78.5	7.5	0.8	2.8	4.0	12.20
11	98.8	6.8	1.5	2.1	10.3	25.24
12	99.6	4.4	3.9		10.8	
13	106.4	1.2	7.1		6.0	
14	131.7	1.8	6.8		25.3	
15	150.5	0.1	8.2		18.0	
16	161.6	0.0	8.3		11.1	
17						
18						
19						
20						
21						
22						
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24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						

TOTAL AREA = 217.93 sq. ft

DATA ENTRY

Bankfull Slope: 0.001
Water surface slope: 0.001
Thalweg slope: 0.001
Sinuosity (est): 1.2
Channel Type: B5c

Rod Reading @ Bankfull Stage: 4.70 ft
Rod Reading @ Water Surface: _____
Floodprone Width: 140.0 ft
Bankfull width: 88 ft
Stationing for Cross-section: 1751 ft

BANKFULL DATA

Watershed area: 12000 mi²
X-section area: 217.93 ft²
Bankfull Width: 88.0 ft
Mean depth: 2.5 ft
Max. Depth: 3.6 ft
Floodprone width: 140 ft
W/D ratio: 35.5
Ent. Ratio: 1.6
Slope: 0.001
 $D_{50} = 0.1$ mm
Sinuosity (est): 1.2
Channel Type: B5c

SEDIMENT TRANSPORT

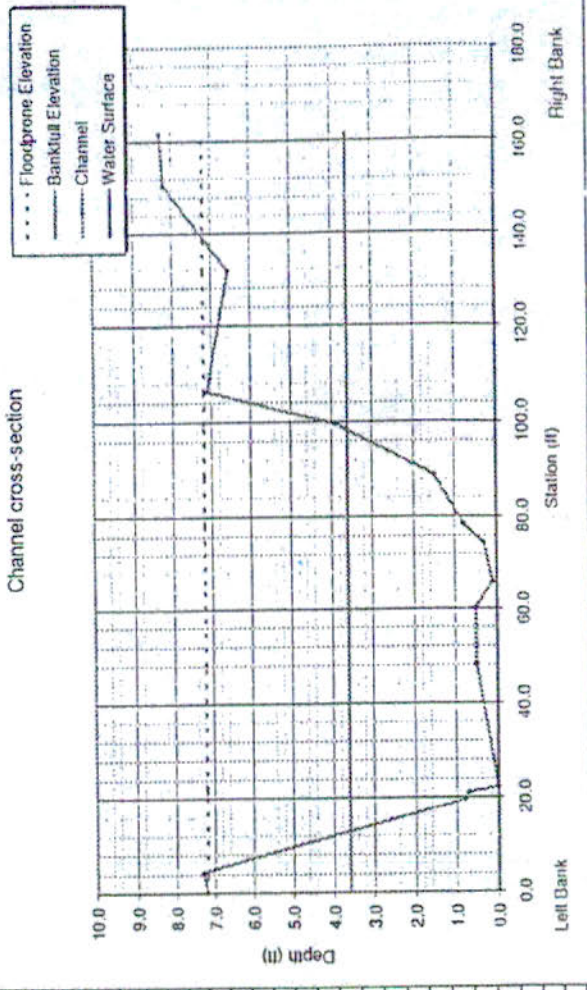
$C_s = 62.3 \cdot d^{1.5}$
 $C_s = 0.072843$

Particle moved _____ mm
(Wiberg & Smith)

Bed material data ESTIMATED

D15: 0.05 mm
D50: 0.125 mm
D85: 0.25 mm
D100: 2 mm

Channel cross-section



LONGITUDINAL PROFILE SHEET

ALLUVIAL FEATURES		
STA	ROD	DESCRIPTION
1 375.0	5.8	silt/sand feature along upper end of point bar, below
2 451.0	4.3	sum silt/sand feature at lower end of point bar, could
3 451.0	2.9	Bankfull silt/sand feature at apex of meander, bank
4 1135.9	5.5	y silt/sand feature along upper 2/3 of point bar, same
5 1143.4	4.4	klull silt/sand feature at lower 1/3 of meander, same
6		
7 16.2	1.2	Right bank
8 43.8	1.0	Right bank - XS 1
9 195.3	0.3	Right bank
10 666.8	0.2	Right bank
11 856	0.6	Right bank
12 1147.8	0.9	Right bank
13 1152.4	-0.2	Right bank
14 615.9	1	Right bank
15 1751.65	1.2	Right bank - XS 2
16 2019.7	1.4	Right bank
17		
18 43.8	0.8	Left bank - XS 1
19 925.2	0.5	Left bank - Centerline road
20 1751.6	1.1	Left bank - XS 2

Stream Name: LCA @ Bird Springs
Watershed name: Little Colorado River
Personnel: Yard, Moody, DeWall, Morris, Stevens
Longitude: _____ Latitude: _____
Date: 12/21/99
Watershed area: 12000 ac² 16,280
Site Elev. 6000 ft
Flow: perennial
(Perennial / Intermittent / Ephemeral)

