

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING THE "NAVAJO SAND
AND GRAVEL LEASE AND ACCESS ROAD RIGHT-OF-WAY" LEASE BETWEEN THE
NAVAJO NATION AND APACHE COUNTY DISTRICT I, AS PREVIOUSLY
APPROVED BY RESOLUTION RDCO-53-13

BE IT ENACTED:

Section One. Authority

The Resources and Development Committee of the Navajo Nation Council is empowered with oversight authority over land and the power to grant final approval for non-mineral leases and rights-of-way within the Navajo Nation. 2 N.N.C. §§ 500 (C), 501 (B) (2) (a).

Section Two. Findings

- A. The Resources and Development Committee approved Resolution RDCO-53-13 "Approving a Sand and Gravel Lease and an Access Road Right-of-Way for Apache County District I" (Agreement). See Exhibit "A"
- B. The term of the Agreement is 5 years, effective the date the Agreement is approved by the Secretary of the Interior (Bureau of Indian Affairs). See Exhibit "B" at Section 1.
- C. As of this date the Agreement has not been approved by the Bureau of Indian Affairs nor has the Agreement been acted on by Apache County District I or the Navajo Nation.
- D. The road work as planned by Apache County District I with the materials covered by this Agreement will involve improvement of roads within the Navajo Nation.

- E. Insofar as the road work as planned by Apache County District I with materials covered by this Agreement will involve improvement of roads within the Navajo Nation and therefore be for the benefit of the Navajo Nation, the Resources and Development Committee finds it in the best interest of the Navajo Nation to approve the amendment to the Agreement waiving all fees and royalties as stipulated in the Agreement at Section 2. See Exhibit "B" at Section 2
- F. Insofar as the road work as planned by Apache County District I with materials covered by this Agreement will involve improvement of roads within the Navajo Nation and therefore be for the benefit of the Navajo Nation, the Resources and Development Committee finds it in the best interest of the Navajo Nation to approve the amendment to the Agreement reducing the performance and reclamation bond amount as required by the Agreement at Section 4 from \$225,000 to \$90,000. See Exhibit "B" at Section 4

Section Three. Approval

- A. The Resources and Development Committee hereby approves the following amendments to the Agreement as found at Exhibit "C":
 - 1. All fees and royalties as specified in Section 2 of the Agreement are hereby waived;
 - 2. The performance and reclamation bond amount as required at Section 4 of the Agreement is hereby reduced from \$225,000.00 to \$90,000.00.
- B. The Resources and Development Committee hereby approves "Amendment Number One (1) To the Navajo Nation Sand and Gravel Lease and Access Road Right-of-Way Agreement Between the Navajo Nation and Apache County District 1." as found at Exhibit "C".
- C. All other terms and conditions of the Agreement remain unchanged.
- D. The President of the Navajo Nation is hereby authorized to execute all documents intended to fulfill the intent of this resolution.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Transportation Administrative Complex, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 19th day of December, 2017.



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

Motion: Honorable Davis Filfred
Second: Honorable Jonathan Perry



RDCO-53-13

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

22nd OF THE NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND AND
GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR APACHE COUNTY
DISTRICT I

BE IT ENACTED:

Section One. Findings

The Navajo Nation hereby finds the following with respect to this resolution:

1. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council and is authorized to approve sand and gravel leases and permits on the Navajo Nation; and
2. Apache County District I, address is P.O. Box 1952, Chinle, Arizona 86503, desires to enter into an agreement for a sand and gravel lease (Lease) and access road right-of-way (Exhibit "1"); and
3. The Lease and the right-of-way are located in the vicinity of Teecnospos, Apache County, Arizona. The Lease and the right-of-way are described in maps marked Exhibit "A" and "B" respectively. The Lease occupies 36.294 acres more or less and the right-of-way consists of 5.84 acres more or less; and
4. The Mining and Reclamation Plan is attached as Exhibit "C"; and
5. Apache County District I has submitted an Environmental Assessment Report and Findings of No Significant Impact issued by the Bureau of Indian Affairs (Exhibit "D"); and

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6. The consent of the affected land users have been obtained by the Navajo Land Department and are attached hereto as Exhibit "E".

Section Two. Approvals

1. The Navajo Nation hereby approves a sand and gravel lease and an access road right-of-way for Apache County, District I (Exhibit "1"); and
2. The location of the lease and the right-of-way for the access road is shown on maps attached as Exhibit "A" and "B", respectively; and
3. Apache County District 1 shall abide by all the terms and conditions stipulated in Exhibit 1 and adhere to the Mining and Reclamation Plan (Exhibit "C"); and
4. The President of the Navajo Nation is hereby authorized to execute all documents intended to fulfill the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 22nd Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed and 00 abstained, on this 8th of October, 2013.


Katherine Benally, Chairperson
Resources and Development Committee

Motion: David Tom
Second: George Apachito

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NAVAJO NATION SAND AND GRAVEL LEASE
AND ACCESS ROAD RIGHT-OF-WAY

THIS AGREEMENT for a Sand and Gravel Lease (Lease) is made and entered by and between the Navajo Nation and Apache County District I, herein called the Lessee and whose address is at P.O. Box 1952, Chinle, Arizona 86503.

Definitions:

Sand & Gravel means: Borrow (Earth.) Sand and Natural or Processed Gravel

Department means the Navajo Nation Minerals Department.

Navajo Nation (Nation) means the Navajo Tribe of Indians.

Secretary means the Secretary of the U.S. Department of Interior or his/her designated representative.

Performance bond means a surety bond, collateral bond or self-bond or a combination thereof, by which a lessee assures faithful performance of all the requirements of this lease and mining and reclamation plan.

Reclamation means those actions taken to restore mined land as required to a post-mining land use approved by the Department.

NABIK'IYATI' Committee means the NABIK'IYATI' Committee of the Navajo Nation Council.

Resources and Development Committee means the Resources and Development Committee of the Navajo Nation Council.

Slope means average inclination of a surface, measured from the horizontal, normally expressed as a unit of horizontal distance to vertical distance.

Stabilize means to control movement of soil, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

Ton means 2000 pounds.

Water table means the upper surface of a zone of saturation.

The Navajo Nation hereby grants Lessee a Lease right to extract sand and gravel from the north half of Section 35 and the south half of Section 26, Township 41 N, Range 29 E, Gila and Salt River Meridian, Apache County, State of Arizona. The area encompassed by the lease is 36.294 acres, more or less. The location and legal description are shown in Exhibit "A". The access road is 2,542.86 feet more or less, and is shown in Exhibit "B".

1. The Lease shall be valid for a period of five (5) years effective the date it is approved by the Secretary. This date shall be known as the Effective Date of the Lease.

2. Payments to the Nation by the Lessee:

(i) The Lessee shall pay an annual advance royalty for each lease year. The first payment in the amount of Thirteen Thousand Three Hundred and Forty-five Dollars (\$13,345.00) is due within ten (10) days of the Effective Date. Subsequent annual advance royalty payments are due on or before each anniversary of the Effective Date. The annual advance royalty payment shall be credited against production royalties only during the year for which the advance royalty has been paid.

(ii) A royalty at the rate of \$1.40 per ton for each ton of sand and gravel material removed from the Lease premises. The royalty payment shall be made on a monthly basis within fifteen (15) days following the month for which the royalty is due.

(iii) Lessee shall annually pay \$3,326.40 for the access road right-of-way.

(iv.) The subsequent annual advance payments, the royalty rate and the annual right-of-way payment shall be subject to annual adjustments on each anniversary of the Effective Date. The adjustments shall be based upon the increase in the Consumer Price Index (CPI), U.S. City Average for All Urban Consumers. The CPI for March 2011 shall be used as the base for all adjustments.

3. Mining and Reclamation Plan: The Lessee shall abide by the mining and reclamation plan (Exhibit C). The Lessee shall incorporate all recommendations and changes mandated by the Navajo Nation and the DOI in the mining and reclamation plan submitted by the Lessee. The final slopes shall not exceed 4 (horizontal): 1 (vertical). The majority of the plant species will be native to the area. The Lessee shall ensure that no poisonous and noxious vegetation are allowed to grow in the leased area. The Lessee shall ensure that the final post-mining topographic plan does not allow water to collect in the leased area and no impoundment shall be left. No water shall be discharged off the leased area without written authorization from the Navajo Nation and all federal agencies having jurisdiction. There shall be no drilling and blasting.

4. Bond: The Lessee shall furnish a performance and reclamation bond for Two Hundred and Twenty-five Thousand Dollars (\$225,000.00). The Lessee shall maintain this bond at all times even if the Lease expires or is terminated. The bond shall only be released with the written consent of the Navajo Nation and the approval of the DOI. The Navajo Nation shall provide its written consent for the DOI to release the bond only after the expiration or termination of the Lease and after Lessee has fulfilled all its obligations, including payments to the Nation and reclamation, under the terms and conditions of this Lease. The bond may also be increased by the Navajo Nation and/or the DOI. The Navajo Nation will only seek to increase or decrease Lessee's bond in the event that 1. Lessee's Mining and Reclamation Plan is amended; 2. Lessee fails to comply with the Mining and Reclamation Plan; or 3. specific on the ground circumstances require such an increase. The Lessee shall request a bond release to DOI only after the expiration or termination of the Lease and Lessee has fulfilled all its obligations, including payments to the Nation and reclamation, under the terms and conditions of this Lease.

5. Water Use Permit: Lessee shall not use Navajo Nation water without a water use permit from the Navajo Nation Water Resources Department.

6. Records and Reports: The Lessee shall maintain accurate records of all sand and gravel material extracted, stockpiled, sold and removed from the Lease and the royalty due and paid to the Navajo Nation. A copy of the records shall be provided to the DOI and the Navajo Nation Minerals Department (P.O. Box 1910, Window Rock, AZ: 86515) on a monthly basis within fifteen (15) days following the sale month. The material shall be weighed before removal from the site. The scale shall be certified. Monthly production reports shall be filed even if there was no sale of material.

7. Method of Payments: All required payments under Section 2 of this Lease shall be made to the Department, in lawful money of the United States. A copy of the payments shall be provided to the DOI.

8. Disposition of Minerals and Surface: The Navajo Nation expressly reserves the right to use, lease or otherwise dispose of the minerals not covered by this Lease and the surface of the lands embraced within this Lease under existing laws and laws hereinafter enacted. Lessor further reserves the right to grant additional leases for the extraction and removal of sand and gravel or for any other purposes from the lands described herein. Such disposition and use shall be subject to the prior rights of the Lessee herein to use of so much of the said surface as is necessary in the extraction and removal of sand and gravel described in accordance with this Lease.

9. Diligence: The Lessee shall exercise diligence in the conduct of its mining operation and the land described herein shall not be held for speculative purposes, but in good faith for the extraction of sand and gravel and shall begin operation within one (1) month of the Effective Date.

10. No work shall commence until the mandatory mine health and safety training has been provided to the workers pursuant to 30 CFR, Part 46. The Lessee shall maintain the required training plan pursuant to the provisions of 30 CFR, Part 46. The Department shall be listed in the training plan if the Lessee wants the Department to conduct the training.

11. The Lessee shall obtain a mine identification number from the United States Mine Safety and Health Administration.

12. The Lessee may develop, use and occupy the area under the Lease for the purpose of removing sand and gravel material. The Lessee may not develop, use or occupy the area under the Lease for any other purpose without the prior written approval of the Nation and the Secretary. Such approval of the Nation may be granted upon conditions or withheld at the sole discretion of the Nation. The Lessee may not develop, use or occupy the area under the permit for any unlawful purpose. Any unlawful use of the land within the Lease shall render the Lease void at the option of the Nation and/or the Secretary.

13. Sand and gravel material shall not be used for projects outside the Nation unless it is expressly authorized by the Resources and Development Committee of the Navajo Nation Council.

14. In all activities conducted by the Lessee within the Navajo Nation, the Lessee shall abide by all laws and regulations of the Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:

- a. Title 25, Code of Federal Regulations, Parts 162 and 169;
- b. Title 30, Code of Federal Regulations, Parts 46 and 56;
- c. The Navajo Nation Mine Safety Code 18 N.N.C. § 401;
- d. All applicable federal and Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery, all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/ traditional beliefs or practice.
- e. To the extent allowed by applicable law, the Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq., and

f. The Navajo Nation Water Code, 22 N.N.C. § et seq., Lessee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

g. Applicable regulations of the Navajo Nation Tax Code.

15. The Lessee shall ensure that the air quality of the Nation is not unduly degraded during operations by violating federal and Nation's applicable laws and regulations.

16. The Lessee shall clear and keep clear the lands within the Lease area to the extent compatible with the purpose of the Lease, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

17. The Lessee shall at all times during the term of the Lease and at the Lessee's sole cost and expense, maintain the land subject to the Lease and all improvements located thereon and make all necessary reasonable repairs. Lessee shall not be responsible to make necessary reasonable repairs resulting from any damages caused by the Navajo Nation, its employees and any entity to which the Navajo Nation has granted a lease or right-of-way pursuant to Section 8. above.

18. The Lessee shall obtain prior written permission to cross an existing permit or lease areas, if any, from the appropriate parties.

19. The Lessee shall be responsible for and promptly pay all damages when they are sustained, from actions the Lessee causes.

20. The Lessee shall indemnify and hold harmless the Nation and the Secretary and their respective authorized agents, employees, land users and occupants against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of area under the Lease by the Lessee.

21. The Lessee shall not assign, convey, transfer or sublet in any manner whatsoever, the lease or any interest therein, or in or to any of the improvements on the land subject to the lease, without the prior written consent of the Nation and the Secretary. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Nation may be granted, granted upon conditions or withheld at the sole discretion of the Nation.

22. The Nation may recommend termination of the Lease by DOI for violation of any of the terms and conditions stated herein.

23. At the termination of the Lease, the Lessee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request from the Nation, the Lessee shall provide the Navajo, at the Lessee's sole cost and expense, with an environmental audit assessment of the

premises at least thirty (30) days after completion and notification to the Nation that all required reclamation has been performed.

24. Holding over by the Lessee after the termination of the Lease shall not constitute a renewal or extension thereof or give the Lessee any rights hereunder or in to the land subject to the Lease or to any improvements located thereon.

25. The Nation and the Secretary shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located therein. The Nation and Secretary have further right to audit all payments due to the Nation.

26. By acceptance of the grant of Lease, the Lessee consents to the full territorial legislative, executive and judicial jurisdiction of the Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Lessee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Nation.

27. By acceptance of the grant of the Lease, the Lessee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Nation on the basis that such jurisdiction is inconsistent with the status of the 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 contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the Lease or to the Nation.

28. Any action or proceeding brought by the Lessee against the Nation in connection with or arising out of the terms and conditions of the Lease shall be brought only in the Courts of the Nation, and no such action or proceeding shall be brought by the Lessee against the Nation in any court of any state.

29. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Nation.

30. Except as prohibited by applicable federal law, the law of the Nation shall govern the performance and enforcement of the terms and conditions contained herein.

31. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Lessee, and the term "Lessee" whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.

32. There is expressly reserved to the Nation full territorial legislative, executive and judicial jurisdiction over the area under the Lease and all lands burdened by the Lease, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the Lease and all lands burdened by the Lease shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

33. The Lessee is required to maintain and submit a certificate issued by an insurance company authorized to do business in the United States, and on the Navajo Nation, certifying that the applicant has a public liability insurance policy in force for the mining and reclamation operations pursuant to this Lease. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any person injured or property damaged as a result of the mining and reclamation operations, including the use of explosives. Minimum insurance coverage for bodily injury and property damage shall be \$ 500,000 for each occurrence and \$1,000,000 aggregate.

(a) The policy shall be maintained in full force during the term of the Lease and the liability period necessary to complete all reclamation requirements under the Plan.

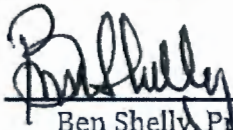
(b) The policy shall include a rider requiring that the insurer notify the Department and DOI whenever substantive changes are made in the policy including any termination or failure to renew.

THE NAVAJO NATION

OCT 24 2013

Date

By



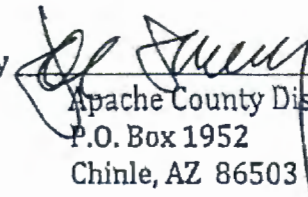
Ben Shelly, President
The Navajo Nation

APACHE COUNTY DISTRICT I

OCT 31 2013

Date

By



Apache County District I
P.O. Box 1952
Chinle, AZ 86503



ACKNOWLEDGEMENT OF LESSOR

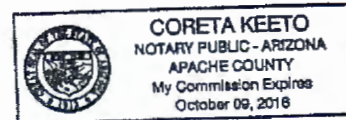
State of Arizona)
) ss.
County of Apache)

Before me, a Notary Public, on this 24th day of October, 2013,
personally appeared Ben Shelly, who executed the foregoing lease in his official capacity as
President of the Navajo Nation for and on behalf of the Navajo Nation.

Coreta Keeto
Notary Public

My Commission Expires:

10/9/16



ACKNOWLEDGEMENT OF LESSEE

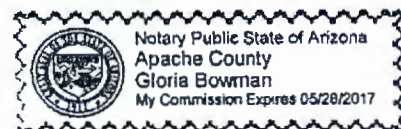
State of Arizona)
) ss.
County of Apache)

Before me, a Notary Public, on this 31 day of October, 2013,
personally appeared Joe Shirley, Jr., who executed the foregoing lease in his official capacity
as Apache County Supervisor of Apache County District I.

Gloria Bowman
Notary Public

My Commission Expires:

5/28/2017





**THE
NAVAJO
NATION**

MINERALS DEPARTMENT

Post Office Box 1910

Window Rock, Arizona 86515

Phone: (928) 871-6587 • Fax: (928) 871-7095

Ben Shelly
President

November 1, 2013

Rex Lee Jim
Vice-President

Ms. Mary Lujan, Realty Officer
Bureau of Indian Affairs
Division of Real Estate Services
P.O. Box 3538
Shiprock, New Mexico 87420

RE: SAND AND GRAVEL LEASE FOR APACHE COUNTY DISTRICT I

Dear Ms. Lujan:

The Resources and Development Committee (RDC) of the Navajo Nation Council by Resolution RDCO-53-13 dated October 8, 2013 approved a sand and gravel lease for Apache County District I. A copy of RDC resolution and all supporting documents are enclosed. The bond will be posted with the Bureau of Indian Affairs. Your timely approval of the lease will be greatly appreciated.

Please call me or Mr. Ram S. Das at (928) 871-6587, if you have any questions.

Sincerely,

Akhtar Zaman
for Akhtar Zaman
Director of Minerals Department

RSD/AZ/kjs

Xc: Sharon Pinto, Regional Director, Bureau of Indian Affairs
Apache County District I



**AMENDMENT NUMBER ONE (1)
TO THE NAVAJO NATION SAND AND GRAVEL LEASE AND ACCESS ROAD
RIGHT-OF-WAY AGREEMENT BETWEEN THE NAVAJO NATION
AND APACHE COUNTY DISTRICT 1**

THIS AMENDMENT NUMBER ONE (1) to the Navajo Nation Sand and Gravel Lease and Access Right-of-Way Agreement Between the Navajo Nation and Apache County District 1 (Agreement) is made and entered by and between the Navajo Nation and Apache County District 1 herein called the Lessee and whose address is at P.O. Box 1952, Chinle, Arizona 86503.

WHEREAS, the Agreement states at Section 1 "The Lease shall be valid for a period of five (5) years effective the date it is approved by the Secretary. This date shall be known as the Effective Date of the Lease." And;

WHEREAS, the signatures of both Parties to the Agreement were completed on October 31, 2013. And;

WHEREAS, the Agreement has never been approved by the Secretary, the term of the lease has not yet begun to run.

NOW THEREFORE, the Parties hereby agree to the following amendments to be made part of the Agreement and subsequently submitted to the Department of the Interior, Bureau of Indian Affairs for required approval:

Amendment to Section 2. Payments to the Nation by the Lessee:

- (i) ~~The Lessee shall pay an annual advance royalty for each lease year. The first payment in the amount of Thirteen Thousand Three Hundred and Forty-five Dollars (\$13,345.00) is due within ten (10) days of the Effective Date. Subsequent annual advance royalty payments are due on or before each anniversary of the Effective Date. The annual advance royalty payment shall be credited against production royalties only during the year for which the advance royalty has been paid.~~
- (ii) ~~A royalty at the rate of \$1.40 per ton for each ton of sand and gravel material removed from the Lease premises. The royalty payment shall be made on a monthly basis within fifteen (15) days following the month for which royalty is due.~~
- (iii) ~~Lessee shall annually pay \$3,326.40 for access road right-of-way.~~
- (iv) ~~The subsequent annual advance payments, the royalty rate and the annual right-of-way payment shall be subject to annual adjustments on each anniversary of the Effective Date. The adjustments shall be based upon the increase in Consumer Price Index (CPI), U.S. City Average for All Urban Consumers. The CPI for March 2011 shall be used as the base for all adjustments.~~

In consideration that the work being performed by Apache County District 1 under this Agreement benefits Navajo Nation roads, all fees and royalties are waived.

