

LEGISLATIVE SUMMARY SHEET

Tracking No. 0301-15

DATE: August 21, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$132,412.87 FOR A POWERLINE EXTENSION TO FOUR RELOCATION HOUSEHOLDS IN THE NAVAJO PARTITION LAND AREA OF FOREST LAKE CHAPTER COMMUNITY

PURPOSE: This resolution, if approved, will approved supplemental funding from the unreserved undesignated fund balance for a powerline extension to four relocation households in the Navajo Partition Land Area of Forest Lake Chapter Community.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 9:35pm 8/20/15
Posting End Date: 8/31/2015
Eligible for Action: 9/1/2015

Budget & Finance Committee
THENCE
Resources & Development Committee
THENCE
Naa'bik'íyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL—First Year, 2015

INTRODUCED BY

 
Primary Sponsor
TRACKING NO. 0301-15 

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND
DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE
NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM
THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF
\$132,412.87 FOR A POWERLINE EXTENSION TO FOUR RELOCATION
HOUSEHOLDS IN THE NAVAJO PARTITION LAND AREA OF FOREST LAKE
CHAPTER COMMUNITY

BE IT ENACTED:

SECTION 1. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A); and
- B. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council; and
- C. Pursuant to 2 N.N.C. § 300 (C)(1)(3) and (4) the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation's financial resources; and
- D. Pursuant to 2 N.N.C. § 501 (C)(1), the Resources and Development Committee is the oversight committee for the Division of Community Development; and

- 1 E. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and
2 supplemental funds shall be submitted to the Office of Management and Budget
3 (OMB) for budget impact analysis, which was done on August 6, 2015. The OMB
4 budget analysis is attached as Exhibit B; and
- 5 F. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve
6 supplemental appropriations to the Annual Comprehensive Budget during the fiscal
7 year. Supplemental appropriations of General Funds within the current fiscal year are
8 permitted, (1) if and when additional sources of revenues above and beyond the initial
9 or current revenue projections are projected and which are also in excess of the
10 reserve amount set for in § 820(J) or (2) when the Unreserved, Undesignated Fund
11 balance is in excess of the reserve amount set forth at § 820(J); and
- 12 G. The Navajo Nation finds it in the best interest to approve Supplemental Appropriation
13 for a powerline extension for four relocation households in the Navajo Partition Land
14 area of Forest Lake Chapter Community.

15
16 **SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE**
17 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
18 **\$132,412.87 FOR A POWERLINE EXTENSION**
19

- 20 A. The Navajo Nation Council, having received certification by the Office of the
21 Controller, attached as Exhibit B, of the availability of certain funds from the
22 Unreserved, Undesignated Fund Balance (UUFb) for supplemental appropriation
23 hereby approves the supplemental appropriation of \$132,412.87 for a powerline
24 extension to four relocation households in the Navajo Partition Land Area of Forest
25 Lake Chapter Community, as further described in budget documents attached as
26 Exhibit A. See also Resident Relocation Powerline Extension Amendment Proposal
27 attached as Exhibit C.
- 28 B. This supplemental appropriation of \$132,412.87 shall be to a new Business Unit
29 Number and from that amount of funds that exceed the minimum fund balance of the
30 UUFb.

THE NAVAJO NATION

PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: NEW		Program Title: Forest Lake Chapter		Division/Branch: Community Development	
Prepared By: L. Dineyazhe		Phone No.: 928-871-7160		Email Address: ldineyazhe@navaio-nsn.gov	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total
FY15 UUFB Funds		10/1/14 - 9/30/15	132,412.87	100%

PART III. BUDGET SUMMARY					(A)	(B)	(C)
	Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)			
2001 Personnel Expenses	1	0	0	0			
3000 Travel Expenses	1	0	0	0			
3500 Meeting Expenses	1	0	0	0			
4000 Supplies	1	0	0	0			
5000 Lease and Rental	1	0	0	0			
5500 Communications and Utilities	1	0	0	0			
6000 Repairs and Maintenance	1	0	0	0			
6500 Contractual Services	1	0	0	0			
7000 Special Transactions	1	0	0	0			
8000 Public Assistance	1	0	132,412.87	132,413			
9000 Capital Outlay	1	0	0.00	0.00			
9500 Matching Funds	1	0	0	0			
9500 Indirect Cost	1	0	0	0			
TOTAL		\$0.00	132,412.87	132,412.87			

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Permanently Assigned Vehicles:		0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

Dwight Witherspoon 9/6/15

SUBMITTED BY: Dwight Witherspoon, NN Council Delegate Signature / Date

[Signature] 9/6/15

APPROVED BY: Division Director/Branch Chief's Signature / Date

tablets.

EXHIBIT

A

ON

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW		Program Name/Title: Forest Lake Chapter	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:					
PART III. PROGRAM PERFORMANCE CRITERIA:					
1. Program Performance Area:		1st QTR		2nd QTR	
Provide funds for electric/powerline extension in Forest Lake Chapter area.		Goal		Actual	
Goal Statement:		Goal		Actual	
Serve four (4) household with electric services within Forest Lake Chapter area.		0		0	
2. Program Performance Area:		3rd QTR		4th QTR	
		Goal		Actual	
Goal Statement:		Goal		Actual	
3. Program Performance Area:		Goal		Actual	
Goal Statement:		Goal		Actual	
4. Program Performance Area:		Goal		Actual	
Goal Statement:		Goal		Actual	
5. Program Performance Area:		Goal		Actual	
Goal Statement:		Goal		Actual	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.					
Dwight Witherspoon		7/28/15		7/28/15	
Dwight Witherspoon		Signature/Date		Signature/Date	

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: Forest Lake Chapter Business Unit No.: NEW			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
8000 ASSISTANCE	Funds to be provided for Powerline extension in Forest Lake chapter area for four (4) household who are in need of electricity/utility service.		132,412.82
8705	Chapters 8715 Grants: = Customer # 50391566 \$ 16,924.98 Customer # 50390584 \$ 30,309.39 Customer # 50390656 \$ 43,041.11 Customer # 50391661 \$ 42,137.34	132,412.82	
TOTAL		132,412.82	132,412.82

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: NEW Program Title: Forest Lake Chapter
Division/Branch: Community Development Amount Requested: \$132,412.87 Phone No.:
Prepared By: L.Dineyazhe Email Address: ldineyazhe@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The Forest Lake Chapter is requesting for Supplemental Funding for a powerline extension for relocation residents in the NPL area. The amount requested is \$ 132,412.82 for 4 relocated families in the NPL area of Forest Lake Chapter, Az. The Homesite, Right-of-Way, and archaeological clearances have been completed. The homes are in place ready for power.

PART III. SCOPE OF WORK/METHODOLOGY

This project aims to complete a powerline extension by NUTA for 4 families located within the NPL area of Forest Lake Chapter. The NTUA cost estimates totals \$ 132,412.82.

Residents:

Alice R. Yazzie 1208' of poerline for \$ 16,924.98

Leo C. Begay 1303' of powerline for \$30,309.39

Phillip C / Martha Begay 1,640' of powerline for \$43,041.11

Marlene / Kee Russell 2,005' of powerline for \$42,137.34

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

Dwight Witherspoon 7/28/15 [Signature]
REVIEWED BY: , Program Manager/Director Signature / Date RECOMMEND APPROVAL: Branch Chief's Signature / Date



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



MEMORANDUM:

TO : 2 NNC § 164 Reviewers

Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

FROM :

Robert Willie
Robert Willie, Acting Controller
Office of the Controller

DATE : August 17, 2015

SUBJECT : SAS-164 Review 004452- Electric Power Line Extension (4) Households
The Office of the Controller has reviewed the above referenced document.

1. The Balance in the UUFB as of August 17, 2015 is \$4,706,679.
2. The Supplemental is seeking funding in the amount of \$132,412.87 to cover costs associated with four power line extensions.

If you should have any questions you can contact me at tribal extension X6125



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ
8/18/15 4:43pm
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 004452
SAS #:
UNIT: ECDU

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: Aug 18 2015	ENTITY/DIVISION: Division of Community Dev.		
CONTACT NAME: Dwight Witherspoon	DEPARTMENT: NN C		
PHONE NUMBER: 505-906-1520	E-MAIL: dwight.witherspoon@gmail.com		
TITLE OF DOCUMENT: Electric Powerline Extension 4 (Households) Forest Lake			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 8-19-15 10:30am		REVIEWING ATTORNEY/ADVOCATE: Rod Begay	
DATE/TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
This is a supplemental fund request at the available budget.			
Legal official			
REVIEWED BY: (PRINT) Rod Begay	DATE / TIME 8-19-15 11:32a	SURNAMED BY: (PRINT) Rod Begay	DATE / TIME 8-19-15 11:52a
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDOJ/DRRF-July 2013



SECTION 164 REVIEW FORMTitle of Document: Electric Powerline Extension (4) Househo Contact Name: FOREST LAKE CHAPTERProgram/Division: DIV. OF COMMUNITY DEVELOPMENTEmail: forestlake@navajochapter.org Phone Number: 928/677-3252

Division Director Approval for 164A: _____

Check document category; only submit to category reviewers. Each reviewer has a maximum 7 working days,
except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are
sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:			Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)				
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

Section 164(B) Final approval rests with the President of the Navajo Nation

<input checked="" type="checkbox"/>	Grant/Funding Agreement or amendment:				
	1. Division: _____	Date: <u>8/4/2015</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: _____	Date: <u>8-11-15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	3. OOC: _____	Date: <u>8-17-15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: _____	Date: <u>8-19-15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

**-RESIDENT RELOCATION POWERLINE EXTENSION-
Amendment Proposal in the amount of \$132,412.82
Forest Lake, Arizona
July 20, 2015**

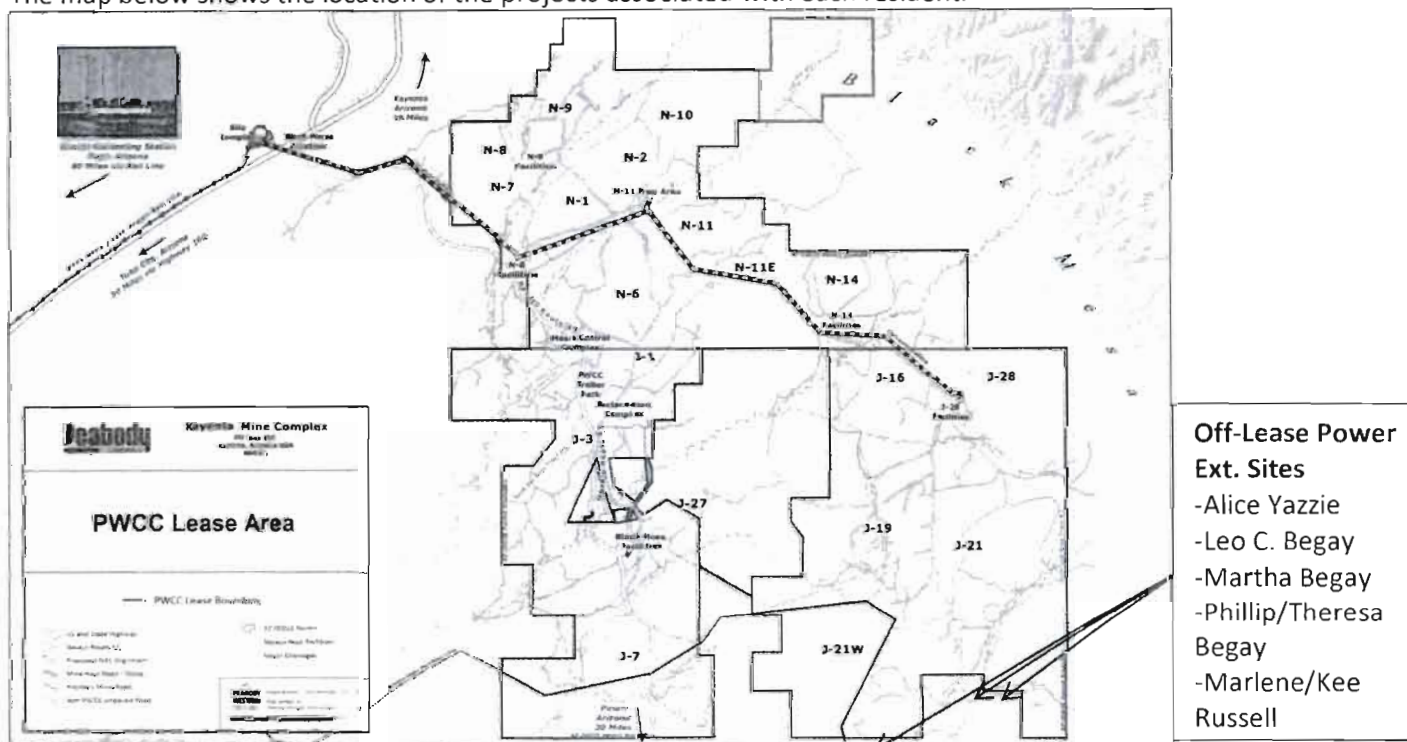


BACKGROUND

The Navajo Nation's Forest Lake Chapter is located on top of Black Mesa in the mid, north central part of the **Navajo Reservation** in Arizona. Located within Navajo County, the Western Agency chapter has a population of 471 according to the 2010 Census. Forest Lake Chapter is unique because of its isolated location. The chapter is also located on/near the Peabody Western Coal Co., (PWCC) Lease area. The **PWCC complex leasehold is 100-square miles** and is made up of 5 impacted chapters, (Kayenta, Forest Lake, Shonto, Black Mesa and Chilchinbeto). Local area residents live within the lease area that is located in or near the major coal resource areas. The residents for this powerline extension project live in the Navajo Partitioned Land area.

Peabody Western Coal Company (PWCC) operates the Kayenta and former Black Mesa surface coal mines on Black Mesa, a large upland located on the Navajo and Hopi Indian Reservations in northeastern Arizona. The mines are located approximately 160 miles northeast of Flagstaff, Arizona and 26 miles southwest of Kayenta, Arizona. Access is by U.S. Highway 160 and then south on Navajo Route 41 from Black Mesa Junction. The mines are operated under the terms and conditions of leases with the Navajo and Hopi Tribe, and mining and reclamation permits issued by the Office of Surface Mining Reclamation and Enforcement (OSM), United States Environmental Protection Agency Region IX (USEPA), Navajo Nation EPA (NNEPA), and Hopi Tribe.

The map below shows the location of the projects associated with each resident.



POWERLINE EXTENSION PROJECT

This project aims to complete a powerline extension for 5 families located within the Forest Lake Chapter. There are 3 sections to Peabody's relocation project. Peabody has agreed to cover the cost for 2 of the 3 project locations. One project location is within the PWCC lease and the other location is in Kayenta. The Off-site lease relocatee homes are near completion and ready for the power line extension. We have been working with Peabody Western Coal Company and the residents for the completion of the relocation process. The Homesite Leases have been approved by the Navajo Land Department and are awaiting finalization from BIA Land Realty Office. The NTUA cost estimates are attached for review.

CHAPTER RESOLUTION

The Forest Lake Chapter has passed several resolutions to indicate its support for the powerline extension project and to meet the needs of NTUA's requirements.

Resolution FLC-15-06-00 passed June 15, 2015

Resolution FLC-14-10-003 passed October 16, 2014

POWERLINE EXTENSION RIGHT-OF-WAY

The powerline extension right-of-way archaeological clearance was completed by the Navajo Nation Archaeology Department. It is attached for your review.

PWCC Granting ROW Letter signed March 24, 2015.

Marlene/Kee Russell HPD-15-279 and NNAD 15-121

Archaeological Clearance for proposed powerline extension for (4) homesites NNAD 15-044

NTUA COST ESTIMATE

Resident	Cust no.	Chapter	Cost
Alice Yazzie	50391566	Forest Lake	\$16,924.98
Leo C. Begay	50390584	Forest Lake	\$30,309.39
Martha Begay	50390656	Forest Lake	\$43,041.11
Phillip C./Theresa Begay		Forest Lake	
Marlene/Kee Russell	50391661	Forest Lake	\$42,137.34
		TOTAL	132,412.82

HOMESITE LEASE

The Homesite Lease documents are attached for your review. The process has been completed for each one of the residents listed on this proposal.



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

ALICE R YAZZIE
P.O. Box
KAYENTA AZ 86033-0946

Estimate

Repeat printout
Number/Date
20001571 / 02/03/2015
Reference no./Date

Cust. no.
50391566
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

EME ALICE YAZZIE OF BLACK MESA AREA I

PROJECT: INSTALL #1/0 ACSR OF 1,208' OF POWER LINE.

RJ 2-3-2015

//Revised 7/1/2015_MY

Description	Value
Transport Cost	5,392.08
Materials	3,236.60
Labor Cost	7,644.47
Total amount before tax	16,273.15
Navajo Nation Sales Tax 5.0%	651.83
NTUA Contribution	
Customer Advance	
Final amount	16,924.98

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters P.O. Box 170 FT Defiance AZ 86004 928-729-5721	Kayenta P.O. Box 37 Kayenta AZ 86033 928-697-3574	Tuba City P.O. Box 398 Tuba City AZ 86045 928-283-5421	Shiprock P.O. Box 1749 Shiprock NM 87420 505-368-4834	Chinle P.O. Box 549 Chinle AZ 86503 928-674-5470	Fort Defiance P.O. Box 587 FT Defiance AZ 86504 928-729-5727	Dilcon HC 63 Box D Winslow AZ 86407 928-657-3258	Crownpoint P.O. Box 1825 Crownpoint NM 87313 505-786-5568
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NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

LEO C BEGAY
P.O. Box
KAYENTA AZ 86033-1464

Estimate

Repeat printout
Number/Date
20001380 / 12/30/2014
Reference no./Date

Cust. no.
50390584
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

EME LEO C. BEGAY OF BLACK MESA,

PROJECT: INSTALL 1,303' OF #1/0 ACSR POWER LINE.

RJ 2-3-2015

//Revised 7/1/2015_MY

Description	Value
Transport Cost	9,230.99
Materials	6,491.64
Labor Cost	13,452.58
Total amount before tax	29,175.21
Navajo Nation Sales Tax 5.0%	1134.18
NTUA Contribution	
Customer Advance	
Final amount	30,309.39

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters P.O. Box 170 FT Defiance AZ 86504 928-729-5721	Kayenta P.O. Box 37 Kayenta AZ 86033 928-697-3574	Tuba City P.O. Box 398 Tuba City AZ 86045 928-283-5421	Shiprock P.O. Box 1749 Shiprock NM 87420 505-368-4634	Chinle P.O. Box 549 Chinle AZ 86503 928-674-5470	Fort Defiance P.O. Box 567 FT Defiance AZ 86504 928-729-5727	Dilcon HC 63 Box D Winslow AZ 86407 928-657-3258	Crownpoint P.O. Box 1825 Crownpoint NM 87313 505-786-5566
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NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

MARTHA BEGAY
P.O. Box
KAYENTA AZ 86033-1362

Estimate

Repeat printout
Number/Date
20001550 / 02/01/2015
Reference no./Date

Cust. no.
50390656
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

MARtha C. & PHILLIP C. BEGAY OF BLACK MESA

PROJECT: INSTALL #1/0 ACSR OF 1,640' OF POWER LINE.

RJ 2/1/2015

//Revised 7/1/15_MY

Description	Value
Transport Cost	13,195.67
Materials	9,109.58
Labor Cost	19,120.07
Total amount before tax	41,425.32
Navajo Nation Sales Tax 5.0%	1615.79
NTUA Contribution	
Customer Advance	
Final amount	43,041.11

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters	Kayenta	Tuba City	Shiprock	Chinle	Fort Defiance	Dilcon	Crownpoint
P.O. Box 170	P.O. Box 37	P.O. Box 398	P.O. Box 1749	P.O. Box 549	P.O. Box 587	MC 63 Box D	P.O. Box 1825
FT Defiance AZ	Kayenta AZ	Tuba City AZ	Shiprock NM	Chinle AZ	FT Defiance AZ	Winslow AZ	Crownpoint NM
86504	86033	86045	87420	86503	86504	86407	87313
928-729-5721	928-697-3574	928-283-5421	505-368-4634	928-674-5470	928-729-5727	928-657-3258	505-786-5565



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

MARLENE M RUSSELL
P.O. Box
KAYENTA AZ 86033-1583

Estimate

Repeat printout
Number/Date
20001640 / 02/17/2015
Reference no./Date

Cust. no.
50391661
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

NAME MARLENE RUSSELL OF BLACK MESA AREA 1

PROJECT: INSTALL 2005' OF #1/0 ACSR OF POWER LINE.

RJ 2/17/2015

//Revised 7/1/15_MY

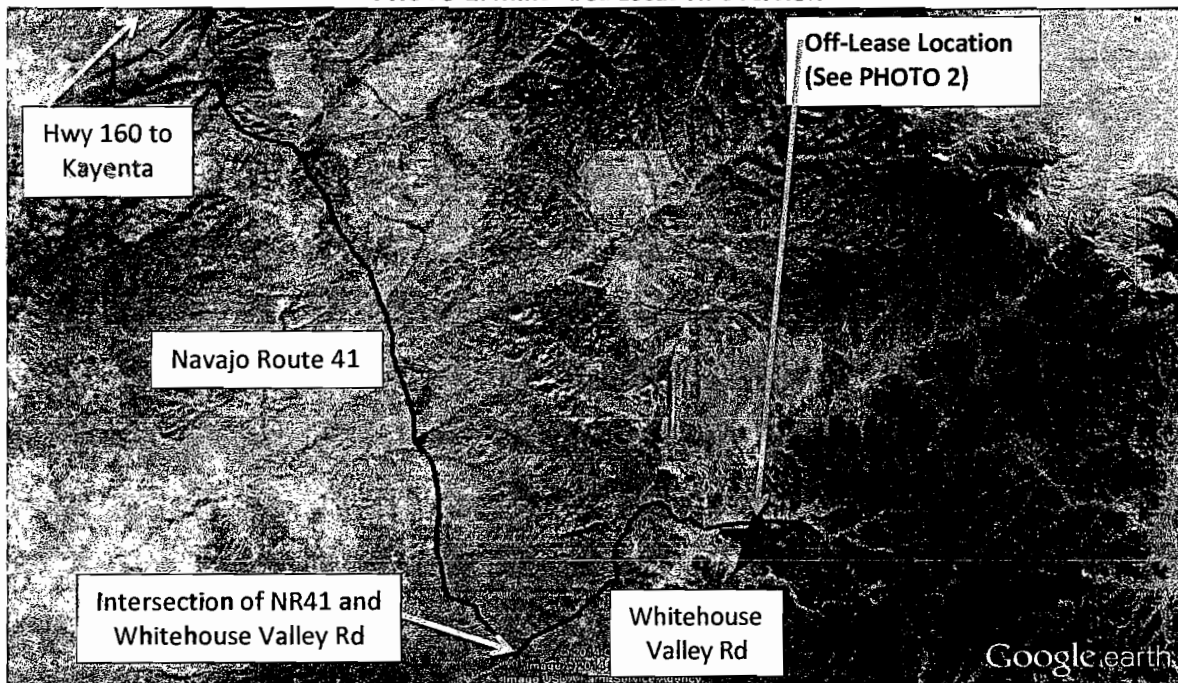
Description	Value
Transport Cost	13,639.78
Materials	8,529.38
Labor Cost	19,796.37
Total amount before tax	41,965.53
Navajo Nation Sales Tax 5.0%	1671.81
NTUA Contribution	1,500.00-
Customer Advance	
Final amount	42,137.34 =====

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters P.O. Box 170 FT Defiance AZ 86504 928-729-5721	Kayenta P.O. Box 37 Kayenta AZ 86033 928-697-3574	Tuba City P.O. Box 398 Tuba City AZ 86045 928-283-5421	Shiprock P.O. Box 1749 Shiprock NM 87420 505-368-4634	Chinle P.O. Box 549 Chinle AZ 86503 928-674-5470	Fort Defiance P.O. Box 587 FT Defiance AZ 86504 928-729-5727	Dilcon HC 63 Box D Winslow AZ 86407 928-657-3258	Crownpoint P.O. Box 1825 Crownpoint NM 87313 505-786-5566
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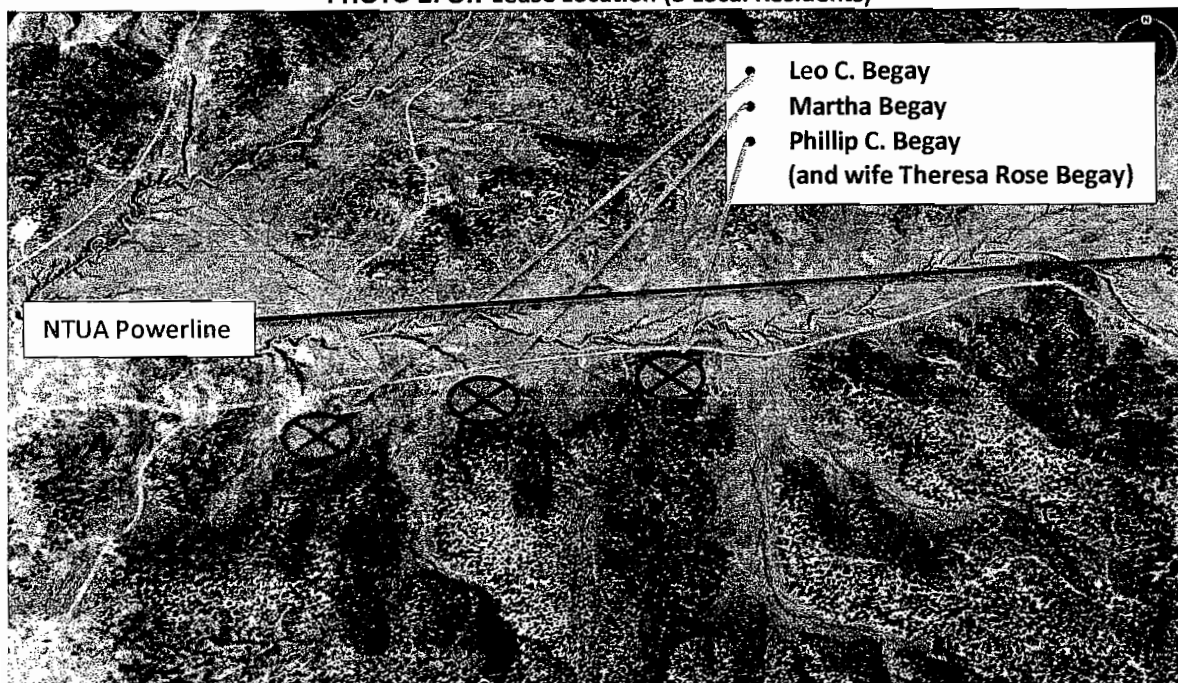
Begay Family: Off-Lease Locations
Maps - Homesite Lease (Leo, Martha, Phillip)
10-1-14

PHOTO 1: Mine Area Location Overview



Description: Area is just off of the Peabody Lease to the south/southwest direction.

PHOTO 2: Off-Lease Location (3 Local Residents)



Description: HSL Applications will be submitted to NNLD for approval for these three home sites.

JOE 21

Beyond 2019

2015-2019

J-21

J-21-AD

J-21-H1

J-21-41

J-21-42

J-21-43

J-21-44

J-21-45

J-21-46

J-21-47

J-21-48

J-21-49

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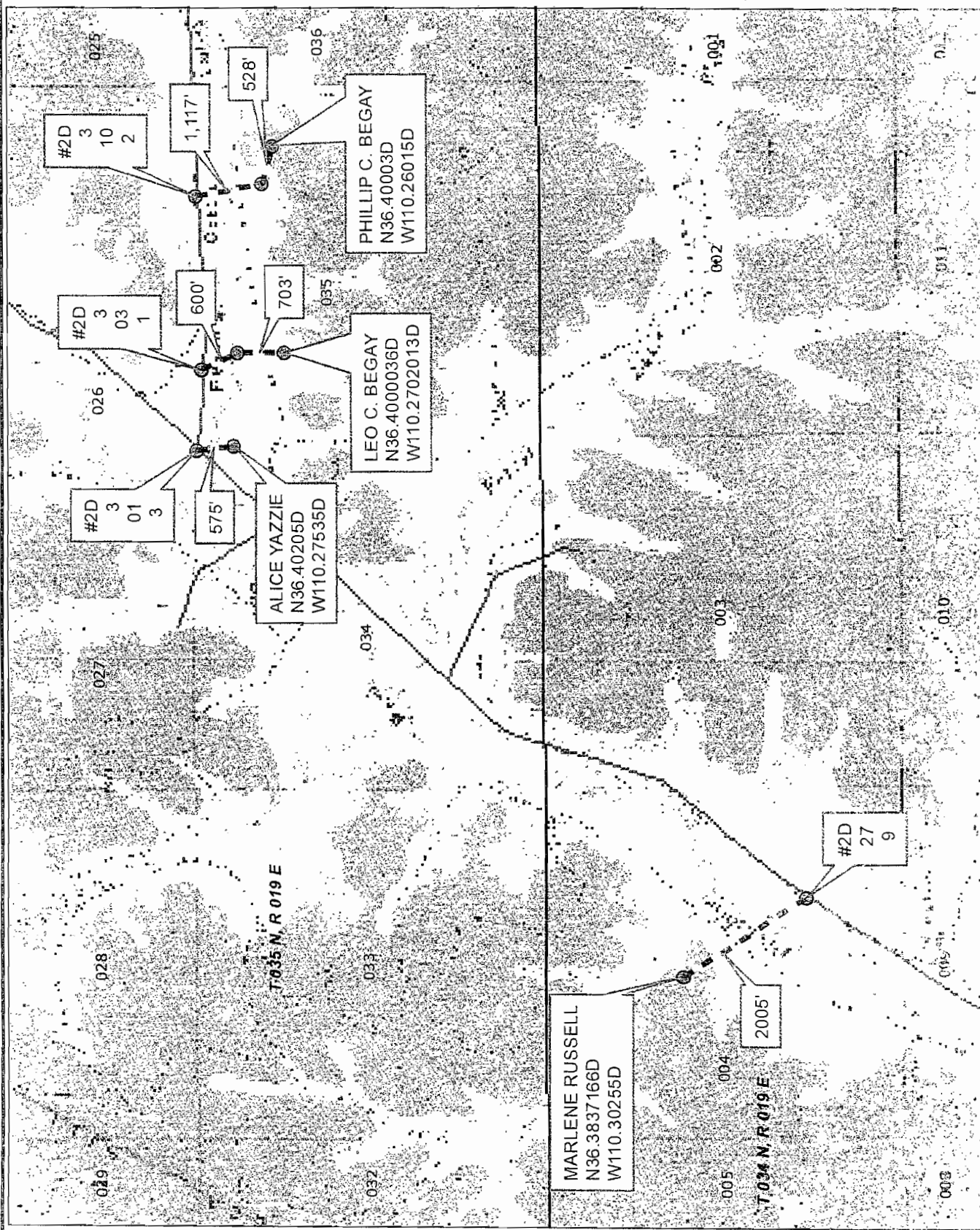
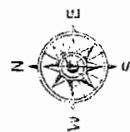
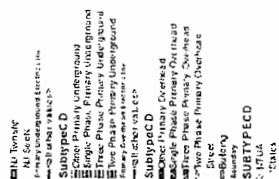
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J-21-323

[illegible]

	0	1,000	2,000	4,000	6,000	8,000
Number of employees	0	1,000	2,000	4,000	6,000	8,000



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

ALICE R YAZZIE
P.O. Box
KAYENTA AZ 86033-0946

Estimate

Repeat printout
Number/Date
20001571 / 02/03/2015
Reference no./Date

Cust. no.
50391566
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

EME ALICE YAZZIE OF BLACK MESA AREA I

PROJECT: INSTALL #1/0 ACSR OF 1,208' OF POWER LINE.