THALWEG SLOPE		
STA	ROD	SLOPE
1 43.8	7.40	0.0005
2 1751.7	8.30	0.0005

TERRACE/HIGH BANK		
STA	ROD	SLOPE
1 0.0	0.20	0.0005
2 1970.0	1.20	0.0005
3		
4		
5		
6		

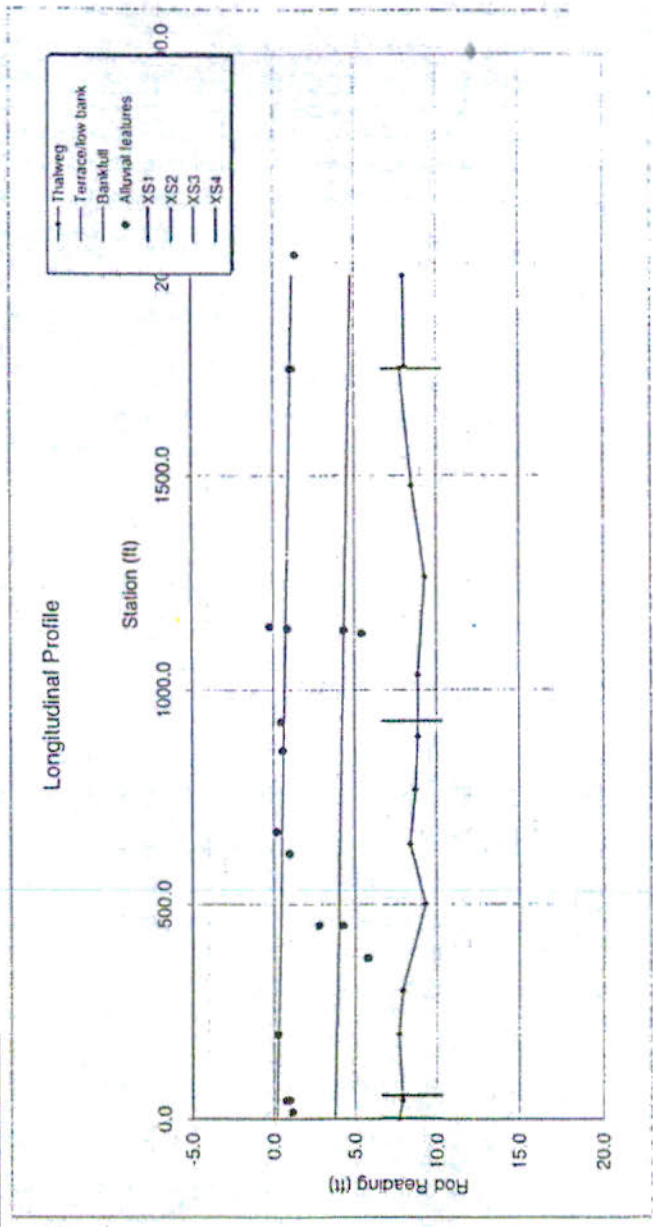
BANKFULL STAGE		
STA	ROD	SLOPE
1 0.0	3.80	0.0005
2 1970.0	4.80	0.0005
3		
4		
5		
6		

CROSS-SECTIONS		
XS	STA	ROD HT
1	54	3.83
2	925	4.27
3	1751	4.69
4		

WATERSURFACE SLOPE		
STA	ROD	SLOPE
1 43.8	7.40	0.0005
2 1751.7	8.30	0.0005

Sinuosity (est) 1.2

LONGITUDINAL PROFILE		
STA	ROD	WATER DEPTH
1 0.0	7.7	
2 43.8	7.9	
3 195.3	7.7	
4 297.8	7.9	
5 500.6	9.3	
6 636.4	8.4	
7 762.6	8.7	
8 888.9	8.9	
9 1036.2	8.9	
10 1266.9	9.3	
11 1476.85	8.5	
12 1751.65	7.8	
13 1757.4	8.1	
14 1970.9	8.0	
15		
16		
17		
18		
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22		
23		
24		
25		





Department of Health & Human Services

Indian Health Service
Tuba City Service Unit

Flagstaff OEH&E
Office of Navajo/Hopi Relocation
P. O. Box KK
Flagstaff, Arizona 86002
(520) 779-2721
Fax: (520) 774-1977

05/25/00

Mike Tremble
Ecosystem Mgt. Inc.
4004 Carlisle Blvd. NE
Suite C1
Albuquerque, NM 87107

RE: EA for BIA Birdsprings Road Project

Dear Mr. Tremble:

I am responding to your April 14, 2000 letter to the Director, IHS about the subject project. Attached you will find select pages from our project currently under construction in the same general project area. These pages identify our project number, general scope of work, and a vicinity map showing the proposed waterline parallel but to the east of your roadway project. Hopefully the attached sheets will answer your questions. Steven Bosiljevac, P.E. is the IHS Project Engineer and can be contacted at telephone number (520) 289- 6170 in Winslow, Arizona.

Sincerely,

Richard H. Johnson, P.E.
District Engineer

Cc: Steven Bosiljevac, W/DSFC w/ attachment

PROJECT SUMMARY

WATER SUPPLY AND WASTE DISPOSAL FACILITIES
Old Leupp Water Line Extension

Leupp Chapter, Navajo Nation
Coconino County, Arizona

Public Law 86-121
Project Number
NA-92-785

U.S. Department of Health and Human Services
Public Health Service
Indian Health Service
Office of Environmental Health and Engineering
Sanitation Facilities Construction Branch
Navajo Area Indian Health Service
Window Rock, Arizona