Amendment to Section 4. Bond:

The Lessee shall furnish a performance and reclamation bond for ~~Two Hundred and Twenty-five Thousand Dollars (\$225,000.00)~~ Ninety Thousand Dollars (\$90,000.00). The lessee shall maintain this bond at all times even if the Lease expires or is terminated. The bond shall only be released with the written consent of the Navajo Nation and the approval of the DOI. The Navajo Nation shall provide its written consent for the DOI to release the bond only after the expiration or termination of the Lease and after Lessee has fulfilled all its obligations including payments to the Nation and reclamation, under the terms and conditions of this Lease. The bond may also be increased by the Navajo Nation and/or the DOI. The Navajo Nation will only seek to increase or decrease Lessee's bond in the event that 1. Lessee's Mining and Reclamation Plan is amended; 2. Lessee fails to comply with the Mining and Reclamation Plan; or 3. Specific on the ground circumstances require such an increase. The Lessee shall request a bond release to DOI only after the expiration or termination of the Lease and Lessee has fulfilled all its obligations, including payments to the Nation and reclamation, under the terms and conditions of this Lease.

The above Amendments to Section 2 and Section 4, respectively, represent the total changes to the Agreement as intended by this document Amendment Number One (1).

THE NAVAJO NATION

Date: _____

By _____
Russell Begaye, President
The Navajo Nation

APACHE COUNTY DISTRICT 1

Date: _____

By _____
Apache County District 1
P.O. Box 1952
Chinle, AZ 86503

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

22nd OF THE NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND AND
GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR APACHE COUNTY
DISTRICT I

BE IT ENACTED:

Section One. Findings

The Navajo Nation hereby finds the following with respect to this resolution:

1. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council and is authorized to approve sand and gravel leases and permits on the Navajo Nation; and
2. Apache County District I, address is P.O. Box 1952, Chinle, Arizona 86503, desires to enter into an agreement for a sand and gravel lease (Lease) and access road right-of-way (Exhibit "1"); and
3. The Lease and the right-of-way are located in the vicinity of Teechnospos, Apache County, Arizona. The Lease and the right-of-way are described in maps marked Exhibit "A" and "B" respectively. The Lease occupies 36.294 acres more or less and the right-of-way consists of 5.84 acres more or less; and
4. The Mining and Reclamation Plan is attached as Exhibit "C"; and
5. Apache County District I has submitted an Environmental Assessment Report and Findings of No Significant Impact issued by the Bureau of Indian Affairs (Exhibit "D"); and

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6. The consent of the affected land users have been obtained by the Navajo Land Department and are attached hereto as Exhibit "E".

Section Two. Approvals

1. The Navajo Nation hereby approves a sand and gravel lease and an access road right-of-way for Apache County, District I (Exhibit "1"); and
2. The location of the lease and the right-of-way for the access road is shown on maps attached as Exhibit "A" and "B", respectively; and
3. Apache County District 1 shall abide by all the terms and conditions stipulated in Exhibit 1 and adhere to the Mining and Reclamation Plan (Exhibit "C"); and
4. The President of the Navajo Nation is hereby authorized to execute all documents intended to fulfill the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 22nd Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed and 00 abstained, on this 8th of October, 2013.


Katherine Benally, Chairperson
Resources and Development Committee

Motion: David Tom
Second: George Apachito

ORIGINAL



**NAVAJO NATION SAND AND GRAVEL LEASE
AND ACCESS ROAD RIGHT-OF-WAY**

THIS AGREEMENT for a Sand and Gravel Lease (Lease) is made and entered by and between the Navajo Nation and Apache County District I, herein called the Lessee and whose address is at P.O. Box 1952, Chinle, Arizona 86503.

Definitions:

Sand & Gravel means: Borrow (Earth,) Sand and Natural or Processed Gravel

Department means the Navajo Nation Minerals Department.

Navajo Nation (Nation) means the Navajo Tribe of Indians.

Secretary means the Secretary of the U.S. Department of Interior or his/her designated representative.

Performance bond means a surety bond, collateral bond or self-bond or a combination thereof, by which a lessee assures faithful performance of all the requirements of this lease and mining and reclamation plan.

Reclamation means those actions taken to restore mined land as required to a post-mining land use approved by the Department.

NABIK'IYATI' Committee means the NABIK'IYATI' Committee of the Navajo Nation Council.

Resources and Development Committee means the Resources and Development Committee of the Navajo Nation Council.

Slope means average inclination of a surface, measured from the horizontal, normally expressed as a unit of horizontal distance to vertical distance.

Stabilize means to control movement of soil, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

Ton means 2000 pounds.

Water table means the upper surface of a zone of saturation.

The Navajo Nation hereby grants Lessee a Lease right to extract sand and gravel from the north half of Section 35 and the south half of Section 26, Township 41 N, Range 29 E, Gila and Salt River Meridian, Apache County, State of Arizona. The area encompassed by the lease is 36.294 acres, more or less. The location and legal description are shown in Exhibit "A". The access road is 2,542.86 feet more or less, and is shown in Exhibit "B".

1. The Lease shall be valid for a period of five (5) years effective the date it is approved by the Secretary. This date shall be known as the Effective Date of the Lease.

2. Payments to the Nation by the Lessee:

(i) The Lessee shall pay an annual advance royalty for each lease year. The first payment in the amount of Thirteen Thousand Three Hundred and Forty-five Dollars (\$13,345.00) is due within ten (10) days of the Effective Date. Subsequent annual advance royalty payments are due on or before each anniversary of the Effective Date. The annual advance royalty payment shall be credited against production royalties only during the year for which the advance royalty has been paid.

(ii) A royalty at the rate of \$1.40 per ton for each ton of sand and gravel material removed from the Lease premises. The royalty payment shall be made on a monthly basis within fifteen (15) days following the month for which the royalty is due.

(iii) Lessee shall annually pay \$3,326.40 for the access road right-of-way.

(iv.) The subsequent annual advance payments, the royalty rate and the annual right-of-way payment shall be subject to annual adjustments on each anniversary of the Effective Date. The adjustments shall be based upon the increase in the Consumer Price Index (CPI), U.S. City Average for All Urban Consumers. The CPI for March 2011 shall be used as the base for all adjustments.

3. Mining and Reclamation Plan: The Lessee shall abide by the mining and reclamation plan (Exhibit C). The Lessee shall incorporate all recommendations and changes mandated by the Navajo Nation and the DOI in the mining and reclamation plan submitted by the Lessee. The final slopes shall not exceed 4 (horizontal): 1 (vertical). The majority of the plant species will be native to the area. The Lessee shall ensure that no poisonous and noxious vegetation are allowed to grow in the leased area. The Lessee shall ensure that the final post-mining topographic plan does not allow water to collect in the leased area and no impoundment shall be left. No water shall be discharged off the leased area without written authorization from the Navajo Nation and all federal agencies having jurisdiction. There shall be no drilling and blasting.

4. **Bond:** The Lessee shall furnish a performance and reclamation bond for Two Hundred and Twenty-five Thousand Dollars (\$225,000.00). The Lessee shall maintain this bond at all times even if the Lease expires or is terminated. The bond shall only be released with the written consent of the Navajo Nation and the approval of the DOI. The Navajo Nation shall provide its written consent for the DOI to release the bond only after the expiration or termination of the Lease and after Lessee has fulfilled all its obligations, including payments to the Nation and reclamation, under the terms and conditions of this Lease. The bond may also be increased by the Navajo Nation and/or the DOI. The Navajo Nation will only seek to increase or decrease Lessee's bond in the event that 1. Lessee's Mining and Reclamation Plan is amended; 2. Lessee fails to comply with the Mining and Reclamation Plan; or 3. specific on the ground circumstances require such an increase. The Lessee shall request a bond release to DOI only after the expiration or termination of the Lease and Lessee has fulfilled all its obligations, including payments to the Nation and reclamation, under the terms and conditions of this Lease.

5. **Water Use Permit:** Lessee shall not use Navajo Nation water without a water use permit from the Navajo Nation Water Resources Department.

6. **Records and Reports:** The Lessee shall maintain accurate records of all sand and gravel material extracted, stockpiled, sold and removed from the Lease and the royalty due and paid to the Navajo Nation. A copy of the records shall be provided to the DOI and the Navajo Nation Minerals Department (P.O. Box 1910, Window Rock, AZ: 86515) on a monthly basis within fifteen (15) days following the sale month. The material shall be weighed before removal from the site. The scale shall be certified. Monthly production reports shall be filed even if there was no sale of material.

7. **Method of Payments:** All required payments under Section 2 of this Lease shall be made to the Department, in lawful money of the United States. A copy of the payments shall be provided to the DOI.

8. **Disposition of Minerals and Surface:** The Navajo Nation expressly reserves the right to use, lease or otherwise dispose of the minerals not covered by this Lease and the surface of the lands embraced within this Lease under existing laws and laws hereinafter enacted. Lessor further reserves the right to grant additional leases for the extraction and removal of sand and gravel or for any other purposes from the lands described herein. Such disposition and use shall be subject to the prior rights of the Lessee herein to use of so much of the said surface as is necessary in the extraction and removal of sand and gravel described in accordance with this Lease.

9. **Diligence:** The Lessee shall exercise diligence in the conduct of its mining operation and the land described herein shall not be held for speculative purposes, but in good faith for the extraction of sand and gravel and shall begin operation within one (1) month of the Effective Date.

10. No work shall commence until the mandatory mine health and safety training has been provided to the workers pursuant to 30 CFR, Part 46. The Lessee shall maintain the required training plan pursuant to the provisions of 30 CFR, Part 46. The Department shall be listed in the training plan if the Lessee wants the Department to conduct the training.

11. The Lessee shall obtain a mine identification number from the United States Mine Safety and Health Administration.

12. The Lessee may develop, use and occupy the area under the Lease for the purpose of removing sand and gravel material. The Lessee may not develop, use or occupy the area under the Lease for any other purpose without the prior written approval of the Nation and the Secretary. Such approval of the Nation may be granted upon conditions or withheld at the sole discretion of the Nation. The Lessee may not develop, use or occupy the area under the permit for any unlawful purpose. Any unlawful use of the land within the Lease shall render the Lease void at the option of the Nation and/or the Secretary.

13. Sand and gravel material shall not be used for projects outside the Nation unless it is expressly authorized by the Resources and Development Committee of the Navajo Nation Council.

14. In all activities conducted by the Lessee within the Navajo Nation, the Lessee shall abide by all laws and regulations of the Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:

- a. Title 25, Code of Federal Regulations, Parts 162 and 169;
- b. Title 30, Code of Federal Regulations, Parts 46 and 56;
- c. The Navajo Nation Mine Safety Code 18 N.N.C. § 401;
- d. All applicable federal and Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery, all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/ traditional beliefs or practice.
- e. To the extent allowed by applicable law, the Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq., and

- f. The Navajo Nation Water Code, 22 N.N.C. § et seq., Lessee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
- g. Applicable regulations of the Navajo Nation Tax Code.

15. The Lessee shall ensure that the air quality of the Nation is not unduly degraded during operations by violating federal and Nation's applicable laws and regulations.

16. The Lessee shall clear and keep clear the lands within the Lease area to the extent compatible with the purpose of the Lease, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

17. The Lessee shall at all times during the term of the Lease and at the Lessee's sole cost and expense, maintain the land subject to the Lease and all improvements located thereon and make all necessary reasonable repairs. Lessee shall not be responsible to make necessary reasonable repairs resulting from any damages caused by the Navajo Nation, its employees and any entity to which the Navajo Nation has granted a lease or right-of-way pursuant to Section 8. above.

18. The Lessee shall obtain prior written permission to cross an existing permit or lease areas, if any, from the appropriate parties.

19. The Lessee shall be responsible for and promptly pay all damages when they are sustained, from actions the Lessee causes.

20. The Lessee shall indemnify and hold harmless the Nation and the Secretary and their respective authorized agents, employees, land users and occupants against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of area under the Lease by the Lessee.

21. The Lessee shall not assign, convey, transfer or sublet in any manner whatsoever, the lease or any interest therein, or in or to any of the improvements on the land subject to the lease, without the prior written consent of the Nation and the Secretary. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Nation may be granted, granted upon conditions or withheld at the sole discretion of the Nation.

22. The Nation may recommend termination of the Lease by DOI for violation of any of the terms and conditions stated herein.

23. At the termination of the Lease, the Lessee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request from the Nation, the Lessee shall provide the Navajo, at the Lessee's sole cost and expense, with an environmental audit assessment of the

premises at least thirty (30) days after completion and notification to the Nation that all required reclamation has been performed.

24. Holding over by the Lessee after the termination of the Lease shall not constitute a renewal or extension thereof or give the Lessee any rights hereunder or in to the land subject to the Lease or to any improvements located thereon.

25. The Nation and the Secretary shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located therein. The Nation and Secretary have further right to audit all payments due to the Nation.

26. By acceptance of the grant of Lease, the Lessee consents to the full territorial legislative, executive and judicial jurisdiction of the Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Lessee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Nation.

27. By acceptance of the grant of the Lease, the Lessee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Nation on the basis that such jurisdiction is inconsistent with the status of the 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 contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the Lease or to the Nation.

28. Any action or proceeding brought by the Lessee against the Nation in connection with or arising out of the terms and conditions of the Lease shall be brought only in the Courts of the Nation, and no such action or proceeding shall be brought by the Lessee against the Nation in any court of any state.

29. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Nation.

30. Except as prohibited by applicable federal law, the law of the Nation shall govern the performance and enforcement of the terms and conditions contained herein.

31. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Lessee, and the term "Lessee" whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.

32. There is expressly reserved to the Nation full territorial legislative, executive and judicial jurisdiction over the area under the Lease and all lands burdened by the Lease, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the Lease and all lands burdened by the Lease shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

33. The Lessee is required to maintain and submit a certificate issued by an insurance company authorized to do business in the United States, and on the Navajo Nation, certifying that the applicant has a public liability insurance policy in force for the mining and reclamation operations pursuant to this Lease. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any person injured or property damaged as a result of the mining and reclamation operations, including the use of explosives. Minimum insurance coverage for bodily injury and property damage shall be \$ 500,000 for each occurrence and \$1,000,000 aggregate.

(a) The policy shall be maintained in full force during the term of the Lease and the liability period necessary to complete all reclamation requirements under the Plan.

(b) The policy shall include a rider requiring that the insurer notify the Department and DOI whenever substantive changes are made in the policy including any termination or failure to renew.

THE NAVAJO NATION

Date

By _____
Ben Shelly, President
The Navajo Nation

APACHE COUNTY DISTRICT I

Date

By _____
Apache County District I
P.O. Box 1952
Chinle, AZ 86503

ACKNOWLEDGEMENT OF LESSOR

State of Arizona)
) ss.
County of Apache)

Before me, a Notary Public, on this _____ day of _____, 2013,
personally appeared Ben Shelly, who executed the foregoing lease in his official capacity as
President of the Navajo Nation for and on behalf of the Navajo Nation.

Notary Public

My Commission Expires:

ACKNOWLEDGEMENT OF LESSEE

State of Arizona)
) ss.
County of Apache)

Before me, a Notary Public, on this _____ day of _____, 2013,
personally appeared Joe Shirley, Jr., who executed the foregoing lease in his official capacity
as Apache County Supervisor of Apache County District I.

Notary Public

My Commission Expires:

GENERAL MINING PLAN
for
CARRIZO QUARRY PIT

**TOH DASTINI SPRING
TEEC NOS POS CHAPTER
APACHE COUNTY, NAVAJO NATION**

Submitted to:

Navajo Mineral Department
Navajo Nation Environmental Protection Agency
Bureau of Indian Affairs, Navajo Regional Office

Prepared by:

Lena Clark
Administrative Coordinator
Apache County District One
P.O. Box 1952
Chinle, Arizona 86503

Finalized and Submitted by:

Ferrin Crosby, P.E.
Apache County Engineering Department
P.O. Box 428
St. Johns, Arizona 85936

4

A PARCEL OF LAND SITUATED WITHIN THE NORTH HALF (1/2) OF SECTION 35 AND THE SOUTH HALF (1/2) OF SECTION 28 OF TOWNSHIP 41 NORTH, RANGE 29 EAST; GILA AND SALT RIVER WATERSHEDS IN THE VICINITY OF TREC HOGS POOL, APACHE COUNTY, STATE OF ARIZONA AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMANCHE at the S.E. Corner of Section 38; R 29 E, T 41 N,
and S.W. Corner of Section 31, R 30 E, T 41 N, a Towned
U.S.M. Cadastral Survey Co; Dated 1933.

[illegible]

to the POINT OF BEGINNING.

The described section is comprised of 38.264 acres, more or less, and being subject to any and all existing easements for underground utilities located therein.

- j.) All bearings shown herein are in reference to Tri-station "NEW" and the B.L.M. Brass Cop of Sec.34, T11N, R29 E, Sec.31, T41N, R30E
- k.) All Tract corners are set by 5/8" rebar.
- l.) Reference used B.L.M. Plat dated 09/17/94.

| | | | | | |
|-------------------------------------|-----------|-------------------------------------|--|--|----------|
| NAVAJO DEPARTMENT OF TRANSPORTATION | | CARRIZO GRAVEL PIT 36.29 AC.± | | SECTION 36.1 41 N. R29 E SECTION 36.1 41 N. R29 E | |
| DESCRIPTION | SUBMITTAL | DATE | APPROVED | DATE | APPROVED |
| DRAWN | 1/1/79 | 1/1/79 | OK | 1/1/79 | OK |
| CHECKED | OK | 8/1/79 | OK | 8/1/79 | OK |
| APPROVED | OK | 1/1/79 | OK | 1/1/79 | OK |
| DATE | 1/1/79 | 1/1/79 | 1/1/79 | 1/1/79 | 1/1/79 |
| JACINTO | | | TREC. NOS. 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000 | | |