RJ 2-3-2015

//Revised 7/1/2015_MY

Description	Value
Transport Cost	5,392.08
Materials	3,236.60
Labor Cost	7,644.47
Total amount before tax	16,273.15
Navajo Nation Sales Tax 5.0%	651.83
NTUA Contribution	
Customer Advance	
Final amount	16,924.98

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters	Kayenta	Tuba City	Shiprock	Chinle	Fort Defiance	Dilcon	Crownpoint
P.O. Box 170	P.O. Box 37	P.O. Box 398	P.O. Box 1749	P.O. Box 549	P.O. Box 587	HC 63 Box D	P.O. Box 1825
FT Defiance AZ	Kayenta AZ	Tuba City AZ	Shiprock NM	Chinle AZ	FT Defiance AZ	Winslow AZ	Crownpoint NM
86504	86033	86045	87420	86503	86504	86407	87313
928-729-5721	928-697-3574	928-283-5421	505-368-4834	928-674-5470	928-729-5727	928-657-3258	505-786-5568



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

LEO C BEGAY
P.O. Box
KAYENTA AZ 86033-1464

Estimate

Repeat printout
Number/Date
20001380 / 12/30/2014
Reference no./Date

Cust. no.
50390584
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

EME LEO C. BEGAY OF BLACK MESA,

PROJECT: INSTALL 1,303' OF #1/0 ACSR POWER LINE.

RJ 2-3-2015

//Revised 7/1/2015_MY

Description	Value
Transport Cost	9,230.99
Materials	6,491.64
Labor Cost	13,452.58
Total amount before tax	29,175.21
Navajo Nation Sales Tax 5.0%	1134.18
NTUA Contribution	
Customer Advance	
Final amount	30,309.39

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters	Kayenta	Tuba City	Shiprock	Chinle	Fort Defiance	Dilcon	Crownpoint
P.O. Box 170	P.O. Box 37	P.O. Box 398	P.O. Box 1749	P.O. Box 549	P.O. Box 587	HC 63 Box D	P.O. Box 1825
FT Defiance AZ	Kayenta AZ	Tuba City AZ	Shiprock NM	Chinle AZ	FT Defiance AZ	Winslow AZ	Crownpoint NM
86504	86033	86045	87420	86503	86504	86407	87313
928-729-5721	928-697-3574	928-283-5421	505-368-4634	928-674-5470	928-729-5727	928-657-3258	505-786-5566



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

MARTHA BEGAY
P.O. Box
KAYENTA AZ 86033-1362

Estimate

Repeat printout
Number/Date
20001550 / 02/01/2015
Reference no./Date

Cust. no.
50390656
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

BME MARTHA C. & PHILLIP C. BEGAY OF BLACK MESA

PROJECT: INSTALL #1/0 ACSR OF 1,640' OF POWER LINE.

RJ 2/1/2015

//Revised 7/1/15_MY

Description	Value
Transport Cost	13,195.67
Materials	9,109.58
Labor Cost	19,120.07
Total amount before tax	41,425.32
Navajo Nation Sales Tax 5.0%	1615.79
NTUA Contribution	
Customer Advance	
Final amount	43,041.11

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters P.O. Box 170 FT Defiance AZ 86504 928-729-5721	Kayenta P.O. Box 37 Kayenta AZ 86033 928-687-3574	Tuba City P.O. Box 398 Tuba City AZ 86045 928-283-5421	Shiprock P.O. Box 1749 Shiprock NM 87420 505-368-4634	Chinle P.O. Box 549 Chinle AZ 86503 928-674-5470	Fort Defiance P.O. Box 587 FT Defiance AZ 86504 928-729-5727	Dilcon HC 63 Box D Winslow AZ 86407 928-657-3258	Crownpoint P.O. Box 1825 Crownpoint NM 87313 505-786-5566
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NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

MARLENE M RUSSELL
P.O. Box
KAYENTA AZ 86033-1583

Estimate

Repeat printout
Number/Date
20001640 / 02/17/2015
Reference no./Date

Cust. no.
50391661
Validity period
90 days from the date of issue.

We can execute the job according to the following conditions:

Currency USD

EME MARLENE RUSSELL OF BLACK MESA AREA 1

PROJECT: INSTALL 2005' OF #1/0 ACSR OF POWER LINE.

RJ 2/17/2015

//Revised 7/1/15_MY

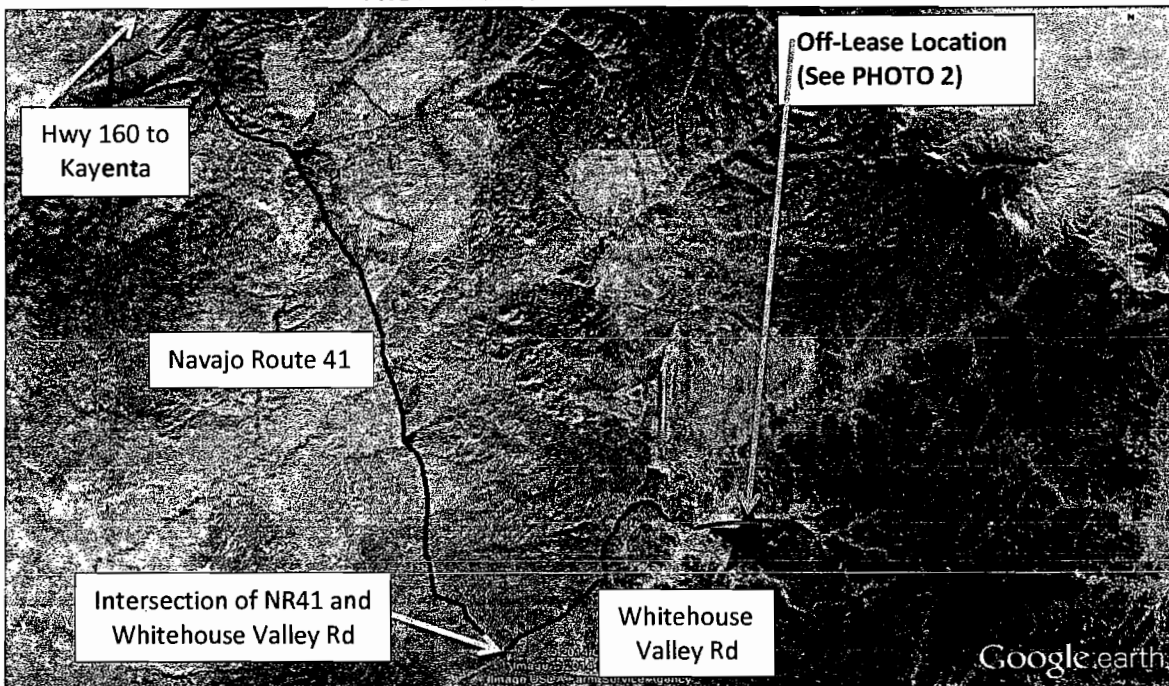
Description	Value
Transport Cost	13,639.78
Materials	8,529.38
Labor Cost	19,796.37
Total amount before tax	41,965.53
Navajo Nation Sales Tax 5.0%	1671.81
NTUA Contribution	1,500.00-
Customer Advance	
Final amount	42,137.34

NOTE: MATERIAL IS NOT SUBJECT TO SALES TAX.
Please mail your payment to one of our local offices below:

Headquarters	Kayenta	Tuba City	Shiprock	Chinle	Fort Defiance	Dilcon	Crownpoint
P.O. Box 170	P.O. Box 37	P.O. Box 398	P.O. Box 1749	P.O. Box 549	P.O. Box 587	HC 63 Box D	P.O. Box 1825
FT Defiance AZ	Kayenta AZ	Tuba City AZ	Shiprock NM	Chinle AZ	FT Defiance AZ	Winslow AZ	Crownpoint NM
86504	86033	86045	87420	86503	86504	86407	87313
928-729-5721	928-697-3574	928-283-5421	505-358-4634	928-674-5470	928-729-5727	928-657-3258	505-786-5565

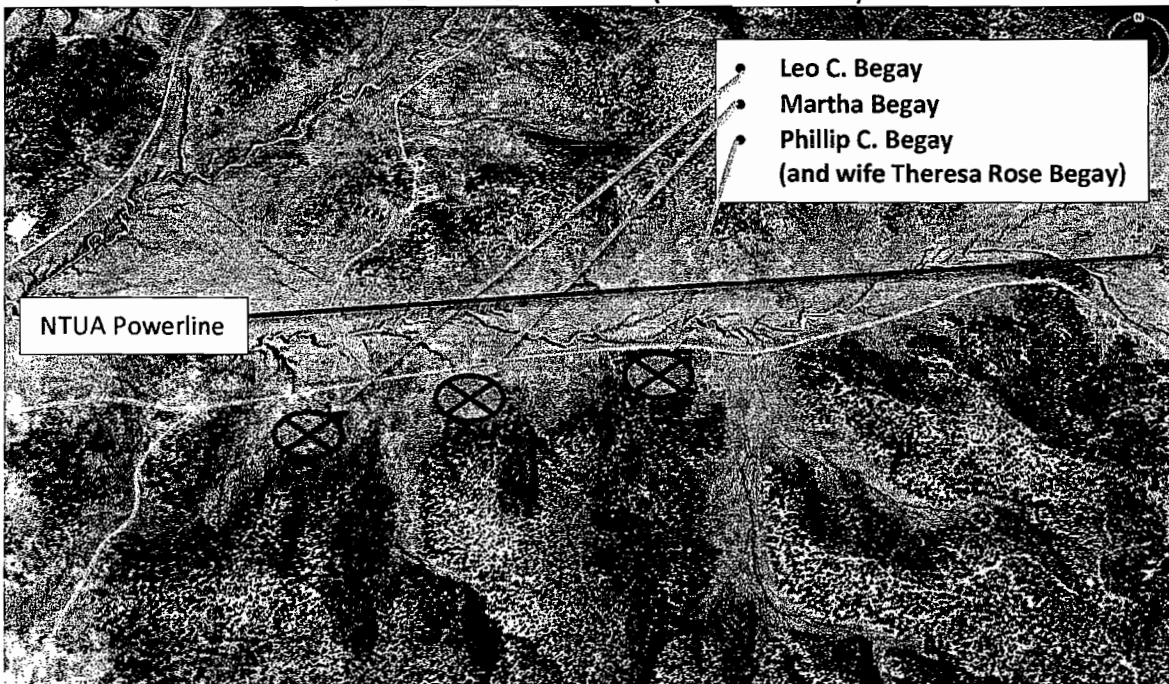
Begay Family: Off-Lease Locations
Maps - Homesite Lease (Leo, Martha, Phillip)
10-1-14

PHOTO 1: Mine Area Location Overview



Description: Area is just off of the Peabody Lease to the south/southwest direction.

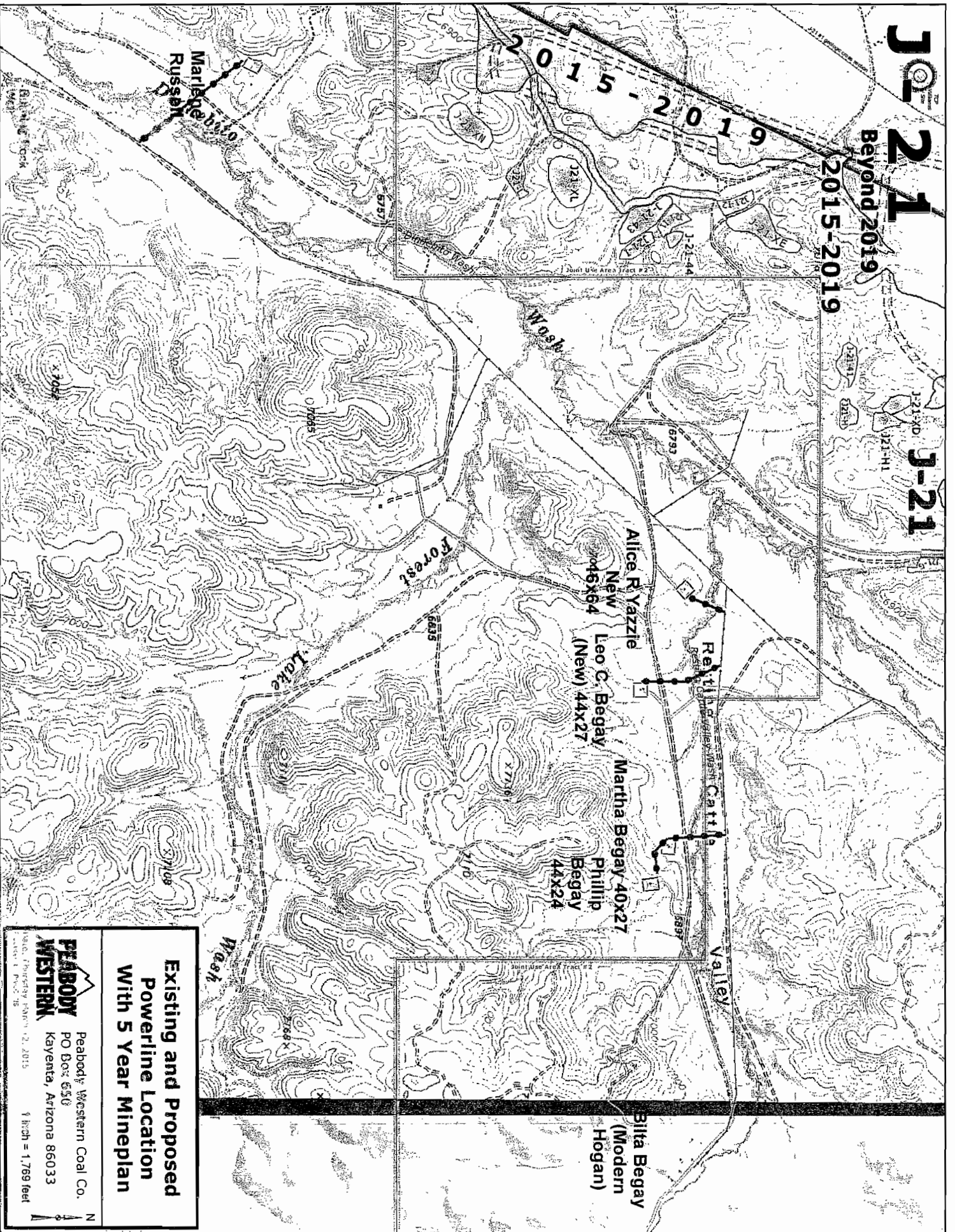
PHOTO 2: Off-Lease Location (3 Local Residents)



Description: HSL Applications will be submitted to NNLD for approval for these three home sites.

5

2015-2019



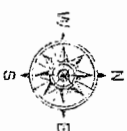
Existing and Proposed Powerline Location With 5 Year Mineplan

**PEABODY
WESTERN**

Peabody Western Coal Co.
PO Box 650
Kayenta, Arizona 86033

Filed: Thursday March 12, 2015

† inch = 1,769 feet



Age Group	Number of People
0-14	7,500
15-24	6,500
25-34	5,500
35-44	4,500
45-54	3,500
55-64	2,500
65-74	1,500
75-84	1,000
85-94	500
95-104	100



RUSSELL BEGAYE
PRESIDENT

FOREST LAKE CHAPTER

Dwight Witherspoon, Council Delegate
Helena Begay, President
Fern Benally, Vice-President
Brenda White, Secretary Treasurer
Irene Begay, Grazing Representative
Ella M. Benally, Community Service Coordinator

JONATHAN NEZ
VICE-PRESIDENT

RESOLUTION OF THE FOREST LAKE CHAPTER FLC-15-06-00

"REAFFIRMING SUPPORT AND AUTHORIZING THE NAVAJO TRIBAL UTILITY AUTHORITY TO PROCEED WITH FEASIBILITY STUDIES FOR THE FAMILIES RESIDING IN THE RESTING CATTLE VALLEY WASH AREA TO MEET CURRENT AND FUTURE ENERGY NEEDS FOR THE COMMUNITY"

WHEREAS:

1. Pursuant to the Navajo Nation Council Resolution CAP-034-98, Navajo Nation Local Governance Act, the Forest Lake Chapter is duly authorized to make decisions over local matters consistent with Navajo Law, including custom and tradition; and
2. Pursuant to Chapter 1, Section 131 (1) (2), of the same "Act", the chapter has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community people, programs, property, etc, and;
3. The Forest Lake Chapter passed Resolution FLC-14-10-003 on October 16, 2014 to support the energy upgrade for the families residing in the Resting Cattle Valley Wash Area;
4. Forest Lake Chapter has also passed prior resolutions in support of the families living within and adjacent to the Peabody Lease area to have electricity made available (attachment "A") (attachment "B") (FLC Resolution FORE-03-04-003) (FLC-08-08-06);
5. Forest Lake Chapter identified the following families residing in the Resting Cattle Valley Wash area of the Forest Lake Chapter: Lena C. Begay, Phillip C./Theresa Rose Begay, Carol C. Begay, Martha Begay, Lucille C. Begay and Leo C. Begay, Alice Rose Yazzie, Zonnie Whitehair, Jack Williams, Marlene Russell, Kee Russell and Staci Blackrock . Those families requested an energy upgrade that is adequate to meet the current and future energy needs of the families; and
6. The Forest Lake Chapter also supports the effort for an energy upgrade that is adequate to meet the current and future energy needs of the families.

NOW THEREFORE BE IT RESOLVED:


1. The Forest Lake Chapter reaffirms support and authorizes the NTUA to proceed with the Energy upgrade for the families in the Resting Cattle Valley Wash area of the Forest Lake Chapter as identified in paragraph 5 of this resolution and proceed as a priority for the benefit of the community.


CERTIFICATION

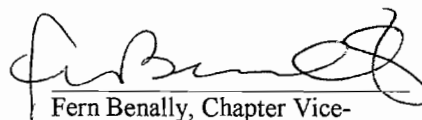
We hereby certify that the foregoing resolution was duly considered by the Forest Lake Chapter at a duly called meeting at Forest Lake, Navajo Nation, which a quorum was present and that same was passed by a vote of 23 in favor, 0 opposed and 5 abstained on the 18th day of June 2015

Motion by: *Elsie Benale*

Second by: *Alice Yazzie*


Helena Begay, Chapter President


Brenda White, Secretary/Treasurer


Fern Benally, Chapter Vice-President


Dwight Witherspoon, Council Delegate

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension
CHAPTER: **FOREST LAKE**

REMARI Powerline Extension : Cattle Resting Valley[illegible]



BEN SHELLY
PRESIDENT

FOREST LAKE CHAPTER
Dwight Witherspoon, Council Delegate
Helena Begay, President
Fern Benally, Vice-President
Brenda White, Secretary Treasurer
Irene Begay, Grazing Representative
Ella M. Benally, Community Service Coordinator

REX L. JIM
VICE-PRESIDENT

RESOLUTION OF THE FOREST LAKE CHAPTER
FLC-14-10-003

**REAFFIRMING SUPPORT AND AUTHORIZING THE NAVAJO TRIBAL UTILITY AUTHORITY TO
PROCEED WITH ENERGY UPGRADE FOR THE FAMILIES RESIDING THE RESTING CATTLE
VALLEY WASH AREA TO MEET CURRENT AND FUTURE ENERGY NEEDS FOR THE COMMUNITY**
WHEREAS:

1. Pursuant to the Navajo Nation Council Resolution CAP-034-98, Navajo Nation Local Governance Act, the Forest Lake Chapter is duly authorized to make decisions over local matters consistent with Navajo Law, including custom and tradition; and
2. Pursuant to Chapter 1, Section 131 (1) (2), of the same "Act", the chapter has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community people, programs, property, etc, and;
3. The Forest Lake Chapter has passed prior resolutions in support of the families living within and adjacent to the Peabody Lease area to have electricity made available (attachment "A") (attachment "B") (FLC Resolution FORE-03-04-003) (FLC-08-08-06);
4. The Forest Lake Chapter has identified the following families residing in the Resting Cattle Valley Wash area of the Forest Lake Chapter: Bilita C/Alice J. Begay, Lena C. Begay, Denny C. Begay, Phillip C./Theresa Rose Begay, Carol C. Begay, Martha Begay, Lucille C. Begay and Leo C. Begay, Julia/Tom Sherlock, Alice Rose Yazzie, Mae/George Pulinos, Leroy Dean Draper, Katherine Draper, Roland Yazzie, Jerome Yazzie, and Norman Yazzie; and
5. The families support the effort for an energy upgrade that is adequate to meet the current and future energy needs of the families in the Resting Cattle Valley Wash area of the Forest Lake Chapter; and
6. There is a need to provide adequate energy to families in this area, families will have access to better technology, adequate lighting for homes and will improve the quality of life to benefit the families.

NOW THEREFORE BE IT RESOLVED:

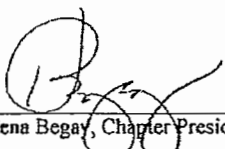
1. The Forest Lake Chapter hereby reaffirms support and authorizes the NTUA to proceed with the Energy upgrade for the families in the Resting Cattle Valley Wash area of the Forest Lake Chapter as identified in paragraph 4 of this resolution and proceed as a priority for the benefit of the community.

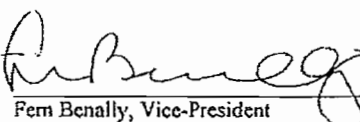
CERTIFICATION

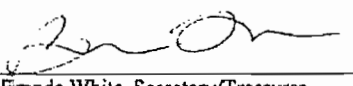
We hereby certify that the foregoing resolution was duly considered by the Forest Lake Chapter at a duly called meeting at Forest Lake, Navajo Nation, which a quorum was present and that same was passed by a vote of 24 in favor, 0 opposed and 2 abstained on the 16th day of October 2014.

Motion by: Gloria Johns

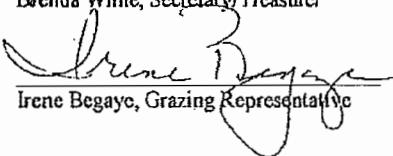
Second by: Anna Charley


Helena Begay, Chapter President


Fern Benally, Vice-President


Brenda White, Secretary/Treasurer


Dwight Witherspoon, Council Delegate


Irene Begay, Grazing Representative



PEABODY WESTERN
COAL COMPANY
Kayenta Mine
Navajo Route 41
P.O. Box 650
Kayenta, Arizona 86033
928.677.5177

Ethelind John
Navajo Tribal Utility Authority (NTUA)
Home Office
Post Office 170
Fort Defiance, Arizona 86504

RE: Granting Powerline Right-Of-Way (ROW) for Martha Begay and Phillip Begay on
Black Mesa, AZ

Dear Ms. John:

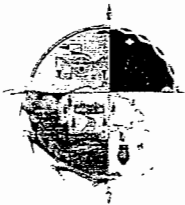
Peabody Western Coal Company (PWCC) hereby grants to the NTUA a permanent ROW for construction of a 14.4/24.9 KV single phase power line to the Black Mesa Area in south J-21 to cross Resting Cattle Valley Wash (indicated on the attached map titled, "Existing and Proposed Powerline Location With 5 Year Mineplan" for local resident Martha Begay and Phillip/Theresa Begay). A description of these ROW's is granted subject to the terms and conditions of Coal Mining Lease NO 14-20-0603-850 with the Navajo Nation and, all applicable Navajo, Federal and State laws and regulations.

Should the mining plan change and require any of the power lines to be relocated the replacement costs would paid by PWCC. PWCC appreciates NTUA's efforts to provide electrical power to local residents on Black Mesa and looks forward to cooperating on future projects.

Respectfully,

A handwritten signature in black ink, appearing to read "Audry Rappleyea", written in a cursive style.

Audry Rappleyea
Kayenta Mine Manager



THE NAVAJO NATION
Historic Preservation Department

PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

****TCP WILL NOT SIGN/APPROVE IF THIS PORTION IS LEFT BLANK****

Project Information:

DATE	February 10, 2015
RESEARCHER & COMPANY	NNAD-NAU Harriet K. Gandy, a part of Archaeological
PROJECT NAME	A Cultural Resources Survey of the Black Mesa Project Area, including Locations on Black Mesa near Forest Lake, Arizona
PROJECT/PERMIT NUMBER	NNAD 15-044
PROJECT LOCATION	On Black Mesa near Forest Lake, Arizona

*****TO BE FILLED OUT & SIGNED BY AUTHORIZED NNHPD STAFF ONLY*****

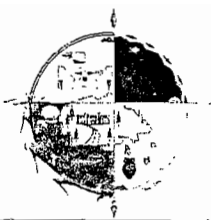
A literature search of TCP Records at NNHPD on the above date indicates the following:

<input checked="" type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s) . Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCs. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input type="checkbox"/>	Project may proceed with the following stipulations:
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

NNHPD/TCP Program Reviewer:		Date: 1/1/15
-----------------------------	--	--------------

****Return this form along with report to the NNHRD/Compliance Section****

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-279
<input checked="" type="checkbox"/> NNAD	OTHER PROJECT NO.: NNAD 15-121

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Powerline Extension for the Marlene Russell Homesite Lease Location on Black Mesa near Forest Lake, Navajo County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Jarvis Williams, Peabody Western Coal Company, PO Box 650, Kayenta, Arizona 86033

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a powerline to serve the Marlene Russell Home. The powerline measures 2,005.4-ft with a 30-ft wide right-of-way. The area of effect is 1.38-acre. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Forest Lake

LOCATIONS: T. 34 N, R. 19 E – Section: 04; Yucca Hill Quadrangle, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Harriett K. Sandoval

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 03/12/15

DATE OF REPORT: 03/17/15

TOTAL ACREAGE INSPECTED: 4.60 – ac

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: May 15, 2015

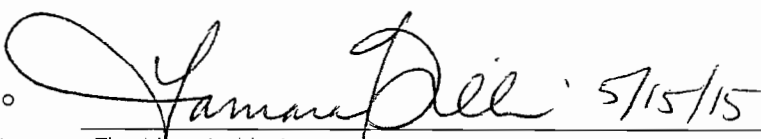
Notification to Proceed

Recommended

Conditions:

☒ Yes ☐ No

☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No


Acting BIA – Navajo Regional Office

Date

TLM 6.3.15

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE NNAD 15-044, <i>A Cultural Resources Inventory of a Proposed Powerline Extension for (4) Homesite Lease Locations on Black Mesa near Forest Lake</i> REPORT: <i>Navajo County, Arizona</i> Author(s): Harriett K. Sandoval	5. FIELDWORK DATE: 02/18/2015	6. REPORT DATES: 02/20/2015 - 02/24/2015
7. CONSULTANT NAME AND ADDRESS. Gen'l Charge: Linda Laughing, ASO-Acting Department Manager III Org. Name: Navajo Nation Archaeology Department Org. Address: P. O. Box 689 Window Rock, Arizona 86515 Telephone: (928) 871-6540	8. PERMIT NO. Navajo Tribal Code	9. CONSULTANT REPORT NO. NNAD 15-044
10. SPONSORING ORGANIZATION NAME AND ADDRESS. Ind. Responsible: Jarvis Williams, Manager Navajo Tribal Relations Org. Name: Peabody Western Coal Company Org. Address: P.O. Box 650 Kayenta, Arizona 86033 Telephone: (928)677-5172	11. SPONSOR PROJECT NO. NTUA Work Order No. N A	12. AREA OF EFFECT: 2.57 ac/1.04 ha. AREA SURVEYED: 8.5 ac/3.48 ha.
13. LOCATION (MAP ATTACHED): Written description of project area location/access: See Figure 1 for the specific project location. To reach the project area from Flagstaff, drive northeast towards the Black Mesa Mine. From the old pumping station near the mining area, the project area is approximately 7 mi (11.2 km) due east-southeast; however, the driving distance is approximately 14+ miles that loops around Yucca Hill. The project area is situated along Resting Cattle Valley just east of the Dinnebito Wash.		
a. Chapter: Forest Lake	e. Land Status: Navajo Tribal Trust	
b. Agency: Chinle	f. UTM Coordinates: Please see Table 1	
c. County: Navajo	g. Legal Location: T35N, R19E (T.R.&Sec. Projected, unplatted)	
d. State: Arizona	h. USGS 7.5', <i>Yucca Hill</i> , Arizona, 1968.	
	i. Lead Agency: Bureau of Indian Affairs	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) OR PRELIMINARY REPORT		
A. Description of Undertaking: The lead federal agency for this project is the Bureau of Indian Affairs. The Navajo Tribal Utility Authority (NTUA) proposes to extend powerline utility service to four individual homesite lease areas that were previously surveyed for archaeological inventory. Both surface and subsurface disturbances will be extensive at each pole placement location within the Right-of-way (ROW), resulting from construction of the powerline. The entire length of the proposed powerline for the four homesite leases measures approximately 3,745.9 ft (1,141.7 m). For this project the area of potential effect is approximately 2.57 ac/1.04 ha. Please see Figure 1 for specific USGS map location of project area.		
B. Existing Data Review: A check of Navajo Nation Historic Preservation Department archival records indicates that two archaeological projects, HPD 94-645 and HPD 07-437, with no recorded archaeological sites, have been conducted within a 328 ft (100 m) of the project area. In addition, a TCP database check at the NNHPD revealed that there are no TCPs located in the vicinity of the project area. See the attached "Traditional Cultural Property (TCP) Record Search Verification Form."		
C. Area Environmental & Cultural Setting: The project area along a valley with surrounding heavily wooded hillside ridges between Black Mesa and Forest Lake, approximately 8 mi (12.8 km) north of the Forest Lake Chapter. The nearest water source is Dinnebito Wash located approximately .40 mi (.64 km) to the west of the project area. The elevation in the area is 6,849 ft (2,087 m). Vegetation includes pinon, juniper, sage, cliff rose, snakeweed, and various low grasses. The cultural setting is rural with surrounding multiple scattered nearby homesteads. Causes of disturbance include vehicular traffic, livestock grazing/trampling, nearby homesteads, and natural erosional activity.		
D. Field Methods: The archaeological survey inventory was conducted by Harriett K. Sandoval; and interviews regarding Traditional Cultural Properties (TCP) were previously conducted on a prior survey with the local residents. No TCPs and no burials were located within the vicinity of the project area. The Navajo Tribal Utility Authority (NTUA) requires a 30 ft (9 m) ROW for construction of powerlines, and NNAD routinely adds an additional 35 ft (10.6 m) buffer zone on each side of the ROW for a total survey width of 100 ft (30 m). Each of the proposed centerlines was staked prior to the survey and NNAD was provided preliminary maps. A Class III pedestrian survey was conducted by walking parallel transects spaced no more than 50 ft (15 m) apart on both sides of the centerline for the proposed utility line extensions providing 100% survey coverage of the area (see Table 1 for UTM Coordinates). The powerline extensions will extend off from a nearby existing main line that runs in a east-west direction where Beginning-of-Power (BOP) will occur, then extend southwards towards the homesite lease locations. The End-of-Power (EOP) will end within the general vicinity of the proposed home structures. For this project, the proposed measurement of the combined length of the NTUA powerline for all four homesite lease areas is		

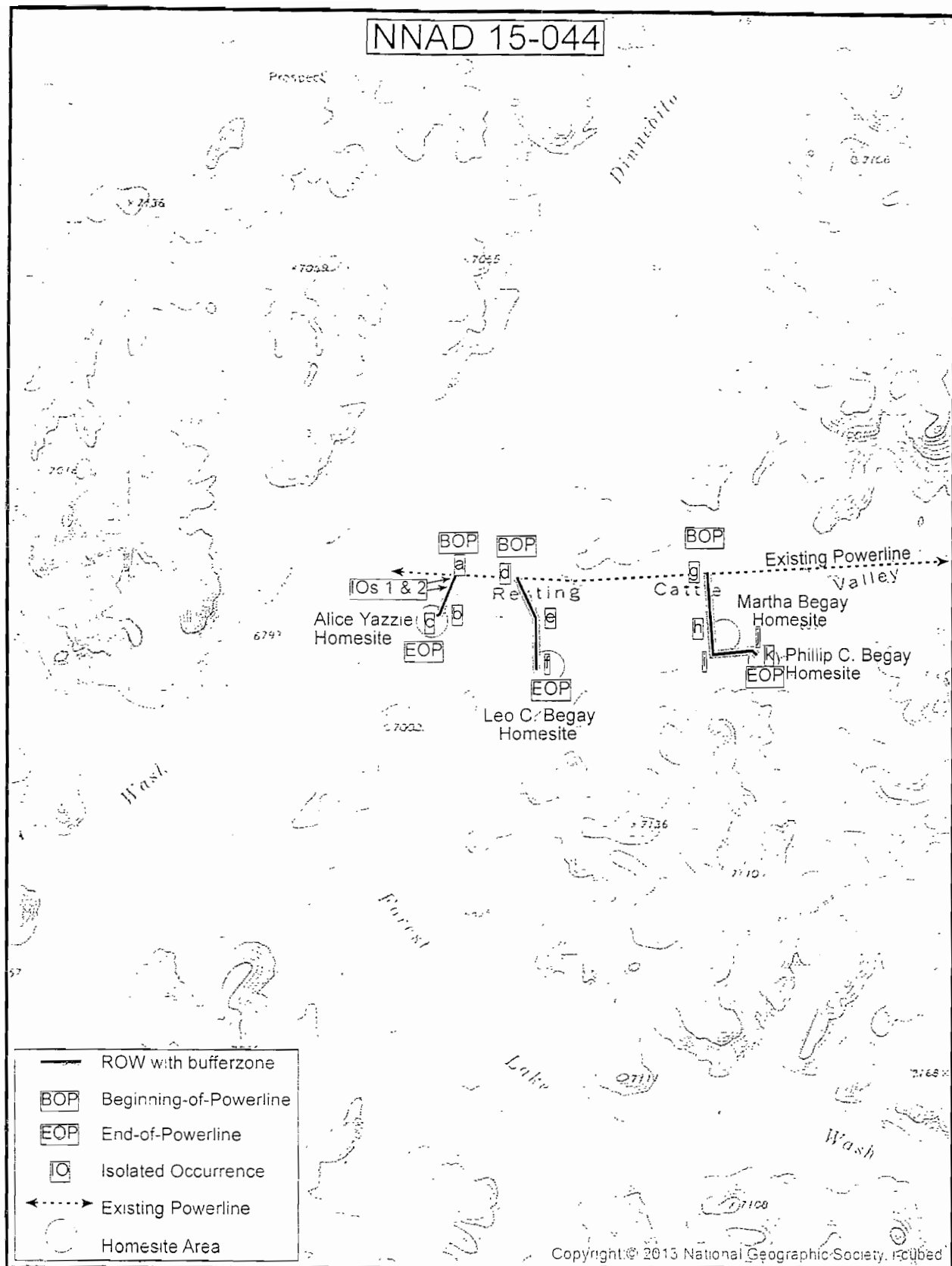


Figure 1. Specific Project Location of NNAD 15-044. *A Cultural Resources Inventory of a Proposed Powerline Extension for (4) Homesite Lease Locations on Black Mesa near Forest Lake, Navajo County, Arizona. USGS 7.5' map is Yucca Hill, Arizona 1968.*

approximately 3,745.9 ft (1,141.7 m). The area of potential effect for this project is approximately 112,377 sq ft (10,440.2 sq m) or 2.57 ac/1.04 ha; and the total area surveyed equals approximately 374,590 sq ft (34,800.6 sq m) 8.5 ac/3.48 ha.