March 1992

PROJECT SUMMARY

WATER SUPPLY AND WASTE DISPOSAL FACILITIES Old Leupp Water Line Extension

Leupp Chapter, Navajo Nation
Coconino County, Arizona

Public Law 86-121
Project Number
NA-92-785

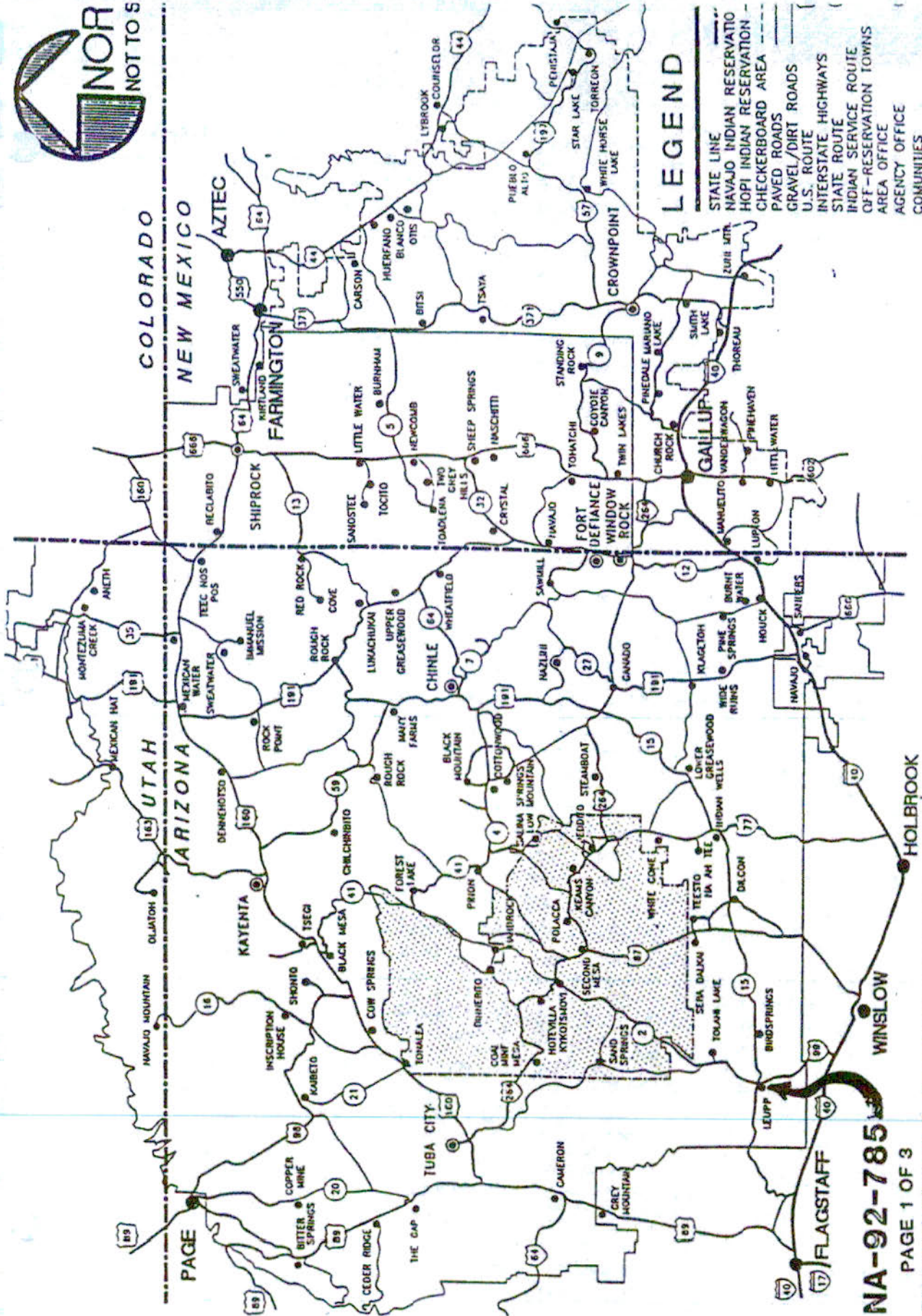
INTRODUCTION

The Leupp Chapter submitted a Project Proposal dated March 20, 1992, requesting the Indian Health Service (IHS) to assist in providing water supply and waste disposal facilities to homes in the Chapter. On January 10, 1989, Mr. Tony Nez, Water/Wastewater Foreman, Navajo Tribal Utility Authority (NTUA), Dilcon, Arizona, District, wrote to Mr. Richard Johnson, IHS District Engineer, Flagstaff, Arizona, in response to a joint meeting that identified operation and maintenance problems with both District V and District VII NTUA Regional Water Systems. The major problems described in Mr. Nez's letter were the frequent line breaks and low pressures in the Old Leupp section of the District V water system.

This project will construct approximately 17,500 feet of 2-, 4-, and 6-inch water line to provide upgraded service for eleven homes previously served with community water in the Old Leupp project area and provide first service to four homes. Individual wastewater systems will also be constructed for the four new homes. This project will cost an estimated \$251,000, which the IHS will fully fund.

GENERAL INFORMATION

Old Leupp is located approximately five miles east of Leupp, Arizona, along the Little Colorado River, in the southwestern portion of the Navajo Indian Reservation. Vegetation in the project area consists primarily of greasewood, sage brush, yucca, and various cacti and grasses common on the northeastern Arizona plateau. Elevations range from 4,500 to 5,000 feet above sea level, and annual precipitation averages 8 to 10 inches. Employment opportunities in the area are extremely limited, with self-employed ranching, and the Leupp Bureau of Indian Affairs (BIA) offices being the major local resources. The Arizona cities of Winslow and Flagstaff offer a source of work for those able to commute. Some residents of the proposed project area exhibit a subsistence type life-style, raising moderately sized herds of sheep and cattle.