Figure 4: Survey Plat of Carrizo Quarry Pit

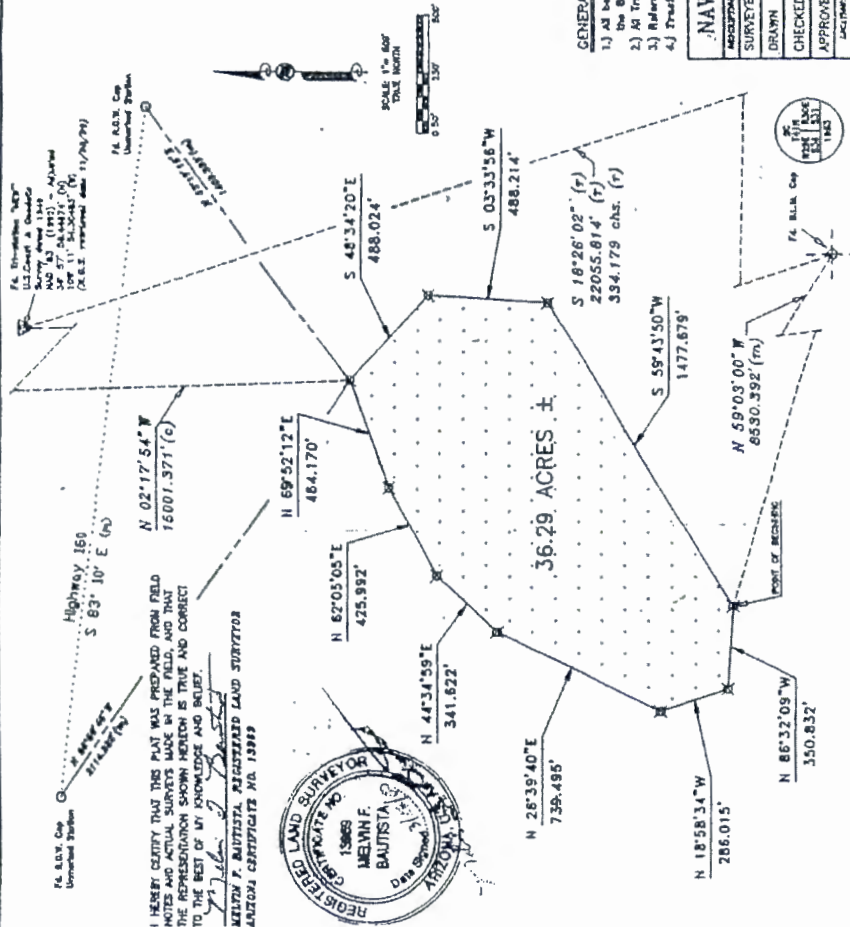
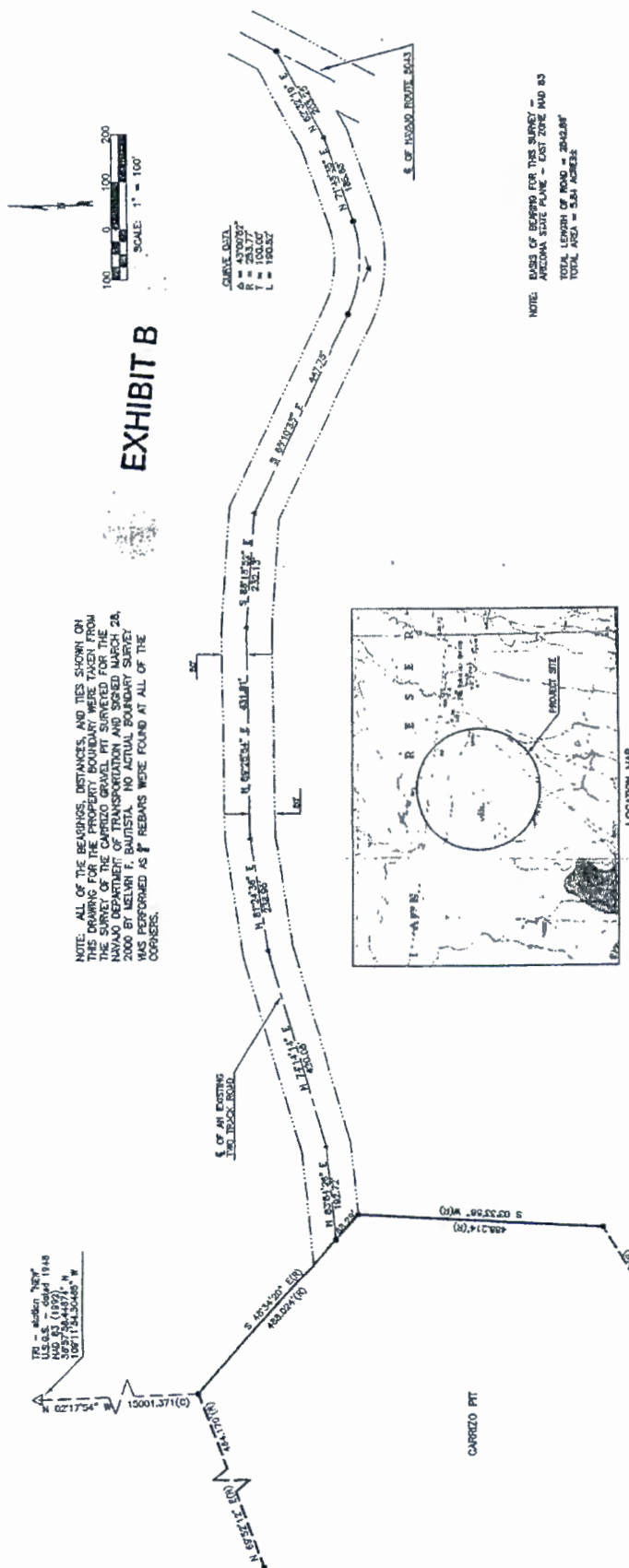


EXHIBIT
B

NOTE. ALL OF THE BEARINGS, DISTANCES, AND TIES SHOWN ON THIS DRAWING FOR THE PROPERTY BOUNDARY WERE TAKEN FROM THE SURVEY OF THE CAMPEZO GRAVEL PIT SURVEYED FOR THE NARANJO DEPARTMENT OF TRANSPORTATION AND SIGNED MARCH 20, 2000 BY MELVIN F. BAUTISTA. NO ACTUAL BOUNDARY SURVEY WAS PERFORMED AS $\frac{1}{4}$ REBARs WERE FOUND AT ALL OF THE CORNERS.

EXHIBIT B



NOTE: BASIS OF BEARING FOR THIS SURVEY - ARIZONA STATE PLANE - EAST ZONE NAD 83
TOTAL LENGTH OF ROAD = 2842.08'
TOTAL AREA = 5.81 ACRES

[illegible]

Code of Election for this description - Arizona State Plaza - East Zone (N40 83).

CERTIFICATION

I hereby certify that the survey of the roadway depicted herein is the result of an actual field survey performed by me during the month of November, 2006 and that both the survey and the plat are true and correct to the best of my knowledge and belief.

James D. Thornhill, P.L.S. 12219
Apache County Surveyor

P. O. BOX 226
 78 W. CLEVELAND ST.
 ST. JOHNS, ARIZONA 85086
 TEL: 928-837-7828
 FAX: 928-357-5052

Figure 5.



**THE
NAVAJO
NATION**

MINERALS DEPARTMENT

Post Office Box 1910

Window Rock, Arizona 86515

Phone: (928) 871-6587 • Fax: (928) 871-7095

Ben Shelly
President

Rex Lee Jim
Vice-President

Interoffice Memorandum

TO: Reviewing Department
The Navajo Nation

FROM: 
Akhtar Zaman, Director
Minerals Department

DATE: July 18, 2013

SUBJECT: DNR-13544 – APPROVING A SAND AND GRAVEL LEASE AND ACCESS
ROAD RIGHT-OF-WAY FOR APACHE COUNTY DISTRICT I

The subject document was initiated by the Minerals Department on April 19, 2012 (copy attached). It got lost in the review process which started before President Shelly's Executive Order was implemented on July 1, 2013 – Executive Order No. 07-2013. Hence, the Department of Justice is of the opinion that it could be reviewed under the previous SAS review process.

If you have any questions, please call Mr. Ram S. Das at extension 6587.

AZ:RSD/kjs
ATTACHMENT




**OFFICE OF THE PRESIDENT
The Navajo Nation
Window Rock (Navajo Nation), Arizona 86515**

SIGNATURE APPROVAL SHEET

FROM: MINERALS DEPARTMENT SAS NO: DNR-13544
Akhtar Zaman - Ext. 6587 DATE: 19-Apr-12

DOCUMENT: **PROPOSED RESOLUTION OF THE RESOURCES AND
DEVELOPMENT COMMITTEE THE NAVAJO NATION COUNCIL:** "Approving
a Sand and Gravel Lease and an Access Road Right-of-Way for Apache County District I"

SURNAME

| | | |
|--------------------------|--|------------------------|
| 1. Minerals: | <u></u> | Date: <u>4-19-2012</u> |
| 2. NLD: | <u>Erma</u> | Date: _____ |
| 3. HPD: | <u>Judy</u> | Date: <u>5-16-12</u> |
| 4. F&W | <u>Pam</u> | Date: _____ |
| 5. Water Resources: | <u>Susar</u> | Date: _____ |
| 6. DNR: | <u>Deb</u> | Date: <u>Not Read</u> |
| 7. NNEPA: | _____ | Date: _____ |
| 8. DOJ: | _____ | Date: _____ |
| 9. OP/VP: | _____ | Date: _____ |
| 10. Legislative Counsel: | _____ | Date: _____ |

Date Signed: _____ No. of Signature(s): _____

Disposition: _____ Initial: _____

DISTRIBUTION: OP/VP (Original) DEPARTMENT (Blue) DNR FILES (Pink)

| Date Received By | S&S No. | Area Company | Description of S&S Packet | Reviewed By | Documentation of S&S |
|---------------------|--------------|------------------------------|--|-------------|---|
| 03/29/2012 Kathy | DNR-13503-A | MSHA FY12 Grant | "Accepting Fiscal Year 2012 Grant in the amount of \$26,839.00 from the U.S. Mine Safety and Health Administration for the Minerals Department's Mine Safety and Health Program" | Akhtar | Signed: 3/29/12 by Akhtar and handcarried to DNR by Ram/Angela on 03/29/12. |
| 03/30/2012 Kathy | DNR-13236 | EnCana Oil ROW | "Approving the Assignment of a 10 Inch Diameter Crude Oil Pipeline Right-of-Way from EnCana Oil and Gas (USA) Inc. to Patara Midstream LLC" | Akhtar | Signed: 06/29/11 by Akhtar and handcarried to NLD on 6/30/11 by Ram.. |
| 4/2/2012 Alvina | DNR-13447 | ADOT TeecNosPos | "Approving a Temporary Construction Easement to Arizona Department of Transportation (ADOT) for debris removal during Box Culvert Extension located adjacent to U.S. (State) Highway 160 on Navajo Nation Trust Lands in the Teec Nos Pos, Chapter vicinity, Apache County, AZ" | Ram | Signed: 04/04/12 by Akhtar w/note Subject to Changes in Exhibit "D" and handcarried to DNR by Alvina on 04/04/12. |
| 4/3/2012 Alvina | DNR-13512 | Navajo Land Department | "Approving an Application for Permit to Drill (APD) to NNOGC Exploration and Production LLC, to construct, operate and maintain "CBM 14-25-24 #4" Well, Road, Pipeline and Ancillary Facilities on, over, and across Navajo Nation Trust Lands, San Juan County, Utah" | Steven | Signed: 05/23/12 by Akhtar w/Memo to Spinto to be picked up by Rachel (NNOGC) on 05/23/2012. |
| 4/3/2012 Alvina | DNR-13513 | Navajo Land Department | "Approving an Application for Permit to Drill (APD) to NNOGC Exploration and Production LLC, to construct, operate and maintain "CBM 11-25-24 #14" Well, Road, and Ancillary Facilities on, over and across Navajo Nation Trust Lands, San Juan County, Utah" | Steven | Signed: 05/23/12 by Akhtar w/Memo to Spinto to be picked up by Rachel (NNOGC) on 05/23/2012. |
| 4/3/2012 Kathy | DRN-13536 | Service Cont. Dominguez | Approving Service Contract between the Navajo Nation and Dominguez Construction for Services Contract in the amount of \$4,872.40 - Surface Mining Program | Akhtar | Signed: 4/13/12 by Akhtar and handcarried to Finance by Elmer on 04/17/12. |
| 4/19/2012 Kathy | DRN-13544 | Apache County S&G ROW | "Approving a Sand and Gravel Lease and an Access Road Right-of-Way for Apache County District 1" | Akhtar | Signed: 4/19/12 by Akhtar and handcarried to Land by Kathy on 19/02/12. |
| 4/25/2012 Kathy | DNR-13523 | Jemez Mt. Electric ROW | "Approving a Grant of Right of Way to Jemez Mountain Electric Cooperative, Inc., to construct, operate and maintain Franciscan Lake Ojo Encino 1-Phase Power Line Project on Navajo Nation Trust Lands in Ojo Encino vicinity, McKinley County, New Mexico" | Ram | Signed 4/27/12 by Perry Shirley and handcarried to DNR by Kathy on 4/27/12 |
| 04/27/2012 Kathy | DNR-13491(A) | OSM FY12 Grant | "Expedited Review: For the Acceptance of Grant Agreement S12AP20006 to the Navajo Nation, for the Minerals Department - Surface Mining Program for Fiscal Year 2012 Budget (June 1, 2012 - May 31, 2013). | Perry | Signed: 4/27/12 by Perry Shirley and given back to OSM on 04/27/12 per Marlene |
| 5/02/2012 Kathy | Leg. #4919 | GrayMt. Wind Project | "Lease for Wind Project to be located on Gray Mountain, Navajo Nation, Arizona" | Akhtar | Not Signed: Note "Comments attached" from Zaman 09/21/12 to DNR |
| 05/09/2012 Kathy | DNR-13551 | PNM 230kV Electric Line | ADMINISTRATIVE REVIEW: "Extension/Renewal of Public Service Company of New Mexico (PNM) 230kV Electrical Transmission Line from Ambrosia to Four Corners Power Plant" | Ram | Signed: 5/10/12 by Akhtar and handcarried to Land Dept. by Ram on 05/10/12. |
| 5/15/2012 Kathy | DNR-13542 | Navajo Processing & G | "Approving the Issuance of a Sand & Gravel Lease to Navajo Processing Products, Inc. for 9.48 acres including access road to extract, operate and maintain the Narbona Pass Gravel Pit in the Sheepsprings vicinity for road improvement projects and construction related purposes, Narbona Pass, New Mexico" | Ram | Not Signed: Note "comments attached" per Akhtar and handcarried to DNR on 05/18/12 by Kathy |
| 05/16/12 Kathy | DNR-13547 | NNOGC APD | "Approving an Application for Permit to Drill (APD) to NNOGC Exploration and Production LLC, to construct, operate and maintain Tohonadla 35-C Well, Road and Ancillary Facilities on, over and across Navajo Nation Trust Lands, San Juan County, Utah. | Steven | Signed: 8/16/12 by Akhtar and handcarried to Esther Kee by Elmer on 08/27/12 per Rachel. |

[illegible]



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona State Office

One North Central Avenue, Suite 800

Phoenix, Arizona 85004-4427

www.blm.gov/az/



TAKE PRIDE
IN AMERICA

JUN 11 2013

In Reply Refer To:
Carrizo Quarry Pit
Navajo Nation
(9310)

Memorandum

To: Ms. Mary Lujan, Realty Officer
Bureau of Indian Affairs, Shiprock Agency
Division of Real Estate Services (2N420)
PO Box 3538
Shiprock, New Mexico 87420

From: Rebecca Heick *Rebecca Heick*
Group Administrator, Lands and Minerals

Subject: Carrizo Quarry Pit Mining Plan Approval Recommendation

In response to the Bureau of Land Management (BLM) comments on an earlier draft of the Carrizo Quarry Pit mining plan, the Apache County Engineer has sent to the BLM a revised Mining Plan for the Carrizo Quarry Pit. After reviewing the revised Mining Plan, the BLM recommends that the revised Mining Plan and the associated Mining Lease be approved by the Bureau of Indian Affairs.

If you have any questions concerning this recommendation, please contact Moon Hom at 602-417-9560.

cc: Mr. Ferrin Crosby
Apache County Engineer
Apache County Engineering Department
PO Box 428
St. Johns, Arizona 85936



Office of
Apache County Engineer
P.O. Box 238, St. Johns, AZ 85936
fcrosby@co.apache.az.us

J. Ferrin Crosby, P.E.
County Engineer

Telephone: 928-337-7528
Facsimile: 928-337-2062

To: Ram Das,
Senior Mining Engineer
Minerals Department

From: Ferrin Crosby
Apache County Engineer
Apache County, Arizona

Date: January 3, 2011

Subject: Corrections to the Mining and Reclamation Plan for the Carrizo Mountain Pit

Dear Mr. Das,

We appreciate your valuable feedback on Apache County's Mining and Reclamation Plan for the Carrizo Mountain Pit. We relied on your comments to adjust the language of the plan and are optimistic that you will find the changes to your satisfaction. To assist you in reviewing the changes we incorporated in the plan I have summarized or explained the specific changes for your convenience. The various changes have been color coded for ease in finding in the document attached.

1. Relating to comment #1 on your letter dated May 10, 2010, the following was determined: The Legal Description has been included in the packet in **Section B MAPS AND PLANS AND SUPPORTING DOCUMENTS - Figure 4. Legal Description and Survey by Navajo Department of Transportation 3/28/2000**

Apache County prefers keeping the access road 100' wide to allow flexibility in construction of the access road.

2. Relating to comment #2 on your letter dated May 10, 2010, Section 2.2 Training had be corrected to ensure that the training of personnel is in accordance to 30 CFR Section 46.
3. Relating to comment #3 on your letter dated May 10, 2010, **Figure 9. Carrizo Gravel Pit Mining Operation Layout** was added to the packet.
4. Relating to comment #4 on your letter dated May 10, 2010, Page 8 of the plan addresses the need for dust control and the need to obtain permits for water. Dust control is also discussed in the SWPPP in Appendix E. Water Permit for water to be hauled from San Juan River was issued to Apache County by Tribal Water Code and this permit will be extended as needed.
5. Relating to comment #5 on your letter dated May 10, 2010, The Table on page 3 and 4 of the packet has been updated to include estimated tonnages for County maintained Routes and an equal amount for the Navajo Department of Transportation TTIP.
6. Relating to comment #6 on your letter dated May 10, 2010, Section 2.6.1 explains in greater detail the mining method anticipated in this pit.
7. Relating to comment #7 on your letter dated May 10, 2010, Figure 6 shows the pre-mining configuration of the existing proposed gravel pit and Figure 7 shows the projected post-mining contour maps. To find the volume material extracted from the gravel pit as-built contour will be needed to provide reliable information. Apache County is willing to have the pit re aerial photographed to determine accurate quantities and contours.
8. Relating to comment #8 on your letter dated May 10, 2010, Section 3.4 and Appendix D has been expanded to include greater clarity in the re-vegetation process, specifically section 3.4.4. Contact was made with the Navajo Department of Agriculture and Apache County personnel were assured that we have specified the proper seed mixture and density.
9. Relating to comment #9 on your letter dated May 10, 2010, see **Section B figures 6 and 7.**

10. Relating to comment #10 on your letter dated May 10, 2010, Appendix E: Storm Water Pollution Prevention Plan has been updated to include more specificity with regard to storm water controls. In **Section II Controls** of the plan Apache County will cut small outlets to allow water to leave the pit.
11. Relating to comment #11 on your letter dated May 10, 2010 Arrangement will be made with private consultants to measure the success of the re-vegetation due to the lack of qualified tribal personnel to performance the measurement. The Department of Agriculture's recommendation is to contact the Department of Soil and Water Conservation.

Please feel free to provide feedback and comments on these changes. We hope you find these changes to be satisfactory and in alignment with the suggestions you have provided. If you have any questions please contact Stan Robbins in District 1 at 928-674-5664 or myself at 928-337-7528.

GENERAL MINING PLAN
for
CARRIZO QUARRY PIT

**TOH DASTINI SPRING
TEEC NOS POS CHAPTER
APACHE COUNTY, NAVAJO NATION**

Submitted to:

Navajo Mineral Department
Navajo Nation Environmental Protection Agency
Bureau of Indian Affairs, Navajo Regional Office

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Figure 2. Carrizo Quarry Pit

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Figure 4. Legal Description and Survey by Navajo Department of Transportation 3/28/2000

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Figure 6. Pre-Mining Contour Map

Figure 7 . Post-Mining Contour Map

Figure 8 . Proposed 5 Year Excavation Limits

Figure 9 . Carrizo Gravel Pit Mining Operation Layout

APPENDIX

Appendix A: 2007 Addendum to Final Environmental Assessment of October 2000

Appendix B: Final Environmental Assessment of October 2000 with FONSI of October 11, 2000

Appendix C: Cultural Compliance Form

Appendix D: Navajo Department of Agricultural Reclamation Plan

Appendix E: Storm Water Pollution Prevention Plan

Appendix F: Teec Nos Pos Chapter Resolutions

Appendix G: Finding of No Insignificant (FONSI) Issued on December 4, 2007

A. GENERAL MINING PLAN

1.0 INTRODUCTION

1.1 Project Purpose

Apache County District One of Chinle, Arizona, plans to reopen Carrizo Quarry Pit, which is an abandoned gravel pit covering 36.92 acres of land and located approximately 5.5 miles west of Teec Nos Pos, Arizona (Figure 1, Figure 2 and Figure 3). The purpose for reopening the gravel pit is to excavate and crush natural gravel deposits. The extraction and crushing of the gravel deposits will involve stripping and storing the topsoil, excavating, loading, crushing, and stockpiling the crushed material on site. Then the material will be transported out of the gravel pit for improvement of official Intergovernmental Agreement (IGA) county school bus routes in the northern part of Apache County District One. Also, the undertaking at the gravel pit will include the improvement of 0.45 mile of access road which will have a one hundred-foot (100 feet) corridor (Figure 5) and installation of a small culvert. The improvement of the access road will closely follow the existing dirt road to minimize the disturbance inside the corridor. The installation of the corrugated metal culvert in a small ravine will insure unrestricted flow of stormwater run-off under the access road to the gravel pit.