15. CULTURAL RESOURCE FINDINGS:

A. **Location/Identification of Each Resource:** Two Isolated Occurrences (IOs) were encountered on the Alice Yazzie powerline north of the drainage. The UTM Coordinates for the IO are listed in Table 2. No other cultural resources were encountered during the survey.

B. **Evaluation of Significance of Each Resource:** The IOs are not eligible for nomination to the National Register of Historic Places, nor should they be protected under the Archaeological Resources Protection Act. The IOs do not warrant consideration under the American Indian Religious Freedom Act, nor are they associated with known graves or grave goods; thus, the Native American Graves Protection and Repatriation Act does not apply.

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

17. CERTIFICATION:

SIGNATURE: _____

General Charge Name: Orlando M. Martinez, Ph.D.
Program Director, NNAD-NAU

DATE: 3/6/15

SIGNATURE: _____

Direct Charge Name: Harriett K. Sandoval
Staff Archaeologist, NNAD-NAU

DATE: 3/4/15

Table 1. Listing of Homesite Leasee, Length of Powerline, and UTM Coordinates in NAD 83 for Beginning-of-Powerline (BOP), Point-of-Intersection (PI), End-of-Powerline (EOP), and Location - USGS Quadrangle Map and Legal Description for NNAD 15-044.

No.	Homesite Leasee	Length of Powerline	BOP	PI	EOP	Location and Legal Description (T, R & Sec. Projected; Unplatted)
1	Alice Yazzie	626.0 ft (190.8 m)	a). N4028949 E565075	b). N4028785 E565009	c). N4028776 E564997	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E
2	Leo C. Begay	1,302.9 ft (397.1 m)	d). N4028932 E565327	e). N4028765 E565403	f). N4028551 E565405	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E
3	Martha Begay	972 ft (296.2 m)	g). N4028956 E566113	N/A	h). N4028681 E566135	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E
4	Phillip C. Begay (cont on from #3)	845 ft (257.5 m)	i). N4028681 E566135	j). N4028616 E566139	k). N4028588 E566352	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E

Table 2. Listing of Isolated Occurrences (IO) Numbers, Brief Description of Identified Resources, UTM's in NAD 83, and 7.5' Map Reference and Legal Description Located During Survey of NNAD 15-044.

IO#	Brief Description of Identified Resources	UTMs (NAD83)	7.5' Map Reference and Legal Description (T,R&Sec Projected; unplatted)
1	IO #1 consists of 5-7 Anasazi sherds of Indeterminate Tusayan Grayware in a 4 m cluster area.	N4028904 E565039	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E
2	IO #2 consists of possible metate that appears like its been shaped all around the edges, but not used to grind yet.	N4028934 E565069	<i>Yucca Hill</i> , Arizona, 1968 T35N, R19E



THE NAVAJO NATION
Historic Preservation Department

PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

****TCP WILL NOT SIGN/APPROVE IF THIS PORTION IS LEFT BLANK****

Project Information:

DATE	February 10, 2015
RESEARCHER & COMPANY	NNAD-NAU, Harriet K. Sandova, Senior Archaeologist
PROJECT NAME	A Cultural Resources Inventory of Proposed Power Line Extension and Associated Facilities Locations on Black Mesa near Forest Lake, Navajo County, Arizona
PROJECT/PERMIT NUMBER	NNAD 15-044
PROJECT LOCATION	On Black Mesa near Forest Lake, Arizona

*****TO BE FILLED OUT & SIGNED BY AUTHORIZED NNHPD STAFF ONLY*****

A literature search of TCP Records at NNHPD on the above date indicates the following:

<input checked="" type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s). Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCS. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input type="checkbox"/>	Project may proceed with the following stipulations:
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

NNHPD/TCP Program
Reviewer:

[Signature]

Date: 1/11/15

****Return this form along with report to the NNHPD/Compliance Section****

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer), any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.



THE NAVAJO NATION

JOE SHIRLEY, JR.
PRESIDENT

BEN SHELLY
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

WESTERN NAVAJO
AGENCY

MAY 18, 2010
DATE

I certify that LEO C. BEGAY is listed on the Navajo Indian Census Roll, dated
January 01, 1940, Which is an official record of this office as being of 4/4 Degree Navajo
Indian blood, with Roll Number, _____, Date of birth _____.

Recorded: AUGUST 09, 1982

Bertha Dohi
VITAL STATISTICS MANAGER
OA/

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

VITAL RECORDS & TRIBAL ENROLLMENT PROGRAM
THE NAVAJO NATION ♦ PO BOX 3240 ♦ WINDOW ROCK, ARIZONA 86515

NOTES:

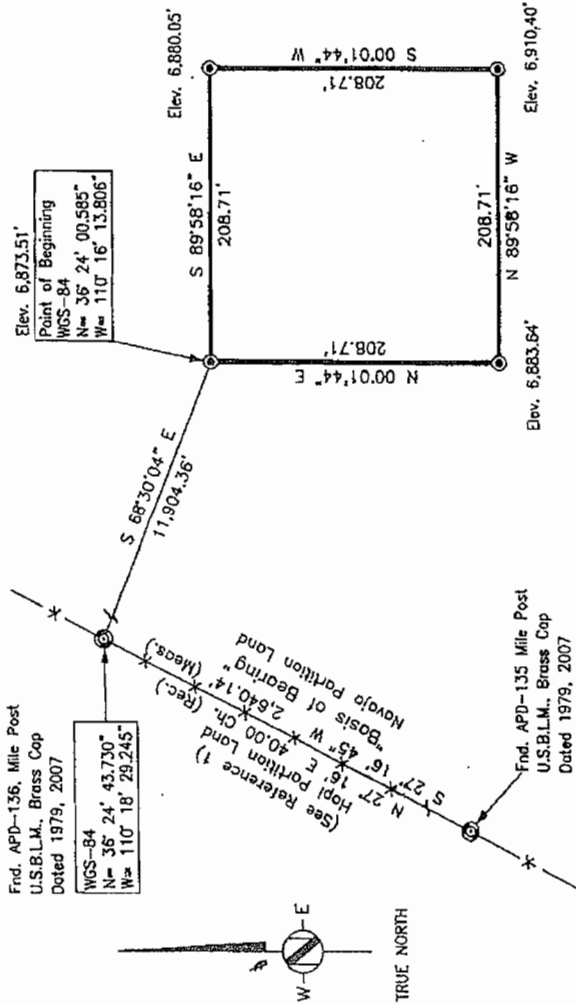
1. All Ground Distance Around Tract.
2. Latitude and Longitude are for Navigation Only.
3. Survey Performed using GPS RTK Methods.
4. Bearing reference True North at the "Basis of Bearing".
5. Homestead located on land held in Trust for the Navajo Tribe (TNT).
6. Elevation Shown for Informational Purposes Only, Not for Construction Use.

Fnd. APD-136, Mile Post
U.S.B.L.M., Brass Cap
Dated 1979, 2007

WGS-84
N= 36° 24' 43.730"
W= 110° 18' 29.245"

Point of Beginning
WGS-84
N= 36° 24' 00.585"
W= 110° 16' 13.806"

TNT (See Notes 5)



Scale: 1" = 100'



Legend:

- = Fence Post
- ⊙ = U.S.B.L.M., Brass Cap
- ⊙ = Lot Boundary
- ⊙ = 1/2" Rebar (Set) with Blue Plastic Cap PLS # 51013
- ⊙ = Set 5/8" Blue Cap PLS # 51013
- ⊙ = Water Value
- ⊙ = NTUA Powerpole
- = Single Phase K.V. Powerline

REFERENCES:

- 1. APD-136 and APD-135 of Segment "D" filed at Navajo Land Dept. and Hopi Land Office.

LEGAL DESCRIPTION OF LEO C. BEGAY HOMESITE LEASE

A PARCEL OF LAND SITUATE WITHIN THE UNSURVEYED AREA OF PROTRACTED NORTHWEST (NW/4) OF SECTION 35, T35N, R19E, G&S.R.M., IN THE VICINITY OF FOREST LAKE, NAVAJO COUNTY, STATE OF ARIZONA AND WITHIN THE NAVAJO NATION LAND MANAGEMENT DISTRICT 4 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-136 MILEPOST, A FOUND U.S.B.L.M. (UNITED STATES BUREAU LAND MANAGEMENT) BRASS CAP DATED 1979, 2007 IN GOOD CONDITION:

WHENCE A FOUND U.S.B.L.M. BRASS CAP IN GOOD CONDITION DATED 1979, 2007 OF THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-135 MILEPOST HAVING A TRUE NORTH BEARING S 27° 16' 45" W, A DISTANCE OF 2,640.14 FEET AND THE BASIS OF BEARING:

THENCE S 68° 30' 04" E, A DISTANCE OF 11,904.36 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS NO. 51013 AND THE POINT OF BEGINNING;

THENCE S 89° 58' 16" E, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS NO. 51013;

THENCE S 07° 01' 44" W, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS NO. 51013;

THENCE N 89° 58' 16" E, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS NO. 51013;

THENCE N 07° 01' 44" E, A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING;

BEING 1.00 ACRE(S) MORE OR LESS, IN AREA AS CALCULATED BY COMPUTER SOFTWARE AND BEING SUBJECT TO ALL EXISTING EASEMENTS FOR AND/OR OTHER EXISTING LEGAL RIGHTS OF POSSESSION LOCATED THEREIN.

SURVEY FOR THE BLACK MESA MINE.

SURVEYED: JULY 28, 2014



I, Lemont L. Yazzie, Sr., a duly qualified Professional Registered Land Surveyor under the laws of the State of Arizona do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision.

EXHIBIT "A"

Expires 6/30/2016

BOUNDARY SURVEY PLAT

LEO C. BEGAY, HOMESITE LEASE

1.00 ACRES +/-, DISTRICT 4, NAVAJO INDIAN RESERVATION
PROTRACTED AREA OF THE NW/4 OF SEC. 35, T35N, R19E, G&S.R.M.
FOREST LAKE, NAVAJO COUNTY, ARIZONA

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN
AFFAIRS NAVAJO AGENCY AND NAVAJO NATION

FOR OFFICE USE ONLY

Field Clearance _____ Consent _____ Filing Fee _____ Certificate of Indian Blood
Land Status _____ Reviewed By: _____ Date: _____

HOMESITE LEASE APPLICATION FORM

DATE: _____

NAME: Leo C. Begay CENSUS NO. _____ AGE: 51

NAME: _____ CENSUS NO. _____ AGE: _____

ADDRESS: PO Box Kayenta, AZ 86033

PHONE NO: 928- _____ OFFICE: _____

I, (We) hereby apply for one acre or less of Navajo Tribal Land for a homesite
lease from the Navajo Nation for the purpose of developing a private dwelling for
the term of sixty-five (65) years within: SECTION _____ TOWNSHIP _____ RANGE _____

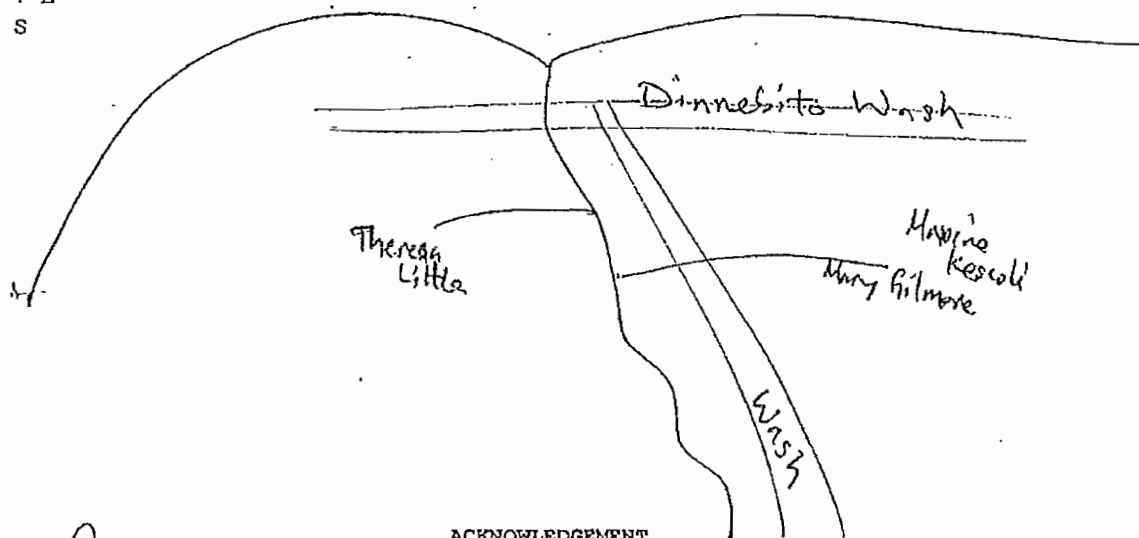
CHAPTER: Forest Lake STATE: AZ

COUNTY: Navajo AGENCY: Chinle

GRAZING DISTRICT: 4 UNIT: _____

Draw map showing the location and direction to the proposed site.

N
W + E
S



ACKNOWLEDGEMENT

Irene Begay
LOCAL GRAZING OFFICIAL FARM BOARD MEMBER

October 27, 2014
DATE

**GRAZING COMMITTEE MEMBER
CERTIFICATION**

I certify that the proposed homesite location for applicant(s) name below does not involve any Permittee according to my records and to the best of my knowledge.

Applicant (s) Leo C. Begay _____
Name Census#

Applicant (s) _____
Name Census

10-7-2014
Date

Shane Begay
Grazing Committee Member
District No. 4

Remarks: Existing permanent structure, roads, and utility lines. NPL grazing permits are cancelled

NOTE*** GRAZING COMMITTEE MEMBER WILL SIGN THIS FORM. ONLY IF THE GRAZING PERMITS ARE CANCEL OR NO LANDUSERS WITHIN THE PROPOSE SITE.

FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION

I, IRENE BEGAYE, Grazing Committee Member of Grazing Management District 4, community of Forest Lake chapter have identified the following individuals as landuse or grazing permittee(s) who are directly affected by the propose homesite development as illustrated and proposed by the following homesite lease application(s):

Leo C. Begay
Homesite Lease Applicant

Homesite Lease Applicant

AUTHORIZED GRAZING/LANDUSE PERMITTEE

(THIS IS NOT A CONSENT FORM)

	NAME	CENSUS NO.	PERMIT NO.
1.	<u>Maxine Kesoli</u>	_____	<u>4-438</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

REMARKS: NPL grazing permits are cancelled

CERTIFICATION

According to my records and to the best of my knowledge the list of the affected permittee(s) referenced above includes all of the permitted land users who are directly affected by the proposed homesite development.

Irene Begaye
Local Grazing Official

October 27, 2014
Date

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

Fred C. B. Gary
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-14-466 - REVISED
<input checked="" type="checkbox"/> NNAD	OTHER PROJECT NO.: NNAD 14-080

PROJECT TITLE: A Cultural Resources Inventory of a Proposed One Acre Homestead and Access Road for Leo C. Begay
In Forest Lake, Navajo County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Marie Shepherd, Peabody Western Coal Co., PO Box 650, Kayenta, Arizona 86033

PROJECT DESCRIPTION: The proposed undertaking will involve the homestead lease approval and/or construction of a home along with the installation of associated facilities/utilities within the 1.0-acre homestead lease area. An access road measuring 309-ft with a 30-ft wide right-of-way was also surveyed. The area of effect is therefore, 1.21-acre. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Forest Lake

LOCATIONS: T. 35 N, R. 19 E - Sec. 35; Yucca Hill Quadrangle, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Harriett K. Sandoval
NAVAJO ANTIQUITIES PERMIT NO.: NTC
DATE INSPECTED: 05/28/14
DATE OF REPORT: 07/07/14
TOTAL ACREAGE INSPECTED: 3.59-ac total (2.88-ac. Homestead; 0.71-ac Access Road)

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND: (2) Isolated Occurrences (IO)
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: (2) IO
LIST OF ARCHAEOLOGICAL RESOURCES: None

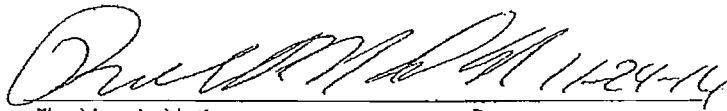
EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

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 24, 2014 - Revised #2

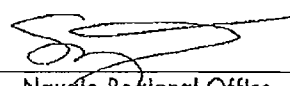
Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office
Date

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office
Date

Tam 12.16.14



**THE
NAVAJO
NATION**

FILE COPY

Archaeology Department - NAU Branch, P.O. Box 6013, Flagstaff, AZ 86011

Phone: 928-523-9151

Fax: 928-523-9185

**BEN SHELLY
PRESIDENT**

**REX LEE JIM
VICE PRESIDENT**

Date: September 30, 2014

TO: Tamara Billie,
Cultural Resource Compliance Section, NNHPD

FROM:

Harriett K. Sandoval
Harriett K. Sandoval

Navajo Nation Archaeology Department - NAU Branch Office

RE: Revised AIRS Form for NNAD 14-080: *A Cultural Resources Inventory of a Proposed One Acre
Homesite and Access Road for Leo C. Begay on Black Mesa, Navajo County, Arizona.*

Please find the attached revised AIRS Form for above NNAD 14-080 project report. A change has been made in Section 14 Title of Report from the original report, which states the name change from Leo Begay to Leo C. Begay at the request of both the clients and the Navajo Nation Land Department. Please re-insert this edited version in your file copy. No other changes were made to the report. Thank you for your cooperation.

cc: PLG 14-230:Outgoing Correspondence File No.
Linda Laughing, Acting Director, NNAD
Attachment: NNAD 14-080 AIRS Form

1. HPD REPORT NO.

2. (FOR HPD USE ONLY)

3. RECIPIENT'S ACCESSION NO.

4. TITLE OF REPORT: NNAD 14-080: A Cultural Resources Inventory of a Proposed One Acre Homestead and Access Road for Leo C. Begay on Black Mesa, Navajo County, Arizona.

5. FIELDWORK DATE:
05/28/2014

Author(s): Harriett K. Sandoval

6. REPORT DATES:
06/10/2014 - 07/07/2014

7. CONSULTANT NAME AND ADDRESS:

Gen'l Charge: Linda Laughing, ASO/Acting Department Manager III
Org. Name: Navajo Nation Archaeology Department
Org. Address: P.O. Box 689
Window Rock, Arizona 86515
Telephone: (928) 871-6540

8. PERMIT NO.

Navajo Tribal Code

9. CONSULTANT REPORT NO.
NNAD 14-080

10. SPONSORING ORGANIZATION NAME AND ADDRESS:

Ind. Responsible: Marie Shepherd, P.E.
Org. Name: Sr. Manager - Environmental
Org. Address: Peabody Western Coal Company
P.O. Box 650
Kayenta, AZ 86033
Telephone: (928) 677-5171

11. SPONSOR PROJECT NO.

N/A

12. AREA OF EFFECT:

1.00 ac/.40 ha (Homestead)
0.21 ac/.083 ha (Access road)
AREA SURVEYED:
2.88 ac/1.17 ha (200' Radius)
0.71 ac/0.28 ha (Access road)

13. LOCATION (MAP ATTACHED): Figure 1:

- | | |
|-------------------------------------|--|
| a. Chapter: Forest Lake | f. UTM Coordinates NAD83: (vacant lot-centerpoint) |
| b. Agency: Chinle Central | a. N4028557, E565437 |
| c. County: Navajo | g. Legal Location: T35N, R19E; Sec. 35 (T,R&Sec. Projected; Unplatted) |
| d. State: Arizona | h. USGS 7.5' Maps are: Yucca Hill, Arizona 1968 |
| e. Land Status: Navajo Tribal Trust | i. Lead Agency: Peabody Western Coal Company |

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

- A. Description of Undertaking: The client proposes to construct a house with associated utility facilities within a one acre homestead lease area and an access road leading to the homestead location. Both surface and subsurface ground disturbance activities will be intensive and extensive. The area of potential effect for the homestead is approximately 1 ac/.40 ha; and area of effect for the access road is 0.21 ac/.08 ha.
- B. Existing Data Review: A check of Navajo Nation Historic Preservation Department (NNHPD) archival records reports indicate that no archaeological projects have been conducted within a 328 ft (100 m) radius of the project area. A TCP database check at the NNHPD revealed that there are no TCPs located in the vicinity of the project area. See the attached "Traditional Cultural Property (TCP) Record Search Verification Form."
- C. Area Environmental & Cultural Setting: The project is located within Forest Lake Chapter, which is located approximately 6.5 mi (10.4 km) south of the project area. The nearest water source is Dinnebito Wash located approximately .58 mi (.92 km) to the northwest of the project area. The elevation of the area is 6,787 ft (2,069 m). Vegetation includes pinon, juniper, sage, snakeweed, Russian thistle, and various grasses. The cultural setting is rural, with surrounding multiple scattered homesteads, rolling hills of bed rock, and eolian sand dunes.
- D. Field Methods: Harriett K. Sandoval, Senior Archaeologist, conducted a Traditional Cultural Properties (TCP) interview with the client's mother, Alice Begay. Mrs. Begay stated there are no TCPs and no burials in the vicinity of the project area for the homestead lease location. A Class III pedestrian survey was conducted by walking concentric transects spaced 15 m (45 ft) apart for a 200 ft (61 m) radius around the homestead area, and parallel transects for the 309 ft (94 m) access road with a survey width of 100 ft (30 m). The area of effect for the homestead measures approximately 43,560 sq ft (4,046 sq m) or 1 ac/.40 ha; and the area surveyed is approximately 125,664 sq ft (11,674 sq m) or 2.88 ac (1.17 ha). For the access road, the area of effect is 9,270 sq ft (861 sq m) or 0.21 ac/.08 ha, and the area surveyed is approximately 30,900 sq ft (2,870 sq m) or 0.71 ac/0.28 ha. The total area surveyed for this project is approximately 156,564 sq ft (14,545 sq m) or 3.59 ac/1.45 ha.

15. CULTURAL RESOURCE FINDINGS:

- A. Location/Identification of Each Resource: Two Isolated Occurrences (IO) consisting of three Anasazi sherds (IO#1) and a projectile point fragment of local red-brown chert (IO#2) were observed during the survey. The UTM Coordinates for IO#1 are N4028544, E565431, and for IO#2 N4028563, E565492.
- B. Evaluation of Significance of Each Resource: The IOs are not eligible for nomination to the National Register of Historic Places, nor are they protected under the Archaeological Resources Protection Act. All scientific information has been exhausted by this recording. The IOs do not warrant consideration under the American Indian Religious Freedom Act, nor are they associated with any known graves or grave goods; thus, the Native American Graves Protection and Repatriation Act does not apply.

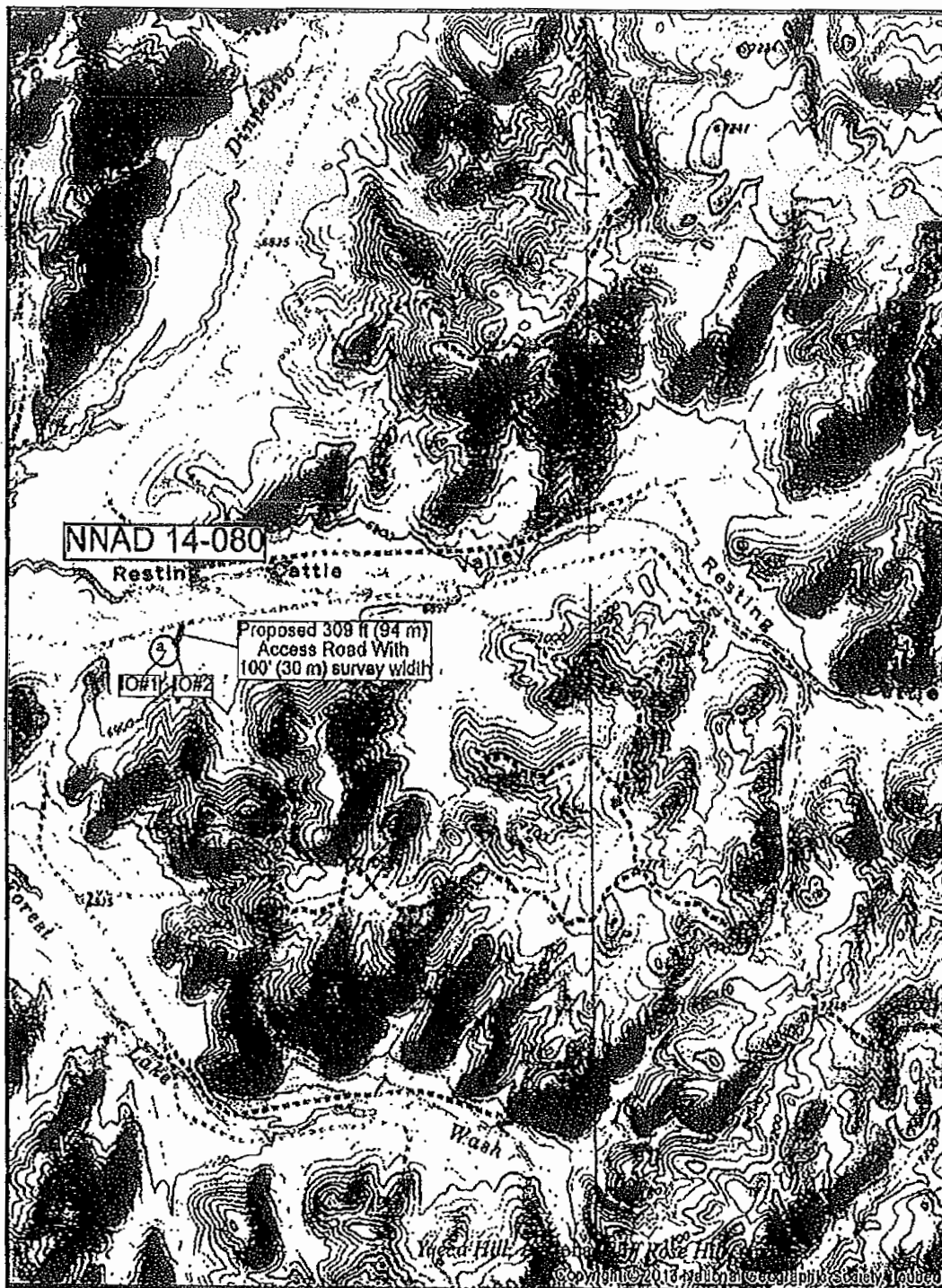



Figure 1. Specific Project Location of NNAD 14-080: A Cultural Resources Inventory of a Proposed One Acre Homestead for Leo C. Begay on Black Mesa, Navajo County, Arizona. USGS 7.5' map is Yucca Hill, Arizona 1968.

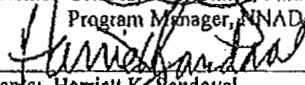
16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking. We recommend that the client be allowed to proceed with construction as planned.

17. CERTIFICATION:

SIGNATURE: 

General Charge Name: Ora Merck Martinez, Ph.D.
Program Manager, NNAD

DATE: 10/1/14

SIGNATURE: 

Direct Charge Name: Harriett K. Sandoval
Senior Archaeologist, NNAD-NAU

DATE: 10/1/14

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.: Leo C. Begay Homesite

DESCRIPTION: Proposed 1.00± acre home site.