LEGEND

STATE LINE
NAVAJO INDIAN RESERVATION
HOPI INDIAN RESERVATION
CHECKERBOARD AREA
PAVED ROADS
GRAVEL/DIRT ROADS
U.S. ROUTE
INTERSTATE HIGHWAYS
STATE ROUTE
INDIAN SERVICE ROUTE
OFF-RESERVATION TOWNS
AGENCY OFFICE
COMMUNITIES

NAVAJO NATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

U.S. PUBLIC HEALTH SERVICE

NAVAJO AREA INDIAN HEALTH SERVICE

PHS INDIAN HEALTH CENTER



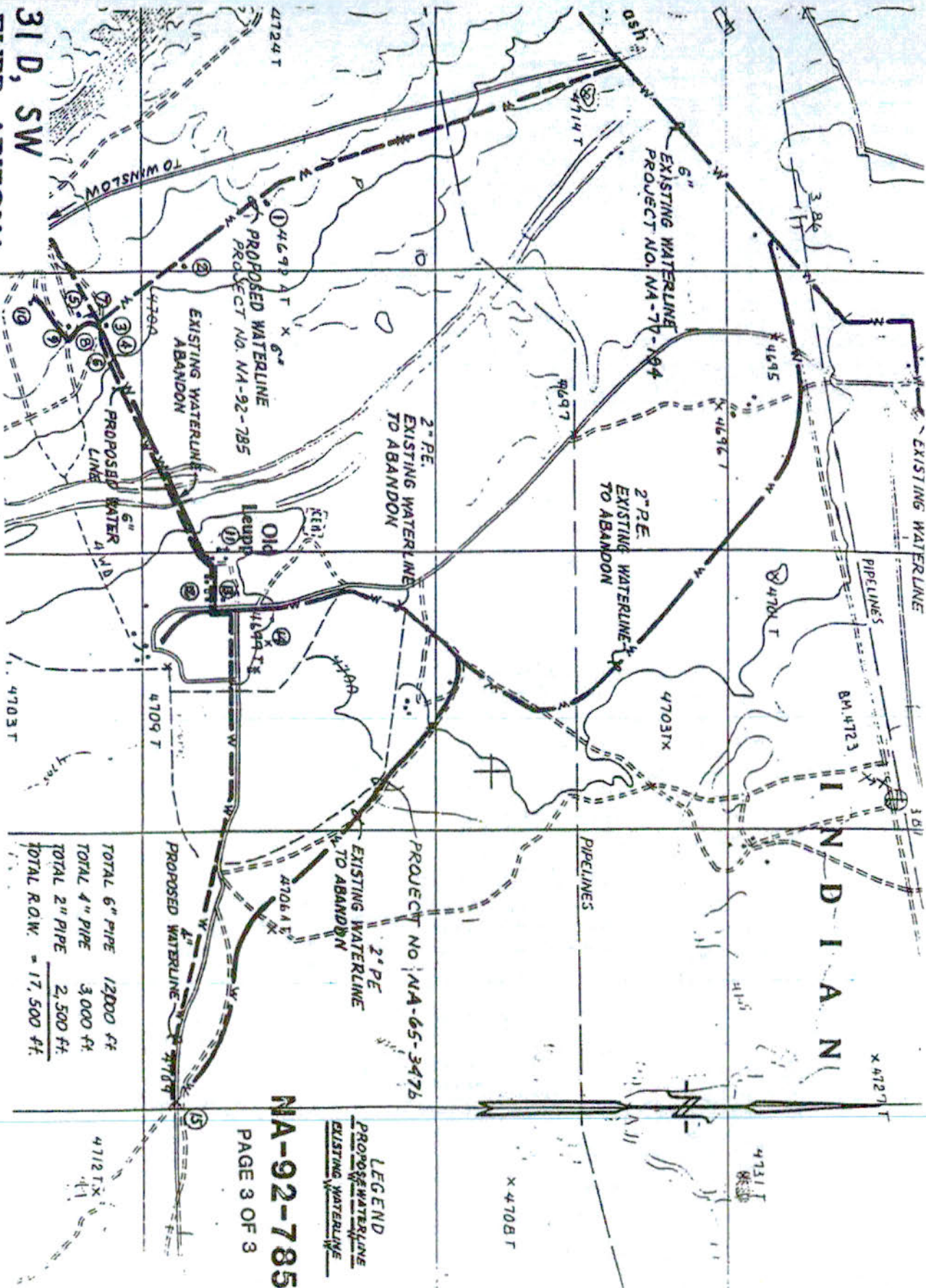
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DATE:
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DATE:
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OF

NA-92-785

PAGE 1 OF 3

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EUPP, ARIZONA,
DONAL EDITION 1986

35110-C8-TF-07-



MA-92-785

PAGE 3 OF 3

LEGEND

PROPOSE WATERLINE
EXISTING WATERLINE

TOTAL 6" PIPE	12,000 ft
TOTAL 4" PIPE	3,000 ft
TOTAL 2" PIPE	2,500 ft
TOTAL R.O.W.	= 17,500 ft.





THE NAVAJO NATION

Navajo Nation Environmental Protection Agency
P.O. Box 339 Window Rock, Arizona 86515

(520) 871-7690

KELSEY A. BEGAYE
PRESIDENT

TAYLOR McKENZIE, MD
VICE PRESIDENT

March 29, 2001

Mr. Mike Tremble
Ecosystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, NM 87107

Dear Mike,

Thank you for the opportunity to comment on the "Draft Environmental Assessment for Navajo Route 71 (1)(2)(3) Birdsprings, Arizona, Navajo and Coconino Counties, Navajo Nation". Comments from the Navajo Nation Environmental Protection Agency (NNEPA) Water Quality/NPDES Program are as follows:

* EA narrative page 1, I. C. Location:

The project maps referred to in Appendix 1 show only the preferred alternative route. Please provide a map that allows comparison of the alternative routes.

* EA narrative, page 2, Alternatives:

Discussion of the two floodplain bridge sites states that corrugated metal pipe and reinforced concrete box culverts will be spaced along the bridges crossing the floodplain. Please clarify if the floodplain crossings are to be bridged or culverted.