The mining operation under the proposed five-year lease will fully support the road plating activities in the northern part of Apache County District One within the jurisdictions of Teec Nos Pos, Red Mesa, and Sweetwater and Mexican Water chapters. Some crushed aggregate may have to be transported outside the four chapter boundaries to economically plate other school bus routes that have been approved by Intergovernmental Agreement between Apache County, Navajo Nation and Bureau of Indian Affairs. Future arrangement will be made to Navajo Division of Transportation of Window Rock for extraction of material from the pit and the arrangement will be in compliance with all federal and tribal requirements

There are 24.6 miles of bus routes (Routes C-479, C-474, C-471, C-478, C-477, C-534 and C-548) that need immediate improvement by plating the roadways with crushed aggregate and these bus routes are listed in the table below. The option of applying magnesium chloride to reduce the muddy and impassable roadway conditions during the inclement winter months will be considered after the plating operations are completed. Other IGA dirt roads will receive the same improvement and surface treatment once the following school bus routes are improved:

| Chapters | Route Number | Bus Routes (Miles) | Width of Roadway (feet) | Thickness of Plating (foot) | Volume of Aggregate Needed (cy) | Weight of aggregate (tons) |
|---------------|--------------|--------------------|-------------------------|-----------------------------|---------------------------------|----------------------------|
| Teec Nos Pos | C-479 | 3.5 | 20 | 0.33 | 4,560 | 6,800 |
| | C-475 | 2.0 | 20 | 0.33 | 2,610 | 3,880 |
| Red Mesa | C-471 | 4.9 | 20 | 0.33 | 6,390 | 9,490 |
| | C-478 | 1.6 | 20 | 0.33 | 2,090 | 3,100 |
| Sweetwater | C-477 | 5.0 | 20 | 0.33 | 6,520 | 9,680 |
| | C-534 | 4.6 | 20 | 0.33 | 6,000 | 8,900 |
| Mexican Water | C-548 | 3.0 | 20 | 0.33 | 3,910 | 5,810 |

| | | | | | | |
|---------------|------------|------------|--|--|-----------|-------------|
| Apache County | Subtotals: | 24.6 miles | | | 32,080 cy | 47,660 tons |
| NDOT per TTIP | Subtotals: | 24.6 miles | | | 32,080 cy | 47,660 tons |
| | Totals: | 49.2miles | | | 64,160 cy | 95320 tons |

1.2 Project Location and Description

The Carrizo Quarry Pit is situated 5.5 miles west of the community of Teec Nos Pos, Apache County, Arizona, along and south of Arizona State Highway 160 that runs from Tuba City to the junction of Highway U.S. 160-Highway 504 at Teec Nos Pos, Arizona. Highway U.S. 160 is located in the northern section of the Apache County District One within the Navajo Nation.

The proposed gravel pit is more specifically located in Township 41 North, Range 29 East; Gila and Salt River Meridian; north half (1/2) of Section 35 and south half (1/2) of Section 26, and the legal description and map are part of the attachments (**Figure 4 and Figure 5**). The proposed gravel pit is within the boundary of Teec Nos Pos Chapter, one of the chapters within of Shiprock Agency, Navajo Nation (Apache County, Arizona). The proposed gravel pit is located between 5530 and 5600 feet above mean sea level as shown on the 7.5' USGS quadrangle map of Cow Butte, Arizona (**Figure 3**).

2.0 OPERATION PLAN

Apache County District One will operate the Carrizo Quarry Pit during the five-year lease to provide crushed material for the plating of official Intergovernmental Agreement (IGA) county school bus routes within the jurisdiction of Teec Nos Pos, Red Mesa, Sweetwater and Mexican Water chapters. Due to the scarcity of aggregate resources in the northern part of District One some crushed material from the proposed pit may be hauled to other official IGA school bus routes in other chapter areas for road improvement.

2.1 Overview

Carrizo Quarry Pit had been extensively excavated in the past and it has been stated by the local land users that the gravel pit had been used more than once for different projects. Deep depressions had been left in the gravel pit without any outlets for the storm water run-off and the stormwater run-off have been concentrating in puddles in the depressions inside the proposed gravel pit. Based on the poor condition of the abandoned gravel pit, past operators did not implement any pollution preventive measures and the disturbed areas were not reclaimed to permit unrestricted flow of the stormwater run-off out of the gravel pit.

People had started dumping trash near the northeastern edge of the proposed gravel pit and trash from the past mining operation is still scattered in isolated spots within the proposed gravel pit. Request has been made by the one of the local land users to have Apache County remove all the trash and backfill the sump prior to the commencement of the mining operation.

Apache County District One shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the mining operation. After the salvaging of the top soil and preparing the staging area in the operational area, Apache County District One will transport crushers with the conveyors and other equipment into the proposed gravel pit for the commencement of the extraction and crushing operation. It will take approximately six months of crushing to produce enough crushed material to

plate the four dirt roads (Routes C-479, C-471, C-477 and C-548) that require immediate attention. Mechanical problems and other down times are expected to slow down the crushing operation.

2.2 Training

In compliance with 30 CFR Section 46, Apache County District One personnel have already taken the required 24-hour Mine Safety and Health Administration (MSHA) training session and other personnel have recently attended the annual 8-hour refresher course. As specified in the 30 CFR Section 46, all training will be conducted by approved trainers and the required training courses will be followed. As required by MSHA, all personnel working full-time at the gravel pit and other essential support staff visiting the gravel pit will be required to attend the mandatory training courses. Apache County District One personnel to be trained will include all heavy equipment operators, truck drivers, mechanics, maintenance workers, supervisors, and other essential support staff.

2.3 Security

The existing survey property corners of the proposed gravel pit will be properly marked and safeguarded for easy reference when needed.

Only the approved parcel of land will be secured with a barbed wire fence to keep out wandering livestock and the fence will be maintained during the mining and reclamation stages of the mining operation by Apache County. The main entrance into the gravel pit will be secured with a metal gate to prevent illegal entry during non-working hours.

The meandering access haul road which merges with BIA Route N5049 will be left unfenced. An existing trail situated on the southeast side of the proposed gravel pit is being utilized by the local land users and this trail shall remain unfenced.

The sole entrance into the gravel pit from the east side will be closed and secured during non-working hours. Appropriate security measures shall be implemented to ensure deterrence of prohibited activities and vandalism of equipment. If necessary, Apache County District One shall employ security personnel to safeguard the crushed material and equipment.

2.4 Storm Water Pollution Prevention Plan

This General Mining Plan does not specifically deal with the implementation of the federally required Storm Water Pollution Prevention Plan (SWPPP). The required Storm Water Pollution Prevention Plan is attached to the General Mining Plan for reference.

2.5 0 Vegetation and Topsoil

The operational area, less than four (4) acres, will be cleared for the mining operation. All unnecessary disturbance and clearing will be kept to the minimum as part of the erosion control measures. The top soil with the vegetation will be windrowed, collected, stockpiled, stored and protected for future use in the reclamation of the gravel pit. Precautions shall be taken at all times to avoid wind and water erosion of the stockpiled top soil.

2.5.1 Vegetation

Due to the nature of the existing soil, there is sparse vegetation within the proposed gravel pit. Disturbance of ground surface and clearance of vegetation shall be confined to the areas to be used for the staging area for the equipment and the operational area for the mining and extraction of the gravel deposits. The entire proposed gravel pit shall not all be cleared since the entire area might not be used within the time frame of the lease. Segments of the approved parcel of land will be cleared for excavation of material as needed.

All vegetation with the topsoil shall be stockpiled and protected for the duration of the mining operation and all vegetation shall be used in the reclamation operation. The sparse vegetation will be stockpiled along with the topsoil as described in Section 2.5.2 Topsoil.

2.5.2 Topsoil

The proposed gravel pit consists of alluvial deposits of large cobbles and coarse sand covered with aeolian deposition of uniform thickness. The topsoil with the vegetation will be windrowed, collected and stockpiled away from the operational areas. These topsoil stock piles will be clearly marked with signs (figure 9).

Presently, the undisturbed area of the proposed gravel pit has the topsoil material in its natural state. However, the disturbed surface areas of the gravel pit do not have any topsoil to be removed and saved. It is evidence; the past mining operations in the abandoned gravel pit did not implement land reclamation measures as presently required by tribal and federal regulations.

The slopes of the disturbed areas are covered with heterogeneous mixture of gravelly materials that are not covered with any aeolian deposits or topsoil. The disturbed areas were not reclaimed by past mining operations prior to the closure of the gravel pit and so there is lack of topsoil and vegetation on the slopes and in the bottom of the proposed gravel pit. The fine soil or any topsoil in the gravel pit is not expected to encounter any loss due to removal by rain stormwater run-off since the depressions do not have any outlets for drainage off the proposed gravel pit. The deep depressions in the proposed gravel pit have been formed by the past usage and all stormwater run-off in the gravel pit concentrate in small puddles in the low areas.

2.6 Concept of Operation

All excavation of aggregate material for the crushing operation will be removed from the interior of the slopes and the crushed material will be stockpiled. All excavation will proceed from near the crushers and the excavation will proceed away from the crushers.

2.6.1 Mining Method

The required SWPPP devices will be installed according to the attached plan. Once the stormwater run-off and sedimentation control devices are installed, a culvert will be installed in the small ravine for the preparation of the access road to the gravel pit. Then the operational mining area will be cleared and the topsoil will be stockpiled prior to commencement of the crushing operation as stated in Section 2.5.2 Topsoil.

Once all the SWPPP devices are installed and the clearance of the operational area accomplished, the crushers and conveyors will be set up in the proposed gravel pit. The staging area for the crushers and

the conveyors will be cleared with some minor leveling of the bottom of the gravel pit as needed. The crushers will be stationed in the most favorable location for easy loading of the aggregate material. Certain areas of the gravel pit have back slopes as high as thirty (30) feet with variable slopes and the slopes of the bank are as steeper than 2:1. There should not be any problem with the slope being unstable or the material sliding off to endanger the workers. The in-place material is not like a shifting sand with the angle of repose being a problem.

Since the gravel pit consist of gravelly material in unconsolidated condition, drilling equipment and explosive material will not be used for fragmentation of the natural deposit. Bull dozer will be used to rip and push the un-processed aggregate material closer to the primary crusher for easy loading. Front end loader will be used around the crushers and the dozer will be used when necessary.

The crushed material of the desired size will be stockpiled with the conveyor. The conveyors will be moved to favorable location when needed to stockpile the crushed material and the safe working height of the stockpile will be monitored for measurement of the stockpiled material (figure 9).

To implement the dust control during the crushing operation, a water truck will be available to feed water into the crushers on a continual basis. Dust pollution is not expected to be a major problem since the material in the proposed gravel pit is mostly granular sand with very limited fines plus the stony cobbles.

All heavy equipment will be parked in the operational areas of the gravel pit where the crushers and conveyors will be stationed. Only the crushed material will be stockpiled and stored on site and other materials will not be stored on the premise. No stationary fuel tank shall be located on the proposed gravel pit and all refueling will be done by mobile fuel trucks as needed to keep the crushers and generator in operation. No more than four personnel will oversee the crushing operation on a daily bases. Only the maintenance and repair work on the crusher and conveyor will be performed on site. All maintenance work on the hauling units will be performed in the county maintenance yard at Tee Nos Pos to avoid spillage of petroleum substances. Potable water and sanitary units will be provided for personnel working on the premise.

2.6.2 Haul Road

Apache County plans to use an existing dirt road leading to the proposed gravel pit. The old dirt road has been archeologically cleared and surveyed with limits of 100 feet centered on the old road (figure 5). This old dirt road was used as a haul road in the past and the proposed access road will follow the old road that was once used. In this way Apache County will keep soil disturbance along the old dirt road to a minimum. The proposed access road branches off BIA Route N5049 near Arizona State Highway 160 on the southeast side. The existing dirt road meanders toward the proposed gravel pit and then it merges with another trail that meanders pass the gravel pit on the southeast side. The proposed access road will enter the proposed gravel pit from the east end of the proposed gravel pit.

With the exception of illegal dumping of trash and occasional visit to the general area, the existing dirt roads within the vicinity of the proposed gravel pit are not in use on regular bases. Activities at the gravel pit should not create any safety hazard to the local residents and livestock. Once the barbed wire fence is installed the wandering livestock will not be able to enter the mining area.

The access haul road will be maintained by grading and watering for dust control. As needed, additional erosion control devices will be installed to prevent the silt and sediment from being carried

along the ditches of the access haul road. Equipment shall not be permitted to get off the designated area for the access road and mining operation.

Proper signage shall be installed on U.S. Highway 160 to warn the motorists of traffic coming onto the highway from the gravel pit. There is enough clearance for safe sight distances on both sides of the turnoff to the gravel pit.

2.6.3 Production

Once all the SWPPP devices are installed and the clearance of the operational area accomplished, the crushers and conveyors will be set up in the proposed gravel pit. The staging area for the crushers and the conveyors will be cleared with some minor leveling of the bottom of the gravel pit as needed. The crushers will be stationed in the most favorable location for easy loading of the aggregate material (figure 9). Certain areas of the gravel pit have back slopes as high as thirty (30) feet with variable slopes. Bull dozer will be used to rip and push the un-processed aggregate material closer to the primary crusher for easy loading. Front end loader will be used around the crushers and the dozer will be used when necessary.

Even though the height of the slopes in the excavated areas is as high as thirty (30) feet and with the existing slopes are steeper than 2:1, the undisturbed material in its insitu position is stable. The proposed gravel pit consists of alluvial deposits of large cobbles and coarse sand with aeolian material that has the property to hold itself together on the steep slope. The excavation of the insitu material will be performed in a way to ensure that the slopes are at least 4:1 or flatter. The finish slope needs to be left close to 4:1 so extensive work will not be performed during the reclamation of the gravel pit to flatten the slopes.

All heavy equipment will be parked in the working areas along with the stationed crushers and conveyors as shown in the plan (figure 9). Only the crushed material will be stockpiled and stored on site and other materials will not be stored on the premise. No stationary fuel tank shall be located on proposed gravel pit and all refueling will be done by mobile fuel trucks as needed to keep the crushers and generator in operation. No more than four personnel will oversee the crushing operation on a daily bases. Maintenance and repair work will not be performed on site to avoid spillage of petroleum substances. Potable water and sanitary units will be provided for personnel working on the premise.

The sparse vegetation and top soil in the operational areas will be stripped as needed. When the clearing, grubbing and gathering of the topsoil is started, the sparse vegetation will not pose any problem in the disturbed area inside the proposed gravel pit. As much vegetation will be removed and stockpiled since the crushed material will only be used for road maintenance. The road maintenance material does not have strict specification that prohibits organic matters in the crushed gravel.

To implement the dust control during the crushing operation, a water truck will be available to feed water into the crushers as necessary. Dust pollution is not expected to be a major problem since the material in the proposed gravel pit is mostly granular sand with very limited fines plus the stony cobbles. All necessary permits for obtaining water will be acquired from the Navajo Department of Water resources prior to any water hauling and dust control activities.

The cut back slope of the gravel pit will be excavated and the material will be loaded into the primary crusher. Material will be stockpiled upon coming off the conveyor belts and it will be transported off the site when needed. Further crushing will be needed to produce adequate material to cover other school bus routes.

The crushed material of the desired size will be stockpiled with the conveyor. The conveyors will be moved to favorable location when needed to stockpile the crushed material and the safe working height of the stockpile will be controlled by the conveyor. The daily production of crushed material will be measured as it is stockpiled under the conveyor in a conical shape. Further, the amount of material being removed daily will be accounted for by keeping records of the number of one measurement is for the production and the other count is for the haulage off the site.

If approximately 70 tons of crushed material is produced an hour, about 420 tons of crushed material will be produced within 6-hour of work in one day or at least 2,100 tons of crushed material will be produced within one week. It will take approximately four to six months to produce 31,780 tons of crushed material that will cover the four bus routes (C-479, C-471, C-477 and C-548) that need immediate attention. The total length of the four projects is 16.4 miles.

The crushing operation at Carrizo Quarry Pit will be temporarily discontinued during the winter months and in adverse weather conditions for safety reason. Mining operation at the proposed pit will be discontinued when other gravel pits become available. The mining operation will be continued as long as possible in Carrizo Quarry Pit before the expiration of the five-year lease (figure 8).

The equipment to be used for the crushing operation will not be changed. Other equipment for transporting crushed material out of the proposed gravel pit and the equipment to be used for routine maintenance and inspection of the daily activities will vary day to day. Transporting equipment will not be parked at the staging area with the crushers and conveyors in the evening or during the weekends unless security is on site. Motor vehicles will be taken back to the Teec Nos Pos sub-office on a daily bases.

The following equipment will be used or parked at the crushing site:

| | |
|--------------------------|-----------------------------------|
| Tracked dozer (D7) | 1 each |
| Wheeled front-end loader | 2 each |
| Water truck | 1 each |
| Large generator | 1 each |
| Primary crusher | 1 each |
| Secondary crusher | 1 each |
| Conveyors | 2 each |
| Hauling trucks | 6 each (may vary form day to day) |
| Maintenance truck | 1 each |
| Motor vehicles | 4 each |

2.6 Reporting

Apache County District One will purchase and install Truck Scales for the purpose of tracking the quantity of material leaving the pit. Weigh tickets will be collected daily by county personnel and will be totaled and recorded in an accounting spreadsheet. A copy of the weigh tickets and summary of spreadsheet will be provided to the minerals department as required. Scales will be certified by appropriate department of weights and measures.

3.0 RECLAMATION PLAN

On December 14, 2010, one of the Apache County District One employees made a personal contact made with Leo Watchman of the Navajo Department of Agriculture and Judy Willetto (Range Conservationist) of Navajo Division of Natural Resource to discuss the reseeding mixture and seed density as requested by the Mineral Department of Navajo Nation. The employee was told that the attached Reclamation Plan titled as *Reclamation of Right of Ways, Equipment/Supply Yards, Access Roads, and Sand & Gravel Pits* was approved and provided by the Navajo Nation Department of Agriculture. The county employee was advised to the Reclamation Plan provided by Department of Agriculture. The attached plan was issued by the Department of Agriculture on September 1, 1998. All reclamation work by Apache County will be performed in accordance with the Navajo Nation Reclamation Plan. The disturbed areas within the proposed lease will be reclaimed in accordance with applicable laws, Department of Interior and requirements of Navajo Nation.

3.1 General Concept of Reclamation

In preparation for the final closure of the gravel pit, the general concept of the proposed reclamation operation is to make an effort to restore the disturbed gravel pit by using salvaged topsoil material, over burden, vegetative matters and reseeding operation. The disturbed areas will be reclaimed for future use as grazing land and the drainage pattern outside the gravel pit will not be disturbed. In the existing excavated areas there is no top soil and over burden to be salvaged and conserved for future use in the reclamation operation. It is to be particularly noted in advance, there will be a shortage of top soil to be spread on all the disturbed area due to the past operations.

3.2 Backfilling and Grading

The attached Pre-mining Contour Map (Figure 6) shows the contour of the existing gravel pit. Based on the expected material to be excavated, crushed and removed from the gravel pit, the expected post-mining topography of the pit is shown on the attached Post-mining Contour Map (Figure 7). As needed, back filling of the depressed areas shall be performed. The shaping and blending of the banks into the adjacent terrain will be performed prior to the commencement of the reclamation activities. The edges of the excavated areas will be rounded and then the excavated area will be graded to a slope of 4:1 or flatter to match to the existing terrain. Cat-walking with a dozer will be performed to retain and to promote stormwater run-off infiltration on the slopes.

3.3 Drainage

The overall original drainage pattern was loss during prior mining operations and deep depressions were created in the gravel pit without any drainage off the site. Extra effort will be under taken to ensure that proper drainage provided where needed. The small earthen ridge on the north edge of the pit will be cut down to the bottom elevation of the gravel pit to make way for drainage out of the gravel pit. If there is a need for small channels then the channels will be cut to drain the stormwater out of the gravel pit before the reclamation operation is started.

3.4 Re-vegetation

To prepare the disturbed area for the reseeding, the topsoil and the over burden will be spread on the disturbed areas and cat-walking with a dozer will be accomplished prior to the commencement of seeding operation. Again the Reclamation Plan issued by Navajo Department of Agriculture will be closely followed during the reclamation operation.