LOCATION: UTM: 565437E 4028557N (NAD83), Forest Lake, Navajo County, Arizona

REPRESENTATIVE: Marie Shepherd, P.E., Sr. Manager - Environmental, Peabody Western Coal Company

ACTION AGENCY: NLD and BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/26 JUN 2014/Marie Shepherd

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

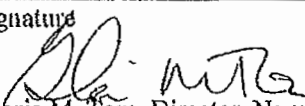
AVOIDANCE / MITIGATION MEASURES: NA

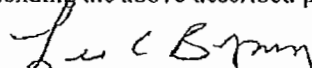
CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/27 JUN 2014; amended on 09 OCT 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 10/10/14
--	---	-------------------------

*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 10-23-14

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996
Website: www.navajonationepa.org

October 13, 2014

Jarvis T. Williams
Manager – Navajo Tribal Relations
PO Box 650
Kayenta, Arizona 86033

REPLY: Leo C. Begay, Protracted NW/4 of Section 35, T35N, R19E, G&SRM, Forest Lake,
Navajo County, Arizona; LAT/LONG 36°24'00.585N 110°16'13.806"W

Mr. Williams,

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *approval* for the proposed ±1.00 acre homesite lease to Leo C. Begay. The proposed homesite lease action will not significantly impact the Navajo Nation's environmental resources. Any utility extensions right-of-way(s) will require a complete environmental assessment(s). Any new access road(s) will require cultural, biological and environmental resources clearance before blading and/or clearing the land surface. This environmental clearance is only for the 1.00 acre homesite lease. The Bureau of Indian Affairs Real Estate may proceed with a Categorical Exclusion for the proposed homesite lease action.

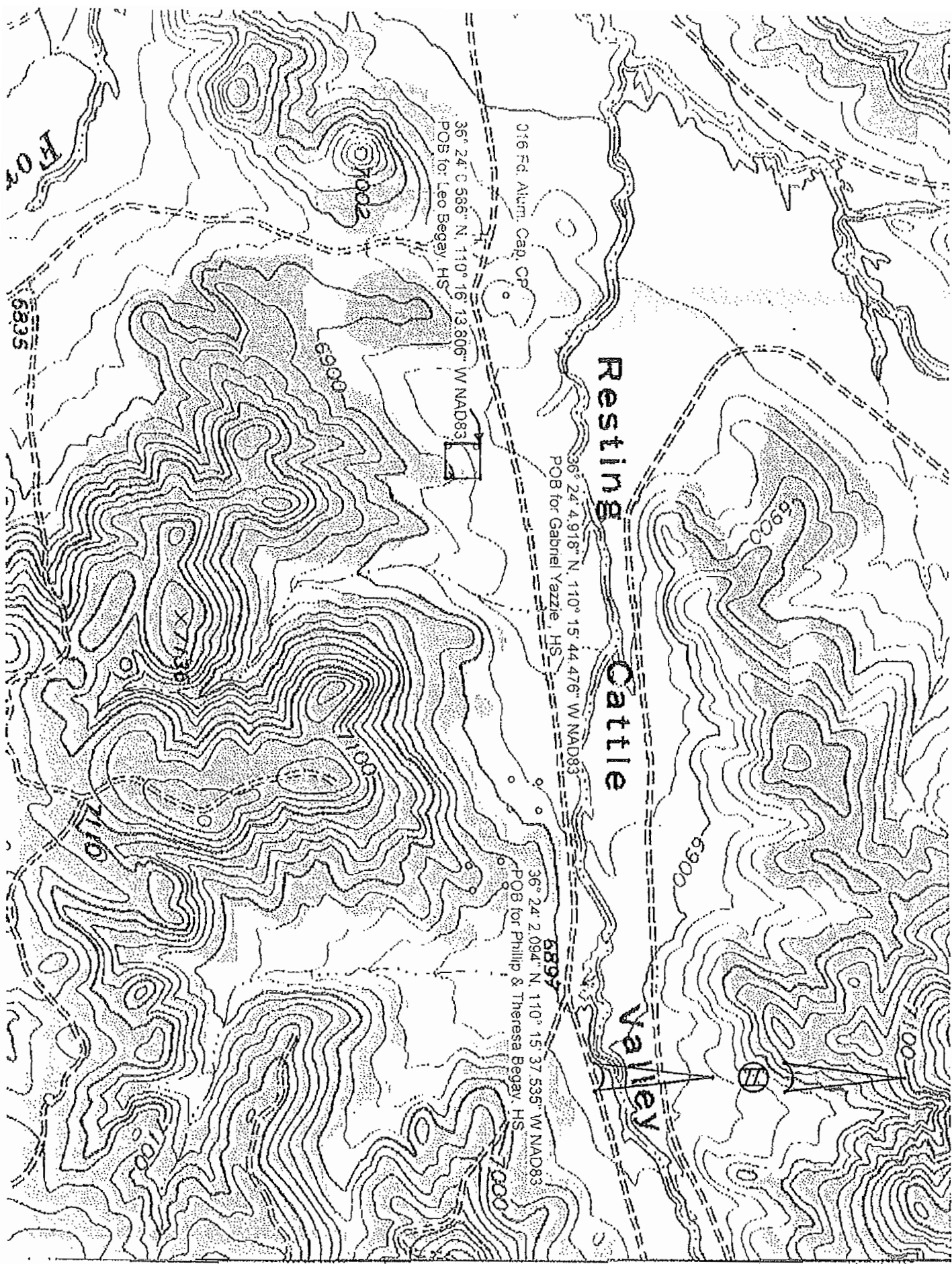
If you have any questions, please contact me at 928/871-7188. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rita Whitehorse-Larsen".

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Environmental Review
Office of Executive Director/Administration
Navajo Nation EPA

Cc: Caroline Dale, Senior Homesite Agent/Program Supervisor, Division of Natural Resources, Navajo Land
Department, Chinle/Central Homesite Lease Office



1. WHOTY - PAYOR
2. YELLOW - CLERICAL OFFICE
2. POOL - LUNACY IN POOL

DATE 11/3/14 RECEIPT NO. 1012557
(39-45)
BOOK NO. 20210 VENDOR NO. _____
(33-38) (17-21)

RECEIVED FROM NAME Leo Begay
(22-32)
ADDRESS Box 1464 Kayenta, Ariz
fifteen AND 100 DOLLARS \$ 15.00
REMITTANCE, IF NOT IN CASH, IS ACCEPTED, SUBJECT TO COLLECTION.

REMITTANCE, IF NOT IN CASH, IS ACCEPTED, SUBJECT TO COLLECTION.

DESCRIPTION	ACCOUNT NO. (49-55)	AMOUNT (58-60)
Homesite	107005	15.00
Loose	1375	
Filing Fee		
TOTAL ▶		15.00

CASH

CHECK NUMBER

OTHER

2189467240

no

Caroline Dale

81-87

SIGNATURE OF COLLECTING EMPLOYEE

POSTPONED THU

Chenle NLD #13

RECEIPT NO.

DEPARTMENT



PETERSON ZAH
PRESIDENT

THE NAVAJO NATION

MARSHALL PLUMMER
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

Western Navajo

AGENCY

March 25, 1994

DATE

I certify that Phillip C. Begay is listed on the Navajo Indian Census Roll, dated
Jan. 01, 1940, which is an official record of this office as being of 4/4 (full) degree Navajo
Indian blood, with Roll Number _____, date of birth _____.

RECORD: Page 26 Pinon Navajo Census Rolls, Arizona
Enrolled on August 09, 1962

Effie Jackson

for: VITAL STATISTIC MANAGER

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO TRIBE.

TRIBAL ENROLLMENT SERVICES
WESTERN NAVAJO AGENCY • P.O. BOX 1510 • TUBA CITY, ARIZONA 86045



PETERSON ZAH
PRESIDENT

THE NAVAJO NATION

MARSHALL PLUMMER
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

Western Navajo
AGENCY

March 25, 1994
DATE

I certify that Theresa Rose Begay is listed on the Navajo Indian Census Roll, dated
Jan. 01, 1940, which is an official record of this office as being of 4/4 (full degree Navajo
Indian blood, with Roll Number _____, date of birth _____.

RECORD: Page 26 Pinon Navajo Census Rolls, Arizona
Enrolled on December 12, 1975

Effie Jackson
for: VITAL STATISTIC MANAGER

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO TRIBE.

TRIBAL ENROLLMENT SERVICES
WESTERN NAVAJO AGENCY • P.O. BOX 1510 • TUBA CITY, ARIZONA 86045

LEGAL DESCRIPTION OF
PHILLIP C. BEGAY AND THERESA ROSE BEGAY HOMESITE LEASE

A PARCEL OF LAND SITUATE WITHIN THE UNSURVEYED AREA OF PROTRACTED NORTHEAST (NE/4) OF SECTION 35, T35N, R19E, G&S.R.M., IN THE VICINITY OF FOREST LAKE, NAVAJO COUNTY, STATE OF ARIZONA AND WITHIN THE NAVAJO NATION LAND MANAGEMENT DISTRICT 4 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-136 MILEPOST, A FOUND U.S.B.L.M. (UNITED STATES BUREAU LAND MANAGEMENT) BRASS CAP DATED 1979, 2007 IN GOOD CONDITION:

WHENCE A FOUND U.S.B.L.M. BRASS CAP IN GOOD CONDITION DATED 1979, 2007 OF THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-135 MILEPOST HAVING A TRUE NORTH BEARING S 27° 16' 45" W, A DISTANCE OF 2,640.14 FEET AND THE BASIS OF BEARING;

THENCE S 73° 18' 55" E, A DISTANCE OF 14,659.47 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013 AND THE POINT OF BEGINNING;

THENCE N 81° 45' 25" E, A DISTANCE OF 180.00 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE S 08° 14' 35" E, A DISTANCE OF 242.00 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE S 81° 45' 25" W, A DISTANCE OF 180.00 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE N 08° 14' 35" W, A DISTANCE OF 242.00 FEET TO THE POINT OF BEGINNING;

BEING 1.00 ACRE(S) MORE OR LESS, IN AREA AS CALCULATED BY COMPUTER SOFTWARE AND BEING SUBJECT TO ALL EXISTING EASEMENTS FOR AND/OR OTHER EXISTING LEGAL RIGHTS OF POSSESSION LOCATED THEREIN.

SURVEY FOR THE BLACK MESA MINE
SURVEYED: JULY 28, 2014

I, Lemont L. Yazzie, Sr., a duly qualified Professional Registered Land Surveyor under the laws of the State of Arizona do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision.

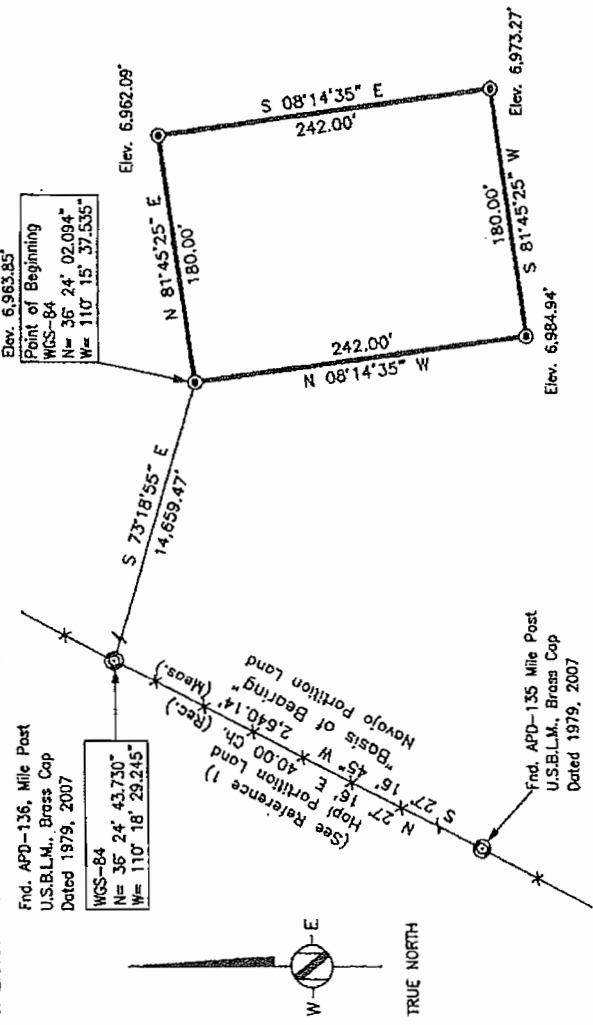


EXHIBIT "A"

BOUNDARY SURVEY PLAT
PHILLIP C. BEGAY & THERESA ROSE BEGAY, HOMESITE LEASE
1.00 ACRES +/-, DISTRICT 4, NAVAJO INDIAN RESERVATION
PROTRACTED AREA OF THE NE/4 OF SEC. 35, T35N, R19E, G&S.R.M.
FOREST LAKE, NAVAJO COUNTY, ARIZONA

TNT (See Notes 5)

- NOTES:**
1. All Ground Distance Around Tract.
 2. Latitude and Longitude are for Navigation Only.
 3. Survey Performed using GPS RTK Methods.
 4. Bearing reference True North at the "Basis of Bearing".
 5. Homesite located on land held in Trust for the Navajo Tribe (TNT)
 6. Elevation Shown for Informational Purposes Only, Not for Construction Use.



REFERENCES:
1. APD-136 and APD-135 of Segment "D" filed at Navajo Land Dept. and Hopi Land Office.

- Legend:**
- = Fence Post
 - ⊙ = U.S.B.L.M. Brass Cap
 - ⊙ = Lot Boundary
 - ⊙ = 1/2" Rebar (Set) with Blue Plastic Cap PLS # 51013
 - ⊙ = Set 5/8" Blue Cap PLS # 51013
 - ⊙ = Water Value
 - ⊙ = NTUA Powerpole
 - ⋯ = Single Phase K.V. Powerline

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN
AFFAIRS NAVAJO AGENCY AND NAVAJO NATION

FOR OFFICE USE ONLY

Field Clearance _____ Consent _____ Filing Fee _____ Certificate of Indian Blood
Land Status _____ Reviewed By: _____ Date: _____

HOMESITE LEASE APPLICATION FORM

DATE: _____

NAME: Phillip C. Begay CENSUS NO. _____ AGE: _____

NAME: Theresa Rose Begay CENSUS NO. _____ AGE: _____

ADDRESS: P.O. Box 444 Kayenta, AZ 86033

PHONE NO: (928) OFFICE: (928)

I, (We) hereby apply for one acre or less of Navajo Tribal Land for a homesite lease from the Navajo Nation for the purpose of developing a private dwelling for the term of sixty-five (65) years within: SECTION _____ TOWNSHIP _____ RANGE _____

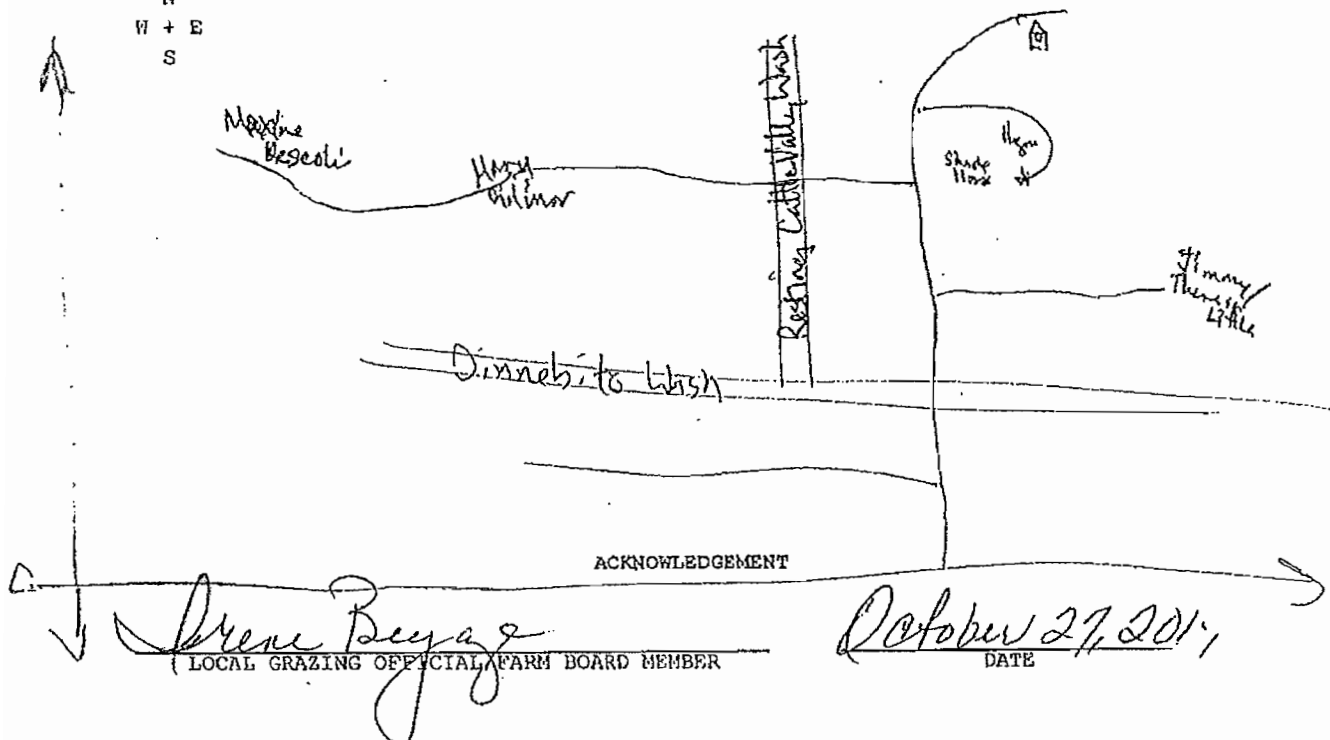
CHAPTER: Forest Lake STATE: Arizona

COUNTY: Navajo AGENCY: Chinle

GRAZING DISTRICT: 4 UNIT: _____

Draw map showing the location and direction to the proposed site.

N
W + E
S



FOR JOINT APPLICANTS ONLY

We have selected one of the following Cotenancy. We acknowledge and understand the difference. (For information, contact Navajo Land Department.)

X Joint Tenancy with right of Survivorship: is held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. It is distinguished from other forms of cotenancy by the right of survivorship. Under the doctrine of survivorship, the entire estate, upon the death of one of the joint tenants, goes to the survivor, (or, in the case of more than two joint tenants, to the survivors, and so on to the last survivor); the estate of the deceased joint tenant has no interest, and because there is no interest for a testamentary will to transmit, a joint tenancy may not devise his or her interest in the joint tenancy.

In community property jurisdictions, including the Navajo Nation, it is possible for spouses to hold property in joint tenancy, but such property is separate and not subject to the court's distribution upon divorce, nor is it subject to probate upon the death of one spouse.

Absence of a valid contrary contractual agreement among or between the joint tenants, each joint tenant may unilaterally sever the joint tenancy by conveying or encumbering his/her fractional interest. The grantee then becomes a tenant in common (see below) with other joint tenant or tenants and the right of survivorship is destroyed. The fractional interest of each joint tenant can also be taken in satisfaction of debts; such taking severs the joint tenancy. NO PROBATE REQUIRED, HOMESITE GOES TO SURVIVING PERSON.

Tenancy in Common: is identical to a joint tenancy in all but one significant attribute - it lacks the right of survivorship. When a cotenant in common dies, the surviving cotenant(s) does not succeed to the decedent's interest. Rather, the decedent's fractional interest in the property must be probated. PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.

Community Property: By statute. The Navajo Nation is a community property jurisdiction (see 9 N.T.C. §205). If a married couple does not elect to hold their homesite in community property, then community property principles will govern the distribution of the marital property upon dissolution of marriage, and upon the death of one spouse, one half of the community property (the decedent's share) must be probated in accordance with Navajo law. PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.

The above mentioned cotenancy has been explained to us. We acknowledge and understand the difference.

Signed this 21 day of October, 2014.

Philip C. Ryan
Applicant

Census No.

Melissa Rose Begay
Applicant

Census No.

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

[Signature]

Philip C. Begay
LESSEE

Theresa Rose Begay
LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:




LESSEE


LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

LESSEE

LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

**GRAZING COMMITTEE MEMBER
CERTIFICATION**

I certify that the proposed homesite location for applicant(s) name below does not involve any Permittee according to my records and to the best of my knowledge.

Applicant (s) Phillip C. Begay _____
Name Census#

Applicant (s) Theresa Rose Begay _____
Name Census

10-7-2014
Date

Irene Begay
Grazing Committee Member
District No. 4

Remarks: Existing permanent structures, roads.
and utility lines. NPL grazing permits are cancelled

NOTE*** GRAZING COMMITTEE MEMBER WILL SIGN THIS FORM. ONLY IF THE GRAZING PERMITS ARE CANCEL OR NO LANDUSERS WITHIN THE PROPOSE SITE.

FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION

I, IRENE BEZAYE, Grazing Committee Member of Grazing Management District 4, community of FOREST LAKE chapter have identified the following individuals as landuse or grazing permittee(s) who are directly affected by the propose homesite development as illustrated and proposed by the following homesite lease application(s):

Phillip C. Begay
Homesite Lease Applicant

Theresa Rose Begay
Homesite Lease Applicant

AUTHORIZED GRAZING/LANDUSE PERMITTEE

(THIS IS NOT A CONSENT FORM)

	NAME	CENSUS NO.	PERMIT NO.
1.	<u>MAXINE KOSOLI</u>	<u> </u>	<u>4-438</u>
2.	<u> </u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>

REMARKS: NPL grazing permits are cancelled

CERTIFICATION

According to my records and to the best of my knowledge the list of the affected permittee(s) referenced above includes all of the permitted land users who are directly affected by the proposed homesite development.

Irene Bezaye
Local Grazing Official

October 27, 2014
Date



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-14-603 - REVISED
<input checked="" type="checkbox"/> NNAD	OTHER PROJECT NO.: NNAD 14-078

PROJECT TITLE: A Cultural Resource Inventory of the Proposed One Acre Homestead and Access Road for Phillip C. Begay and Theresa Rose Begay on Forest Lake, Navajo County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Marle Shepherd, P.E., Peabody Western Coal Company, PO Box 650, Kayenta, Arizona 86033

PROJECT DESCRIPTION: The proposed undertaking will involve the homestead lease approval and/or construction of a home along with the installation of associated facilities/utilities within the 1.0-acre homestead lease area. An access road measuring 309-ft with a 100-ft wide corridor was also surveyed. The area of effect is therefore, 1.21-acre. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Forest Lake

LOCATIONS: T. 35 N, R. 19 E - Sec. 35; Yucca Hill Quadrangle, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Harriett K. Sandoval

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 05/28/14 & 07/25/14

DATE OF REPORT: 08/28/14

TOTAL ACREAGE INSPECTED: 3.59-ac total (2.88-ac. Homestead; 0.71-ac Access Road)

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND: (1) Site (AZ-J-38-24)

LIST OF ELIGIBLE PROPERTIES: (1) Site (AZ-J-38-24)

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties will be affected with the following conditions:

Site AZ-J-38-24:

1. Site boundary will be flagged by a qualified archaeologist prior to ground disturbing activities.
2. All ground disturbing activities will avoid the site by a minimum of 50-ft.


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: December 11, 2014 - Revised

Notification to Proceed
Recommended
Conditions:


☒ Yes ☐ No

☒ Yes ☐ No


The Navajo Nation
Historic Preservation Office
Date: 12-15-14

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office
Date: 12/23/14



**THE
NAVAJO
NATION**

FILE COPY

Archaeology Department – NAU Branch, P.O. Box 6013, Flagstaff, AZ 86011

Phone: 928-523-9151

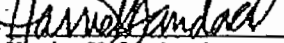
Fax: 928-523-9185

**BEN SHELLY
PRESIDENT**

**REX LEE JIM
VICE PRESIDENT**

Date: September 30, 2014

TO: Tamara Billie,
Cultural Resource Compliance Section, NNHPD

FROM: 
Harriett K. Sandoval
Navajo Nation Archaeology Department – NAU Branch Office

RE: Revised AIRS Form for NNAD 14-078: *A Cultural Resources Inventory of a Proposed One Acre Homestead and Access Road for Phillip C. Begay and Theresa Rose Begay on Black Mesa, Navajo County, Arizona.*

Please find the attached revised AIRS Form for above NNAD 14-078 project report. A change has been made in Section 14 Title of Report from the original report, which states the name change from Phillip C. and Theresa Begay to Phillip C. Begay and Theresa Rose Begay at the request of both the clients and the Navajo Nation Land Department. Please re-insert this edited version in your file copy. No other changes were made to the report. Thank you for your cooperation.

cc: FLG 14-229: Outgoing Correspondence File No.
Linda Laughlin, Acting Director, NNAD
Attachment: NNAD 14-078 AIRS Form

1. HPD REPORT NO.

2. (FOR HPD USE ONLY)

3. RECIPIENT'S ACCESSION NO.

4. TITLE OF REPORT: **NNAD 14-078: A Cultural Resources Inventory of a Proposed One Acre Homesite and Access Road for Phillip C. Begay and Theresa Rose Begay on Black Mesa, Navajo County, Arizona.**

5. FIELDWORK DATE:
05/28/2014 & 7/25/14

Author(s): Harriett K. Sandoval

6. REPORT DATES:
07/29/2014 & 08/28/2014

7. CONSULTANT NAME AND ADDRESS:

Gen'l Charge: Linda Laughling, ASO/Acting Department Manager III
Org. Name: Navajo Nation Archaeology Department
Org. Address: P.O. Box 689
Window Rock, Arizona 86515
Telephone: (928) 871-6540

8. PERMIT NO.

Navajo Tribal Code

9. CONSULTANT REPORT NO.
NNAD 14-078

10. SPONSORING ORGANIZATION NAME AND ADDRESS:

Ind. Responsible: Marie Shepherd, P.E.
Org. Name: Sr. Manager - Environmental
Org. Address: Peabody Western Coal Company
P.O. Box 650
Kayenta, AZ 86033
Telephone: (928) 677-5171

11. SPONSOR PROJECT NO.
N/A

12. AREA OF EFFECT:

1.00 ac/.40 ha (Homesite)
0.21 ac/.083 ha (Access road)
AREA SURVEYED:
2.88 ac/1.17 ha (200' Radius)
0.71 ac/0.28 ha (Access road)

13. LOCATION (MAP ATTACHED): Figure 1.

- a. Chapter: Forest Lake
- b. Agency: Chinle Central
- c. County: Navajo
- d. State: Arizona
- e. Land Status: Navajo Tribal Trust
- f. UTM Coordinates NAD83: (vacant lot-centerpoint)
a. N4028602, E566351
- g. Legal Location: T35N, R19E; Sec. 35 (T,R&S Projected; Unplatted)
- h. USGS 7.5' Maps are: Yucca Hill, Arizona 1968
- i. Lead Agency: Peabody Western Coal Company

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

- A. **Description of Undertaking:** The client proposes to construct a house with associated utility facilities within a one acre homesite lease area and an access road leading to the homesite location. Both surface and subsurface ground disturbance activities will be intensive and extensive. The area of potential effect for the homesite is approximately 1 ac/.40 ha; and area of effect for the access road is 0.21 ac/.08 ha.
- B. **Existing Data Review:** A check of Navajo Nation Historic Preservation Department (NNHPD) archival records reports indicate that no archaeological projects have been conducted within a 328 ft (100 m) radius of the project area. A TCP database check at the NNHPD revealed that there are no TCPs located in the vicinity of the project area. See the attached "Traditional Cultural Property (TCP) Record Search Verification Form."
- C. **Area Environmental & Cultural Setting:** The project is located within Forest Lake Chapter, which is located approximately 6.5 mi (10.4 km) south of the project area. The nearest water source is Dinnebito Wash located approximately .58 mi (.92 km) to the northwest of the project area. The elevation of the area is 6,991 ft (2,131 m). Vegetation includes pinon, juniper, sage, snakeweed, Russian thistle, and various grasses. The cultural setting is rural, with surrounding multiple scattered homesteads, rolling hills of bed rock, and eolian sand dunes.
- D. **Field Methods:** Harriett K. Sandoval, Senior Archaeologist, conducted a Traditional Cultural Properties (TCP) interview with the client's mother, Alice Begay. Mrs. Begay stated there are no TCPs and no burials in the vicinity of the project area for the homesite lease location. A Class III pedestrian survey was conducted by walking concentric transects spaced 15 m (45 ft) apart for a 200 ft (61 m) radius around the homesite area, and parallel transects for the 309 ft (94 m) access road with a survey width of 100 ft (30 m). The area of effect for the homesite measures approximately 43,560 sq ft (4,046 sq m) or 1 ac/.40 ha, which is to be positioned within the 200 ft radius, since there was no legal land/tract description at time of survey; and the area surveyed is approximately 125,664 sq ft (11,674 sq m) or 2.88 ac (1.17 ha). For the access road, the area of effect is 9,270 sq ft (861 sq m) or 0.21 ac/.08 ha, and the area surveyed is approximately 30,900 sq ft (2,870 sq m) or 0.71 ac/0.28 ha. The total area surveyed for this project is approximately 156,564 sq ft (14,545 sq m) or 3.59 ac/1.45 ha.

15. CULTURAL RESOURCE FINDINGS:

- A. **Location/Identification of Each Resource:** Site AZ-J-38-24 consisting of a historic collapsed Navajo hogan measuring approximately 3.5 m in diameter was identified and recorded. According to Lena Begay (sister), the structure once belonged to her paternal great-grandmother. The structure is located along the inner edge of the ESE of the 200 ft radius.
- B. **Evaluation of Significance of Each Resource:** Site AZ-J-38-24 is eligible for nomination to the National Register of Historic Places (NRHP) as it meets the 50 year guideline and Criterion D. The site does not merit protection under the Archaeological Resources Protection Act (ARPA) because it is unknown if it meets the 100 year guideline or not. The site also does not warrant consideration under the American Indian Religious Freedom Act (AIRFA), nor is it associated with human remains or known graves or grave goods, thus, the Native American Graves Protection and Repatriation Act (NAGPRA) does not apply.

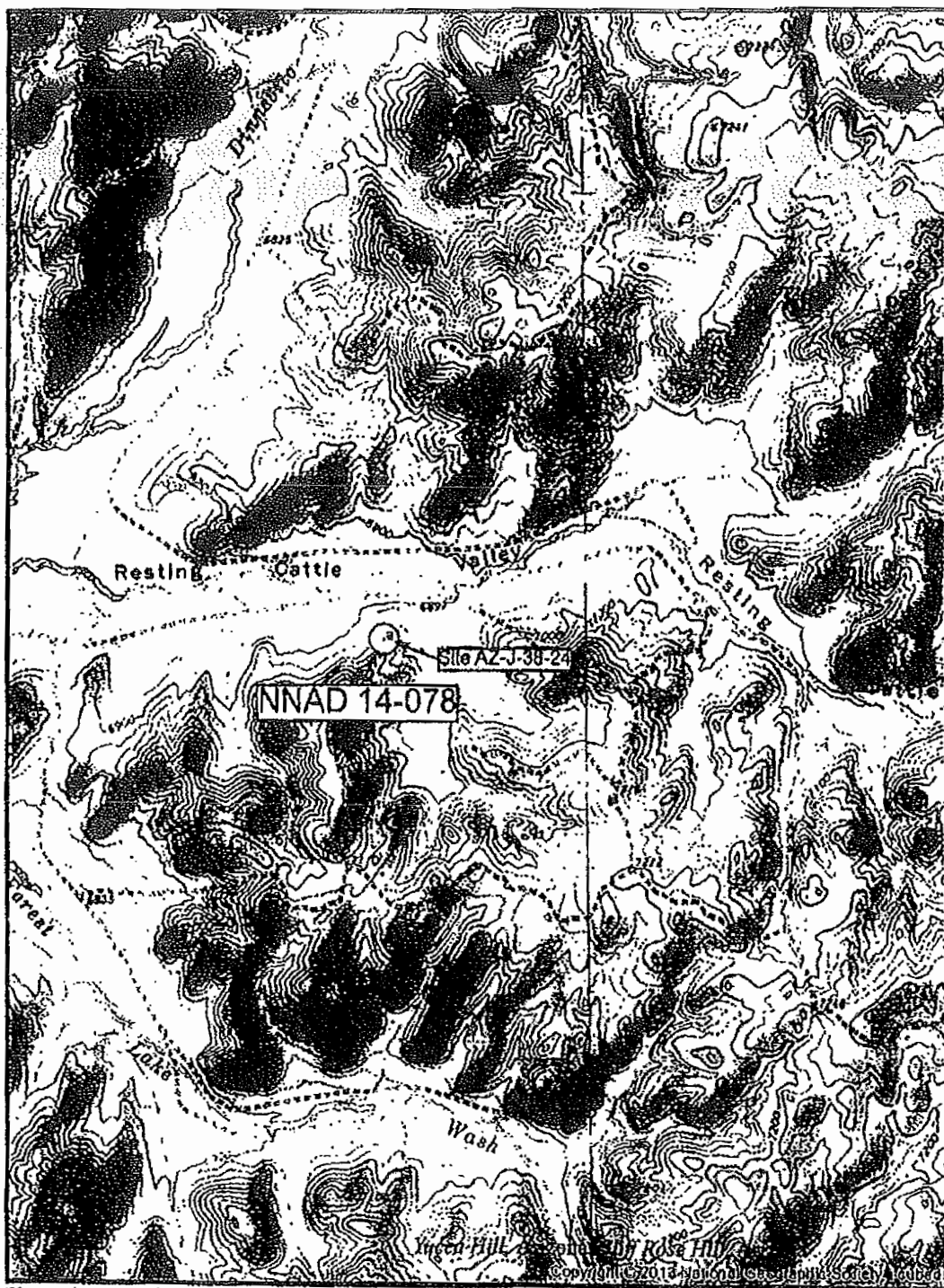



Figure 1. Specific Project Location of Site AZ-J-38-24 Recorded During NNAD 14-078: A Cultural Resources Inventory of a Proposed One Acre Homesite for Phillip C. Begay and Theresa Rose Begay on Black Mesa, Navajo County, Arizona. USGS 7.5' map is Yucca Hill, Arizona 1968.