The narrative states, "The lowest point of the bridge beams are set at no less than 0.6 (2.0 ft.) above the 25-year water surface elevations". The watershed upgradient of this project is approximately 16,280 square miles. What is the projected storm event that will overtop the road/bridges? Will the road and bridges be designed and constructed to be overtopped by flood events? What provisions will be made to warn the public and close the road during flooding?

The Little Colorado River (LCR) bridge site was, at last viewing, in a meander. Hydrologically, this is the worst place to site a channel crossing. Hardening the meander to protect the bridge will force the system to expend energy in another location causing erosion and streambank instability. This situation occurs too often with BIA and other road agencies. Understanding hydrologic dynamics along with professional planning of alignments would avoid

unnecessary alterations to stream dynamics and possibly lower construction, ~~management~~ maintenance costs.

* EA Narrative page 4, III. B. 1. Surface Water:

Bankfull flows were estimated to be 3,825 cubic feet per second (cfs) based on the 1996 EA. Please provide the flow and bankfull data used to make this estimate. A comparison will be made with December, 1999 bankfull measurements.

* EA Narrative page 18, V. Conclusion Regarding the Significance of the Proposed Action:

The first sentence names the route as N30 rather than N71.


This concludes comments from our office. The EA is well written and organized. Again, thank you for the opportunity to provide comments. Please contact me at 520/871-7690 with questions or comments.

Sincerely,

Tom Morris

Tom Morris, Environmental Specialist II
Navajo Nation Environmental Protection Agency
Water Quality/NPDES Program

CONCURRENCE:


Patrick Antonio, Hydrologist III/Program Manager
NNEPA Water Quality/NPDES Program



THE NAVAJO NATION

Navajo Nation Environmental Protection Agency
P.O. Box 209 Window Rock, Arizona 86511

(360) 871-7000

KELSRY A. DECAVIA
PROSIDENT

TAYLOR MCKENZIE, MD
VICE PRESIDENT

March 29, 2001

Mr. Mike Tremble
Ecosystem Management, Inc.
4004 Carlisle Blvd. NE, Suite C1
Albuquerque, NM 87107

Dear Mike,

Thank you for the opportunity to comment on the "Draft Environmental Assessment for Navajo Route 71 (1)(2)(3) Birdsprings, Arizona, Navajo and Coconino Counties, Navajo Nation". Comments from the Navajo Nation Environmental Protection Agency (NNEPA) Water Quality/NFDES Program are as follows:

• EA narrative page 1, I. C. Location:

The project maps referred to in Appendix 1 show only the preferred alternative route. Please provide a map that allows comparison of the alternative routes.

• EA narrative, page 2, Alternatives:

- #1 Discussion of the two floodplain bridge sites states that corrugated metal pipe and reinforced concrete box culverts will be spaced along the bridges crossing the floodplain. Please clarify if the floodplain crossings are to be bridged or culverted.

- Reinforced conc.
box culverts will
NOT be used.

- #2 The narrative states, "The lowest point of the bridge beams are set at no less than 0.6 (2.0 ft.) above the 25-year water surface elevations". The watershed upgradient of this project is approximately 16,280 square miles. What is the projected storm event that will overtop the road/bridges? Will the road and bridges be designed and constructed to be overtopped by flood events? What provisions will be made to warn the public and close the road during flooding?

- CMPs will be
used.
- Flood plain cross-
ing will be both
bridged and culv.

- #3 The Little Colorado River (LCR) bridge site was, at last viewing, in a meander. Hydrologically, this is the worst place to site a channel crossing. Hardening the meander to protect the bridge will force the system to expend energy in another location causing erosion and streambank instability. This situation occurs too often with BIA and other road agencies. Understanding hydrologic dynamics along with professional planning of alignments would avoid

April 6, 2001

OPTIONAL FORM 99 (7-99)

FAX TRANSMITTAL

of pages 4

To: Mike Tremble	From: Gary Morrison
Dept./Agency: Navajo Regional Roads	Phone #: 505-863-848
Fax #: 505-884-8300	Fax #: 8755

NEN 7640-01-017-7549

5099-101

GENERAL SERVICES ADMINISTRATION

To: Mr. Gary Morrison
Planning Engineer
Navajo Regional Roads

From: Mr. Corwyn Henry
Structural Unit Supervisor
Navajo Regional Roads

Re: Comments to EA for N71(1)(2)(3)

This is in response to your memo dated 4/4/01 requesting clarification and/or responses to the comments/questions raised by NNEPA. I have denoted NNEPA's comments/questions as #1 through #4, and will address them as such.

- #1: Reinforced Concrete Box Culverts will not be used. Corrugated Metal Pipes and/or Pipe Arches will be used. The floodplain will be both bridged and culverted.
- #2: Analyses show that the bridges/roadway will not be overtopped by the 100 year flood and 50 year flood. During these two events, the freeboard (clearance between water surface and lowest part of beams) will be less than 600 mm (2 ft.). A projected storm event that may overtop the bridge/roadway was not determined. However, the bridge foundations are designed to withstand the 500 year flood. Whether the approach roadways will withstand a 500 year flood has not been determined. No provisions have been made to warn the public since it is anticipated (by analysis) that the crossing will not be flooded by a 100 year flood, which is the maximum storm event considered.
- #3: It is our position that the crossing is not on a meander, but is located on the straightest portion of the Little Colorado River in the area best suited for a crossing. Historically, the BIA has not had the privilege having the entire length of a river or wash available to select a crossing location. On the contrary, the BIA is always limited to a narrow section of river or wash by many outside entities. This is one of those situations. NNEPA is very well aware of this.
- #4: The Structural Unit is not aware of any analysis that has provided a so called "bankfull" flow. Only the 25, 50 and 100 year flows have been analyzed for this project.