3.4.1 Seedbed Preparation

Seedbed preparation and reseeding will be accomplished in accordance with the recommended reclamation plan from the Navajo Department of Agriculture. The seedbed preparation shall not be extended beyond the disturbed area within the gravel pit and the staging area used for the crushing and storage areas. Cat-walking with a dozer will be performed due to the very stony surface covered with cobbles and gravel. The cat-walked area will be watered down prior to the application of the seeds at the prescribed rate. The reseeding operation will be performed either in April-May, June-August or October-November to capitalize on the monsoon season and the winter precipitation.

3.4.2 Seeding and seed Mixture

This part of the reclamation work shall consist of reseeding all areas which are denuded of vegetation and top soil due to all activities related to the mining operation. The bare areas that are very stony and covered with large cobbles will be cat-walked and watered down prior to broadcasting the specified seeds at the prescribed rate. The seeded area will be covered with weed-free straw mulch as recommended by Navajo Department of Agriculture. Another cat-walking of the slope will be performed to secure the seed and weed-free straw in the treated area. As recommended by Navajo Department of Agriculture the treated area will be watered down by spraying for the germination and growth of the seeds.

Since the soil is composed of loam, sand, sandy loam and gravel, the Table B that is suitable for the Northern Desert as prescribed by Navajo Department of Agriculture. The table shown below was taken out of the Reclamation Plan of the Navajo Nation.

Table B. Seed Mixture to use for Northern Desert

| SPECIES | CULTIVAR | LBS. PLS/ACRE |
|-----------------------|----------|---------------|
| Alkali Sacaton | Native | 2.0 |
| Galleta | Viva | 2.0 |
| Indian Ricegrass | Paloma | 2.0 |
| Western Wheatgrass | Arriba | 3.0 |
| Crested Wheatgrass | Ephraim | 3.0 |
| Scarlet Globemallow | | .5 |
| TOTAL PLS/ACRE | | 12.5 |

3.4.3 Roads and Trails

After all the reclamation work is completed in the gravel pit, a three-foot high earthen barricade will be constructed across the access road to prevent vehicle traffic from going into the gravel pit. From the turnout on BIA N5049, the haul road to the gravel pit will be plowed, disked and seeded with the prescribed seed mixture. All trails outside the perimeter of the gravel pit and the haul road will be left untouched. The Reclamation Plan (see attachment) by Navajo Department of Agriculture will be closely followed during the reclamation operation.

3.4.4 Monitoring of the Seeded Area

Depending on the past month precipitation and the closure of the gravel pit, the seeding dates will be closely the recommended dates in the tribal reclamation plan. To ensure the success of the seeding operation the recommended seeding dates will be closely observed. The perimeter fence will be left in place to safeguard the seeded area and the reclaimed area will be monitored from seed germination to establishment of the plant maturity. A consultant may have to be hired to measure the success of the seeding and reclamation operation. The Navajo Nation will have final approval of the success of the re-vegetation / reclamation.

3.5 Protection of Re-vegetated Area

Presently, the proposed gravel pit has thin vegetation and livestock do not forage in the open area. The treated area within the gravel pit will be well protected by closing off the entrance into the proposed pit with the dirt barricade. To further protect the treated area the barbed wire fence will remain in place to keep the animals out of the area for at least six months.

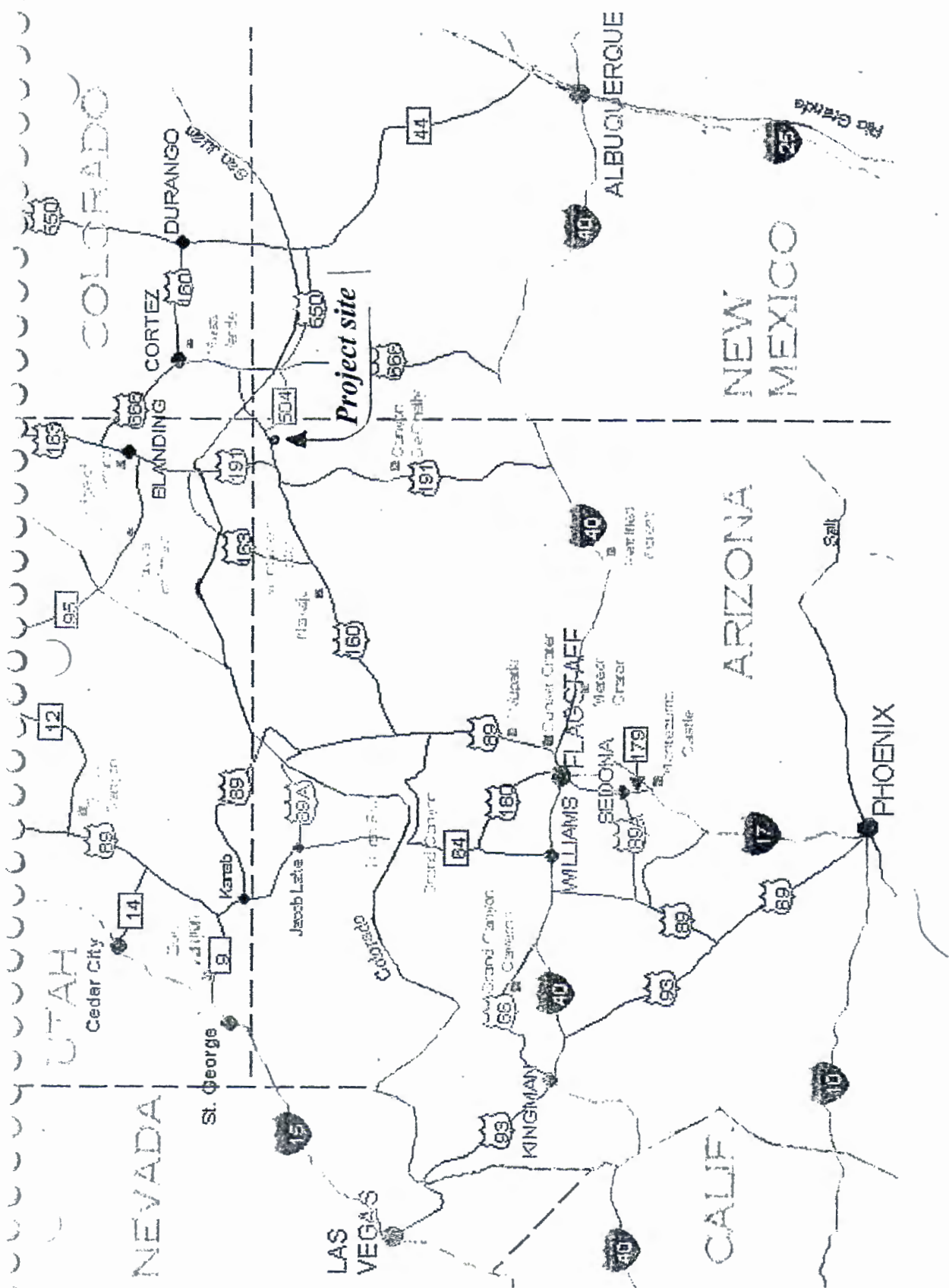
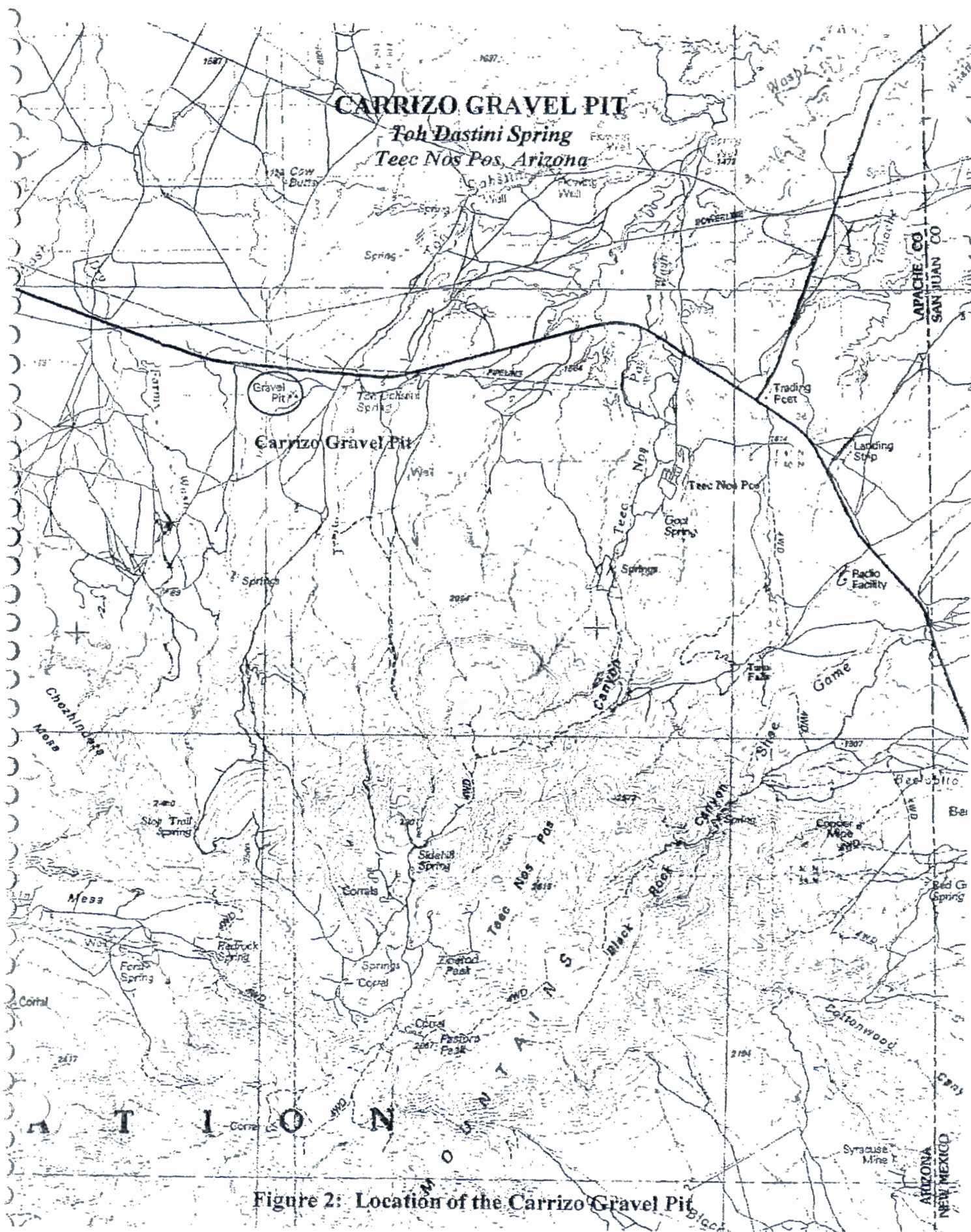


Figure 1: General Location of Project



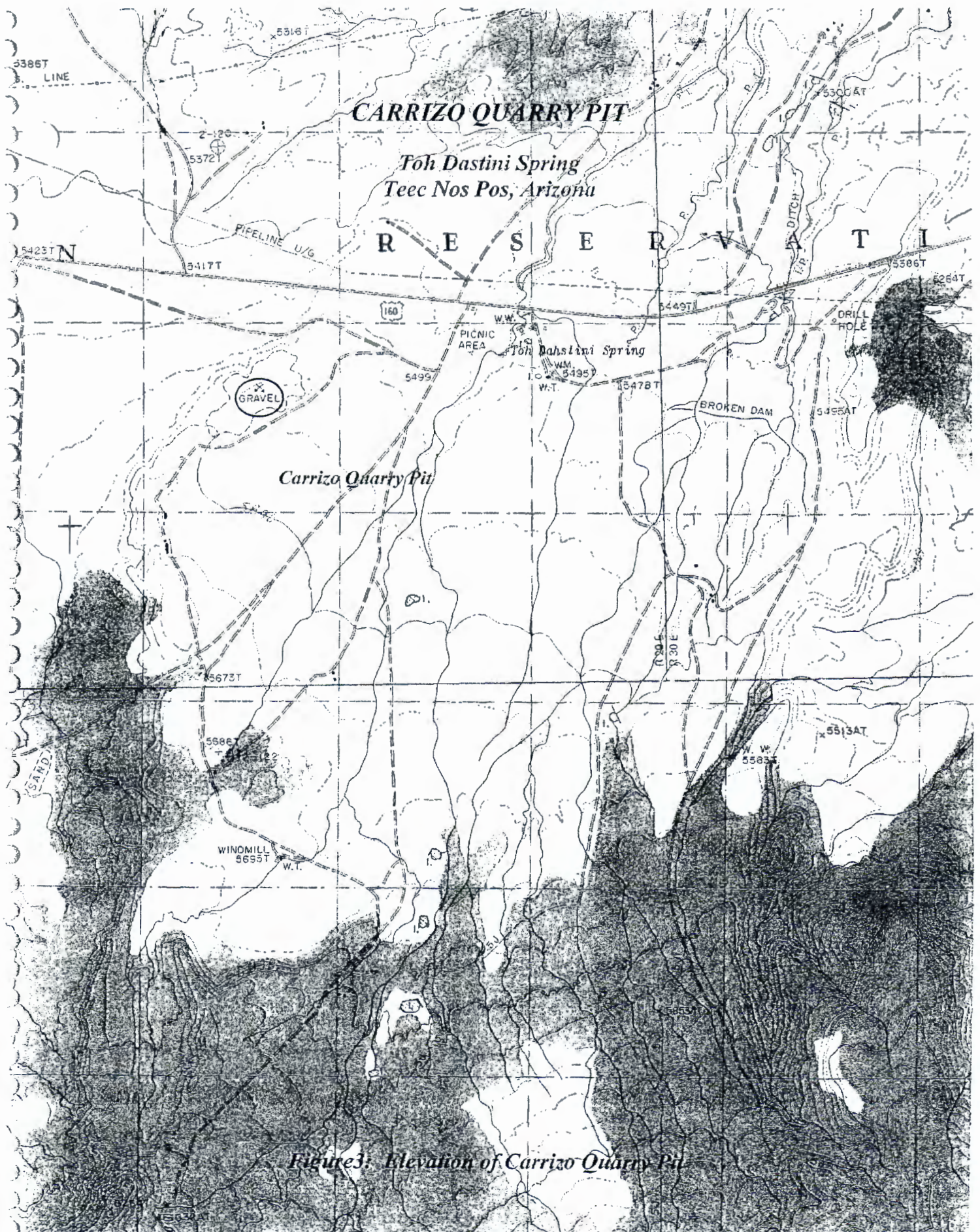


Figure3: Elevation of Carrizo Quarry Pit

PROPOSED ENTRANCE ROAD INTO THE CARRIZO GRAVEL PIT
WHICH IS LOCATED IN A PORTION OF THE SOUTH HALF OF
SECTION 26 AND A PORTION OF THE NORTH HALF OF SECTION 35,
TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA AND SALT RIVER
MERIDIAN, NEAR TEEC NOS POS, APACHE COUNTY, ARIZONA

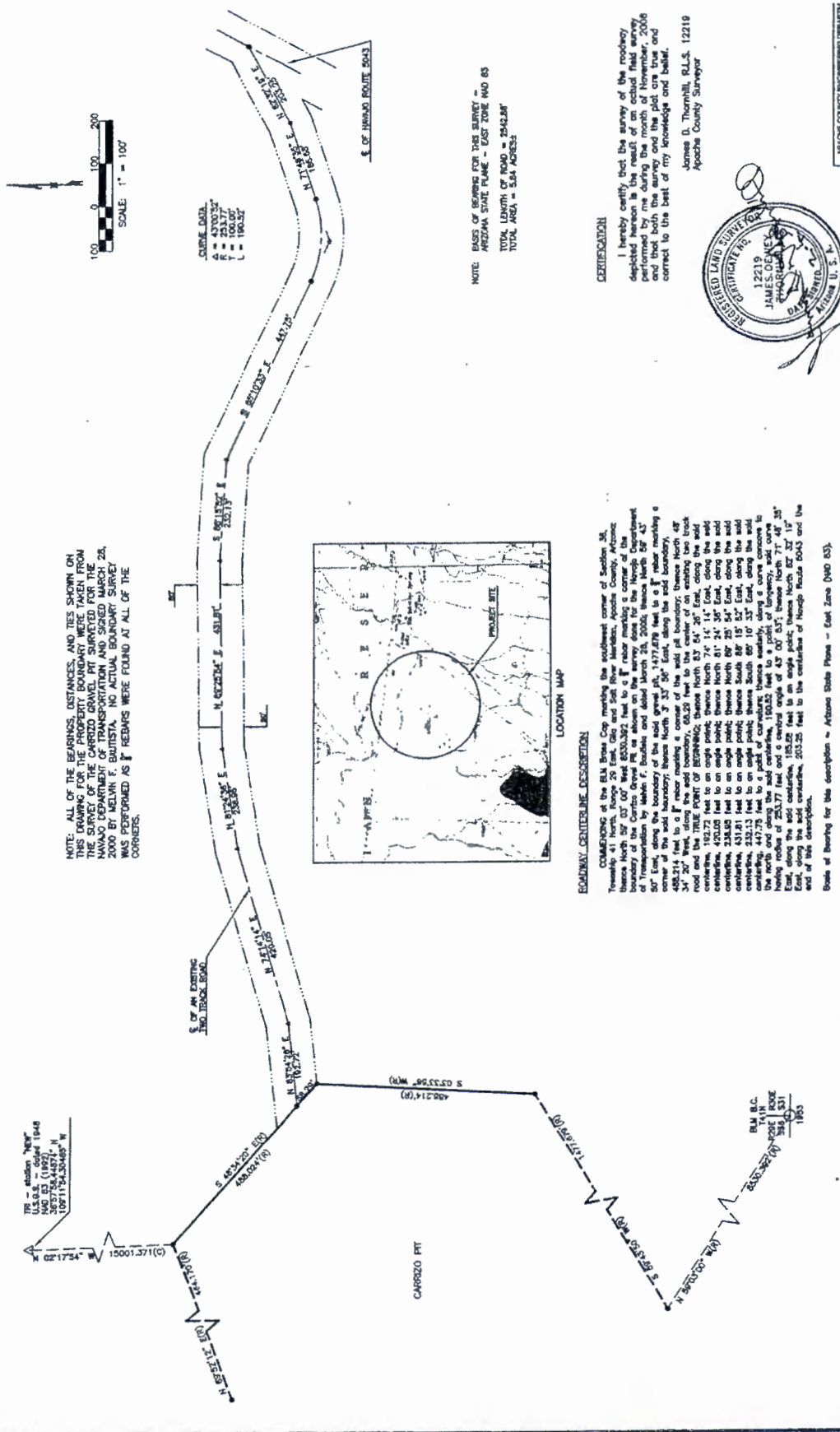


Figure 5.

CERTIFICATION

I hereby certify that the survey of the roadway depicted hereon is the result of an actual field survey performed by me or under my direct supervision during the period of time during which the survey was conducted and that both the survey and the plat are true and correct to the best of my knowledge and belief.

James D. Thornhill, R.L.S. 12219
Apache County Surveyor



APACHE COUNTY ENGINEERING DEPARTMENT
 P.O. BOX 288
 78 W. CLEVELAND ST.
 TULSA, OKLAHOMA 74106
 TEL: 918.587.7028
 FAX: 918.587.0283

A PARCEL OF LAND SITUATED WITHIN THE NORTH HALF (1/2) OF SECTION 35 AND THE SOUTH HALF (1/2) OF SECTION 28 OF TOWNSHIP 41 NORTH, RANGE 23 EAST, GILA AND SALT RIVER WATERSHED IN THE VICINITY OF TELEPHONE POLE, APACHE COUNTY, STATE OF ARIZONA AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COLLUSION of the S.E. Corner of Section 38; R. 29 E. T. 41 N.
and S.W. Corner of Section 31, R. 30 E. T. 41 N., as Found
B.L.M. Central Survey Co., Dated 1853:

THESE ON N 59° 03' 00" E, 6530.192 feet to the
POINT OF BEGINNING of the herein described land.

THENCE N 85° 32' 09" W, a distance of 2566.032 feet
THENCE N 18° 39' 34" W, a distance of 2836.955 feet
THENCE N 26° 39' 48" E, a distance of 739.995 feet
THENCE N 44° 34' 34" E, a distance of 4146.822 feet
THENCE N 68° 02' 12" E, a distance of 4259.992 feet
THENCE N 69° 50' 12" E, a distance of 4647.78 feet
THENCE S 48° 34' 20" E, a distance of 408.024 feet
THENCE S 83° 35' 51" W, a distance of 4382.614 feet
THENCE S 95° 42' 50" W, a distance of 1477.679 feet
TO THE POINT OF BEGINNING.