16. MANAGEMENT SUMMARY (RECOMMENDATION): No homesite construction activities will occur within 50 ft (15 m) of the site boundary, thus the site will be avoided. A determination of "no historic properties affected" is recommended for the proposed undertaking with the above stipulation taken into consideration, then may the clients be allowed to proceed with construction as planned.

17. CERTIFICATION:

SIGNATURE: 

General Charge Name: Gregory Martinez, Ph.D.

Program Manager, NNAD

DATE: 10/1/14

SIGNATURE: 

Direct Charge Name: Harriett Sandoval

Senior Archaeologist, NNAD-NAU

DATE: 10/1/14

NAVAJO NATION ARCHAEOLOGY DEPARTMENT
Site Survey and Management Form

SITE NO.: AZ-J-38-24

FIELD OR OTHER NAME: Site 1

DATE RECORDED: 5/28/2014

PROJECT NUMBER & NAME: NNAD 14-078: A Cultural Resources Inventory of a Proposed One Acre Homestead for Phillip C. Begay and Theresa Rose Begay on Black Mesa, Navajo County, Arizona.

ORGANIZATION: NNAD-NAU

ARCHAEOLOGISTS: Harriett K. Sandoval

USGS MAP REFERENCE: Yucca Hill, Arizona 1968

LEGAL LOCATION: T35N, R19E, Sec. 35 (TR&S Project; Unplatted)

UTM: (NAD 83) Zone 12, N4028590, E566400

STATE: Arizona

COUNTY: Navajo

CHAPTER: Forest Lake

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? 70% low lying shrubs and grasses in a heavily wooded area.

TOPOGRAPHY: The project area is characterized by wooded hills with opening into a valley to the north.

DRAINAGE: The nearest drainage is Dinnebito Wash located to the northwest approximately .93 mi (1.4 km)

ELEVATION (ft./m): 6,958 ft (2,121 m)

Slope and Direction: 3% north

SOIL TYPE: medium grained sand

OTHER:

VEGETATION PRESENT: Area characterized as a woodland biotic community with juniper, pinon, oak, sage, Russian thistle, and various grasses.

CULTURAL AFFILIATION(S): Navajo

SITE TYPE: Hogan structural remnants

PERIOD(S) OF OCCUPATION (Date, if known): early-to-mid 1900s

HOW DATED?: Interview

DIMENSIONS OF SITE (l x w): 8 m x 9 m

Total Area (sq. m): 72

How Determined: Compass and tape

ARCHITECTURE PRESENT? Describe: One feature, a historic Navajo hogan remnants that appears to have collapsed.

ARTIFACTS OBSERVED/COUNTED: None Lithics: N/A

COLLECTION MADE? No

OF WHAT?

METHOD:

PHOTO TAKEN? No

B/W Roll:

Frame(s):

Digital: Yes

Frame(s):

SITE DESCRIPTION: The site is composed of one feature, an old collapsed hogan possibly dating to the early-to-mid 1900s. It measures approximately 3.5 m in diameter. According to a TCP interview with the client's mother, the hogan belonged to her late husband's grandmother; interviewee also stated that the hogan is not a burial, and they have since then left the structure alone. The site is situated on the east slope of a heavily wooded hilly area. No other artifacts and or features were observed. Based on the structural hogan remains, this was probably a habitation area at one time, however, it appears all other structures have been dismantled.

CONDITION OF SITE: Good Cause of disturbance: Nearby homesteads, animal trampling and grazing movement, and natural erosional activity.

LOCATION OF SITE RELATIVE TO PROJECT AREA: Site is within the east-southeastern boundary of the 200' radius homestead survey area.

EXTENT OF INVESTIGATION TO DATE: This recording

RESEARCH POTENTIAL: Fair

RECOMMENDATIONS: No homestead construction activities will occur within 50 ft (15 m) of the site boundary, thus the site will be avoided. A determination of "no historic properties affected" is recommended for the proposed undertaking with the above stipulation taken into consideration, then may the clients be allowed to proceed with construction as planned.

SITE ASSESSMENT UNDER 36 CFR 60.4 (National Register): Site meets the 50 year guideline and is eligible for nomination to the National Register of Historic Places.

INTEGRITY: Site retains integrity of location, setting, feeling, and association.

CRITERIA a-d: Site does not meet criteria a-c, but is eligible under Criterion d for potential to yield important information about the local project area related to Navajo land use and settlement patterns.

EXCLUSIONS: None

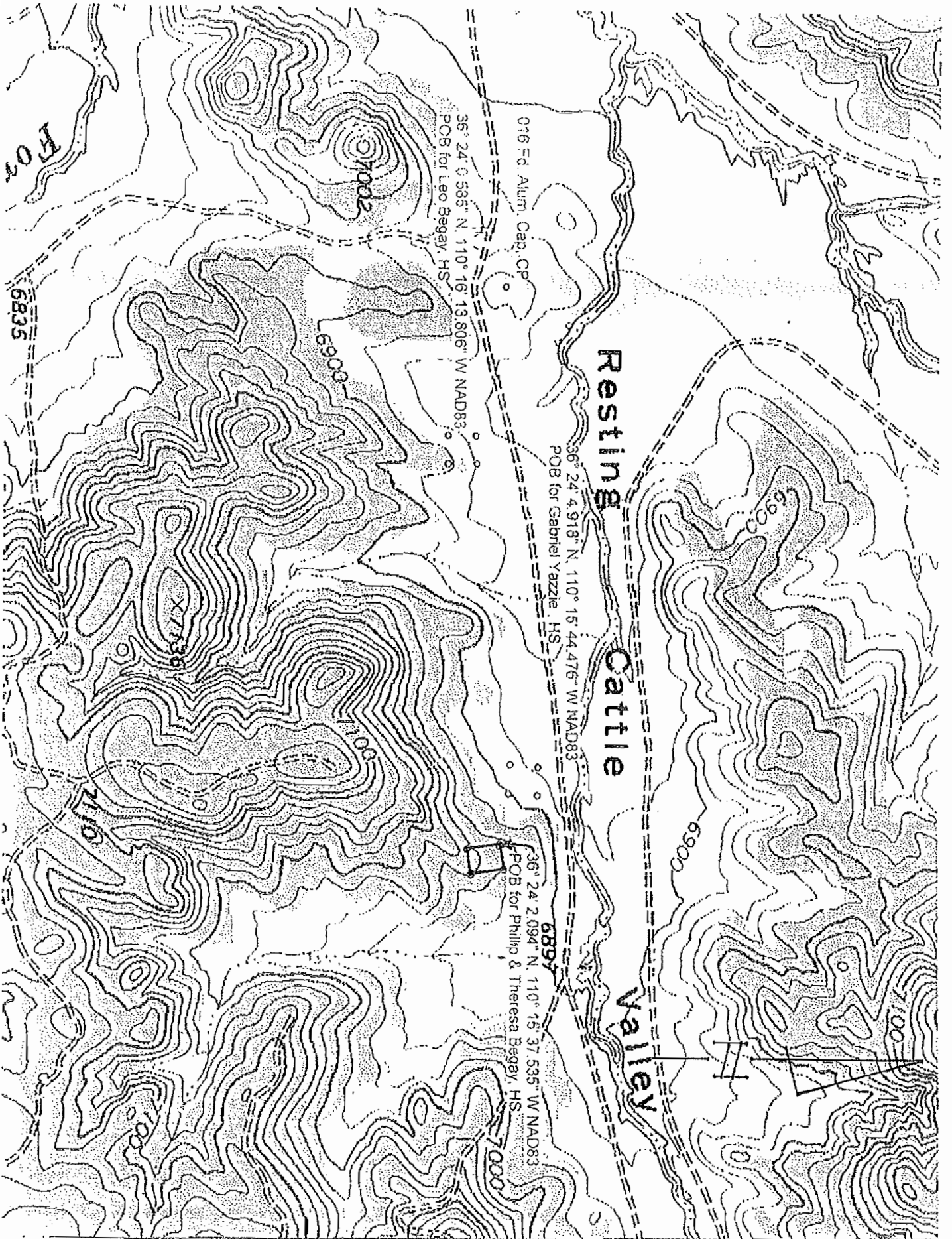
SITE ASSESSMENT UNDER 43 CFR 7.3. (Archaeological Resources Protection Act): It is unknown if the historic structure meets the 100 year guideline for consideration, thus, it is not eligible for protection under ARPA.

SITE ASSESSMENT UNDER AIRFA (American Indian Religious Freedom Act): AIRFA does not apply because the structure has no known sacred or ceremonial significance associated with it.

PROVIDE A SITE MAP (Including site designation, North arrow, scale, recognizable features, landmarks and relationship to project area): See Figure 2.

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

OTHER COMMENTS (Ethnographic Data, etc.): According to interviewees, Alice Begay and daughter Lena, this structure once belonged to Lena's great-grandmother and further stated that this is not a hogan burial. They also stated that they will not dismantle the structure, and they plan on leaving it alone.



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.: Phillip C. Begay & Theresa Rose Begay Homesite

DESCRIPTION: Proposed 1.00± acre home site.

LOCATION: UTM: 566351E 4028602N (NAD83), Forest Lake, Navajo County, Arizona

REPRESENTATIVE: Marie Shepherd, P.E., Sr. Manager - Environmental, Peabody Western Coal Company

ACTION AGENCY: NLD and BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/26 JUN 2014/Marie Shepherd

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

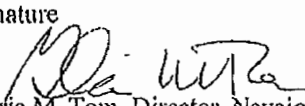
AVOIDANCE / MITIGATION MEASURES: NA

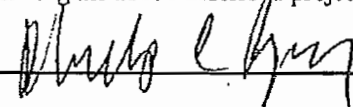
CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/27 JUN 2014; amended on 09 OCT 2014

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval		10/10/14
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> 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
	10/17/14



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996
Website: www.navajonationepa.org

October 13, 2014

Jarvis T. Williams
Manager – Navajo Tribal Relations
PO Box 650
Kayenta, Arizona 86033

REPLY: Phillip C. Begay and Theresa Rose Begay, Protracted NW/4 of Section 35, T35N,
R19E, G&SRM, Forest Lake, Navajo County, Arizona; LAT/LONG 36°24'02.094N
110°15'37.535"W

Mr. Williams,

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *approval* for the proposed ± 1.00 acre homesite lease to Phillip C. Begay and Theresa Rose Begay. The proposed homesite lease action will not significantly impact the Navajo Nation's environmental resources. Any utility extensions right-of-way(s) will require a complete environmental assessment(s). Any new access road(s) will require cultural, biological and environmental resources clearance before blading and/or clearing the land surface. This environmental clearance is only for the 1.00 acre homesite lease. The Bureau of Indian Affairs Real Estate may proceed with a Categorical Exclusion for the proposed homesite lease action.

If you have any questions, please contact me at 928/871-7188. Thank you.

Sincerely,

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Environmental Review
Office of Executive Director/Administration
Navajo Nation EPA

Cc: Caroline Dale, Senior Homesite Agent/Program Supervisor, Division of Natural Resources, Navajo Land
Department, Chinle/Central Homesite Lease Office

THE NAVAJO NATION

WINDOW ROCK ARIZ. 86515

DATE 11/3/14 RECEIPT NO. 1012558

BOOK NO. 20210 (33-38) VENDOR NO. [39-45] (17-21)

RECEIVED FROM NAME Theresa Begay
ADDRESS P.O. Box 2257 Kayenta, AZ

fifteen AND — DOLLARS \$ 15.00
100

REMITTANCE, IF NOT IN CASH, IS ACCEPTED, SUBJECT TO COLLECTION.

DESCRIPTION	ACCOUNT NO. (49-53)	AMOUNT (58-66)
Homesite	10700S	15.00
Lease	1375	
Filing Fee		
TOTAL ►		15.00

CASH

CHECK NUMBER

OTHER

106097358390 MO

Candace Dale
SIGNATURE OF COLLECTING EMPLOYEE

SHSA

SIGNATURE OF COLLECTING EMPLOYEE

POSITION TITLE

CHENED #13

RECEIPT NO.

DEPARTMENT

0919151871:3060 97358390 90

[illegible]



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

CHINLE
AGENCY

August 8, 2013
DATE

I certify that MARTHA BEGAY is listed on the Navajo Indian Census Roll, dated
January 01, 1940, which is an official record of this office as being of 4/4 Degree Navajo
Indian blood, with Roll Number, _____, Date of Birth _____.

Record: SEPTEMBER 23, 1963

[Signature]
Vital Statistics Manager
ON 12

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

NAVAJO NATION OFFICE OF VITAL RECORDS & IDENTIFICATION
P.O. BOX 3240 • Window Rock, ARIZONA 86515

NOTES:

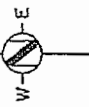
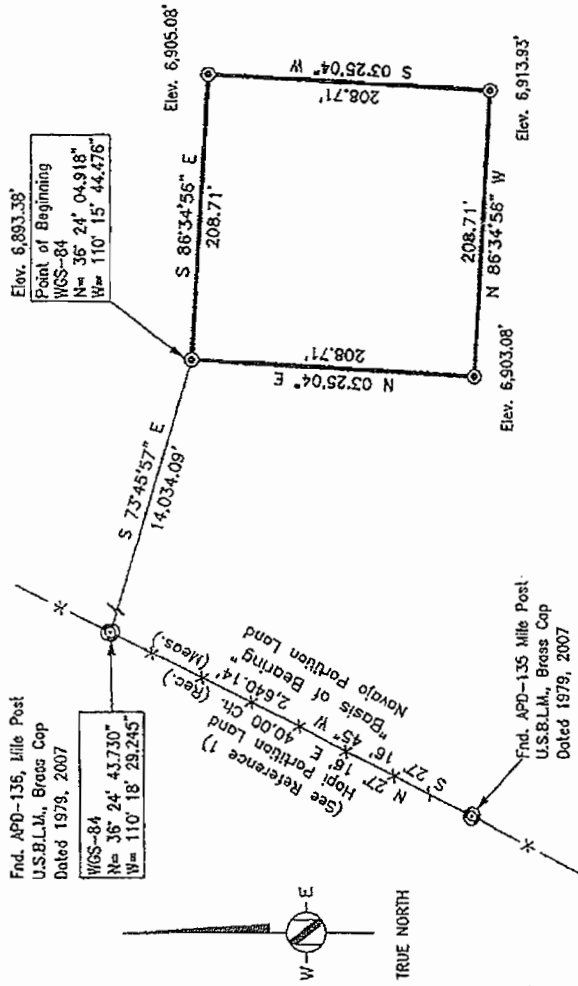
1. All Ground Distance Around Tract.
2. Latitude and Longitude are for Navigation Only.
3. Survey Performed using GPS RTK Methods.
4. Bearing reference True North at the "Basis of Bearing".
5. Homesite located on land held in Trust for the Navajo Tribe (TNT)
6. Elevation Shown for Informational Purposes Only. Not for Construction Use.

Find. APD-136, Little Post
U.S.B.L.M., Brass Cap
Dated 1979, 2007

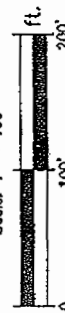
WGS-84
N= 36° 24' 43.730"
W= 110° 18' 29.245"

Point of Beginning
WGS-84
N= 36° 24' 04.918"
W= 110° 15' 44.476"

TNT (See Notes 5)



Scale: 1" = 100'



- Legend:
- = Fence Post
 - ⊙ = U.S.B.L.M., Brass Cap
 - ⊙ = Lot Boundary
 - ⊙ = 1/2" Rebar (Set) with Blue Plastic Cap PLS # 51013
 - ⊙ = Set 5/8" Blue Cap PLS # 51013
 - ⊙ = Water Value
 - ⊙ = NTUA Powerpole
 - = Single Phase K.V. Powerline

REFERENCES:

1. APD-136 and APD-135 of Segment "D" filed at Navajo Land Dept. and Hopi Land Office.

LEGAL DESCRIPTION OF MARTHA BEGAY HOMESITE LEASE

A PARCEL OF LAND SITUATE WITHIN THE UNSURVEYED AREA OF PROTRACTED NORTHEAST (NE/4) OF SECTION 35, T35N, R19E, G&S.R.M., IN THE VICINITY OF FOREST LAKE, NAVAJO COUNTY, STATE OF ARIZONA AND WITHIN THE NAVAJO NATION LAND MANAGEMENT DISTRICT 4 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-136 MILEPOST, A FOUND U.S.B.L.M. (UNITED STATES BUREAU LAND MANAGEMENT) BRASS CAP DATED 1979, 2007 IN GOOD CONDITION:

WHENCE A FOUND U.S.B.L.M. BRASS CAP IN GOOD CONDITION DATED 1979, 2007 OF THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-135 MILEPOST HAVING A TRUE NORTH BEARING S 27° 16' 45" W, A DISTANCE OF 2,640.14 FEET AND THE BASIS OF BEARING;

THENCE S 73° 45' 57" E, A DISTANCE OF 14,034.09 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013 AND THE POINT OF BEGINNING;

THENCE S 86° 34' 56" E, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE S 03° 25' 04" W, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE N 86° 34' 56" W, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH BLUE PLASTIC CAP PLS No. 51013;

THENCE N 03° 25' 04" E, A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING;

BEING 1.00 ACRES(S) MORE OR LESS, IN AREA AS CALCULATED BY COMPUTER SOFTWARE AND BEING SUBJECT TO ALL EXISTING EASEMENTS FOR AND/OR OTHER EXISTING LEGAL RIGHTS OF POSSESSION LOCATED THEREIN.

SURVEY FOR THE BLACK MESA MINE.

SURVEYED: JULY 28, 2014



I, Lemont L. Yazzie, Sr., a duly qualified Professional Registered Land Surveyor under the laws of the State of Arizona do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision.

EXHIBIT "A"

BOUNDARY SURVEY PLAT

MARTHA BEGAY, HOMESITE LEASE

1.00 ACRES +/-, DISTRICT 4, NAVAJO INDIAN RESERVATION

PROTRACTED AREA OF THE NE/4 OF SEC. 35, T35N, R19E, G&S.R.M.
FOREST LAKE, NAVAJO COUNTY, ARIZONA

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN
AFFAIRS NAVAJO AGENCY AND NAVAJO NATION

FOR OFFICE USE ONLY

Field Clearance _____ Consent _____ Filing Fee _____ Certificate of Indian Blood
Land Status _____ Reviewed By: _____ Date: _____

HOMESITE LEASE APPLICATION FORM

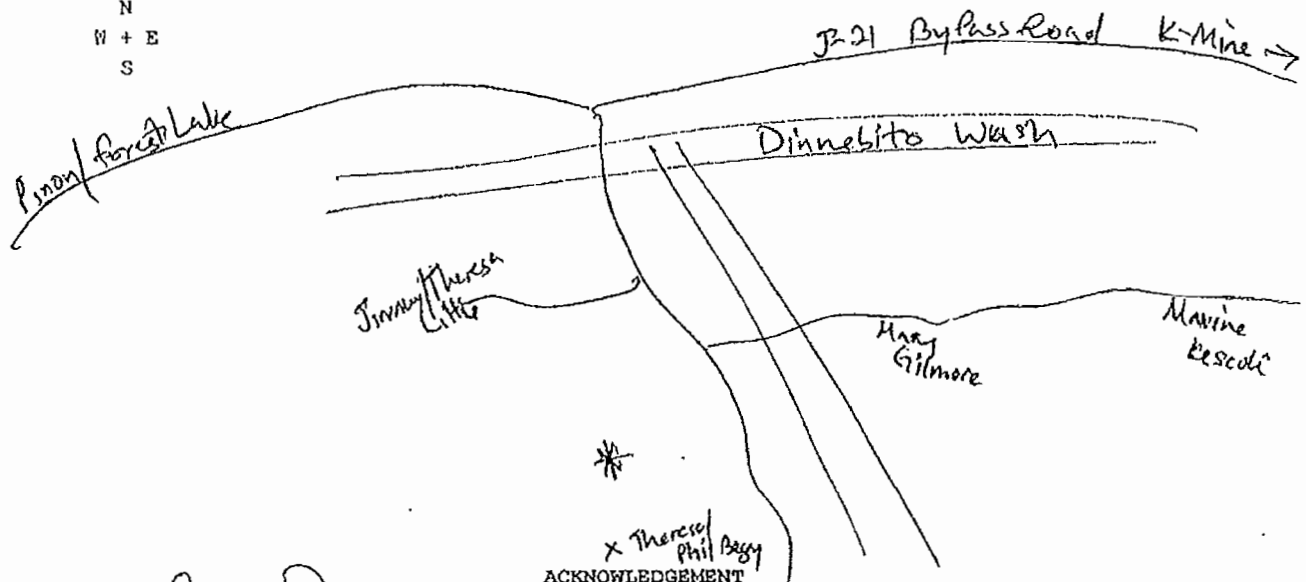
DATE: _____
NAME: Martha Begay CENSUS NO. _____ AGE: _____
NAME: _____ CENSUS NO. _____ AGE: _____
ADDRESS: P.O. Box _____, Kayenta, AZ 86033
PHONE NO: (928) _____ OFFICE: _____

I, (We) hereby apply for one acre or less of Navajo Tribal Land for a homesite
lease from the Navajo Nation for the purpose of developing a private dwelling for
the term of sixty-five (65) years within: SECTION _____ TOWNSHIP _____ RANGE _____

CHAPTER: Forest Lake STATE: AZ
COUNTY: Navajo AGENCY: Chinle
GRAZING DISTRICT: 4 UNIT: _____

Draw map showing the location and direction to the proposed site.

N
W + E
S



X Theresa Phil Begay
ACKNOWLEDGEMENT

Theresa Begay
LOCAL GRAZING OFFICIAL FARM BOARD MEMBER

October 27, 2014
DATE

FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION

I, IRENE BEZAYE, Grazing Committee Member of Grazing Management District 4, community of FORBIST LAKE chapter have identified the following individuals as landuse or grazing permittee(s) who are directly affected by the propose homesite development as illustrated and proposed by the following homesite lease application(s):

Martha Bezay
Homesite Lease Applicant

Homesite Lease Applicant

AUTHORIZED GRAZING/LANDUSE PERMITTEE

(THIS IS NOT A CONSENT FORM)

	NAME	CENSUS NO.	PERMIT NO.
1.	<u>MAXINE KESCOLI</u>	<u> </u>	<u>4-438</u>
2.	<u> </u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>

REMARKS: NPL grazing permits are cancelled.

CERTIFICATION

According to my records and to the best of my knowledge the list of the affected permittee(s) referenced above includes all of the permitted land users who are directly affected by the proposed homesite development.

Irene Bezay
Local Grazing Official

October 27, 2017
Date

**GRAZING COMMITTEE MEMBER
CERTIFICATION**

I certify that the proposed homesite location for applicant(s) name below does not involve any Permittee according to my records and to the best of my knowledge.

Applicant (s) Martha Begay _____
Name Census#

Applicant (s) _____
Name Census

10-7-2014
Date

Shirley Begay
Grazing Committee Member
District No. 4

Remarks: Existing permanent structure, roads, and
utility line. NPL grazing permits are cancelled.

NOTE*** GRAZING COMMITTEE MEMBER WILL SIGN THIS FORM, ONLY IF THE GRAZING PERMITS ARE CANCEL OR NO LANDUSERS WITHIN THE PROPOSE SITE.

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

Martha Boyer

LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelagation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

Martha Boyce
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

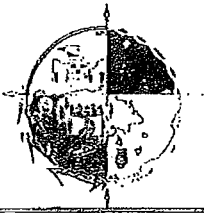
WITNESSES:

Martha Begay
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelagation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-14-465 - REVISED
<input checked="" type="checkbox"/> NNAD	OTHER PROJECT NO.: NNAD 14-079

PROJECT TITLE: A Cultural Resources Inventory of a One Acre Homelste and Access Road for Marla Begay on Forest Lake, Navajo County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Marie Shepherd, Peabody Western Coal Company, PO Box 650, Kayenta, Arizona 86033

PROJECT DESCRIPTION: The proposed undertaking will involve the homelste lease approval and/or construction of a home along with the installation of associated facilities/utilities within the 1.0-acre homelste lease area. The access road measures 117-ft with a 30-ft wide right-of-way. The area of effect is therefore, 1.08-acre. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Forest Lake

LOCATIONS: T. 35 N, R. 19 E - Sec. 35, Yucca Hill Quadrangle, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Harriett K. Sandoval

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 05/28/14

DATE OF REPORT: 07/07/14

TOTAL ACREAGE INSPECTED: 3.14-ac Total (2.88-ac. Homelste; 0.26-ac. Access Road)

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: December 11, 2014 - Revised

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No

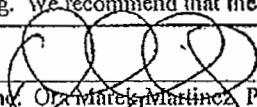
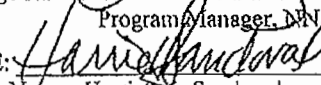
 12-15/14
The Navajo Nation
Historic Preservation Office
Date

Navajo Region Approval

☒ Yes ☐ No

 12/23/14
BIA - Navajo Regional Office
Date

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.										
4. TITLE OF REPORT: NNAD 14-079: <i>A Cultural Resources Inventory of a Proposed One Acre Homestead and Access Road for Martha Begay on Black Mesa, Navajo County, Arizona.</i>		5. FIELDWORK DATE: 05/28/2014										
Author(s): Harriett K. Sandoval		6. REPORT DATES: 06/10/2014 - 07/07/2014										
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Linda Laughing, ASO/Acting Department Manager III Org. Name: Navajo Nation Archaeology Department Org. Address: P.O. Box 689 Window Rock, Arizona 86515 Telephone: (928) 871-6540		8. PERMIT NO. Navajo Tribal Code										
		9. CONSULTANT REPORT NO. NNAD 14-079										
10. SPONSORING ORGANIZATION NAME AND ADDRESS: Ind. Responsible: Marie Shepherd, P.E. Org. Name: Sr. Manager - Environmental Org. Address: Peabody Western Coal Company P.O. Box 650 Kayenta, AZ 86033 Telephone: (928) 677-5171		11. SPONSOR PROJECT NO. N/A										
		12. AREA OF EFFECT: 1.00 ac/.40 ha (Homestead) 0.08 ac/.03 ha (Access road) AREA SURVEYED: 2.88 ac/1.17 ha (200' Radius) 0.26 ac/0.10 ha (Access road)										
13. LOCATION (MAP ATTACHED): Figure 1.												
<table border="0"> <tr> <td>a. Chapter: Forest Lake</td> <td>f. UTM Coordinates: (vacant lot-centerpoint)</td> </tr> <tr> <td>b. Agency: Chinle Central</td> <td>a. NW corner NAD83 - N4028691, E566173</td> </tr> <tr> <td>c. County: Navajo</td> <td>g. Legal Location: T35N, R19E; Sec. 35 (T,R&Sec. Projected; Unplatted)</td> </tr> <tr> <td>d. State: Arizona</td> <td>h. USGS 7.5' Maps are: <i>Yucca Hill</i>, Arizona 1968</td> </tr> <tr> <td>e. Land Status: Navajo Tribal Trust</td> <td>i. Lead Agency: Peabody Western Coal Company</td> </tr> </table>			a. Chapter: Forest Lake	f. UTM Coordinates: (vacant lot-centerpoint)	b. Agency: Chinle Central	a. NW corner NAD83 - N4028691, E566173	c. County: Navajo	g. Legal Location: T35N, R19E; Sec. 35 (T,R&Sec. Projected; Unplatted)	d. State: Arizona	h. USGS 7.5' Maps are: <i>Yucca Hill</i> , Arizona 1968	e. Land Status: Navajo Tribal Trust	i. Lead Agency: Peabody Western Coal Company
a. Chapter: Forest Lake	f. UTM Coordinates: (vacant lot-centerpoint)											
b. Agency: Chinle Central	a. NW corner NAD83 - N4028691, E566173											
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d. State: Arizona	h. USGS 7.5' Maps are: <i>Yucca Hill</i> , Arizona 1968											
e. Land Status: Navajo Tribal Trust	i. Lead Agency: Peabody Western Coal Company											
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / / OR PRELIMINARY REPORT / /												
<p>A. Description of Undertaking: The client proposes to construct a house with associated utility facilities within a one acre homestead lease area and an access road leading to the homestead location. Both surface and subsurface ground disturbance activities will be intensive and extensive. The area of potential effect for the homestead is approximately 1 ac/.40 ha; and area of effect for the access road is 0.08 ac/.03 ha.</p> <p>B. Existing Data Review: A check of Navajo Nation Historic Preservation Department (NNHPD) archival records reports indicate that no archaeological projects have been conducted within a 328 ft (100 m) radius of the project area. A TCP database check at the NNHPD revealed that there are no TCPs located in the vicinity of the project area. See the attached "Traditional Cultural Property (TCP) Record Search Verification Form."</p> <p>C. Area Environmental & Cultural Setting: The project is located within Forest Lake Chapter, which is located approximately 6.5 mi (10.4 km) south of the project area. The nearest water source is Dinnebito Wash located approximately 1.9 mi (3.04 km) to the west of the project area. The elevation of the area is 6,787 ft (2,069 m). Vegetation includes pinon, juniper, sage, snakeweed, Russian thistle, and various grasses. The cultural setting is rural, with surrounding multiple scattered homesteads, rolling hills of bed rock, and eolian sand dunes.</p> <p>D. Field Methods: Harriett K. Sandoval, Senior Archaeologist, conducted a Traditional Cultural Properties (TCP) interview with the client's mother, Alice Begay. Mrs. Begay stated there are no TCPs and no burials in the vicinity of the project area for the homestead lease location. A Class III pedestrian survey was conducted by walking concentric transects spaced 15 m (45 ft) apart for a 200 ft (61 m) radius around the homestead area, and parallel transects for the 117 ft (35 m) access road with a survey width of 100 ft (30 m). The area of effect for the homestead measures approximately 43,560 sq ft (4,046 sq m) or 1 ac/.40 ha; and the area surveyed is approximately 125,664 sq ft (11,674 sq m) or 2.88 ac (1.17 ha). For the access road, the area of effect is 3,510 sq ft (326 sq m) or 0.08 ac/.03 ha, and the area surveyed is approximately 11,700 sq ft (1,086 sq m) or 0.26 ac/0.10 ha. The total area surveyed for this project is approximately 137,364 sq ft (12,761 sq m) or 3.15 ac/1.27 ha.</p>												
15. CULTURAL RESOURCE FINDINGS:												
A. Location/Identification of Each Resource: No cultural resources were encountered during the survey.												
B. Evaluation of Significance of Each Resource: No cultural resources were encountered during the survey.												
16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking. We recommend that the client be allowed to proceed with construction as planned.												
17. CERTIFICATION:												
SIGNATURE: 		DATE: 7/9/14										
General Charge Name: Ora Martez Martinez, Ph.D. Program Manager, NNAD												
SIGNATURE: 		DATE: 7/9/14										
Direct Charge Name: Harriett K. Sandoval Senior Archaeologist, NNAD-NAU												