Thank you for the opportunity to address these concerns.

unnecessary alterations to stream dynamics and possibly lower construction, mitigation, and maintenance costs.

* EA Narrative page 4, III. B. 1, Surface Water:

#4 Bankfull flows were estimated to be 3,825 cubic feet per second (cfs) based on the 1996 EA. Please provide the flow and bankfull data used to make this estimate. A comparison will be made with December, 1999 bankfull measurements.

* EA Narrative page 18, V. Conclusion Regarding the Significance of the Proposed Action:

The first sentence names the route as N30 rather than N71.

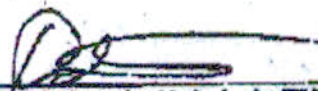
This concludes comments from our office. The EA is well written and organized. Again, thank you for the opportunity to provide comments. Please contact me at 520/871-7090 with questions or comments.

Sincerely,

Tom Morris

Tom Morris, Environmental Specialist II
Navajo Nation Environmental Protection Agency
Water Quality/NPDES Program

CONCURRENCE:


Patrick Antonio, Hydrologist III/Program Manager
NNEPA Water Quality/NPDES Program

DISTRIBUTION OF DRAFT ENVIRONMENTAL ASSESSMENT

The Draft Environmental Assessment was provided for review and comments to the following offices. Comments were received from the Bureau of Indian Affairs and the Navajo Environmental Protection Agency.

Director
Navajo Nation Department of Agriculture
PO Box 4889
Window Rock, AZ 86515

Gary Morrison
Roads Department
Navajo Regional Office BIA
PO Box 1060
Gallup, NM 78305-1060

Director
Navajo Fish and Wildlife Department
PO Box 1480
Window Rock, AZ 86515

Director
Navajo Environmental Protection Agency
PO Box 339
Window Rock, AZ 86515

Deb Misra
Navajo Environmental Protection Agency
PO Box 339
Window Rock, AZ 86515

Birdsprings Chapter
Chapter President
HC 61 Box K
Winslow, AZ 86047

APPENDIX 9

Best Management Practices

Best Management Practices

In order to avoid, reduce, or mitigate potentially adverse impacts during the construction of project N71(1)(2)(3), the Navajo Regional Branch of Roads will incorporate the following best management practices into the Design Plans (to the fullest extent possible):

1. Construct the project in accordance with the Manual for Standard Specifications for Construction of roads on Federal Highway Projects (FP-96), and in compliance with all applicable Navajo Tribal and Federal laws, codes, safety regulations, and executive orders.
2. The BIA Contractor will measure the sediment content of any water body next to any borrow or aggregate source pits (for use in this project) prior to and during construction of this project (as required in the contractor's pit permit requirements) to avoid an increase in sedimentation of the body of water.
3. The BIA Contractor shall stockpile the existing top soil for use in re-vegetation of borrow pits and roadway slopes in accordance with the FP-96.
4. The cut and fill volume will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain.
5. The Contractor's camp and equipment storage area will be kept clean and free of litter at all times, to prevent debris and litter from entering bodies of water. All trash will be disposed of in accordance with EPA regulations and all camp sites and equipment storage areas will be restored to their natural condition at project completion (in accordance with Navajo Tribal permit requirements).
6. The BIA inspectors' will daily inspect all construction equipment for leaks and notify the Contractor on the removal of leaking equipment from the project site until the leaking equipment is repaired and spills cleaned up to the satisfaction of the Project Engineer and Environmental Quality Office.
7. All oils, fuels, lubricants, and hydraulic fluids, will be kept in sealed, storage containers and or facilities that meet EPA regulations for preventing contamination of the environment.
8. Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at his expense as directed by the Project Engineer.
9. Parking and staging areas will be limited to the construction limits. Utilization of existing roads for detours, storage of equipment, and the hauling of materials and water, will be used

to the fullest extent possible. Storage areas within the construction limits, will utilize existing disturbed areas and be kept as small as possible. All disturbed areas will comply with Section 625-Turf Establishment of FP-96, page 611.

10. The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for a minimum of 12 inches of cover over the pipe as measured from the roadway shoulder. All drainage control will adhere to Section 157-Soil Erosion Control of FP-96, page 88.

11. Structural replacements will be performed during periods of low-or-no flow periods to minimize water quality impacts. Any excess asphalt or concrete materials will be disposed of (off site) in accordance to EPA regulations and the FP-96.

12. The Contractor will acquire Navajo water-use and aggregate material permits through the BIA and Navajo Tribal process, and follow all requirements of such permits, including royalties and environmental protection.

13. The Navajo Regional Branch of Roads will acquire and/or comply with the following regulations regarding the Federal Clean Water Act:

- a) Section 404 nationwide permit
- b) Water Quality (Section 401) Certification
- c) National Pollution Discharge Elimination System (NPDES) (402) permit and the Storm Water Pollution Prevention Plan (see attached details).