The described enclosed is comprised of 38,294 square, more or less, and being subject to any and all ending easements for underground utilities located therein.

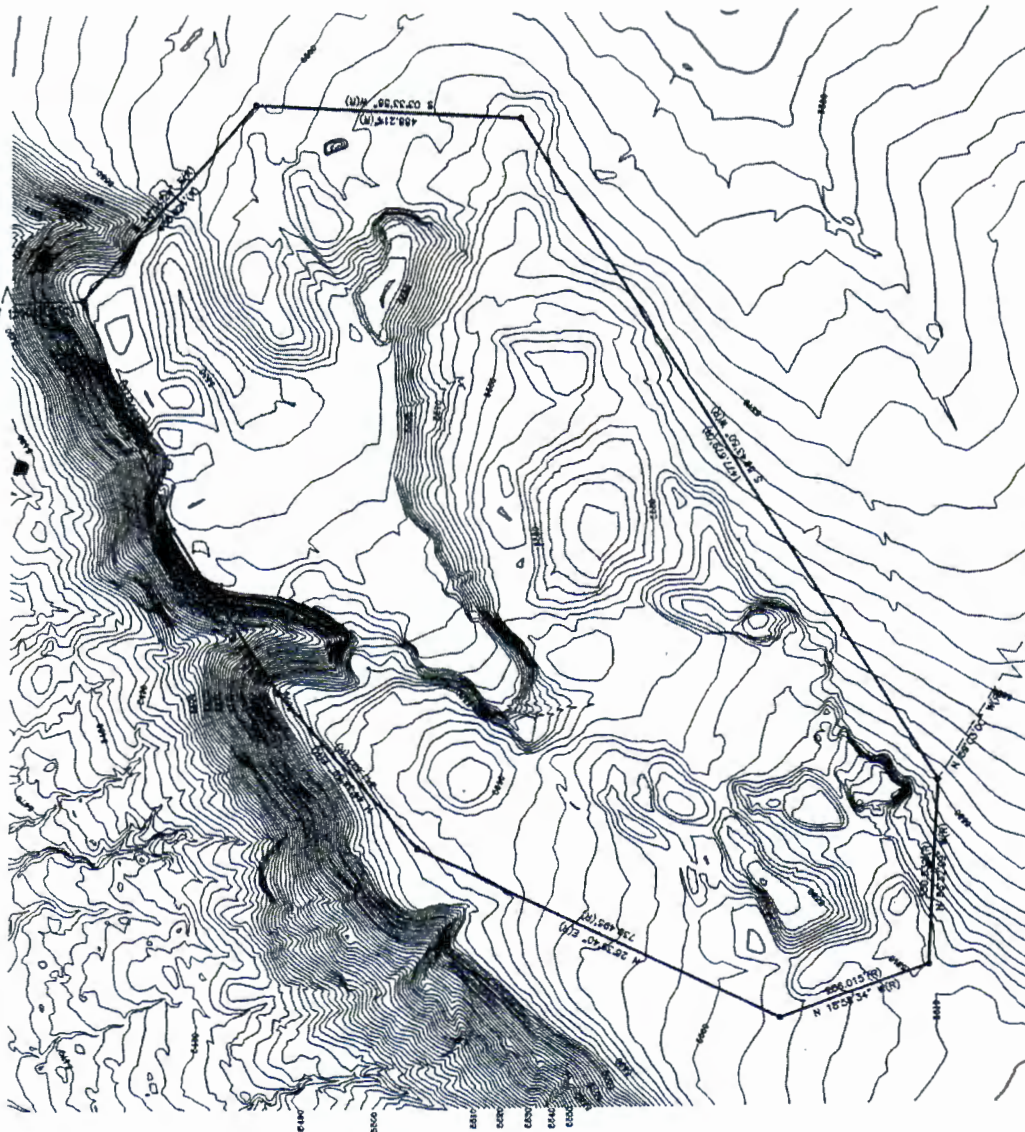
- 1.) All backings shown herein are in reference to Tri-Station "NCS" and the B.L.M. Brass Cap of Sec.38, T11-4, R29 E, Sec.31, T41N, R30E.
- 2.) All Tract corners are set by 5/8" rebar.
- 3.) Reference used: B.L.M. Plat dated 08/17/54.
- 4.) Tract is Disburthed.

TEEC NOS POS. APACHE COUNTY. ARIZONA

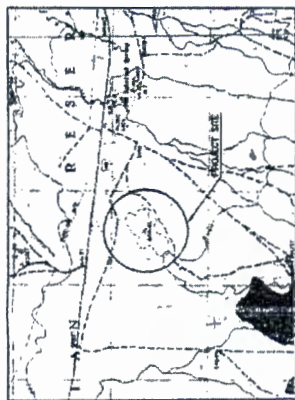
Figure 4: Survey Plat of Carrizo Quarry Pit

A TOPOGRAPHIC SURVEY OF THE CARRIZO
GRAVEL PIT
LOCATED IN THE SOUTH HALF OF SECTION 26
AND THE NORTH HALF OF SECTION 35,
TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA &
SALT RIVER MERIDIAN, NEAR TEEC NOS POS,
APACHE COUNTY, ARIZONA

328 - within "N" 62° 17' 34" W
U.S.G.S. - dated 1943
SANDY (1947) 100° 17' 34" W
100° 17' 34" W



BLM B.C.
T.A.N.
ROSE
1983



LOCATION MAP

NOTE: CONTOUR INTERVAL IS 2.00'. ELEVATION DETERMINED FROM GPS OBSERVATION.

ALL OF THE BEARINGS, DISTANCES, AND TIES SHOWN ON THIS DRAWING WERE TAKEN FROM THE SURVEY OF THE CARRIZO GRAVEL PIT PLAT SURVEYED FOR THE MARICOPA DEPARTMENT OF TRANSPORTATION AND SIGNED MARCH 22, 2000 BY MELVIN T. BAUTISTA. NO ACTUAL BOUNDARY SURVEY WAS PERFORMED AS IT REMAINS WERE FOUND AT ALL OF THE CORNERS.

THE TOPOGRAPHY SHOWN HEREON IS AS OF DECEMBER, 2008 AND WAS PROVIDED BY COOPER AERIAL SURVEYS OF PHOENIX, ARIZONA. THE TOPOGRAPHY FOR THE MAPPING WAS PROVIDED BY APACHE COUNTY.

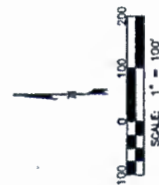
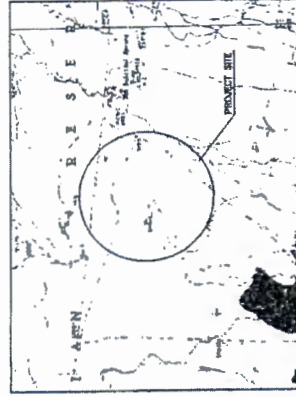
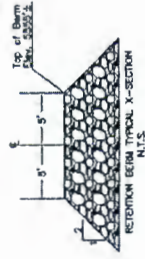
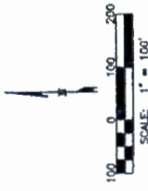
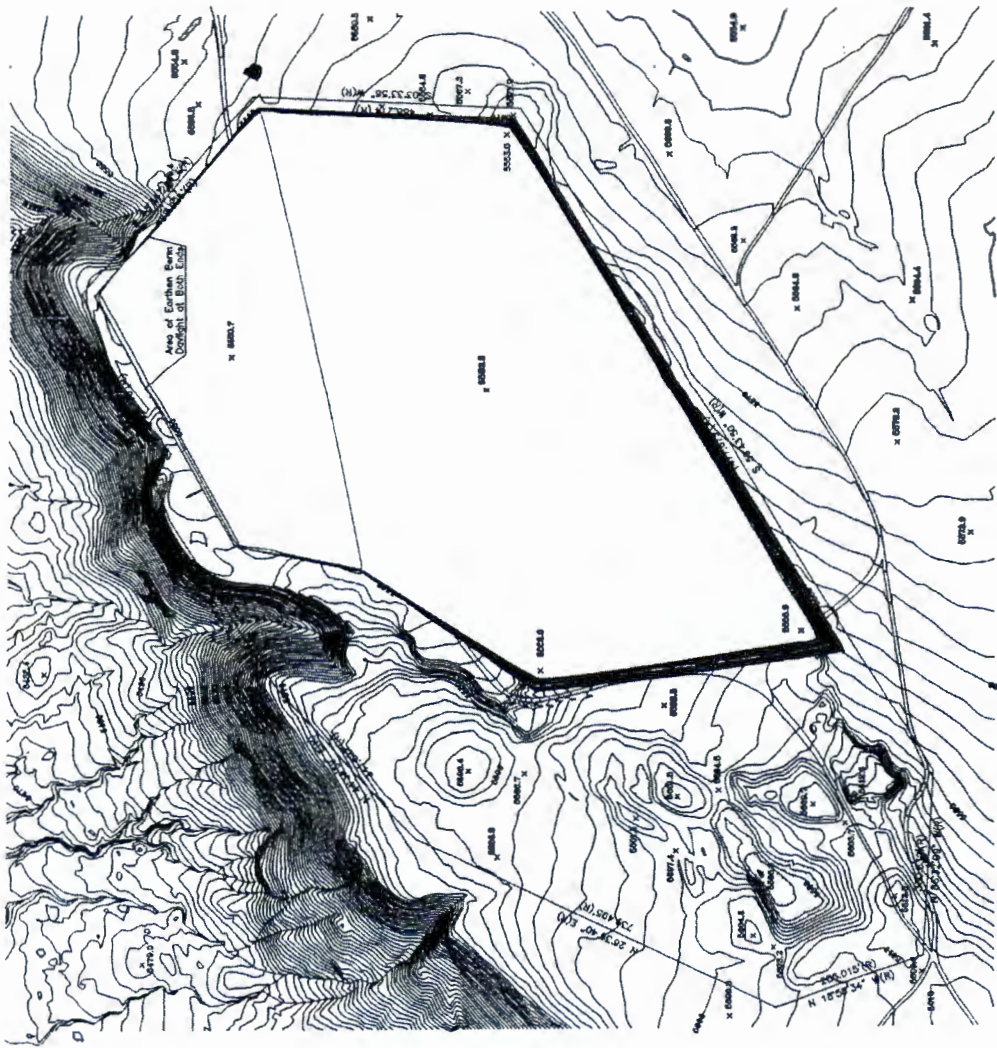


Figure 6.

APACHE COUNTY ENGINEERING DEPARTMENT
100 N. 1ST AVENUE
TULSA, OK 74103
ST. JOHNS, ARIZONA 85908
TEL: 918-337-7838
FAX: 918-337-5088

FUTURE GROUND CONTOURS OF A PROPOSED MATERIALS PIT KNOWN AS THE CARRIZO GRAVEL PIT LOCATED IN THE SOUTH HALF OF SECTION 26 AND THE NORTH HALF OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA & SALT RIVER MERIDIAN, NEAR TEEC NOS POS, APACHE COUNTY, ARIZONA



NOTE: CONTOUR INTERVAL IS 2.00'.

Figure 7.

APACHE COUNTY ENGINEERING DEPARTMENT
P. O. BOX 288
705 W. CLEVELAND ST.
ST. JOHNS, ARIZONA 85646
TEL. 928-337-2300
FAX. 928-337-2300

TRI - station "NEW"
U.S.S. - dated 1948
NAD 83 (1992)
36°57'58.44874" N
106°11'54.30485" W



NOTE: CONTOUR INTERVAL IS 2.00'. ELEVATION DETERMINED FROM GPS OBSERVATION.

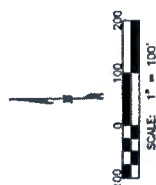
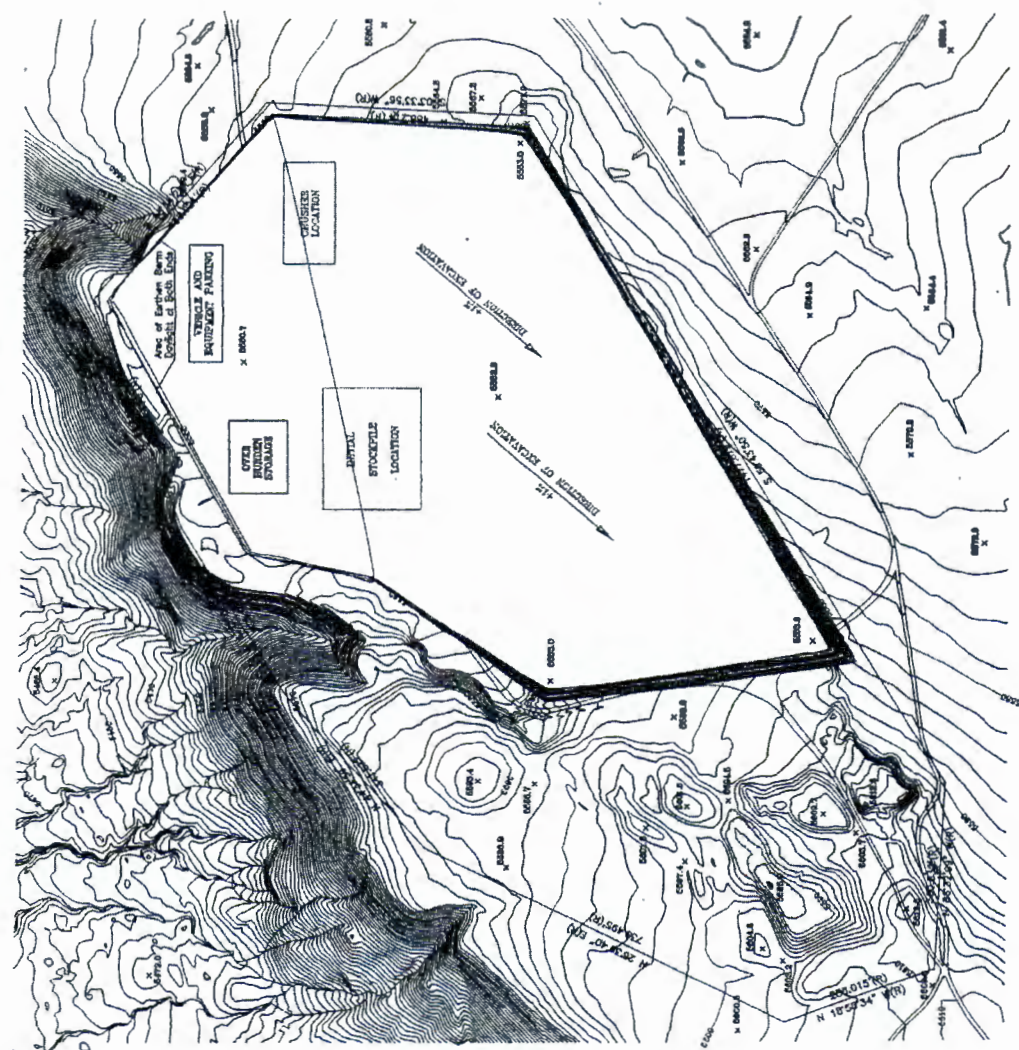


Figure 8.

APACHE COUNTY ENGINEERING DEPARTMENT
P O BOX 238
78 W CLEVELAND ST
ST. JOHNS, ARIZONA 85908
TEL: 928-337-7626

FUTURE GROUND CONTOURS OF A PROPOSED MATERIALS PIT KNOWN AS THE CARRIZO GRAVEL PIT LOCATED IN THE SOUTH HALF OF SECTION 26 AND THE NORTH HALF OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA & SALT RIVER MERIDIAN, NEAR TEC NOS POS, APACHE COUNTY, ARIZONA



NOTE: CONTOUR INTERVAL IS 200'.

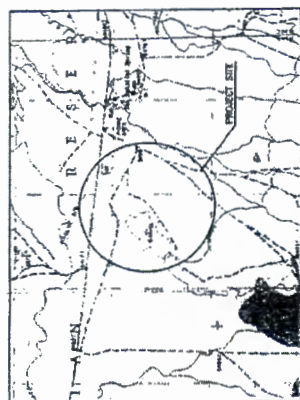
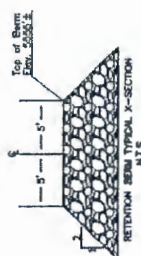
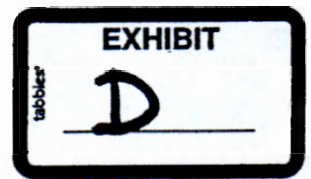


Figure 9.

APACHE COUNTY ENGINEERING DEPARTMENT
P.O. BOX 208
75 W. CLEVELAND ST.
ST. JOHNS, ARIZONA 85808
PHONE: 520-337-2552
FAX: 520-337-2552



Appendix A

Final Environmental Assessment
(April 2006)

FINAL

**ADDENDUM TO THE
FINAL ENVIRONEMNTAL ASSESSMENT OF
THE CARRIZO SAND & GRAVEL QUARRY
(36.29 ACRES)
TEEC NOS POS CHAPTER, APACHE COUNTY, ARIZONA**

Prepared for:

**Apache County District 1
and
Tee Nos Pos Chapter**

Prepared by:

**Environmental Section
Department of Transportation
P.O. Box 4620
Window Rock, Arizona 86515**

April 2006

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1.0 Description of the Proposed Action

1.1 Project Description

The Teec Nos Pos Chapter and Apache County District 1 propose to re-open the 36.29 acres of Carrizo Sand & Gravel Quarry 5.5 miles west of Teec Nos Pos, Arizona. Under this proposal, Apache County will start mining the sand & gravel quarry utilizing the existing access road to the pit. The total acreage area of the sand & gravel quarry and the access road is 83.62 acres. The material is needed to paved and graveled existing roads within the chapter and surrounding areas to improve community roads and bus routes.

1.2 Purpose of and Need for Action

The Teec Nos Pos Chapter and Apache County District 1 would like to re-open the 36.29 acres of the Carrizo Sand & Gravel quarry for gravel material. The chapter and contractors will mine the entire acreage to remove and crush rocks for gravel. The sand and gravel will be used to upgrade and maintenance the community roads in Teec Nos Pos and surrounding areas.

1.3 Location

The Teec Nos Pos Chapter House is generally located in Apache County, Arizona approximately 70 miles west of Shiprock, New Mexico. The legal location of the project of the project is in the Cow Butte, Arizona USGS 7.5 quadrangle map.

2.0 Alternatives, Including the Preferred Action

2.1 Alternative A – No Action

Under this alternative, No Action will be taken. The existing sand and gravel pit will remain in size with minimal material. Due to lack of material, roads will continue to receive minimal road maintenance in the form of graveling the roads to eliminate as much of the rough areas as possible.

2.2 Alternative B – Extension of Existing Sand and Gravel Pit

The preferred alternative is to re-open the 36.29 acres of Carrizo Sand & Gravel Quarry, 5.5 miles west of Teec Nos Pos, Arizona. The acreage in the abandoned gravel pit will remain the same. The mining of the gravel pit will help with more material to be used to improve the roads within Teec Nos Pos community and surrounding areas.

3.0 Description of the Affected Environment

The Final Assessment for the Carrizo Sand and Gravel Quarry, Teec Bos Pos, Arizona summarizes the affected environment which this addendum addresses. Please refer to the Final Environmental Assessment attached as Appendix A.

4.0 Environmental Consequences of the Proposed Action

This section of the EA will be addressed by alternatives. Only the consequences of the proposed improvement of the Sand and Gravel pit will be covered under Alternative A, B, and C.

4.1 Alternative A – No Action

Other than limited disturbance of soil and temporary increase in noise during minimal maintenance grading activities, there will be no environment the environment under this alternative. The disturbance of the soil will temporarily affect the quality of the air.

4.2 Alternative B – Extension of Existing Gravel Pit

There will be more disturbance of the environment under this alternative. The quality of the air will be temporarily impacted during the mining of the gravel pit and transporting and crushing of the rock material. Noise will be temporarily increased during the construction, but this should ease upon completion of the project. There is a possibility of hazardous waste or substance contamination to the environment from leaking equipment, storage, containers for fuel, lubricants and hydraulic fluids, and from storage facilities. The public traveling by the construction area needs to be aware of, the danger of heavy equipments, being used for construction. The public needs to obey all signs posted along the road and near the pit.