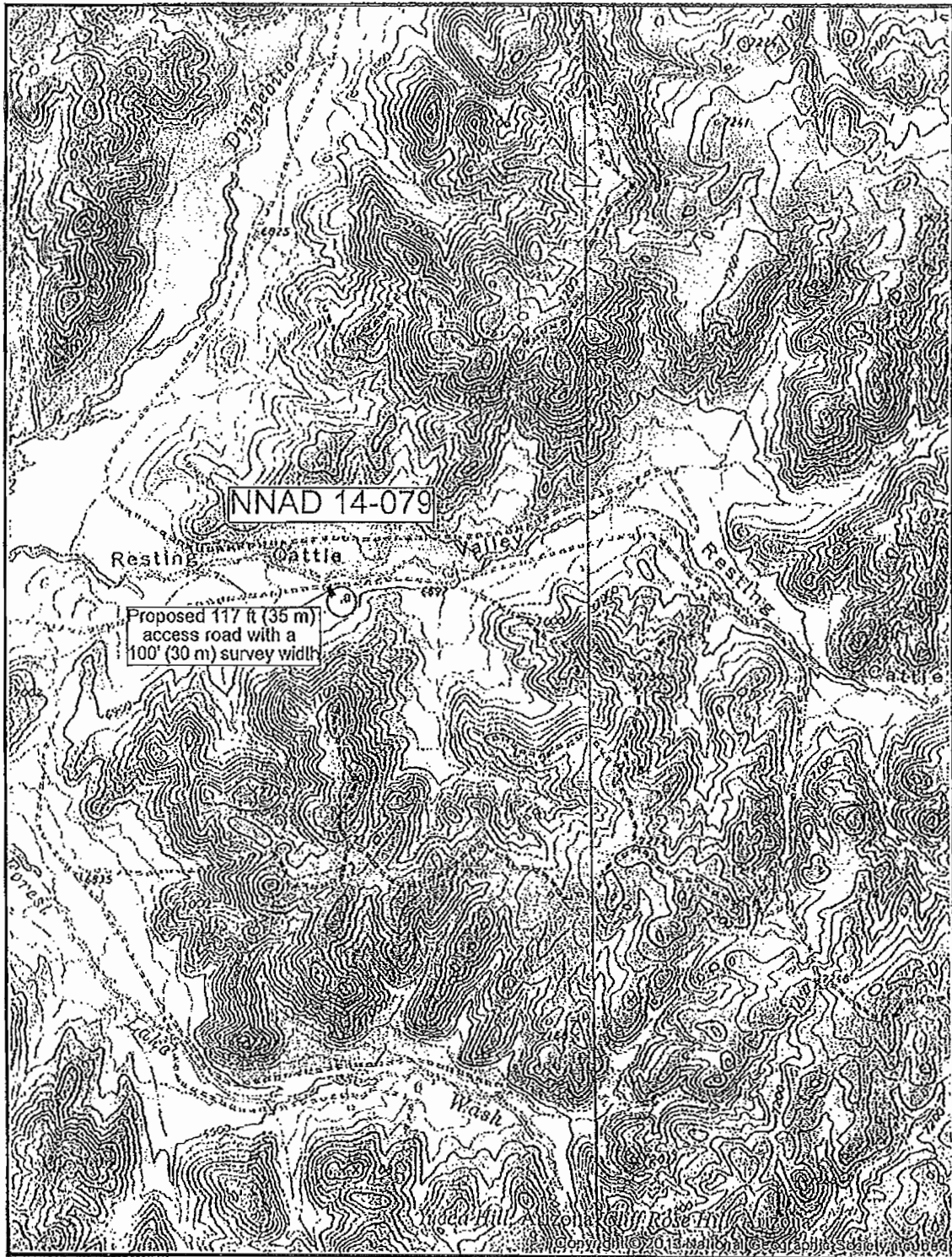


Figure 1. Specific Project Location of NNAD 14-079: A Cultural Resources Inventory of a Proposed One Acre Homesite for Martha Begay on Black Mesa, Navajo County, Arizona. USGS 7.5' map is Yucca Hill, Arizona 1968.

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW

PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996
Website: www.navajonationepa.org

October 13, 2014

Jarvis T. Williams
Manager – Navajo Tribal Relations
PO Box 650
Kayenta, Arizona 86033

**REPLY: Martha Begay, Protracted NW/4 of Section 35, T35N, R19E, G&SRM, Forest
Lake, Navajo County, Arizona; LAT/LONG 36°24'04.918N 110°15'44.476"W**

Mr. Williams,

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *approval* for the proposed ± 1.00 acre homesite lease to Martha Begay. The proposed homesite lease action will not significantly impact the Navajo Nation's environmental resources. Any utility extensions right-of-way(s) will require a complete environmental assessment(s). Any new access road(s) will require cultural, biological and environmental resources clearance before blading and/or clearing the land surface. This environmental clearance is only for the 1.00 acre homesite lease. The Bureau of Indian Affairs Real Estate may proceed with a Categorical Exclusion for the proposed homesite lease action.

If you have any questions, please contact me at 928/871-7188. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rita".

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Environmental Review
Office of Executive Director/Administration
Navajo Nation EPA

Cc: Caroline Dale, Senior Homesite Agent/Program Supervisor, Division of Natural Resources, Navajo Land
Department, Chinle/Central Homesite Lease Office

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.: Martha Begay Homesite

DESCRIPTION: Proposed 1.00± acre home site.

LOCATION: UTM: 566173E 4028691N (NAD83), Forest Lake, Navajo County, Arizona

REPRESENTATIVE: Marie Shepherd, P.E., Sr. Manager - Environmental, Peabody Western Coal Company

ACTION AGENCY: NLD and BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/26 JUN 2014/Marie Shepherd

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

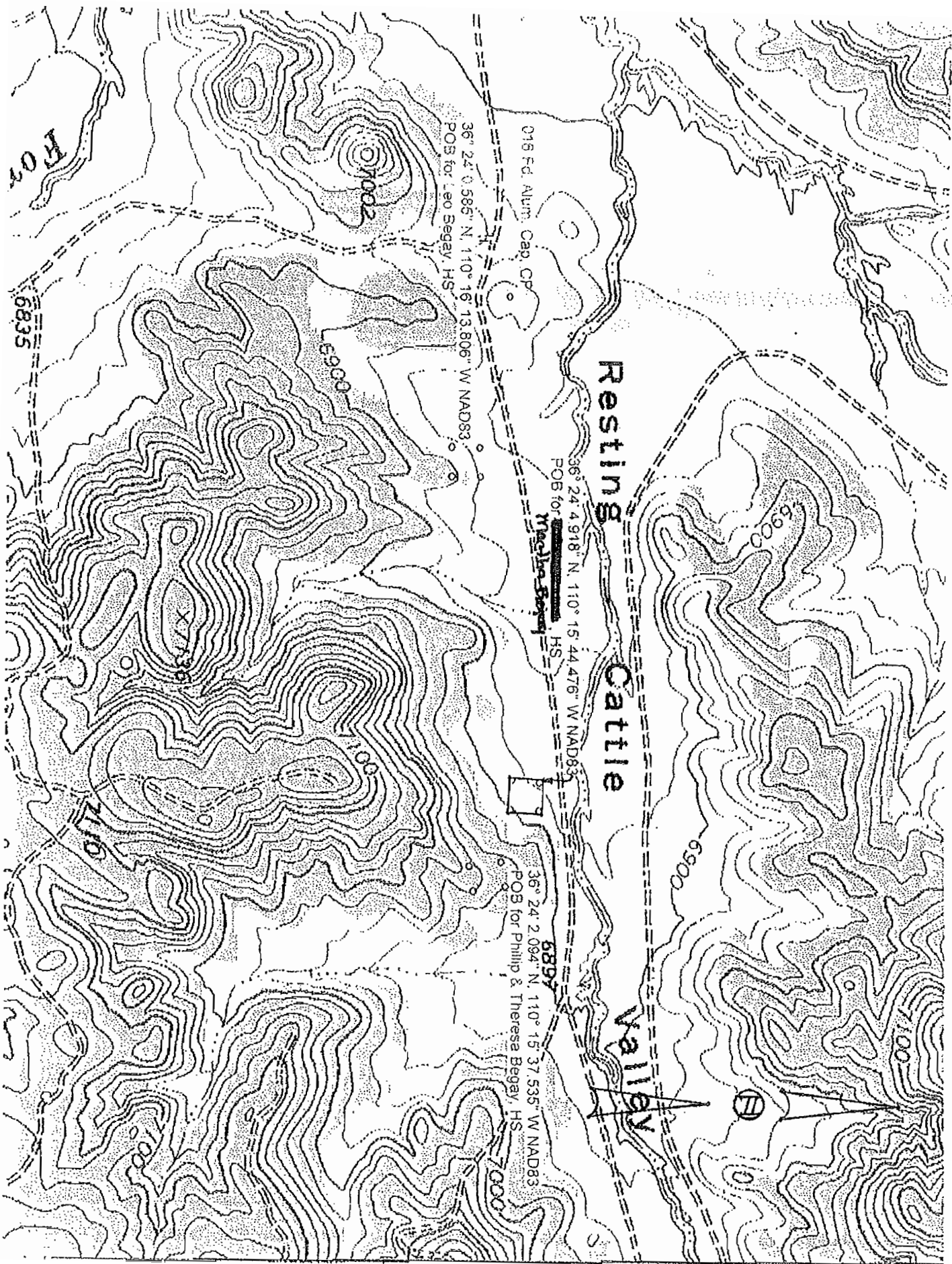
FORM PREPARED BY / DATE: Pamela A. Kyselka/27 JUN 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

<p><u>2 NTC § 164 Recommendation:</u></p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Conditional Approval (with memo)</p> <p><input type="checkbox"/> Disapproval (with memo)</p> <p><input type="checkbox"/> Categorical Exclusion (with request letter)</p> <p><input type="checkbox"/> None (with memo)</p>	<p>Signature _____</p> <p>Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife</p>	<p>Date _____</p> <p>6/30/14</p>
---	--	----------------------------------

<p>*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.</p>	
<p>Representative's signature <u>Martha Begay</u></p>	<p>Date <u>6-17-14</u></p>



Resting

Cattle

Valley

015 Fd. Alum. Cap. CP

36° 24' 0.586" N, 110° 16' 13.806" W NAD83
POB for Leo Begay, HS

36° 24' 4.918" N, 110° 15' 44.476" W NAD83
POB for ~~Leo Begay~~ HS

36° 24' 2.094" N, 110° 15' 37.535" W NAD83
POB for Philip & Theresa Begay, HS

F01

6835

6900

6900

6900

7100

7000

7100

7000

7100

7000

6897

7000

7000

THE NAVAJO NATION

WINDOW ROCK ARIZ. 86515

DATE 11/3/14 RECEIPT NO. 1012556

BOOK NO. 20210 VENDOR NO. [39-45]
[33-38] [17-21]

RECEIVED FROM NAME Martha Segay
ADDRESS Box 1362 Kayenta, Az

fifteen AND 15 DOLLARS (\$ 15.00)
REMITTANCE, IF NOT IN CASH, IS ACCEPTED, SUBJECT TO COLLECTION.

DESCRIPTION	ACCOUNT NO. [49-55]	AMOUNT [58-66]
Homesite	107005	15.00
Lease	1375	
Filing fee		
TOTAL ►		15.00

CASH

CHECK NUMBER

OTHER

Caroline Dale
SIGNATURE OF COLLECTING EMPLOYEE
CHRYSLER #13
DEPARTMENT

SHS.A.
POSITION TITLE

RECEIPT NO.

[illegible]

FORM 200RL
April, 2000

UNITED STATES
DEPARTMENT OF THE INTERIOR

LEASE NO.
34768

Bureau of Indian Affairs
and
THE NAVAJO NATION

HOMESITE LEASE
(Tribal Member Only)
(Trust or Restricted Land Only)

THIS LEASE is made and entered into by and between THE NAVAJO NATION, P. O. Box 9000, Window Rock, Navajo Nation (Arizona) 86515, ("Lessor"), and **MARLENE MAE RUSSELL**, C# _____ and **KEE RUSSELL**, C# _____ whose address is **POST OFFICE BOX _____ KAYENTA, ARIZONA 86033** ("Lessee") in accordance with 2 N.N.C. §695(B)(4)(i) and Resolution No. RCD-289-93 of the Resources Committee of the Navajo Nation Council, the provisions of 25 U.S.C. §415, as implemented by the regulations contained in 25 C.F.R. Part 162, and all amendments or successors thereto, which by this reference are made a part hereof. In the event this Lease is held by two or more persons, it shall be held in the following tenure:

Joint Tenancy with right of survivorship
WITNESSETH:

1. **DEFINITIONS.** (A) "Secretary" means the Secretary of the Interior or his duly authorized representative or successor.

(B) "Approved Encumbrance" means an encumbrance approved in writing by the Secretary and Lessor. "Encumbrancer" means the owner and holder of an Approved Encumbrance, or either of them.

2. **LEASED PREMISES.** For and in consideration of the rents, covenants, agreements, terms and conditions contained herein, Lessor hereby leases to Lessee all that tract or parcel of land situated within the **Forest Lake** Chapter of the Navajo Nation, (County of **Navajo**, State of **Arizona**) which is more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof, containing approximately **1.00** acre(s), more or less, subject to any prior, valid existing rights-of-way. There is hereby reserved and excepted from the leased premises rights-of-way for utilities constructed by or on authority of Lessor.

3. **USE OF LEASED PREMISES.** (A) Lessee shall develop, use and occupy the leased premises for residential purposes only and said premises shall not be used for any other purpose. Lessee may construct, improve and maintain a dwelling and related structures on the leased premises and may otherwise develop, use or occupy said premises for residential purposes only.

(B) Lessee agrees not to use or cause to be used any part of the leased premises for any unlawful conduct or purpose.

4. **TERM.** Lessee shall have and hold the leased premises for a term of sixty-five (65) years, beginning on the date of approval of this Lease by the Secretary. This Lease may be renewed for an additional term of up to twenty-five (25) years, provided that this Lease is in good standing. Lessee shall give written notice of intent to renew this Lease to the Director of the Navajo Land Department, or its successor, at least six (6) months, but no more than twelve (12) months, prior to the expiration date of this Lease. Renewal of this Lease is subject to the approval of Lessor and the Secretary and to the provisions of Navajo Nation law and the regulations contained at 25 C.F.R. Part 162, including all amendments and successors thereto.

5. **RENT.** (A) In consideration of the foregoing and the terms and conditions of this Lease, Lessee hereby covenants and agrees to pay Lessor, in lawful money of the United States, an annual rental of One Dollar (\$1.00). In accordance with 25 C.F.R. §162.5(b)(2), only nominal rental is provided for herein because this Lease is for homesite purposes to a Tribal member and the leased premises are not commercial or industrial in character. Lessee agrees that there shall be no adjustment of the rental required herein in the event that this Lease is terminated before its term otherwise would expire or in the event that any part of the leased premises is taken under the laws of eminent domain.

(B) Rental payments are due and payable on or before the effective date of this Lease and thereafter on or before each anniversary date of this Lease. Lessee may pay the total amount due at any time prior to the expiration of this Lease. Rental payments shall be made by check or money order made out to the Navajo Nation, and shall be paid at the local Navajo Land Department Homesite Section Office, or at such other location as Lessor hereafter may designate in writing. Failure to make rental payments when due shall constitute a default under this Lease.

(C) While the leased premises are in trust or restricted status, the Secretary in his discretion may suspend the direct rental payment provisions of this Lease, in which event the rental payments provided for herein shall be paid directly to the Secretary. Lessor, Lessee and an Encumbrancer, if any, shall be notified of any such change in the direct rental provisions of this Lease.

6. **DEVELOPMENT OF LEASED PREMISES;IMPROVEMENTS.**

(A) Lessee shall develop the leased premises within two (2) years of the effective date of this Lease. Prior to the expiration of said period, Lessee may request in writing from Lessor an extension of the development period for a period not to exceed two (2) additional years. Lessor shall not unreasonably withhold approval of such request. Failure to develop the leased premises in accordance with this provision shall constitute a default under this Lease.

(B) All buildings and other improvements now existing, or hereafter constructed on the premises, shall be the leasehold property of Lessee during the term of this Lease, including any renewal thereof.

(C) Lessee is hereby specifically authorized to enter into appropriate service line agreements with utility companies for the provision of utility services to the leased premises, including gas, water, sewer, electricity, telephone, television and other utilities, without further consent by Lessor, on the condition that:

(1) such agreements are for the sole purpose of supplying utility services to the leased premises;

(2) such agreements authorize utility service lines only within the leased premises;

(3) such agreements do not extend beyond the term of this Lease, including any extensions thereof;

(4) executed copies of such agreements, together with plats or diagrams showing with particularity the location, size and extent of such service lines, are filed by the utility companies with the Lessor and with the Secretary within thirty (30) days of their execution; and

(5) such agreements are otherwise in accordance with the provisions of 25 C.F.R. §169.22, including any amendments or successors thereto.

Nothing contained herein shall be construed to limit the right of Lessor to enter into service line agreements with utility companies for service lines across the leased premises, nor otherwise to affect the rights-of-way reserved to Lessor in Section 2 of this Lease.

7. DELIVERY OF PREMISES; CUSTOMARY USE RIGHTS. (A) Subject to the provisions of subsection (B) below, upon expiration or termination of this Lease, Lessee shall peaceably and without legal process deliver up possession of the leased premises to Lessor, including all improvements thereon, in good condition, usual wear and tear excepted.

(B) In the event that Lessee holds customary use rights to the leased premises under the laws and customs of the Navajo Nation at the beginning date of this Lease, and has not otherwise transferred, surrendered, or abandoned such customary use rights during the term of this Lease, then upon the expiration or termination of this Lease, Lessee shall be entitled to possession of the leased premises, including all improvements thereon, in accordance with the laws and customs of the Navajo Nation.

8. **INHERITANCE.** This Lease may be transferred by will or by intestate succession in accordance with the laws and customs of the Navajo Nation, including all amendments and successors thereto.

9. **ASSIGNMENT.** This Lease may be assigned with the prior written approval of Lessor and the Secretary, subject to the laws of the United States and the Navajo Nation, including all amendments and successors thereto. No assignment of this Lease or any interest therein shall be valid and binding without such prior written approval. In the event this Lease or any interest therein is mortgaged or pledged as security for a loan, approval of any subsequent assignment shall be required by the lender, sureties, and loan guarantors, if any.

10. **ENCUMBRANCE.** (A) This Lease or any interest therein may not be encumbered without the prior written approval of Lessor and the Secretary, and no such encumbrance shall be valid without said prior approval. An Approved Encumbrance must be confined to the leasehold interest of Lessee, and shall not jeopardize in any way Lessor's interest in the land. Lessee agrees to furnish any requested financial statements or analyses pertinent to the proposed encumbrance that Lessor and the Secretary may deem necessary to justify the amount, purpose and terms of said proposed encumbrance.

(B) In the event of default by Lessee of the terms of an Approved Encumbrance, Encumbrancer may exercise any rights provided in such Approved Encumbrance, provided that prior to any sale of the leasehold, Encumbrancer shall give to Lessor and the Secretary written notice of the same duration as is required to be given to Lessee by the terms of such Approved Encumbrance and by applicable law. In the event of such default, Lessor shall have the following rights which may be exercised at any time prior to the completion of sale:

(1) To pay to Encumbrancer any and all amounts secured by the Approved Encumbrance, plus unpaid interest accrued to the date of such payment, plus expenses of sale incurred to the date of such payment.

(2) To assume the obligation secured by the Approved Encumbrance, including unpaid interest accrued to the date of such assumption plus expenses of sale incurred to the date of such assumption.

(3) To execute in favor of Encumbrancer a promissory note and a new encumbrance, which new encumbrance must be approved by the Secretary, for any and all amounts secured by the Approved Encumbrance, plus unpaid interest accrued to the date of such execution, plus expenses of sale incurred to the date of such execution, upon the same terms and conditions as originally

provided by the Approved Encumbrance, or upon such other terms and conditions as Lessor and the lender may agree, and paying to Encumbrancer the proceeds of the loan evidenced by such promissory note, and delivering to Encumbrancer a policy of title insurance in the face amount of such promissory note, issued by a reputable title insurance company acceptable to Encumbrancer, and insuring that the new encumbrance is a first lien upon the property described in this Lease, subject only to current taxes and to conditions, restrictions and reservations of record which are acceptable to Encumbrancer at the time of recording the new encumbrance.

(C) If Lessor exercises any of the above rights, all right, title and interest of Lessee in this Lease shall terminate and Lessor shall acquire this Lease; provided, however, that such termination shall not relieve Lessee of any obligation or liability which shall have accrued prior to the date of termination. Acquisition of this Lease by Lessor under these circumstances shall not serve to extinguish this Lease by merger or otherwise.

(D) If Lessor declines to exercise any of the above rights and sale of the leasehold under the Approved Encumbrance shall occur, the purchaser at such sale shall succeed to all of the right, title and interest of Lessee in this Lease. It is further agreed that if the purchaser at such sale is Encumbrancer or an agency of the United States which makes, insures or guarantees either the loan secured by the Approved Encumbrance or the Approved Encumbrance ("Federal Agency"), Encumbrancer or Federal Agency may sell and assign this Lease without any further approval by Lessor and the Secretary, provided that the assignee shall agree in writing to be bound by all the terms and conditions of this Lease. During such period of time Encumbrancer or Federal Agency retains title thereto, it may sublease the property for periods not to exceed one year in accordance with terms of the mortgage, notwithstanding any contrary provision contained within the Lease. If Encumbrancer or Federal Agency is the purchaser, it shall be required to perform the obligations of this Lease only so long as it retains title thereto. If the purchaser is other than Encumbrancer or Federal Agency, written approval by Lessor and the Secretary of any assignment shall be required and said purchaser shall agree in writing to be bound by all the terms and conditions of this Lease.

11. **DEFAULT.** (A) Time is declared to be of the essence in this Lease. Should Lessee default in any payment of monies when due under this Lease or be in violation of any other provision of this Lease, said violation may be acted upon by the Secretary in accordance with 25 C.F.R. Part 162, or any amendments or successors thereto.

(B) In addition to the rights and remedies provided by the aforementioned regulations, Lessor and the Secretary, either jointly or severally, may exercise the following options upon Lessee's default, subject to the provisions of subsection (D) below and subject to applicable law:

(1) Enforce, by suit or otherwise, Lessee's compliance with all terms of this Lease; or

(2) Re-enter the leased premises, if Lessee has abandoned the premises or has otherwise failed to use the leased premises for residential purposes, and remove all persons and property therefrom, and re-let the premises without terminating this Lease as the agent and for the account of Lessee, but without prejudice to the right to terminate the Lease thereafter, and without invalidating any right of Lessor or the Secretary, or Encumbrancer, if any, or any obligations of Lessee hereunder. The terms and conditions of such re-letting shall be in the sole discretion of Lessor, who shall have the right to alter and repair the premises as it deems advisable and to re-let with or without any equipment or fixtures situated thereon. Rents from any such re-letting shall be applied first to the expense of re-letting, collection, altering and repairing, including reasonable attorney's fees and any reasonable real estate commission actually paid, insurance, taxes and assessments and thereafter toward payment to liquidate the total liability of Lessee. Lessee shall pay to Lessor monthly when due, any deficiency and Lessor or the Secretary may sue thereafter as each monthly deficiency shall arise; or

(3) Take any other action authorized or allowed under applicable law.

(C) No waiver of a breach of any of the terms and conditions of this Lease shall be construed to be a waiver of any succeeding breach of the same or any other term or condition of this Lease. Exercise of any of the remedies herein shall not exclude recourse to any other remedies, by suit or otherwise, which may be exercised by Lessor or the Secretary, or any other rights or remedies now held or which may be held by Lessor in the future.

(D) Lessor and the Secretary, as the case may be, shall give to an Encumbrancer a copy of each notice of default by Lessee at the same time as such notice of default shall be given to Lessee. Lessor and the Secretary shall accept performance by an Encumbrancer of any of Lessee's obligations under this Lease, with the same force and effect as though performed by Lessee. An Encumbrancer shall have standing to pursue any appeals permitted by applicable federal or Navajo Nation law that Lessee would be entitled to pursue. Neither Lessor nor the Secretary shall terminate this Lease if an Encumbrancer has cured or is taking action diligently to cure Lessee's default or has commenced and is pursuing diligently either a foreclosure action or an assignment in lieu of foreclosure, or has assigned, filed and is diligently pursuing a claim under a guarantee of an approved encumbrance by Federal Agency.

12. **SANITATION.** Lessee hereby agrees to comply with all applicable sanitation laws, regulations or other requirements of the United States and the Navajo Nation. Lessee agrees to dispose of all solid waste in compliance with applicable federal and Navajo Nation law either in an approved sanitary landfill or transfer station, or with a commercial sanitary collection service. Lessee further agrees at all times to maintain the entire leased premises in a safe and sanitary condition, presenting a good appearance both inside and outside the leased premises.

13. **HAZARDOUS SUBSTANCES.** Lessee shall not cause or permit any hazardous substance to be used, stored, generated or disposed of on or in the leased premises without the prior written approval of Lessor, which approval may be given, given upon conditions, or denied in the sole discretion of Lessor and Encumbrancer, if any, respectively; provided, that Lessee may use or store or permit to be used on or in the leased premises small amounts of hazardous substances that generally are recognized to be appropriate to normal residential uses and to maintenance of the leased premises.

14. **TERMINATION OF FEDERAL SUPERVISION.** Nothing contained in this Lease shall operate to delay or prevent a termination of federal responsibilities with respect to the leased premises by the issuance of a fee patent, or otherwise, during the term of this Lease, however, such termination shall not serve to abrogate this Lease. Lessor and Lessee and an Approved Encumbrancer, if any, shall be notified of any such change in the status of the leased premises.

15. **INTEREST OF MEMBER OF CONGRESS.** No member of or delegate to Congress or any Resident Commissioner shall be admitted to any share or part of this Lease or to any benefit that may arise herefrom.

16. **OBLIGATIONS TO THE UNITED STATES.** It is understood and agreed that while the leased premises are in trust or restricted status, all of Lessee's obligations under this Lease are to the United States as well as to Lessor.

17. **EMINENT DOMAIN.** If the leased premises or any part thereof is taken under the laws of eminent domain at any time during the term of this Lease, Lessee's interest in the leased premises or the part of the leased premises taken shall thereupon cease. Compensation awarded for the taking of the leased premises or any part thereof, including any improvements located thereon, shall be awarded to Lessor and Lessee as their respective interests may appear at the time of such taking, provided that Lessee's right to such awards shall be subject to the rights of an Encumbrancer under an Approved Encumbrance.

18. **MINERALS.** All minerals, including sand and gravel, contained in or on the leased premises are reserved for the use of Lessor. Lessor also reserves the right to enter upon the leased premises and search for and remove minerals located on the property, paying just compensation for any damage or injury caused to Lessee's personal property or improvements constructed by Lessee.

19. **GOVERNING LAW AND CHOICE OF FORUM.** Except as may be prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of this Lease. Any action or proceeding brought by Lessee against the Navajo Nation in connection with or arising out of the terms and conditions of this Lease shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by Lessee against the Navajo Nation in any court of any state.

20. **CONSENT TO JURISDICTION; COVENANT NOT TO CONTEST JURISDICTION.** Lessee hereby consents to the jurisdiction of the Navajo Nation, including its legislative, judicial and regulatory jurisdiction, including but not limited to jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by Lessee in the Navajo Nation or which have a proximate legal effect on persons or property within the Navajo Nation. Lessee hereby covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing in this Section shall be construed to negate or impair federal responsibilities with respect to the leased premises or to the Navajo Nation.

21. **NO WAIVER OF SOVEREIGN IMMUNITY.** Nothing in this Lease shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.

22. **SUCCESSORS AND ASSIGNS.** The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators and agents, including all contractors and subcontractors, of Lessee. Except as the context otherwise requires, the term "Lessee," as used in this Lease, shall be deemed to include all such successors, heirs, assigns, executors, administrators and agents.

23. **NOTICES.** All notices, payments and demands shall be in writing, and shall be sent to the parties hereto at the respective addresses herein recited or to such other addresses as the parties may hereafter designate in writing. Copies of all notices and demands shall be sent to the Secretary.

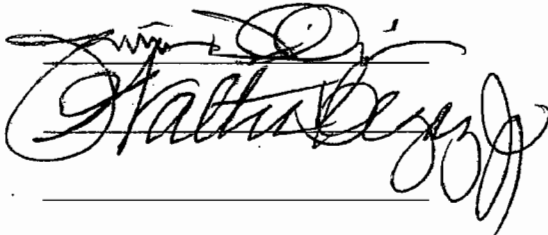
24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

29 Aug 14
Date

THE NAVAJO NATION, LESSOR

By: 
Director, Navajo Land Department

WITNESSES:



Marlene Mae Russell
LESSEE



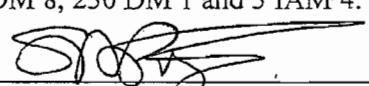
x Kee Russell Jr
LESSEE

APPROVED:

DEC 03 2014

(Date)

Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.


Regional Director, Navajo Region
Bureau of Indian Affairs

LEGAL DESCRIPTION OF
KEE & MARLENE MAE RUSSELL

A PARCEL OF LAND SITUATE WITHIN THE UNSURVEYED AREA OF PROTRACTED NORTHWEST (NW/4) OF SECTION 4, T34N, R19E, G&S.R.M., IN THE VICINITY OF FOREST LAKE, NAVAJO COUNTY, STATE OF ARIZONA AND WITHIN THE NAVAJO NATION LAND MANAGEMENT DISTRICT 4 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-133 MILEPOST, A FOUND U.S.B.L.M. (UNITED STATES BUREAU LAND MANAGEMENT) BRASS CAP DATED 1978, 2007 IN GOOD CONDITION;

WHENCE A FOUND U.S.B.L.M. BRASS CAP IN GOOD CONDITION DATED 1978, 2007 OF THE NAVAJO HOPI PARTITION BOUNDARY LINE AT SEGMENT "D" APD-132 MILEPOST HAVING A TRUE NORTH BEARING S 14° 45' 02" E, A DISTANCE OF 2,374.86 FEET AND THE BASIS OF BEARING;

THENCE S 58° 00' 50" E, A DISTANCE OF 6,095.37 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894 AND THE POINT OF BEGINNING;

THENCE N 73° 44' 45" E, A DISTANCE OF 55.45 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894;

THENCE S 61° 56' 35" E, A DISTANCE OF 162.76 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894;

THENCE S 25° 31' 44" W, A DISTANCE OF 256.10 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894;

THENCE NORTHWESTERLY ALONG THE NORTHEAST BOUNDARY OF ANNA MAE GILMORE HOMESITE, N 54° 23' 03" W, A DISTANCE OF 167.98 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894;

THENCE NORTHEASTERLY ALONG THE EAST BOUNDARY OF ANNA MAE GILMORE HOMESITE, N 25° 28' 06" E, A DISTANCE OF 77.97 FEET TO A 5/8" REBAR (FND.) WITH RED PLASTIC CAP PLS No. 29894;

THENCE N 07° 35' 24" E, A DISTANCE OF 125.02 FEET TO THE POINT OF BEGINNING;

BEING 1.00 ACRE(S) MORE OR LESS, IN AREA AS CALCULATED BY COMPUTER SOFTWARE AND BEING SUBJECT TO ALL EXISTING EASEMENTS FOR AND/OR OTHER EXISTING LEGAL RIGHTS OF POSSESSION LOCATED THEREIN.