APPENDIX 10

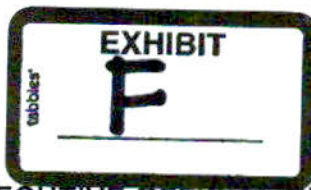
Project Area Photos



Raptor Nest in Cottonwood Tree Near Project Area



Bird Nest in Cottonwood Tree in Project Right-of-Way

Document No. 011916Date Issued: 01/29/2019**EXECUTIVE OFFICIAL REVIEW**Title of Document: BIA-NRDOT ROW Birdsprings N71(3)2&4 Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.gov Phone Number: 928/871/6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ	
04-25-19 @ 4:45pm	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 011916	
SAS #:	
UNIT: Nru	

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST:	4/25/2019	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447 or x 6423	E-MAIL:	michellehoskie@navajo-nsn.gov
TITLE OF DOCUMENT: BIA-NRDOT ROW BIRDSPRINGS N71 1(3)2&4 #11916			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	4.25.19 815	REVIEWING ATTORNEY/ADVOCATE:	Irvin Chee 5.7.19
DATE TIME OUT OF UNIT:	5.1.19 4pm		

DOJ ATTORNEY / ADVOCATE COMMENTS


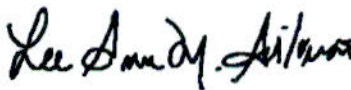


Document is now legally sufficient after inserting correct Terms & Conditions.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Tanner	4/30/19	Blackhat	5/1/19 8:35am
DOJ Secretary Called: Marcie	for Document Pick Up on 5.1.19 at 3pm By: R		
PICKED UP BY: (Print)	DATE / TIME:		

NNDJ/DRRF-July 2013

COMPLETED

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Sufficient documentation.	1. No Reply	07-Feb-2019	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. FYI, all waters of the US and water of the NN are protected under the federal CWA and NN CWA. Contact LeeAnna Martinez for a 401 Cert Application or call (928)871-7700.	1. No Reply	27-Feb-2019	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	11-Feb-2019	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #14ndot107-N71	1. No Reply	07-Feb-2019	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. 2001 EA for the project indicates coverage will be sought under the federal Construction General Permit for storm water discharges from	1. No Reply	07-Feb-2019	

construction sites. A Notice of Intent (NOI) must be electronically submitted to USEPA 14 days prior to earthmoving. A storm water pollution prevention plan must be developed prior to NOI submission.

Robert Allan (Navajo Land Title Data System - Windowrock AZ)	Deputy DNR Director	DNR Administration	Approved	1	CONDITIONAL: Need to add Terms and Conditions Form, and check to confirm that there are only two (2) land users, who appear to have provided consent to the project on the required forms attached to a Chapter Resolution in the Environmental Assessment document.	1	No Reply	15-Feb-2019
--	---------------------	--------------------	----------	---	--	---	----------	-------------

Robert O. Allan

Tamara Billie (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	no comments	No Reply	15-Mar-2019
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Tamara Billie

Warren Roan (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. There are no impacts from operating storage tanks containing a regulated substance and/or leaking storage tanks on the proposed	1. No Reply	11-Feb-2019
---	----------------------------------	---	----------	--	-------------	-------------

Warren J. Roan

project
area.

Yolanda Public Navajo Nation Approve
Barney EPA Water Environmental d
(Navajo System Protection
Land Title SupervisioAgency
Data n Program
System -
Windowroc
k AZ)


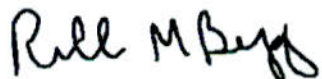

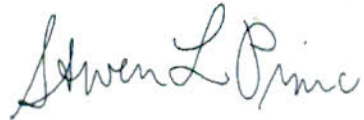
no
comments

No
Reply


11-Feb-
2019



Tier 2 Document Voting Results

User Name (Facility)	Job Title	Departme nt	Vote Cast	Comments	Replies	Vote Date	Signature
Chad Smith - F&W (Navajo Land Title Data System - Windowroc k AZ)	Technical Review	Fish and Wildlife	Approve d	no comments	No Reply	24-Apr- 2019	
Richard Begay NNHP (Navajo Land Title Data System - Windowroc k AZ)	Navajo Nation Historic Preservation Department n Officer	Historic Preservation Department	Approve d	1 Please note that site AZ-O-52-1 will be avoided by 50' at all times during constructio n and maintenanc e. Monitoring by a qualified archaeologi st is suggested.	1 No Reply	28-Mar- 2019	
Ronnie Ben EPA (Navajo Land Title Data System - Windowroc k AZ)	Undergroun d Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approve d	1 Any modificatio ns to the proposed plan contact NNEPA at (928)871- 7701.	1 No Reply	15-Mar- 2019	
Steven Prince MIN (Navajo Land Title Data System - Windowroc k AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approve d	1 This vote is contingent upon the uploaded revised Terms and Conditions, dated 3/20/2019,	1 No Reply	20-Mar- 2019	

				being permanentl y included in the application approval package. slp		
W. Mike Halona (NLTDS - Everytt)	DCD Division Director	Navajo Nation	Approve d	no comments	No Reply	29-Mar- 2019



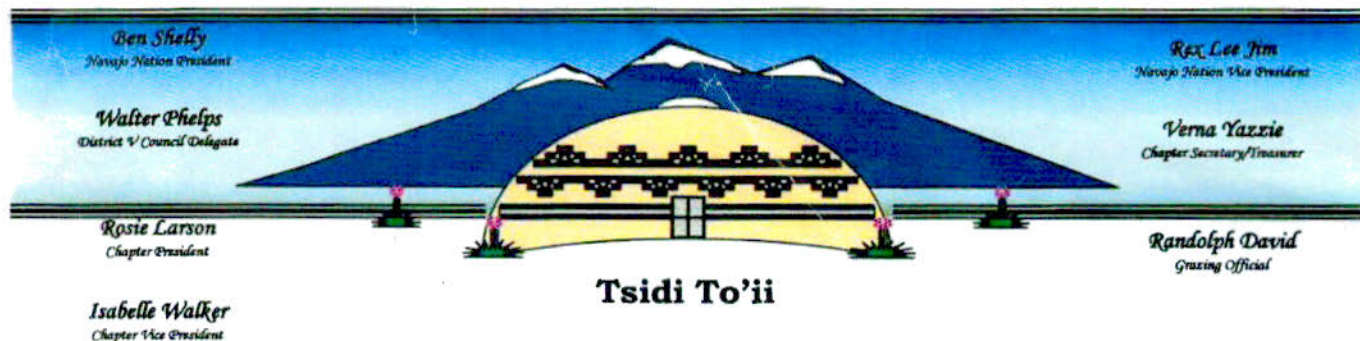
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RESOLUTION OF THE TSIDI TO' II CHAPTER WESTERN NAVAJO AGENCY