4.3 Alternative C – Preferred Action

Under this alternative, there will be extensive removal of topsoil from the addition of the gravel pit. The removing of the soil and mining the area will affect the quality of the air. However this will cease when the project is completed. There will be a temporarily increase in noise from the heavy equipment mining the area. Again, this will ease down when the construction is completed. There is a possibility of hazardous waste contamination to the environment from leaking equipment, storage containers for fuel, lubricants and hydraulic fluids, and from storage facilities. The public traveling by the construction area needs to be aware of the danger of heavy equipment being used for construction.

5.0 Mitigation Measures of Impacts to the proposed Action

This section will only address mitigations measures for alternative C – the preferred action.

5.1 Biological Impacts

The Final Environmental Assessment was completed in October 2000. The Navajo Nation Fish and Wildlife had listed Golden Eagle, Ferruginous Hawk, Mountain Plover, Southwestern Willow Flycatcher, Peregrine Falcon, Black-footed Ferret, Northern Leopard Frog, and Western seep fritillary as species of concern in

the project area. A field survey was re-conducted and no specie was identified in the area.

Due to the high human activity within the Chapter tract, reclaiming disturbed areas by reseeding is not recommended. The high human traffic will probably not permit reclamation success.

Since this project is located in the Teec Nos Pos Chapter tract on a relatively a slope terrain area, the proposed activity will or may affect any "waters of the United States". Any pre-cautions will be taken to avoid any contamination by the runoff.

5.2 Physical Impacts

Proposed activities include the removal of several feet topsoil and removal of trees.

5.3 Hazardous Materials

To prevent the possibility of leakage of oils and other toxic and hazardous substances into the environment, all oils, fuels, lubricants, hydraulic fluids, etc., shall be kept in sealed storage containers or facilities that meet EPA regulations for preventing contamination of the environment. All construction equipment, containers, and facilities shall be inspected daily for leaks and spill. The contractor shall remove all leaking containers and equipments from the project site until the leak has been repaired and all spill cleaned up. All hazardous waste shall be disposed of by the contractor in accordance to EPA regulations and guidelines.

5.4 Waste Minimization and Pollution Prevention

To minimize wastage of resources, and to prevent pollution of the environment, the sponsor of this project shall specifically inform all contractors that waste shall be kept to a minimum. Any waste accumulated as a result of construction shall first be considered for recycle prior to proper disposal or destruction.

5.5 Cumulative Impacts

Mining more material from the pit will make more materials available for graveling most roads in the community of Teec Nos Pos and surrounding communities. As a result, a lot of soil had been disturbed and moved around in preparation of mining the pit.

6.0 Conclusion regarding significance

Other than the noise and temporary inconvenience to the public, the quality of the air and possible soil contamination will be the only resources affected by this project. Regarding air resources, attentively watering the disturbed soil during construction will

mitigate this impact. Regarding the possibility of contamination to the environment from equipment leaking oil, hydraulic fluid, fuel, etc., and possible spills, daily inspections of equipment and facilities, and addressing problems as soon as they're encountered will lessen this possible impact.

7.0 Consultation and Coordination

7.1 Personnel, including qualification

Geraldine Jones, Environmental Specialist, is responsible for gathering data and conducting field work for this addendum to the Final Environmental Assessment for the Carrizo Sand and Gravel Quarry, Teec Nos Pos, Arizona.

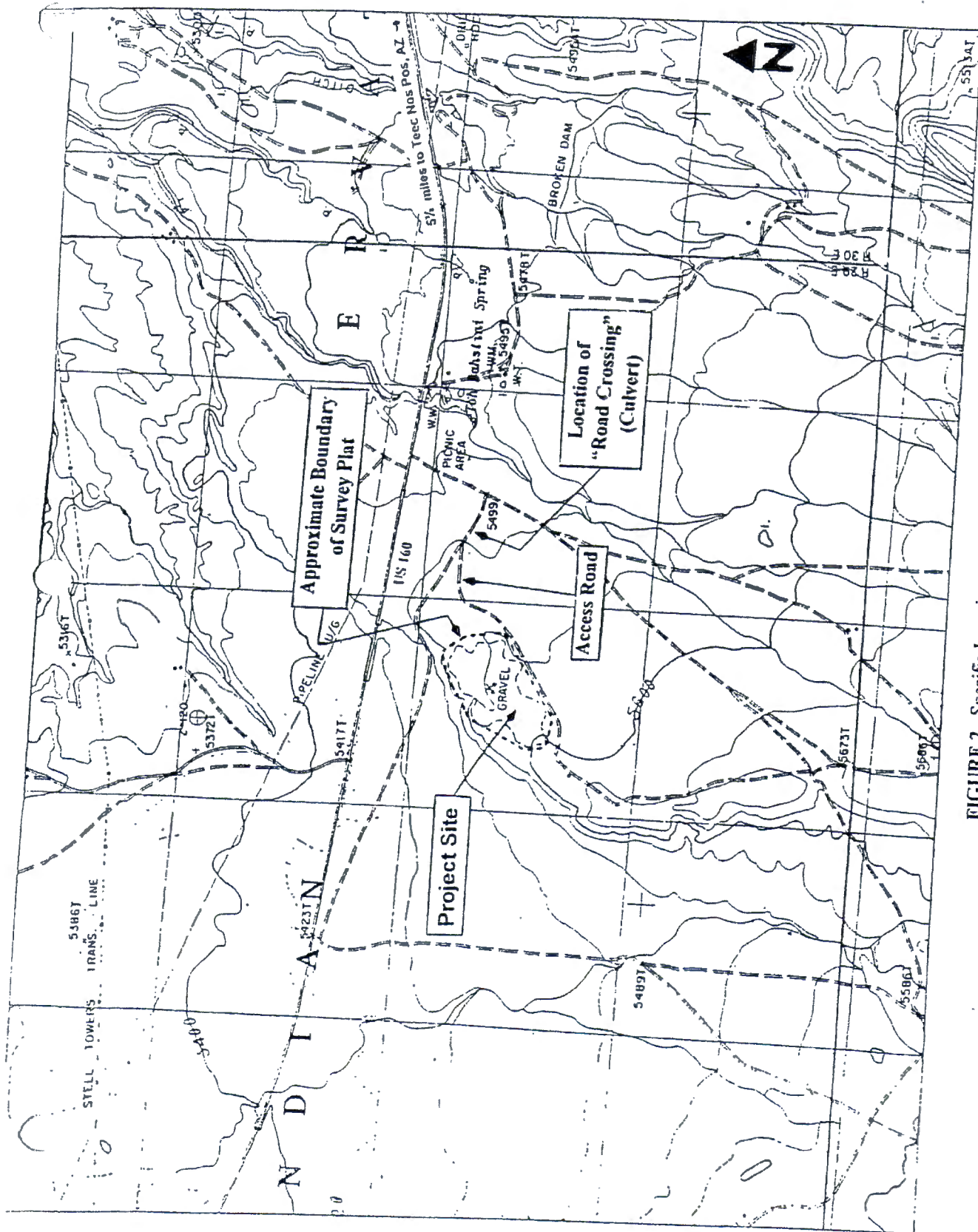
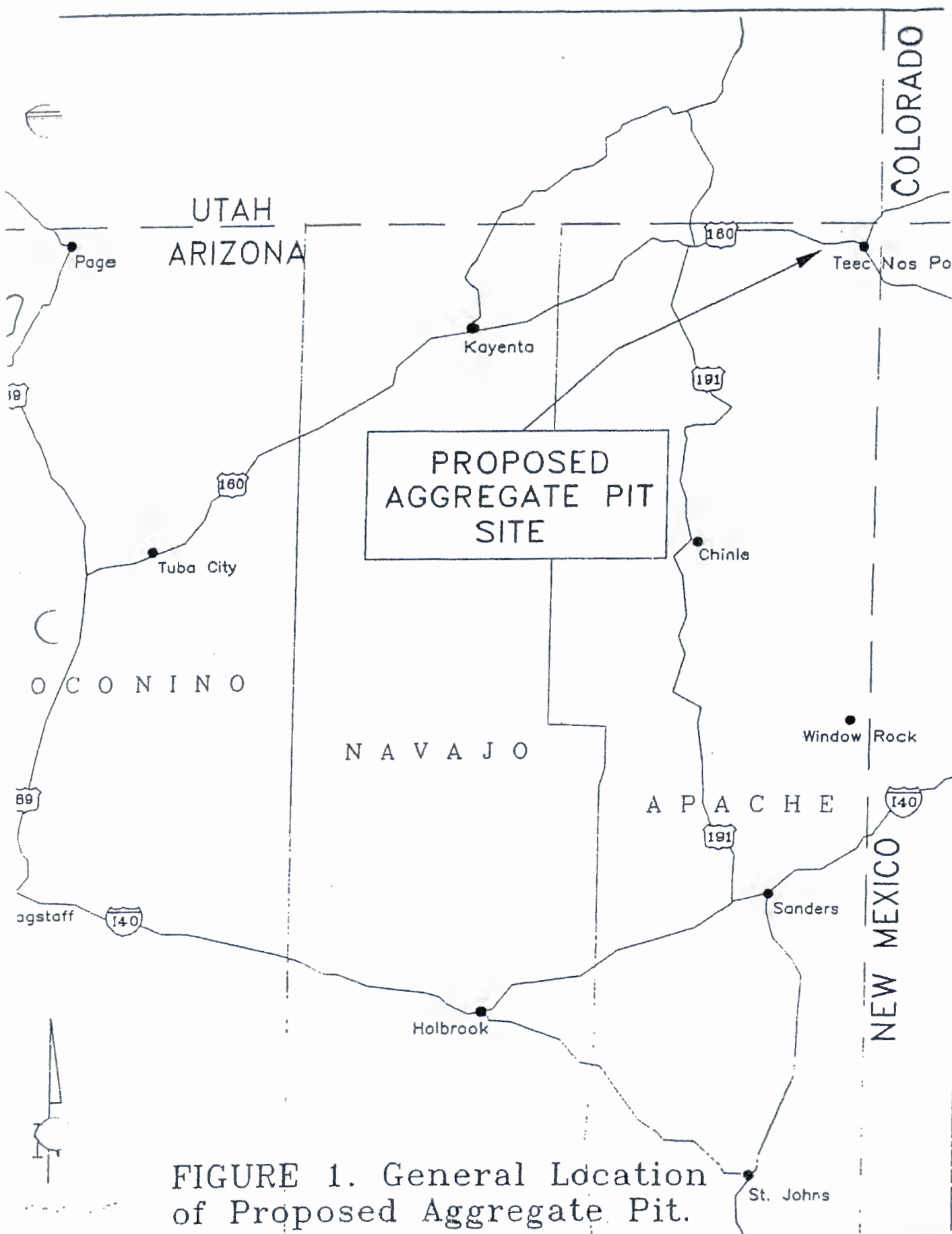


FIGURE 2. Specific Location of Proposed Aggregate Pit.



Appendix B

FONSI (October 11, 2000)
with the
Original Environmental Assessment
(April 2006)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305-1060

IN REPLY REFER TO:

500:Branch of Environmental Services

OCT 12 2000

Mr. Kelsey A. Begaye
President
The Navajo Nation
P.O. 9000
Window Rock, Arizona 86515



Attention: Gene Martinez, Navajo Department of Transportation

RE: ~~FONSI - Re-opening of Carrizo Quarry Pit Near Teec Nos Pos,~~
Apache County, Arizona EA-00-127

Dear President Begaye:

The environmental assessment, EA-00-127, for the re-opening of the Carrizo Quarry Pit near Teec Nos Pos, Apache County, Arizona, was reviewed in the Navajo Regional Office, Branch of Environmental Services. A Finding of No Significant Impact (FONSI) has been determined for the proposed action which will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the quarry pit project is not required.

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

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

Sincerely,

[Signature]
ACTING Regional Director, Navajo

Enclosure



FINDING OF NO SIGNIFICANT IMPACT
RE-OPENING OF CARRIZO QUARRY PIT AND ACCESS ROAD IMPROVEMENTS
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-00-127

LOCATION: T41N, R29E, Sections 35 & 26, Unplatted
Near Teec Nos Pos, Apache County, Arizona

The proposed action is the re-opening of the Carrizo Quarry pit and improvement of the access road near Teec Nos Pos, Apache County, Arizona, which will encompass 39.56 acres. The project is sponsored by Apache County, District 1, P.O. Box 111, Teec Nos Pos, Arizona, 86514.

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

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

1. Agency and public involvement was solicited, and environmental issues relative to the development of the quarry pit reopening and access road improvement project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and two potentially viable alternatives including the "no action" alternative.
3. Once the project site has served its purpose, the area shall be reclaimed using native vegetation (EA, Part V.A, Land Resources).
4. Potential impacts to flood plains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990. The project area was surveyed on May 25, 2000. There are no riparian or aquatic habitats (EA, Part III.D.2.c). The described action will have no effect on flood plains, or other sensitive areas.
5. CWA 401 -- In compliance with the Clean Water Act, as amended, the United States Environmental Protection Agency's "Final Action on the Nationwide Permit (NWP) Clean Water Act Section 401 Certification in Indian Country" was consulted. This project will be authorized under Nationwide Permit No. 14, which is one of the Conditional Water Quality Certifications issued by the U.S.E.P.A.

on November 21, 1997. Application for water quality certification was submitted to the U.S.E.P.A, Region 9 (EA, Part V.B., Water Resources).

6. CWA 402(p) - In compliance with the Clean Water Act, as amended, Section 402(p), Storm Water Pollution Protection, a notice of intent for storm water discharges associated with construction activities shall be filed with the U.S. Environmental Protection Agency by the operator of the quarry pit (EA, Part V.B., Water Resources).

7. CWA 404 - In compliance with the Clean Water Act, as amended, application for Section 404 Determination was submitted to the U. S. Army Corps of Engineers. This project can be constructed under authority of Nationwide Permit No. 14, Road Crossings (EA, Part V.B., Water Resources).

8. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 Consultation, and 36 CFR 800.9 (b), a cultural resources assessment, including traditional cultural properties, was performed for the proposed project by the Navajo Nation Historic Preservation Department (NNHPD) which issued Cultural Resource Compliance Form (CRCF), NNHPD NO. HPD-99-927. The NNHPD determined that no historic properties will be affected by the proposed undertaking (see CRCF in Appendix C).

9. 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.

10. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Nation Natural Heritage Program (NNNHP). In the consultation it was determined that the Navajo Fish and Wildlife Department (NFWD) "has no record of species of concern occurring on the project site". Two species of concern are known to occur within one mile of the project site. In addition, there are 8 species of concern with the potential to occur on the 7.5 minute quadrangle containing the project boundaries (Appendix A). A biological survey was conducted on May 25, 2000, to ascertain the existence of habitat for the T&E species of concern listed by the NFWD. A "No Effect" determination was recommended (Appendix B).

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

12. In accordance with the Resource Conservation and Recovery Act, Subtitle D, non-hazardous solid waste shall be mitigated as

described in the EA, Part V.D.

12. Cumulative effects are considered negligible.

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

14. The re-opening of the quarry pit would allow gravel production locally for road improvements in the area, a plan which is supported by local residents and the school district.



Navajo Regional NEPA Coordinator

10-11-00
Date

Final Environmental Assessment

**Reopening of the Carrizo Quarry Pit
Teec Nos Pos, Apache County, Arizona**

**Prepared For
Apache County, District 1
P.O. Box 111
Teec Nos Pos, Arizona 86514
(520) 656-3505**

**Prepared By
Navajo Nation Department of Transportation
P.O. Box 4620
Window Rock, Arizona 86515
(520)871-6498**

October 2000

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I. Description of the Proposed Action

A. Project Description

Apache County proposes to reopen an existing gravel pit located approximately 5.5 miles west of Teec Nos Pos, AZ (Figure 1). Proposed action will entail the mechanical removal of existing natural gravel deposits. This deposit will be excavated, crushed, and the gravel stored on-site within the 36.29 acres pit area (Figure 2). This project will also include improvements to the one-half (1/2) mile access road. A culvert will be placed in one drainage along this access road to insure the unrestricted flow of rain water run-off down established watersheds. A total of 83.62 acres was surveyed. The surveyed area includes the access road and areas approximately 300 feet beyond the gravel pit boundary.

B. Purpose and Need for Action

The purpose for reopening the gravel pit is to provide materials for improvement to county roads in the northern portion of Apache County. Residents and the local school district dislike the current condition of various county roads and bus routes. Material from this pit will be used to improve the roads and address these problems.

C. Location

The Carrizo Quarry pit is located 5.5 miles west of the community of Teec Nos Pos, Apache County, AZ along and south of Arizona State Highway 160. The proposed project is located in Township 41N, Range 29E, Sections 35 and 36; Gila and Salt River Meridian. Figure 3 shows the specific location of the Carrizo Quarry pit. 26.2

The Universal Traverse Mercator (UTM) Coordinate center for the Carrizo Quarry pit is N4087570m and E660590m. The UTM coordinates for the access road are: Point A(BOP)=N4087950m E661510m and Point B(EOP)=N4087950m E660960m.

II. Alternatives

A. Alternative A - No Action

Alternative A is the No Action alternative. Under this alternative the Carrizo Quarry Pit will not be reopened and materials would not be extracted from the existing pit. Apache County would continue to haul materials from other sources to improve roads over which they have stewardship. This is not a preferable alternative due to the cost of transporting materials; a cost which could instead be used to repair and improve roads.

B. Alternative B - Preferred Alternative

Alternative B is the proposed reopening of the existing pit for the extraction of materials to be utilized toward improving various county roads and bus routes in this part of Apache County. This is the preferred alternative in that Carrizo Quarry Pit has already received extensive disturbance from previous pit operations. Use gravel from this quarry pit area would also be less expensive than hauling gravel from other sources.

C. Alternative C - Alternative Site

Alternative C would consist of selecting an undisturbed area in the same general vicinity for the purpose of mining previously undisturbed deposits. This alternative quickly becomes unfeasible in that it is illogical to damage an undisturbed area when a suitable, disturbed source already exists with adequate deposits for repairs and improvements of local roads.

III. Description of the Affected Environment

A. Land Resources

1. Topography

The project area is located on the edge of a northeast/southwest trending bench. The proposed quarry pit is located along the edge of the bench where the terrain slopes down 36 degrees for approximately 75 feet. Drainage patterns trend in a south to north direction between the Carrizo Mountains and the San Juan River. Elevation ranges from 5,499 to 5,560 feet above mean sea level.

2. Soils

The soil types consist of Quaternary alluvial deposits of thick, wide spread sand and gravel on gentle slopes and horizontal surfaces overlain by aeolian deposition and residuum from the underlying sandstone with wind blown deposits and colluvial formation from the shaly geology and eroding rock outcrops (*Cooley, et al 1969*).

3. Geologic Setting & Mineral Resource

The primary geologic feature of the area is the Carrizo Mountains, a volcanic dome located approximately 3.0 miles to the south and east. The project area is located on the Four Corners Platform, a structural subdivision of the Colorado Plateau. Here, Jurassic and Cretaceous bedrock whose strata of the Morrison, Dakota, and Mancos Formations dip gently to the northeast (*Cooley, et al 1969*).

B. Water Resources

1. Surface Water

The project area is located in the southern province of the Blanding Basin on the Colorado Plateau. Two major ephemeral drainages, Toh Dahstini Wash and Dry Farms Wash, drain into the San Juan River with a general south to north orientation (*Cooley, et al 1969*).

2. Ground Water

Ground water is available from the Dakota Sandstone. There are no springs on or immediately adjacent to the proposed site. The nearest location is a natural flowing spring in Toh Dahstini Wash, situated approximately one-half (½) mile east of the eastern extension of the gravel pit access road.

C. Air Resources

1. Quality & Visibility

Current effects on air quality and visibility in the general vicinity of the proposed project are; vehicle use of dirt roads, smoke from coal and wood burning stoves, blowing soil from the overgrazed range, and combustible fuel pollutants from vehicles using Highway 160.

2. Climate

Teec Nos Pos climate is arid to semiarid. July through September are the rainiest months. Most of the summer precipitation results from brief and sometimes heavy thunderstorms. January is the coldest month: while July is the warmest. Average annual precipitation is 8.4 inches. Average maximum and minimum temperatures (annual) are 68.0°F and 42.0°F, respectively. Please refer to the climate summary attached as Appendix A for additional information. (*Western Regional Climate Center, wrcc@dri.edu*)

D. Biotic Resources

1. Description of Ecosystem & Biological Communities

The Carrizo Quarry pit is located in an area which can be described as a semidesert grassland consisting of mixed grass-shrub vegetation community. This area consists of rolling hills covered with grass and shrubs. Dominant grass species in this area are blue grama grass (*Bouteloua gracilis*), downy brome (*Bromus tectorum*), galleta (*Hilaria jamesii*), and three-awn (*Aristida purpurea*). Dominant shrubs include gray rabbitbrush (*Chrysothamnus nauseosus*), Broom snakeweed (*Gutierrezia sarothrae*), and Mormon tea (*Ephedra trifurca*).