RESURVEY FOR THE BLACK MESA MINE.

SURVEYED: APRIL 17, 2014



I, Lemont L. Yazzie Sr., a duly qualified Professional Registered Land Surveyor under the laws of the State of Arizona do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision.

EXHIBIT "A"

Expires 6/30/2016

BOUNDARY SURVEY PLAT

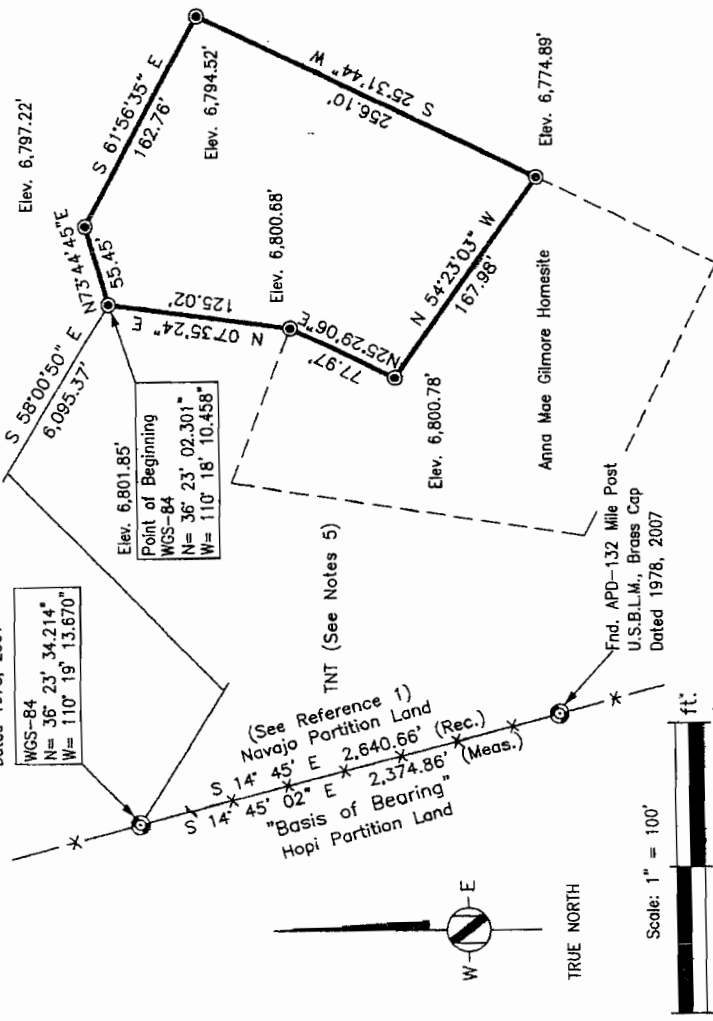
KEE & MARLENE MAE RUSSELL, HOMESITE LEASE

1.00 ACRES +/-, DISTRICT 4, NAVAJO INDIAN RESERVATION

PROTRACTED AREA OF THE NW/4 OF SEC. 4, T34N, R19E, G&S.R.M.
FOREST LAKE, NAVAJO COUNTY, ARIZONA

- NOTES:**
- All Ground Distance Around Tract.
 - Latitude and Longitude are for Navigation Only.
 - Survey Performed using GPS RTK Methods.
 - Bearing reference True North at the "Basis of Bearing"
 - Homesite located on land held in Trust for the Navajo Tribe (TNT)
 - Elevation Shown for Informational Purposes Only, Not for Construction Use.

Fnd. APD-133, Mile Post
U.S.B.L.M., Brass Cap
Dated 1978, 2007



REFERENCES:
1. APD-132 and APD-133 of Segment "D" filed at Navajo Land Dept. and Hopi Land Office.

- Legend:**
- = Fence Post
 - ⊙ = U.S.B.L.M., Brass Cap
 - = Lot Boundary
 - ⊙ = 5/8" Rebar (Fnd.) with Red Plastic Cap PLS # 51013
 - = Set Blue Cap PLS # 51013
 - = Water Value
 - = NTUA Powerpole
 - = Single Phase K.V. Powerline



IN REPLY REFER TO:
Real Estate Services

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Chinle Agency
Division of Real Estate Services
P.O. Box 7H
Chinle, Arizona 86503
(928) 674-5150 Fax (928) 674-5158

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Kee & Marlene Russell
P.O. Box
Kayenta, Arizona 86033

DEC 30 2014

Dear Mr. & Ms. Russell:

Enclosed is your homesite Lease which was finalized 12/03/14. Annual rental, as cited in Paragraph 5, may be submitted to the Chinle Navajo Land Office. Please contact the Chinle Navajo Land Office at (928) 674-2056, if you have any questions regarding the rental payments.

You are subject to the terms and conditions of the Navajo Nation Historic Preservation Department's archaeological clearance (NNHPD No. HPD-11-499.1). 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 at (928) 871-7132.

It is important that you read and understand your homesite lease thoroughly. Please safeguard your papers as they are legal documents. **Do not give this to anyone, always give a duplicate copy. Keep the original for your record.**

Sincerely,

Realty Specialist

Enclosure(s)

~~CC: Navajo Land Dept.~~



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

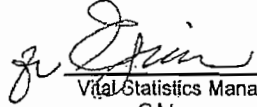
PART A (To be used if applicant is enrolled)

CHINLE
AGENCY

June 26, 2012
DATE

I certify that ALICE ROSE YAZZIE is listed on the Navajo Indian Census Roll, dated January 01, 1940, Which is an official record of this office as being of 4/4 Degree Navajo Indian blood, with Roll Number, , Date of Birth .

Record: JANUARY 25, 1944


Vital Statistics Manager
OAI

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

NAVAJO NATION OFFICE OF VITAL RECORDS & IDENTIFICATION
P.O. BOX 3240 ♦ Window Rock, ARIZONA 86515

FOR OFFICE USE ONLY

____ Field Clearance ____ Consent ____ Complete Application ____ Land Status
____ Filing Fee Reviewed by ____ Date ____

HOMESITE LEASE APPLICATION FORM

DATE: May 30, 2018

NAME: Alice R. Yarnie CENSUS NO. ____ AGE 70

NAME: ____ CENSUS NO. ____ AGE ____

ADDRESS: P.O. Box Kayenta, Arizona 86033

PHONE NO: ____ OFFICE: ____

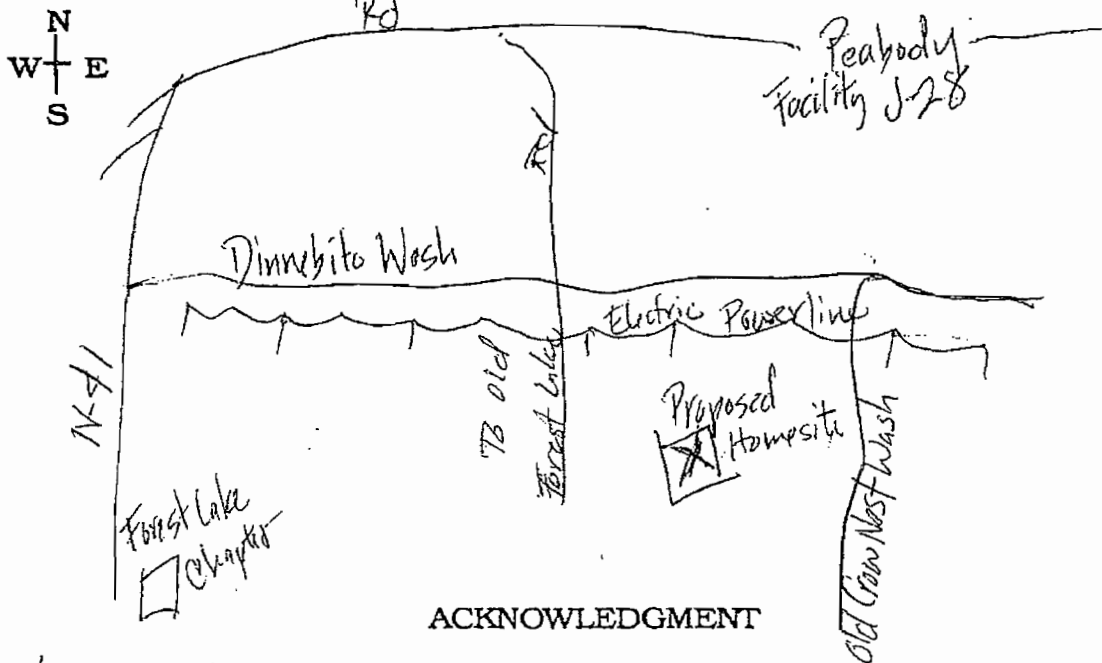
I, (We) hereby apply for one acre or less of Navajo Tribal Land for a homesite lease from the Navajo Nation for the purpose of development a private dwelling for the term of sixty-five (65) years within SECTION ____, TOWNSHIP ____, RANGE ____.

COUNTY: Navajo STATE: Arizona

CHAPTER: Forest Lake AGENCY: Chinle

GRAZING DISTRICT: 4 UNIT: ____

Draw map showing the location and direction to the proposed site.



ACKNOWLEDGMENT

Mene Begaye
LOCAL GRAZING OFFICIAL/FARM BOARD MEMBER

DATE

ELIGIBILITY REQUIREMENTS

1. You must be enrolled member of the Navajo Tribe.
2. You must be eighteen (18) years of age or older.

PLEASE ANSWER THE FOLLOWING QUESTIONS

Are there any improvement(s) on the proposed site? (i.e. Road, Trails, Powerline, etc.) If so, describe NONE

Do you have a house on the propose site? NO If so, when was the house build NK Do you now live in the house? NK

Does your name reflect the record at the Navajo Census and Vital Statistics Office YES.

The following documents must be attached to the application:

1. Certificate of Indian Blood
2. Complete Field Clearance Certification form
3. Complete consent form(s)
Note: Does not apply to eastern Navajo Agency.
4. A Non-Refundable fifteen dollars (\$15.00) money order payable to the Navajo Nation for filing fee.

I, (We) acknowledge and understand that the following conditions apply to the Homesite Lease:

1. The Homesite Lease is intended for residential purposes only and not to be used for any other purposes, i.e., police quarters or educational instruction.
2. A Homesite Lease is not a business site lease.
3. A Homesite Lease is not a grazing permit.
4. No Homesite Lease Application shall be considered by the local Grazing Officers when is has determined that such lands have been formerly withdrawn otherwise obligated for community purposes, e.g. subdivision plans, zoning, existing community projects.
5. Written authorization from the District Grazing Committee is Required if the propose homesite is within a half of a mile of a government or tribal developed permanent livestock watering Point. (3 N.T.C. 714 et seq.)

6. There is a non-refundable one dollar (\$1.00) annual fee for the lease that must be paid to the Navajo Nation each year in advance following the date of execution for term of the lease.
7. If applicable, please attach assignment or relinquishment forms to the application.

As directed by the Resources Committee of the Navajo Nation Council, I, (We) understand and hereby agree to comply with the provisions provided in the revised Homesite Lease policy and procedures.

Signed this day 30 of May 2012.

X Xolice Rose Bogg
Applicant

Witness: CHARITY VANCE

X _____
Applicant

Witness: _____

FOR JOINT APPLICANTS ONLY:
PLEASE CHECK ONE.

In the event this Lease is held by two or more persons, it shall be held in the following tenure:

_____ **Joint Tenancy (with right of survivorship)**-Property held by two or more persons jointly, with equal rights during their lives. The entire estate, upon the death of one of the joint tenant, goes to the survivor(s) without probate.

_____ **Tenancy In Common (without any right of survivorship)**-Property held by two or more persons but lacks right of survivorship. When one dies the decedent's interest in the property must be probated through the courts to determine ownership of the lease.

_____ **Community Property (without any right of survivorship)**- Property held by a Married couple (upon dissolution of the marriage and upon the death of one spouse, one half of the community property, the decedent's share must be probated through the courts.

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

Charity Yazzie X Alvin Rose
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

X Alan Raul Gazzo
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

24. **EFFECTIVE DATE.** This lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

X Alvin Ramon 1983
LESSEE

LESSEE

APPROVED: _____
Pursuant to Secretarial Redelelegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION

I, IRENE REGAYE, Grazing Committee Member of Grazing Management District 4, community of FOREST LAKE chapter have identified the following individuals as landuse or grazing permittee(s) who are directly affected by the propose homesite development as illustrated and proposed by the following homesite lease application(s):

X [Signature]
Homesite Lease Applicant

Homesite Lease Applicant

AUTHORIZED GRAZING/LANDUSE PERMITTEE

(THIS IS NOT A CONSENT FORM)

	NAME	CENSUS NO.	PERMIT NO.
1.	<u>Mary Bryan Ailmore</u>	_____	<u>No permit</u>
2.	<u>Shirley Paulsen-Leonard</u>	_____	<u>4-227</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

REMARKS: Grazing permits in NPL are still cancelled.
Homesite lease consent are signed by closest neighbors to the
proposed site.

CERTIFICATION

According to my records and to the best of my knowledge the list of the affected permittee(s) referenced above includes all of the permitted land users who are directly affected by the proposed homesite development.

Irene Regaye
Local Grazing Official

10-18-12
Date

CONSENT FORM
FOR
NAVAJO TRUST LAND

TO WHOM IT MAY CONCERN:

I, MARY BEGAY GILMORE hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Alice Rose Yazzie and NA to lease one acre or less of Navajo Tribal Land within my permitted grazing use area for residential purpose as illustrated and acknowledged by the Grazing Official on the Homesite Lease Application.

I further waive any rights I may have to compensation for the diminishment in value of my permitted grazing use rights as a result of the proposed homesite development.

Signed this 30th day of MAY 2012.

WITNESSES:

(For thumbprint use only)

MARY BEGAY GILMORE

C#

Grazing Permittee



Grazing Permit No. No permit

Date of Issue

Farm Plot No.

Note: Grazing permits in NPL are still cancelled. Ms. Mary Gilmore is the
ACKNOWLEDGED: *Closest neighbor to the proposed homesite area.*

Drene Begaye
Grazing Officials/Farm Board Member

6-18-12
Date

Forest Lake
Chapter

CONSENT FORM
FOR
NAVAJO TRUST LAND

TO WHOM IT MAY CONCERN:

I, Shirley Paulson-Leonard hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Alice Rose Yaccio and NA to lease one acre or less of Navajo Tribal Land within my permitted grazing use area for residential purpose as illustrated and acknowledged by the Grazing Official on the Homesite Lease Application.

I further waive any rights I may have to compensation for the diminishment in value of my permitted grazing use rights as a result of the proposed homesite development.

Signed this 30th day of May 2012.

WITNESSES:

(For thumbprint use only)

Shirley Paulson-Leonard c.
Grazing Permittee

Shirley P. Leonard

Grazing Permit No. 4-227
Date of Issue 1-14-55
Farm Plot No. _____

ACKNOWLEDGED:

Irene Beyayce
Grazing Officials/Farm Board Member

6-18-12
Date

Forest Lake
Chapter



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-12-509 - REVISED
<input checked="" type="checkbox"/> NNAD	OTHER PROJECT NO.: NNAD 12-079

PROJECT TITLE: A Cultural Resources Inventory of a One Acre Homesite for Alice R. Yazzie in Forest Lake Navajo County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Walter Begay, Peabody Western Coal Company, PO Box 650, Kayenta, Arizona 86033

PROJECT DESCRIPTION: The proposed undertaking will involve the homesite lease approval and/or construction of a home along with the installation of associated facilities/utilities within the 1.00-acre homesite lease area. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Forest Lake

LOCATIONS: T. 35 N, R. 19 E - Sec. 34; Yucca Hill Quadrangle, Navajo County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Harriett K. Sandoval

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 05/09/12

DATE OF REPORT: 05/29/12

TOTAL ACREAGE INSPECTED: 2.88 - ac

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: July 25, 2014 - Revised

Notification to Proceed Recommended

☒ Yes ☐ No

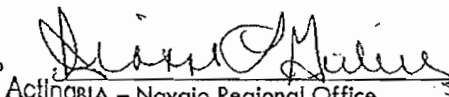
Conditions:

☐ Yes ☒ No

 7/25/14
The Navajo Nation
Historic Preservation Office
Date

Navajo Region Approval

☒ Yes ☐ No

 8/5/14
Acting BIA - Navajo Regional Office
Date

Tm 8/4/14

THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

NNAD 12-079

TLN 7.5.12

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: NNAD 12-079: A Cultural Resources Inventory of a One Acre Homesite for Alice R. Yazzie in Forest Lake, Navajo County, Arizona. Author(s): Harriett K. Sandoval	5. FIELDWORK DATE: 05/09/2012	6. REPORT DATES: 05/29/2012
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Linda Laughing, Acting Director Org. Name: Navajo Nation Archaeology Department Org. Address: P.O. Box 689 Window Rock, Arizona 86515 Telephone: (928) 871-6540	8. PERMIT NO. Navajo Tribal Code	9. CONSULTANT REPORT NO. NNAD 12-079
10. SPONSORING ORGANIZATION NAME AND ADDRESS: Ind. Responsible: Walter Begay > on behalf of > Alice R. Yazzie Org. Name: Peabody Western Coal Company Org. Address: P.O. Box 650 Kayenta, Arizona 86033 Telephone: (928) 677-5130	11. SPONSOR PROJECT NO. N/A	12. AREA OF EFFECT: 1.00 ac/0.40 ha AREA SURVEYED: 2.88 ac/1.17 ha
13. LOCATION (MAP ATTACHED): Figure 1.		
a. Chapter: Forest Lake	f. UTM Coordinates (vacant lot-centerpoint):	
b. Agency: Chinle	a) NAD27, N4028422, E565000	
c. County: Navajo	NAD83, N4028625, E564935	
d. State: Arizona	g. Legal Location: T35N, R19E of Sec. 34 (T, R & Sec. Projected; Unplatted)	
e. Land Status: Navajo Tribal Trust	h. USGS 7.5' Map is: Yucca Hill, Arizona 1968	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / / OR PRELIMINARY REPORT / /		
A. Description of Undertaking: The client proposes to construct a house with associated facilities within a one acre homesite tract. Ground disturbance activities, both surface and subsurface, will be extensive. The area of potential effect is 1 ac (0.40 ha) or 43,560 sq ft (4,046.8 sq m).		
B. Existing Data Review: A check of Navajo Nation Historic Preservation Department archival records reports indicate that two archaeological projects, HPD 94-645 and HPD 07-437, have been conducted within a 500 ft radius of the project area.		
C. Area Environmental & Cultural Setting: The project area is located in a heavily wooded hillside area between Black Mesa and Forest Lake, approximately 8 mi (12.8 km) north of the Forest Lake Chapter. The nearest water source is Dinnebito Wash located approximately .40 mi (.64 km) to the west of the project area. The elevation in the area is 6,849 ft (2,087 m). Vegetation includes pinon, juniper, and cliff rose. The cultural setting is rural with surrounding multiple scattered nearby homesteads.		
D. Field Methods: Harriett K. Sandoval, Senior Archaeologist, conducted a Traditional Cultural Properties (TCP) interview with client, Alice R. Yazzie. Ms. Yazzie stated there are no TCPs and no burials in the vicinity. A Class III pedestrian survey was conducted by walking concentric transects spaced 15 m (45 ft) apart extending out to a 200 ft (61 m) radius area, for a total area surveyed of approximately 125,664 sq ft (11,674 sq m) or 2.88 ac (1.17 ha). The area of effect is 1 ac/0.40 ha, to be positioned or centered within the 200 ft surveyed homesite radius, since there is no legal land/tract description at time of survey.		
15. CULTURAL RESOURCE FINDINGS:		
A. Location/Identification of Each Resource: No cultural resources were encountered during the survey.		
B. Evaluation of Significance of Each Resource: No cultural resources were encountered during the survey.		
16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking. We recommend that the client be allowed to proceed with construction as planned.		
17. CERTIFICATION:		
SIGNATURE: <u>Neomie Tsosie</u> General Charge Name: Neomie Tsosie, M.A. Program Manager, NNAD		DATE: <u>6/5/12</u>
SIGNATURE: <u>Harriett K. Sandoval</u> Direct Charge Name: Harriett K. Sandoval Senior Archaeologist, NNAD-NAU		DATE: <u>6/5/12</u>

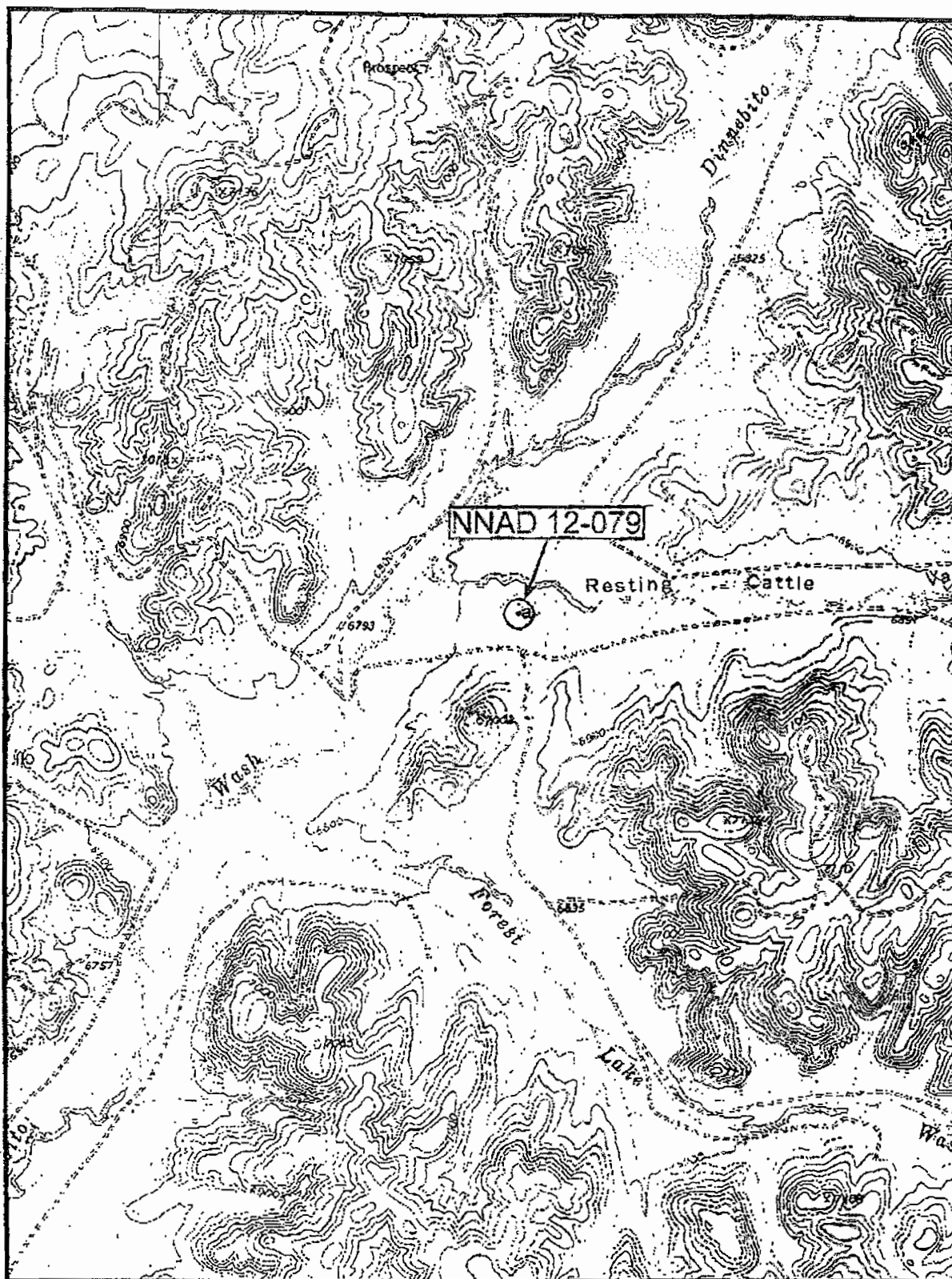


Figure 1. Specific Project Location of NNAD 12-079: *A Cultural Resources Inventory of a One Acre Homesite for Alice Rose Yazzie in Forest Lake, Navajo County, Arizona.* USGS 7.5' map is Yucca Hill, Arizona 1968.

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.: Alice Rose Yazzie Homesite

DESCRIPTION: Proposed 1.00± acre homesite lease.

LOCATION: NE¼ of Section 34, T35N, R19E, G&SRM, Forest Lake, Navajo County, Arizona

REPRESENTATIVE: Alice Rose Yazzie

ACTION AGENCY: NLD/BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/01 AUG 2013/Alice Rose Yazzie

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/05 SEPT 2013; amended on 10 JUN 2014

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

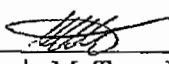
THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM

TO : Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

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

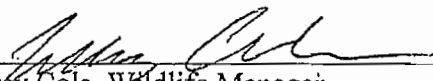
DATE : June 10, 2014

SUBJECT : DELEGATION OF AUTHORITY

I will be out of the office on June 10 and 11, 2014. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Tuesday, June 10, 2014. This delegation shall end at 5:00 p.m. on Wednesday, June 11, 2014.

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

ACKNOWLEDGEMENT:



Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

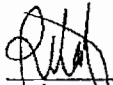
xc: Frederick H. White, Executive Director, DNR

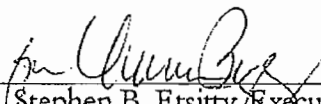


ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/729-4323
Website: www.navajonationepa.org

M E M O R A N D U M

TO: Caroline Dale, Program Supervisor/Senior Homesite Agent
Chinle/Central Land Office
Navajo Land Department
Division of Natural Resources

FROM: 
Rita Whitehorse-Larsen, Senior Environmental Specialist
Office Of Environmental Review

THROUGH: 
Stephen B. Etsitty, Executive Director
Navajo Nation Environmental Protection Agency

DATE: May 6, 2014

SUBJECT: HOMESITE LEASE: Alice Rose Yazzie, NE/4 Section 34, T35N, R19E,
G&SRM, Forest Lake, Navajo County, Arizona; 36°24'06.6"N
110°16'33.3"W WGS 84

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *approval* for the proposed ± 1.00 -acre homesite lease to Alice Rose Yazzie. The proposed homesite lease action will not significantly impact the Navajo Nation's environmental resources. Any utility extensions right-of-way(s) will require a complete environmental assessment(s). The Bureau of Indian Affairs Real Estate may proceed with a Categorical Exclusion for the proposed homesite lease action.

If there are any questions you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Harilene Yazzie, BIA Navajo Region, Environmental Services
April Bowman, BIA Navajo Region, Chinle Agency, Branch of Real Estate
Alice Rose Yazzie, homesite lessor
NNEPA Admin



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council

FROM: 
Stacy Allison, Attorney
Office of Legislative Counsel

DATE: August 21, 2015

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$132,412.87 FOR A POWERLINE EXTENSION TO FOUR RELOCATION HOUSEHOLDS IN THE NAVAJO PARTITION LAND AREA OF FOREST LAKE CHAPTER COMMUNITY

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0301-15_____ SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Resources and Development Committee; Budget and Finance Committee; Naa'bik'iyati' Committee and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$132,412.87 For a Powerline Extension to Four Relocation Households in the Navajo Partition Land Area of Forest Lake Chapter Community

Date posted: August 26, 2015 at 9:35pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0301-15

SPONSOR: Honorable Dwight Witherspoon

TITLE An Action Relating to Resources and Development Committee; Budget and Finance Committee; Naa'bik'iyati' Committee and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$132,412.87 For a Powerline Extension to Four Relocation Households in the Navajo Partition Land Area of Forest Lake Chapter Community.


Posted: August 26, 2015 at 9:35pm

5 DAY Comment Period Ended: August 31, 2015

Digital Comments received: *No comments received.*



Policy Analyst
Office of Legislative Services



Date/Time

23rd NAVAJO NATION COUNCIL

First Year 2015

Mr. Speaker:

The **BUDGET AND FINANCE COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0301-15

An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'iyati' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$132,412.87 for a Powerline Extension to Four Relocation Households in the Navajo Partitioned Land Area of Forest Lake Chapter Community

Sponsored by Council Delegates: Honorable Dwight Witherspoon, Honorable Nathaniel Brown and Honorable Otto Tso

Has had it under consideration and reports the same with the recommendation that it **DO PASS WITHOUT AMENDMENT:**

And therefore, referred to the **RESOURCES AND DEVELOPMENT COMMITTEE**

Respectfully Submitted,



Honorable Seth Damon, Chairman
BUDGET AND FINANCE COMMITTEE

15 SEPTEMBER 2015

Motioned: Honorable Mel R. Begay

Seconded: Honorable Lee Jack, Sr.

VOTE: 04 in Favor and 00 Opposed (Chairman Damon not voting)

RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

The RESOURCES AND DEVELOPMENT COMMITTEE to whom has been assigned:

LEGISLATION # 0301-15

AN ACTION RELATING TO BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'IYATI COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$132,412.87 FOR A POWERLINE EXTENSION TO FOUR RELOCATION HOUSEHOLDS IN THE NAVAJO PARTITIONED LAND AREA OF FOREST LAKE CHAPTER COMMUNITY

Sponsor: Honorable Dwight Witherspoon;

Co-Sponsors: Honorable Nathaniel Brown and Otto Tso

Has had it under consideration and report the same with a **DO PASS** with no amendments

and refers the matter to Naabik'Iyati Committee.

Respectfully submitted,



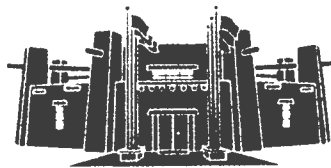
Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: September 15, 2015

Motion: Honorable Leonard Pete

Second: Honorable Davis Filfred

Vote: 3-0-0 (Presiding Chairperson not voting)



NAABIK'ÍYÁTI' COMMITTEE REPORT

23RD NAVAJO NATION COUNCIL—FIRST YEAR 2015

LEGISLATION 0301-15

Introduced by the Honorable Dwight Witherspoon

Co-sponsors: Hon. Nathaniel Brown, Hon. Otto Tso

An Action relating to Budget and Finance Committee, Resources and Development Committee, Naabik'iyati' Committee and the Navajo Nation Council; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$132,412.87 for a powerline extension to four relocation households in the Navajo Partition Land area of Forest Lake Chapter community

TO THE NAABIK'İYATI' COMMITTEE:

The Naabik'iyati Committee, to whom has been referred Legislation 0301-15, has had it under consideration and reports a **LOSS OF QUORUM** while in deliberation. No amendments were introduced.