Resolution No.: TT-10-028-14

SUPPORTING AND REQUESTING THE 22ND NAVAJO NATION COUNCIL RESOURCES AND DEVELOPMENT COMMITTEE TO REINSTATE THE PRIORITY STATUS OF NAVAJO ROUTE N71, TO INCLUDE THE LAST FIVE (5) MILES OF N71 TO THE FIVE (5) YEAR NAVAJO NATION TRIBAL TRANSPORTATION IMPROVEMENT PLAN

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), Tsidi To'ii Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C. part 1, Section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B), Tsidi To'ii Chapter is vested with the authority to review all matters affecting the community to take appropriate actions when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The BIA Department of Transportation and the Navajo Division of Transportation are functioning under the guidelines of the Federal Highway Indian Reservation Roads Program, supports the efforts to improve and constructing primary roads to area schools, chapter government facilities, and address the public transportation safety concerns to conduct business to maintain the quality of life; and
4. N71 is located within the Tsidi To'ii Chapter community; it is twelve (12) miles of unpaved public road system that serves as a major medical and emergency transportation route for the citizens, local school bus route, and residents commuting to and from Winslow for basic necessities while residing in the Tolani Lake, Leupp, and Birdsprings; and
5. For over three (3) decades the District Five Chapters have consistently supported Priority Construction status of Navajo Route N71 to the Western Agency Road Committee and BIA; The Tsidi To'ii Bridge over the Little Colorado River has been successfully completed; and
6. At least seven (7) miles of N71 is on the Tribal Transportation Improvement Plan (TTIP) and slated for construction in 2016; and
7. However the last five (5) miles of N71 is not included on the Tribal Transportation Improvement Plan and BIA has completed the clearance work on all of 12 miles; and

8. Little Singer School is located along N71 roadway, thus it serves as a major roadway for school busses commuting school children morning and evenings throughout the school year, traveling north and south on N71; and
9. Many community members, emergency services, visitors, food services, educational support services, and teachers at Little Singer Community School, and those individuals conducting business in our community travel N71 on a daily basis;
10. The Resources and Development Committee of the 22nd Navajo Nation Council is entrusted with oversight authority of all road transportation infrastructure planning and development, including the certification of tribal transportation improvement priority listings for roads, bridges, and transportation projects within the Tribal Transportation Improvement Plan (TTIP)
11. As such, we are requesting that the Resource and Development Committee include the last five (5) miles of N71 to the Tribal Transportation Improvement Plan;
12. We each have an obligation to our Dine people and we each are in a position to do much; thus we are reaching out to you and encouraging you to assist us in this matter, whether your committee/entity is directly or indirectly involved.

NOW THEREFORE BE IT RESOLVED:

Tsidi To'ii Chapter hereby supports and requests the 22nd Navajo Nation Council Resources and Development Committee to reinstate the priority status of Navajo Route N71, to include the last five (5) miles of N71 to the Five (5) Year Navajo Nation Tribal Transportation Improvement Plan

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered at a duly called meeting of the Tsidi'To'ii Chapter, Birdsprings (Arizona) at which a quorum was present and that the same was passed by a vote of **54 in favor, 0 opposed, and 9 abstained**, this 19th day of October, 2014.

Motion by: Ray Curtis

Second by: Henry Moore


Rosie Larson, President


Isabelle Walker, Vice-President


Randy David, Grazing Official


Verna Yazzie, Secretary-Treasurer


Walter Phelps, Council Delegate

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council
Regular Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0199-19: An Action Relating to Resources and Development; Approving the Grant of Right of Way to Navajo Nation Department of Transportation For the Birdsprings Road Project N71(3)2 & 4 Located On Navajo Nation Trust Lands In Tsiidi To'ii Chapter (Navajo County and Coconino County, AZ). *Sponsor: Honorable Thomas Walker, Jr. Co-Sponsor: Mark A. Freeland*

Date: July 31, 2019

Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

MAIN MOTION:

M: Herman M. Daniels S: Wilson C. Stewart, Jr. Vote: 4-0-1 (CNV)
Yeas: Mark A. Freeland, Wilson C. Stewart, Jr., Thomas Walker, Jr. and Herman M. Daniels
Nays: None
Excused: Kee Allen Begay, Jr.

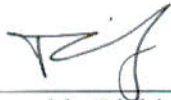
AMENDMENT # 1:

M: Wilson C. Stewart, Jr. S: Herman M. Daniels Vote: 3-0-1 (CNV)
Yeas: Wilson C. Stewart, Jr., Thomas Walker, Jr. and Herman M. Daniels
Nays: None
Not Voting: Mark A. Freeland (Stepped out of the meeting to meet with his constituents.)
Excused: Kee Allen Begay, Jr.

AMENDMENT #2:

M: Wilson C. Stewart, Jr. S: Herman M. Daniels Vote: 4-0-1 (CNV)
Yeas: Mark A. Freeland, Wilson C. Stewart, Jr., Thomas Walker, Jr. and Herman M. Daniels
Nays: None
Excused: Kee Allen Begay, Jr.

NOTE: Thomas Walker, Jr., returned to the meeting during the deliberation of this legislation to vote on Amendment # 2 and Main Motion.



Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services