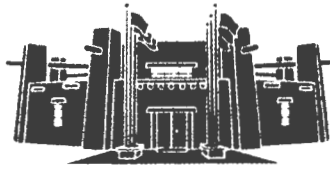
THENCE, LEGISLATION 0301-15 REMAINS WITH THE NAABIK'İYATI' COMMITTEE ON THIS 30TH DAY OF SEPTEMBER, 2015.

Honorable Jonathan L. Hale, Chairperson Pro Tem
NAABIK'ÍYÁTI' COMMITTEE

Motion: Honorable Nelson S. BeGaye

Second: Honorable Lee Jack, Sr.

Vote:



NAABIK'ÍYÁTI' COMMITTEE REPORT
23rd NAVAJO NATION COUNCIL---FIRST YEAR 2015

LEGISLATION 0301-15

Introduced by the Honorable Dwight Witherspoon (9/30/15)
Honorable Nathaniel Brown (10-8-15)

An Action relating to Budget and Finance Committee, Resources and Development Committee, Naabik'iyati' Committee and the Navajo Nation Council; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$132,412.87 for a powerline extension to four relocation households in the Navajo Partition Land area of Forest Lake Chapter community

TO THE NAVAJO NATION COUNCIL:

The Naabik'iyati' Committee, to whom has been referred Legislation 0301-15, has had it under consideration and reports a **DO PASS** recommendation with **no amendments**.

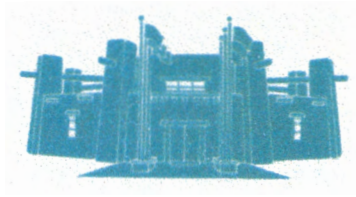
Thence **REFERRED TO THE NAVJAO NATION COUNCIL** on this 8th Day of October, 2015.

Honorable LoRenzo C. Bates, Chairperson
NAABIK'ÍYÁTI' COMMITTEE

MAIN MOTION

Motion: Honorable Nathaniel Brown
Second: Honorable Lee Jack, Sr.
Vote: 14-0-0

September 30, 2015----Read in record; loss of quorum; No amendments



RECORD OF NAVAJO NATION COUNCIL ACTION

23RD Navajo Nation Council---First Year 2015

LEGISLATION 0301-15

Introduced by the Honorable Dwight Witherspoon

An Action Relating To Budget And Finance Committee, Resources And Development Committee, Naabik'iyati' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$132,412.87, For A Powerline Extension To Four Relocation Households In The Navajo Partition Land Area Of Forest Lake Chapter Community

TO THE NAVAJO NATION COUNCIL:

The Navajo Nation Council considered Legislation 0301-15 and reports a **TABLING ACTION**, with an amendments.

THENCE, LEGISLATION 0301-15 is on TABLE STATUS UNTIL THE NEXT NAVAJO NATION COUNCIL SESSION, UPON THE COMPLETION OF THE 2015 BUDGET CLOSEOUTS.

Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

October 21, 2015

Main Motion held by:

Motion: Honorable Kee Allen Begay, Jr.

Second: Honorable Raymond Smith, Jr.

Vote:

Tabling Motion By:

Motion: Honorable Davis Filfred

Second: Honorable Lee Jack, Sr.

Vote: 9 in favor, 5 opposed---CARRIED

Amendment No. 1 – Add Revised Budget Forms

Motion: Honorable Davis Filfred

Second: Honorable Walter Phelps

Vote: 11 in favor, 4 opposed---CARRIED

Amendment No. 2---

Motion: Honorable Davis Filfred
Second: Honorable Nathaniel Brown
Vote: 9 in favor, 6 opposed---CARRIED

Page 1, Line 17, add the following language:

AND WAIVING 12 N.N.C. §820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

Page 2, Line 15, add a new letter H and subsequent lettering as follows.

H. The Title 12 Capital Improvement Process includes:

1. Pursuant to 12 N.N.C. §810(F), "Capital improvement" means a major project undertaken by the Navajo Nation that is generally not recurring on an annual basis and which fits within one or more of the following categories:

(1) All projects requiring debt obligation or borrowing;

(2) Any acquisition or lease of land;

(3) Purchase of major equipment or vehicles, with a life expectancy of five years or more, valued in excess of an amount to be established by the Controller;

(4) Major building improvements that are not routine maintenance expenses and that substantially enhance the value or extend the useful life of a structure;

(5) Construction of new buildings or facilities including engineering, design, and other pre-construction costs with an estimated cost in excess of an amount to be determined by the Controller; and/or

(6) Major equipment or furnishing required to furnish new buildings or other projects, the cost of which is above a certain amount to be established by the Controller.

2. Pursuant to 2 N.N.C. §820 (I), the "[d]evelopment of the Capital Budget shall be coordinated with development of the Operating Budget. All budget requests for capital improvements shall be in compliance with the Plan."

3. Pursuant to 2 N.N.C. §820(M), the Office of Management and Budget shall coordinate the overall preparation, adoption and implementation of both the annual operating and capital budgets of the Navajo Nation. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis and other appropriate action.

4. Pursuant to 2 N.N.C. §501 (B)(4)(c), the Resources and Development Committee is to review and recommend to the Navajo Nation Council through the appropriate process supplemental appropriations to the capital improvement projects annual budget to fund necessary additional capital improvement projects.

5. Pursuant to 12 N.N.C. §860(C)(2) "[t]he appropriate portion of the Capital Improvement Plan is subject to approval of the Navajo Nation Council upon recommendation of the Budget and Finance Committee. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council."

I. The powerline extension to four relocation households in the Navajo Partition land area of Forest Lake Chapter community are not included in the Title 12 Capital Improvement Plan.

Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council, 12 N.N.C. §860

J. The Navajo Nation finds it in the best interest to waive 12 N.N.C. §860(C) regarding authorizing the powerline extension to four relocation households in the Navajo Partition land area of Forest Lake Chapter Community.

SECTION 3. WAIVING 12 N.N.C. §§820(I) AND 860(C) regarding the powerline extension to four relocation households in the Navajo Partition land area of Forest Lake Chapter Community.

Attachments: Voting Records
 Verbatim Transcript

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. Business Unit No.: NEW Program Title: Forest Lake Chapter Division/Branch: Community Development

Prepared By: L.Dineyazhe Phone No.: 928-871-7160 Email Address: ldineyazhe@navajo-nsn.gov

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
						(A)	(B)	(C)
					Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
FY15 UUFB Funds		10/1/15 - 9/30/16	132,412.87	100%				
					2001 Personnel Expenses	1	0	0
					3000 Travel Expenses	1	0	0
					3500 Meeting Expenses	1	0	0
					4000 Supplies	1	0	0
					5000 Lease and Rental	1	0	0
					5500 Communications and Utilities	1	0	0
					6000 Repairs and Maintenance	1	0	0
					6500 Contractual Services	1	0	0
					7000 Special Transactions	1	0	0
					8000 Public Assistance	1	0	132,412.87
					9000 Capital Outlay	1	0	0.00
					9500 Matching Funds	1	0	0
					9500 Indirect Cost	1	0	0
					TOTAL		\$0.00	132,412.87
					PART IV. POSITIONS AND VEHICLES			
						(D)	(E)	
					Total # of Positions Budgeted:	0	0	
					Total # of Permanently Assigned Vehicles:	0	0	
TOTAL:			\$132,412.87	100%				

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

Dwight Witherspoon 10/21/15

SUBMITTED BY: Dwight Witherspoon, NN Council Delegate Signature / Date

[Signature] 10/14/15

APPROVED BY: Division Director/Branch Chief's Signature / Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title: Forest Lake Chapter

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

PART III. PROGRAM PERFORMANCE CRITERIA:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Program Performance Area:

Provide funds for electric/powerline extension in Forest Lake Chapter area.

Goal Statement:

Serve four (4) household with electric services within Forest Lake Chapter area.

0		0		0		4	
---	--	---	--	---	--	---	--

2. Program Performance Area:

Goal Statement:

--	--	--	--	--	--	--	--

3. Program Performance Area:

Goal Statement:

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4. Program Performance Area:

Goal Statement:

--	--	--	--	--	--	--	--


5. Program Performance Area:

Goal Statement:

--	--	--	--	--	--	--	--

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Dwight Witherspoon 10/21/15
Dwight Witherspoon, NNC Delegate Signature/Date

 10/21/15
Program Manager/Division Director, Signature/Date

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: Forest Lake Chapter		Business Unit No.: NEW	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
	8000 ASSISTANCE Funds to be provided for Powerline extension in Forest Lake chapter area for four (4) household who are in need of electricity/utility service.		132,412.82
8705	Chapters 8715 Grants: = Customer # 50391566 \$ 16,924.98 Customer # 50390584 \$ 30,309.39 Customer # 50390656 \$ 43,041.11 Customer # 50391661 \$ 42,137.34	132,412.82	
TOTAL		132,412.82	132,412.82

NAVAJO NATION

RCS# 319

Fall Session

10/21/2015

08:46:06 PM

Amd#1 to Amd#

Insert new budget

PASSED

MOT Filfred

SEC Phelps

Yea : 11

Nay : 4

Not Voting : 9

Yea : 11

Begay, K
BeGaye, N
Brown

Chee
Filfred
Jack

Phelps
Slim
Smith

Tso
Witherspoon

Nay : 4

Tsosie

Hale

Crotty

Bennett

Not Voting : 9

Bates
Begay, M
Begay, NM

Damon
Daniels

Perry
Pete

Shepherd
Yazzie

NAVAJO NATION

RCS# 320

10/21/2015

Fall Session

08:56:31 PM

Amd#2 to Amd#

On page 1, line 17,

PASSED

MOT Filfred

add language "And waiving 12

SEC Brown

N.N.C. section 820(I) and 860(C)

Relating to Capital Improv.Proc.

Yea : 9

Nay : 6

Not Voting : 9

Yea : 9

Begay, K
Brown
Chee

Filfred
Jack

Phelps
Smith

Tso
Witherspoon

Nay : 6

BeGaye, N
Bennett

Crotty
Hale

Slim

Tsosie

Not Voting : 9

Bates
Begay, M
Begay, NM

Damon
Daniels

Perry
Pete

Shepherd
Yazzie

NAVAJO NATION

RCS# 321

10/21/2015

Fall Session

09:01:27 PM

Amd# to Amd#

Table Legislation No. 0301-15

PASSED

MOT Filfred

SEC Jack

Yea : 9

Nay : 5

Not Voting : 10

Yea : 9

Begay, K
Bennett
Chee

Filfred
Jack

Slim
Smith

Tso
Witherspoon

Nay : 5

BeGaye, N
Brown

Crotty

Phelps

Tsosie

Not Voting : 10

Bates
Begay, M
Begay, NM

Damon
Daniels
Hale

Perry
Pete

Shepherd
Yazzie

Presided: Honorable LoRenzo Bates, Speaker
Navajo Nation Council Fall Session
October 21, 2015

(Discussion of Legislation No. 0301-15: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee and the Navajo Nation Council, Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$132,412.87, for a Power Line Extension to Four Relocation Households on the Navajo Partitioned Land Area of Forest Lake Chapter community)



Speaker: 0301-15 into record.



Tom Platero: Mr. Speaker, members of the Council Tracking No. 0301-15: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee and the Navajo nation Council, Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$132,412.87, for a Power line Extension to Four Relocation Households on the Navajo Partitioned Land Area of Forest Lake Chapter community. Mr. Speaker Members of the Council the Legislation has been read into the record by electronic recording. Mr. Speaker.



Speaker: Motion, motion by Honorable Kee Allen Begay, second by Honorable Vice Chairman Smith. Sponsor Witherspoon.



Dwight Witherspoon: I like to ask my colleagues if you could pass two amendments one is certainly the 2016 Budget documents, and the other is to make by essentially requirement for 16 votes because it's not a Capital Improvement Project that's on the list, and the reason or this is because when it comes to a potential Special Session you know the 2/3rd votes Legislation are at the front, so after if you consider approving the two amendments then we can motion to table, thank you.



Speaker: Push your button to Speak, Honorable Crotty.



Amber Crotty: Thank you Speaker, my colleagues here on the floor, so what amendment the two amendments, I have a question I brought this up when we were I believe at one of the Committees. There was an issue regarding if this was a grant appropriation from Peabody, and I don't know if you ever got that cleared up Speaker regarding the review process it was reviewed as a grant, accepting a grant and the Legislation as stated is asking for supplemental. So, if I could ask the sponsor if that was corrected, and if this amendment corrects that review process. I reserve my time Speaker.



Speaker: 3:51 for Honorable Crotty, Honorable Tsosie on the main motion.



Leonard Tsosie: Thank you Mr. Speaker, members of the Council, I'm somewhat troubled by this proposal this was a settlement by Peabody and Peabody has already done its compensation and Peabody should pay for the power lines. So, to resolve the (inaudible) of these families is through the mining and that is something that is the responsibility of Peabody. Let them pay for it.

Second thing is, and then the other too is that Peabody has already given this family good compensation, and this family just kind of fined the Navajo Nation we're going to Peabody have them give us this. So, but pretty much in terms of relocation, they are self-relocating themselves out to pay them. So I don't think we should especially when we're dipping into the Minimum Fund Balance to do it in this manner.

And then the other thing is I think the chapter will give them some additional money to do capital projects, and I would encourage the Chapter instead to do permit range. It was quite interesting that when I asked them use your money, your Capital money they don't want to. And so if they build just these four power line then they should do so. I'm not real picky about this proposal. This is a result of Peabody's Coal Mining, and Peabody should pay for it. So, it appears that the family have been adequately compensated they forgot the power line and then they try to say this Council did not pay for them. So, I don't we should allow such a situation to dip into the minimum fund balance. So, I would encourage the body to vote against this. Thank you members of the Council, I reserve my time.



Speaker: 2:33 to Honorable Tsosie, Honorable Nelson BeGaye.



Nelson BeGaye: Thank you very much Speaker and my colleagues here. I really have a problem with the Capital Improvement Projects, not the Capital Improvement that the chapters put together but just what we're doing for them. We had the Chapters do a five year, multi-year listing, and we just shelved it now, we have individual delegates that are coming to take money for these projects. And I think that should be one of our first priorities; I have been saying this since Monday. We need to really plan these things out, otherwise individually I like to bring my own legislation just like Kee Allen Begay said the other day. So, that's where I have a problem with this Capital Improvement process, and I don't know why we have to waive do these things because they're not on the Capital Improvement process. And so if we're not even going to fund that, then we shouldn't even have to waive laws to say that they are not on the Capital Improvement List. We're just really spinning our wheels on this and the other thing I have a little problem with is not a little but I have some projects that were funded it was actually given to NTUA and they have not even done the job yet. They have not scheduled these, I don't know what they're doing but I have a little problem with it If they can't do the job maybe we could get somebody else to do these jobs. Other than that I just have a problem with the CIP on what we're doing I like to get power line to individuals out in the rural areas also like waterline still have to haul water, including myself hauling water. We need to get to business as much as we can. I just like to bring out those concerns.



Speaker: I see no one else on the list Honorable Brown.



Nathaniel Brown: Mr. Speaker and 23rd Navajo Nation Council, I would like to express my support to this four power line extension project. When I was Legislative Assistant, I know we've worked extensively with five chapters as well as Peabody, is that brings a lot of these individuals that live in this remote areas that's where coal is dug out, water was pumped out and these families still don't have, they actually did some businesses to some of these phones out there. All the homes that I've visited they have been asking for waterline so the one thing that they keep requesting, I know that some of the Peabody funds that is distributed with the five chapters \$1.5 million so that is \$250,000 to each of the five chapters and with that they can actually do what they want. So some of the chapters like Chilchinbeto, they're not taking the funds back into the Peabody Lease Area.

So, they're actually using it on other infrastructure projects as well as Kayenta they're working on other power line projects. So, they were funding the Hallburns Power Line project which has 31 clients in Kayenta.

And for the next five years, I know the other chapters will be spending these funding with Peabody funding on other infrastructure projects. So, I ask my colleagues to help support our Navajo families that live in these areas that are still in need for power line project, they have [projects that might not even get funding that I know previous Delegates have been working diligently on is the Manymules Waterline Projects unfortunately; because of the hard rock surface in the Black Mesa Area, the rough terrain. They might not even get water line, and this is where we get a lot of our funding. So, still a lot of our Navajo, our Dine our elders are still without water, they're still without power. So, please let's help these individuals to get this funding for the four families. That would be my comment thank you.



Speaker: I see no one else on the board sponsor requested amendments. OMB.



Lisa Jymm: Thank you Mr. Speaker, members of the Navajo Nation Council, in reviewing the budget forms, I'm looking at Budget Form 4, I have \$132,412.82, but on Budget Form 1, I have \$132,412.87, is that a typo you're off by five cents, and the Fiscal Year says 2015, but the date are for FY'16, I think you met for FY'16 in that account. I mean that line item, another question is, it has customer numbers will these monies be going to the chapter constituent, or will it be going straight to the chapter for power lines or NTUA Mr. Speaker?



Speaker: Sponsor.



Dwight Witherspoon: Thank you certainly the funds are going to be going to NTUA to do the project, and certainly maybe they're glad to take the chapters to get the power line project from them, to the cost that Navajo Tribal Utility Authority has for these families. I have a lot to try to catch the five cents referred to. I guess it'll be a typo. I've answered all the questions



Speaker: OMB are we good, Honorable Filfred.



Davis Filfred: Mr. Speaker and members of the Council, and the sponsor of this legislation. I like to offer an amendment; my first amendment is to add the budget forms that were just corrected. Add those documents to the legislation Mr. Speaker.



Speaker: Second, second to the amendment? Motion to add the budget forms the new budget forms, insert new budget forms; second by Honorable Phelps, any discussion on Amendment 1, going once, twice, and three times Honorable Crotty.



Amber Crotty: Thank you Speaker, so I apologize then my question was all this amendment. Does this amendment fix the issue of the reviewed process from the grant agreement to now a supplemental request that was my question I'll reserve my time thank you.



Speaker: 1:43 for Honorable Crotty, Honorable Crotty who are you directing your question to?



Amber Crotty: The Sponsor.



Speaker: Honorable Filfred.



Davis Filfred: Mr. Speaker I'll refer that question to the Sponsor of the Legislation and OMB.



Speaker: Honorable Witherspoon.



Dwight Witherspoon: Thank you if you look at the 164 review form there is the third box down is checked and it states Grant and then there's a slash so it could be a grant that's being reviewed it could be a grant funding agreement that's being reviewed for an amendment. And so if you look at box No. 2, it states as Intergovernmental Agreement that's not what this is.

This is not a budget resolution this is not a budget reallocation, or an amendment, so I certainly understand Delegate Crotty's concern. If you look at the reviewers on 1 above OMB, OOC and OAG. So this is reviewed by the Division, OMB, OOC, OAG, so I don't quite understand the position that the wrong review process was done as a supplemental. That would be my response, thank you.



Speaker: Honorable Crotty 4:41, reserve time.



Amber Crotty: Thank you Speaker and my colleagues, this was brought up because your Legislation states that the OMB has a memo attached as Exhibit B, on the legislation Exhibit "B" was just OOC, and so when we called it Mr. Beyal of OMB he acknowledged it came before this I believe that at NABI when we last heard this that he recollected that it was more of a grant, accepting a grant and because what I wanted was in the other Chapter CIP Projects, OMB always had a memo stating the project questioning if it was on the Five Year Plan, and that's missing from this document, and really that's why this amendment has to come onto play I had asked the Legislative Counsel if this is a Capital Improvement Project and that's why this amendment needs to be added because legislation did not identify that it was a Capital Improvement Project. So, it's really a question regarding, I need to know if this legislation is in order and if maybe I can go to OMB and to make sure that this is the remedy and so I reserve my time. Thank you.



Speaker: Reserve time 3:08. OMB.



Lisa Jymm: Thank you Mr. Speaker, members of the Council, reading the amendment in the Letter I, where he states not included in the Capital Improvement Plan. As I understand it is not part of the CIP Plan, CAP-18-14. Ms. Crotty.



Speaker: Honorable Crotty 3:08



Amber Crotty: Thank you Speaker so, yeah I see that here, that it's now this amendment, my question was in the review process that's what brought up the issue was is the Chapter looking for Navajo Nation money or initially were they going to receive a grant from Peabody to provide this service. In looking at the Legislation there's a lot of documentation that is signed by Mr. Jarvis Williams who is the Tribal Liaison for Peabody, and so that was the question that was asked.

Because of looking at the documents, I also see that the Chapter itself is not providing some of their CIP money that they have at their disposal, at this very moment. And so the reason why these issue with the review is if it started off as a grant review it appears that the review was correct but any other Chapter CIP Project, I compared it with Wide Ruins, and I compared it with Teesto, I know it was a different review process. So, those are my questions, and I would like to get answered regarding this amendment, and I reserve my time.



Speaker: 1:51 for Honorable Crotty. OMB



Lisa Jymm: Thank you Ms. Crotty, members of the Navajo Nation Council, I believe Ms. Crotty's question is, is this part of the CIP plan? No, it's not. And what she's asking is, is it going to be a Tribal grant, it would be a grant but it would be under the chapter funds. So, what would happen is if this budget is approved it would go under the chapter account for Forest Lake. And the best situation would be to make it an end account then they work with NTUA to make the power lines. But since it set precedence last year in FY'15, it would most likely just go to the Chapter and they would have to work with NTUA themselves with the money we give to do the power lines, Mr. Speaker.



Speaker: Honorable Crotty 1:51.



Amber Crotty: I think I raised my issues with this I do want these community members to get this resource so like the question would be to the Sponsor we're waiving the 5 Year CIP placing, is that then the Chapter wanting to then take their current project off of the Five Year listing or do they anticipate to get this project funded and then when money is available then have their Five Year identified Projects also be funded. I reserve my time.



Speaker: 1:16 for Honorable Crotty, Sponsor.



Dwight Witherspoon: Thank you that's a very good question certainly in the Plans for 2015 and certainly for Capital Improvement, their No. 1 Project was the Manymules Water Line Project which has actually fell in Phases, and this project came about because these families were going to be moved, and have been moved during the year, certainly one of the Vice President's checks being sent shall then change our Capital Project by wording before 2016 to make the Powerline project down to one project for the purposes coming before this body. They haven't had a chance to do that. So, I can't speak to the issue. But at least they're being made aware of such.

The families that Delegate Tsosie was referring to they are getting moved and they're getting compensated for their homes so they're being moved to their homes, and that's where the cost are going is to have new homes at a new location.

Bu they're also getting compensated for what was existing at the previous homes so there were corrals, sheds or oven, bread house or any of those other things that were around their property they're being compensated for that. The other cost that were included in the compensation was to be able to set them up certainly with clearances, and attracting them for more power as well. The portion of the Nation what's being requested here is outside the leasehold area. So, the cost to run the powerline from off of the leasehold area, which Peabody has a lease on to where these homes are I suggest on that leasehold area so that's the cost that the Nation pays for. Thank you.



Speaker: Honorable Crotty 1:16.



Amber Crotty: Thank you Speaker, colleagues, so I am now having some concern that we're pushing these critical projects yes but we're not doing any adjustments to the Five Year Capital Plan. I'm looking at Auditor general's 2nd Quarterly Report, as of maybe March, and Forest Lake has \$210,000 in their Capital Improvement Plan, and that's more than enough to fund this project. I think overall we have to start having a discussion it looks like the Chapters in whole have \$25 million in Capital Improvement Projects, so I support getting these projects funded. I'm always having concern that Navajo Nation money is going to the Chapter's Capital Improvement, and the Chapters are not entering or having any cost shared with this particular project or many of the projects that have come before and those are my concerns in terms of financial management. Thank you Speaker, I appreciate it.



Speaker: Any further comments? Honorable Crotty was the last one on the screen. Going once, twice and going three times, let's go to the board folks for amendment one, going once, going twice, going three times lock in the votes, by a vote of 11 in favor and 4 opposed, amendment 1 carries. Back to Honorable Filfred 4:38.



David Filfred: Thank you Speaker, thank you for this legislation again you know people are in need of residential powerline, that's what it's all about for our constituents, we talked about yesterday and today speaking about all these names this is one of them. My second amendment is this page here and I'll let Tom read the whole page if he can. Mr. Speaker I reserve my time.



Speaker: 4:17 for honorable Filfred.



Tom Platero: Mr. Speaker and members of the Council the proposed amendment of Legislation 0301-15. Reading the proposed amendments into the record as follows:

On Page 1, line 17, ADD THE FOLLOWING LANGUAGE
AND WAIVING 12 N.N.C. §820(I) AND 860 (C) REALATING TO THE CAPITAL IMPROVEMENT PROCESS

On page 2, line 15, add a new letter H. Capital Improvement Process includes:

1, Pursuant to 12 N.N.C. §810(F), "Capital Improvement" means a major project undertaken by the Navajo Nation that is generally not recurring on an annual basis and which fits within one or more of the following categories:

- (1) All projects requiring debt obligation or borrowing;
- (2) Any acquisition or lease of land;
- (3) Purchase of major equipment or vehicles, with a life expectancy of five years or more valued in excess of an amount to be established by the Controller;
- (4) Major building improvements that are not routine maintenance expenses and that substantially enhance the value or extend the useful life of a structure;
- (5) Construction of new buildings or facilities including engineering, design, and other pre-construction costs with an estimated cost in excess of an amount to be determined by the Controller; and/or

(6) Major equipment or furnishing required to furnish new buildings or other projects, the cost of which is above a certain amount to be established by the Controller.

2. Pursuant to 12 N.N.C. §820(I), the "[d]evelopment of the Capital Budget shall be coordinated with development of the Operating Budget. All budget requests for capital improvements shall be in compliance with the Plan."

3. Pursuant to 12 NNC §820(M), the Office of Management and Budget shall coordinate the overall preparation, adoption and implementation of both the annual operating and capital budgets of the Navajo Nation. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis and other appropriate action.

4. Pursuant to 2 NNC § 501 (B)(4)(c), the Resources and Development Committee is to review and recommend to the Navajo Nation Council through the appropriate process supplemental appropriations to the capital improvement projects annual budget to fund necessary additional capital improvement projects.


5. Pursuant to 12 N.N.C. § 860 (C) (2) "[t]he appropriation portion of the Capital Improvement Plan is subject to approval of the Navajo Nation Council upon recommendation of the Budget and Finance Committee. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council."


The powerline extension to four relocation households in the Navajo Partition Land area of Forest Lake Chapter community are not included in the Title 12 Capital Improvement Plan. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council. 12 N.N.C. § 860.

J. The Navajo Nation finds it in the best interest to waive 12 N.N.C. § 860 (C) regarding authorizing the powerline extension to four relocation households in the Navajo Partitioned Land area of Forest Lake Chapter Community.

SECTION 3. WAIVING 12 N.N.C. §§ 820(I) AND 860(C) REGARDING THE CAPITAL IMPROVEMENT PLAN

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (I) and § 860(C) regarding the powerline extension to four relocation households in the Navajo Partitioned Land area of Forest Lake Chapter Community

 Speaker: Motion, motion by Honorable Davis Filfred, second by Honorable Nathaniel Brown. Any further discussion, going once, going twice on amendment 2. Honorable Phelps.

 Walter Phelps: Thank you Mr. Speaker, so this amendment that was read to us, so does this amend the code or what does this do, or does it just stay there? Can I get an explanation? Reserve my time.



Speaker: Honorable Filfred 4:16. Honorabl Filfred.



Davis Filfred: Thank you again Speaker , and thank you for the question that is being posed, also I just want to say a big shout out to the people that are listening and watching online, its 8 o'clock and I'll go ahead and defer that question to the Sponsor of this legislation Mr. Speaker.



Speaker: Honorable Vice Chair Witherspoon.



Dwight Witherspoon: Refer it to the Legislative Counsel. I can answer the powerline project is not within that Five year Capital Project listing and so it should have been drafted with this language in there initially. And the Legislative Counsel put together this legislation, but can defer to Legislative Counsel.



Speaker: Mariana.



Mariana Kahn: Mr. Speaker, members of the Navajo Nation Council, this particular engrossed amendment will satisfy the requirement. Well, as you know projects for capital improvement must be on this project Capital Improvement Plan, this particular project is not on the Five Year Capital Improvement Plan therefore, in order for it to be funded it must specifically state that requirements of Capital Improvement the specifications in the Appropriations Act with regards to Capital Improvement must be waived in this manner. And it does have two pages of sentencing an language having to do with requirements of the Capital Improvement Plan and very specific in waiving those requirements, Mr. Phelps.



Speaker: Honorable Phelps 4:46.



Walter Phelps: Thank you Mr. Speaker I just needed some clarifications on this because I support request for the community and the need for infrastructure. I guess I just wanted to make sure that these amendments would satisfy and hopefully expedite the process, thank you Mr. Speaker.



Speaker: I see no other on the screen for amendment 2 go to the board; going once, going twice, going three times, by a vote of 9 in favor and 6 opposed, amendment 2 passes . Back to the main motion there was a request also to consider tabling. I have reserve time for Honorable Crotty 3:51 you want it now Honorable Crotty.



Amber Crotty: Speaker, thank you I did have a question. These amendments are not numbered and I just have one, so if there is two amendments I like to have the other copy. On page 1 line 17 add the following language.




Speaker: The Amendment 1 is the budget forms. Honorable Crotty time is running.




Amber Crotty: It was a request I made.....





Speaker: You're on reserve time save it? Honorable Crotty did you reserve your time? Honorable Tsosie reserves his, Honorable Filfred 4:17.

 Davis Filfred: Thank you again Mr. Speaker, members of the Council, everybody here in the gallery. Just remembering that in my area Aneth Chapter we have over 300 people they still have no electricity and I do understand the need and the people living in the Black Mesa area but I sure hate to do this but its been requested I'll go ahead and motion to table this Mr. Speaker and for how long I'll refer that back to the Sponsor of this legislation.


 Speaker: Motion to table by Honorable Filfred, second by Honorable Lee Jack, Sr., Sponsor response to the Tabling Motion.


 Dwight Witherspoon: Thank you for the motion, I agree with my colleagues to not try and go into the Minimum Fund Balance, we'll wait a couple of weeks until we have the budget pulls out to see what's in the UUFB at the next I guess Special Session than the Legislation can be considered for appropriation thank you.


 Speaker: Go to the board on tabling motion. Going once, going twice, going three times tabling motion passes by a vote of 9 to 5. Just for the record so we don't get into this at some point. These are the individuals that have zero time Honorable Crotty waives off her time, Honorable Tsosie 2:33, Honorable BeGaye 3 seconds, Honorable Brown used up his time, Honorable Filfred has 4:17; Honorable BeGaye.


 Nelson BeGaye: Mr. Speaker, my colleagues, I'm doing a question of privilege but I need to find out what the status of the CIP is? We approved it through Council, President signed it and then there was an issue from the Auditor General saying that it did not go through the right process so do we have a CIP Plan or not? Because we're waiting we just had one here a while ago. And we need to find out to see if our CIP is valid or not, and it seem like it is valid on one hand and on the other hand we're saying that it didn't go through the right process. I think if we get some information Mr. Speaker sometime down the road.

 Speaker: We'll address before this legislation comes up again we'll get something for Friday. Honorable Kee Allen.

 Kee Allen Begay: Mr. Speaker please I e-mailed you back there is a deadline that he requested by the Finance Office, so we're here all night and I was here this morning, this morning up to now so we don't have enough time to work on those.

 Speaker: We have completed our agenda .

 Walter Phelps: Motion to adjourn.

 Speaker: Motion by Honorable Phelps to adjourn; second by Honorable Jonathan L Hale; all in favor push you r buttons for adjournment, ice Chair Witherspoon, second by Chairman Hale; push your buttons see if we have a quorum for adjournment. Going once, going twice, going three time lock it down, 10 in favor and 3 opposed. Thank you very much be save going home.

The Navajo Nation Council adjourned at 9:05 pm on 10/21/15.