2. Wildlife

a. Terrestrial

Rodents are the dominant mammals in the semidesert grassland community where they feed on grasses, shrubs, insects and other invertebrates. There is no cover for large mammals, such as, mule deer, elk, or black bear. However, these mammals probably use drainages through this area to travel between the Carrizo Mountains and San Juan River basin where there are more suitable habitats.

Birds by far are more numerous through out this grassland community than any other vertebrates. There are no trees or shrubs for cover or nesting around the quarry pit. However, the drainages to the east and west of the project area, the foot hills of the Carrizo Mountains, and the San Juan River basin all provide cover and nesting sites. Even though the area around the quarry pit does not provide cover, the birds are greatly influenced by the production of nutrients the grassland habitat provides.

Lizards and snakes are the dominant reptiles through out this area. There are no wetlands or water near the quarry pit to provide suitable habitat for amphibians.

Wildlife noticed around the quarry pit during field surveys include a Burrowing Owl (*Athene cunicularia*), Horned Larks (*Eremophila alpestris*), Turkey Vulture (*Cathartes aura*), Red-tailed Hawk (*Buteo jamaicensis*), Common Raven (*Corvus corax*), and Leopard lizard (*Gambelia wislizenii*).

b. Riparian/Aquatic

There are no riparian or aquatic habitats for species dependent on such habitat.

c. Threatened & Endangered Species

Source of information on "species of concern" to the Navajo Nation were obtained from a list provided by the Natural Heritage Program, Navajo Fish & Wildlife Department. The Navajo Fish & Wildlife Department "has no record of species of concern occurring on the project site". Species known to occur within one mile of the project site is the Loggerhead Shrike (*Lanius ludovicianus*). Additional species of concern with the potential to occur on the 7.5 minute USGS quadrangle map on which the project is located include: Golden Eagle (*Aquila chrysaetos*), Ferruginous hawk (*Buteo regalis*), Mountain Plover (*Charadrius montanus*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), Peregrine Falcon (*Falco peregrinus*), Black-footed ferret (*Mustela nigripes*), Northern leopard frog (*Rana pipiens*), and Western seep fritillary (*Speyeria nokomis nokomis*). Please refer to the biological evaluation attached as Appendix B.

3. Vegetation

a. Terrestrial

The Carrizo Quarry Pit is located within semidesert grassland habitat consisting of mixed grass-shrub vegetation. This area consists of rolling grass and shrub covered hills incised by ephemeral drainages. Dominant grass species in this area are blue grama grass (*Bouteloua gracilis*), downy brome (*Bromus tectorum*), galleta (*Hilaria jamesii*), and three-awn (*Aristida purpurea*). Dominant shrubs include gray rabbitbrush (*Chrysothamnus nauseosus*), Broom snakeweed (*Gutierrezia sarothrae*), and Mormon tea (*Ephedra trifurca*).

b. Riparian/Aquatic

There are no riparian or aquatic habitats for species dependent on such habitat.

c. Threatened & Endangered Species

The only species of concern to the Navajo Nation known to occur within three miles of the Carrizo Quarry Pit is the Parish's alkali grass (*Puccinellia parishii*). Please refer to the biological evaluation attached as Appendix B.

E. Cultural Resources

1. Traditional Cultural Properties, Historic, Religious Properties

Archaeologist from the Navajo Department of Transportation conducted a field survey of the Carrizo Quarry Pit and surrounding area on October 13, 1999. Approximately 83.62 acres were surveyed by walking the entire area. A copy of the Archaeological Inventory

Report Documentation Page is attached under Appendix C.

2. Archaeological Resources

No historic/prehistoric cultural remains in the project area were noted by the Archaeology Section of NDOT.

F. Socioeconomic Conditions

1. Environmental Justice

Since the gravel from the quarry pit will be used to improve roads through out this portion of Apache County, this proposed project will greatly enhance the well being of Native Americans living through the area.

2. Employment & Income

A major employer is the Teec Nos Pos Boarding School with 30 personnel working during the academic year. The Navajo Nation, Arizona Department of Transportation, Arizona Department of Economic Security, Frank's Groceries, Teec Nos Pos Trading Post, and Apache County employ 27, 11, 9, 8, 8 and 6, respectively (*Chapter Images, 1996*).

3. Demographics & Trends

The 1980 Census shows 1,250 people living in the Teec Nos Pos Chapter. 1990 Census counted 1,171 people. The latest published Census (1997) listed 1,259 people. Potential employment is very low throughout this area. Those who are able to work usually move to suburbs or cities for employment purposes. However, Teec Nos Pos will always be "home" to them and they will return regularly.

4. Lifestyles, Cultural Values, Attitudes, Expectations

An agrarian lifestyle based on sheep and cattle ranching predominates in and around the general vicinity of the project. No traditional cultural properties exist in close proximity to the quarry pit. Thus, the general populace in this area support the use of materials from the pit for road upgrades.

5. Indian Trust Resources

Indian trust resources in the area of Carrizo Quarry Pit consist of gravel and rangeland used for grazing sheep, cattle, and horses.

6. Community Infrastructure

Teec Nos Pos Chapter is the community center. The Teec Nos Pos Boarding School, Arizona Department of Transportation Department of Highway Maintenance, Arizona Department of Economic Security, Frank's Groceries, Teec Nos Pos Trading Post, Apache County School Office, Apache County Sheriff Office, Apache County/District 1 Substation and Teec Nos Pos Clinic are located in the Chapter. All of the facilities listed are located 5.5 miles east of the project area. Arizona State Highway 160 and a steel

towered transmission line are located north of the project area.

G. Resource Use Patterns

1. Hunting, Fishing, Gathering

The Carrizo Quarry Pit is located in the Navajo Department of Fish & Wildlife Management Unit 12. U.S. Highway 160 delineates the northern boundary of the management unit.

No big game, such as deer and elk, are hunted near the quarry pit. Small game, such as rabbits and prairie dogs, occur through out the grassland land. However, small game hunting is minimal. Upland game birds, such as quail and doves, also occur through out the area, however, upland game birds are also not extensively hunted. There are no permanent lakes, ponds, or streams near the quarry pit suitable for fishing or waterfowl hunting. Trapping of furbearers is permitted on the Navajo Nation, however, trapping does not occur near the quarry pit. Most trapping occur toward the San Juan River basin.

No gathering of herbs or medicinal plant occurs near the Carrizo Quarry Pit.

2. Timber Harvesting

Neither pre-commercial or commercial size trees exist on or near the quarry pit.

3. Agriculture

No cultivated fields or orchards were noted near the quarry pit during the survey.

4. Mining

The only mining has been the extraction of raw gravel deposits from the existing pit.

5. Outdoor Recreation

No outdoor recreation facilities exist in the immediate area.

6. Transportation Use Networks

Arizona State Highway 160 is located approximately 0.6 of a mile north and east of the quarry pit and will be the primary route utilized for the hauling of the crushed gravel materials to the various road construction projects. No airports or rail lines are located near the project area.

7. Land Use Plans

In that this pit was utilized prior for the same purpose proposed by Apache County/District 1 the land use plan remains as the original intent. Otherwise, there are no plans with goals and objectives for this area. The surrounding area will continue to be used for random homesite development and livestock grazing.

8. Solid Waste Sites

No solid waste facilities exist in the general vicinity of the quarry pit. Solid waste materials are generally transported to dump facilities located in Cortez, Colorado.

9. Hazardous Waste Sites

No hazardous waste facilities exist in the general vicinity of the quarry pit.

H. Other Values

1. Wilderness

There are no designated wilderness areas on the Navajo Reservation.

2. Sound & Noise

The only noise noticed during the field survey was produced by vehicle traffic along U. S. Highway 160, local graveled or dirt roads, and overhead aircrafts.

3. Public Health & Safety

The nearest medical, emergency response, and police facilities are located approximately 5.5 miles east in the Teec Nos Pos, AZ community.

4. Visual Setting

Natural monuments visible from the pit area are the Carrizo Mountains, San Juan River Valley, the Sleeping Ute Mountain, and the Abajo Mountains.

5. Non-User Values

Presently, non-user values are not an issue in this area.

IV. Environmental Consequences of the Proposed Action

Only impacts as a result of the preferred alternative will be discussed under this section.

A. Land Resources

Since the quarry pit will be excavated, there will be impact to the soil and gravel source. The existing quarry pit is located on the edge of a northeast/southwest trending bench. Without adequate erosion control, there is a potential for accelerated erosion of this bench.

B. Water Resources

Again, from the edge of the bench, the terrain slopes down 36 degrees for approximately 75 feet. Without best management practices for erosion and sedimentation control, rain water run-off has the potential of moving sedimentation, and possible pollutants from equipment, off the proposed project site and impacting drainages downstream.

C. Air Resource

There will be impacts to air resources as a result of reopening the Carrizo Quarry Pit. First of

all, as the soil is disturbed and moved around, and also from the crushing of rocks, dust particulates will be emitted into the atmosphere. Secondly, pollutants in the form of burned fossil fuel used by heavy equipment and crushing operation will also impact air resources.

D. Biological Resource

This action will impact small mammals, reptiles, and invertebrates currently occurring within the 36.29 acres proposed project site. However, this impact is unavoidable. No endangered, threatened, or species of concern to the Navajo Nation will be affected by this project within the immediate vicinity of the Carrizo Quarry Pit. No mitigation is required for biological resources occurring in the vicinity of the project area. Please refer to the biological evaluation attached as Appendix A.

E. Cultural Resource

On October 13, 1999, the NDOT Archaeology staff investigated the existing quarry pit and surrounding area. No cultural resources were identified during this inventory. A "Notice to Proceed" declaration has been issued by the Navajo Nation Historic Preservation Department. No mitigation is required for non-existing cultural resources. The Cultural Resources Compliance Form, HPD-99-927, is attached under Appendix C.

F. Socioeconomic Resource

Impacts on socioeconomic resources are primarily related to changes in land use, population, employment and community response to activities. The only foreseeable change as a result of this proposed action is increased improvements to roads in the northern section of Apache County. Population, employment, and land use will not be affected by the operation. No mitigation is required.

G. Land Use

The Carrizo Quarry Pit was utilized for the same purpose in the past by Apache County. Therefore, the land use of the surrounding area will remain as it currently exists. No mitigation is required.

H. Solid Waste:

Solid waste produced and indiscriminately disposed by those operating the quarry pit, crushing operation, and hauling operation can impact the project area. The wind can also transport indiscriminately disposed solid waste off the project site into the surrounding environment.

I. Hazardous Waste:

Construction equipment use of oils, fuels, lubricants, and hydraulic fluids for operation is essential. However, spillage of these potentially hazardous/toxic material may impact not only the project site, but also the surrounding environment.

J. Noise

Noise produced by heavy equipment excavating the site and rock crushing equipment will

increase noise through out this area.

V. Mitigation Measures of Impacts to the Proposed Action

A. Land Resources

The top soil within the area to be mined has already been removed by past mining activities. Since the existing vegetation will eventually have to be removed, the soil within the project area will be highly susceptible to wind and water erosion. Potential erosion can be mitigated by retaining as much of the existing vegetation as possible. Where it is necessary to remove vegetation, plants should be left as long as possible before clearing them out of the way. The area being disturbed should also be diligently watered to control blowing soil. Previous operators of the pit failed to reclaim the area before abandoning the site. As soon as an area of this project site has served its purpose, the area shall be reclaimed immediately using native vegetation.

Should the soil be contaminated by hazardous or toxic materials as a result of leaking equipment or spills, the soil shall be removed and disposed of in accordance to Navajo EPA guide lines.

B. Water Resources

In order to mitigate the possibility of rain water run-off transporting sediments and other possible contaminants off the northwestern edge of the site, the operator of the aggregate pit shall maintain a 30 foot buffer zone between the edge of the bench and the active part of the aggregate pit (Figure 4). No equipment, gravel, or by-products of the crushing operation shall be placed or stored within the buffer zone. Signs delineating the buffer zone shall be posted at 50 foot intervals 30 feet from the edge of the bench.

The drainage over which the access road to the Carrizo Quarry Pit is classified as "waters of the United States", and therefore require a Clean Water Act Section 401 certification from the U. S. EPA prior to a determination of Section 404 of the Clean Water Act by the U. S. Army Corps of Engineers. Applications have been submitted to the U. S. EPA, Region 9, and U. S. Army Corps of Engineers for a water quality certification and Nationwide Permit #14 determination, respectively. Section 402 of the Clean Water Act specifies that storm water discharge from a construction site of five or more acres to "waters of the United States" must be authorized by a National Pollutant Discharge Elimination System permit. Therefore, the operator of the quarry pit shall comply, if applicable, with all conditions of the general NPDES permit and shall develop a Storm Water Pollution Prevention Plan prior to initiating excavation and operation of the quarry pit.

C. Air Resource

Impacts to the air resources will occur from the disturbance of soil, crushing operation, and burned fossil fuel emissions from heavy equipment and rock crushing equipment. Disturbance to the soil can be mitigated by diligently watering and keeping the soil moist.

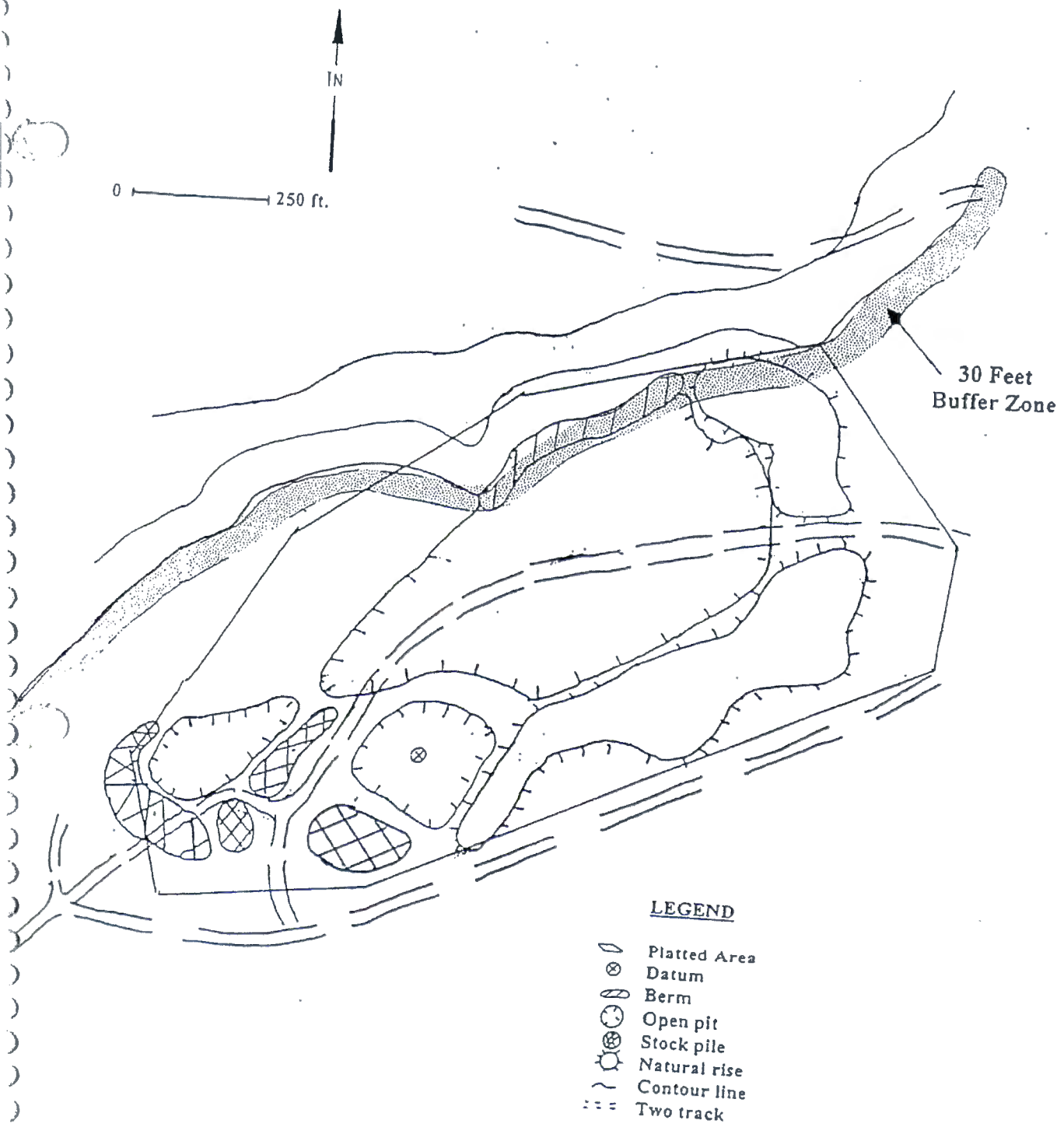


FIGURE 4: Plan Map of Existing Pit.

The rock crushing equipment should be regularly inspected to insure all parts are maintained and operating appropriately. This equipment should also be operated by qualified individuals familiar with proper operating procedures. The quarry pit operation will not be continuously operated. After a required amount of gravel has been produced, the operation will shut down until more gravel is needed. Therefore, emissions of burning fossil fuel into the atmosphere will only be temporary.

The pit and staging area will be kept clean and free of litter always, to prevent debris and litter from entering bodies of water. All trash will be disposed of according to EPA regulations and the equipment storage areas will be restored to their natural condition at project completion according to Navajo Nation permit requirement.

D. Solid Waste

The potential impact of solid waste can be mitigated by developing sound solid waste disposal policies and strict adherence to these policies. All solid waste shall be disposed of in accordance to EPA regulations, and all areas of the project site shall be maintained to natural conditions (litter free) as much as possible.

E. Hazardous Waste

To prevent the possibility of leakage of oils and other toxic and hazardous substances into the environment, all oils, fuels, lubricants, hydraulic fluids, etc., shall be kept in sealed storage containers or facilities that meet EPA regulations for preventing contamination of the environment. All construction equipment, containers, and facilities shall be inspected daily for leaks and spills. The operator of the quarry pit shall immediately address, contain, and repair all leaks and clean up all spills. All hazardous/toxic waste shall be disposed of in accordance to EPA regulations and guidelines.

F. Noise

The Carrizo Quarry Pitt is located approximately two miles from the nearest human inhabitants. Thus, the effects of noise pollution from this operation will be negligible. No mitigation is necessary for this impact.

VI. Consultation & Coordination

A. Personnel, Including Qualifications

Roger N. Walkenhorst, B.A. in Anthropology
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Navajo Department of Transportation

Olsen John
Archaeological Technician I
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B. Agency/Entity Consultation & Coordination

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Gene Martinez
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Navajo Department of Transportation
Personnel Communication

C. Bibliography/Reference


AASHTO Highway Subcommittee on Design Task Force for Environmental Design. A Guide for Transportation Landscape and Environmental Design. American Association of State Highway and Transportation Officials: June 1991.

Chapter Images: 1996 Edition. Navajo Nation: Window Rock, Arizona, 1995.

Martinez, Gene. Biological Evaluation: Proposed Reopening of a Gravel Pit (Carrizo Pit) Approximately 5.5 Miles West of Teec Nos Pos, Apache County, Arizona.

Walkenhorst, Roger and Olsen John. A Cultural Resource Inventory for the Proposed 36.29 Acre Extension of an Existing Quarry Pit and 0.45 of a Mile for an Associated Access Road Near Teec Nos Pos, Apache County, Arizona. Manuscript on file at the Navajo Nation Historic Preservation Department office. HPD# 99-927.

VII. Document Preparer's Signature


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VIII. Appendix Enclosures

Appendix A - Climate Data
Appendix B - Biological Evaluation
Appendix C - Cultural Resources Compliance Forms
Appendix D - Finding of No Significant Impact (FONSI)

APPENDIX A

Climate Data

TEEC NOS POS, ARIZONA

Period of Record General Climate Summary - Precipitation

| Station: (028468) TEEC NOS POS | | | | | | | | | | | | | |
|--------------------------------|---------------|-------|------|------|------|--------------------------|-------------|-------------|-------------|-------------|----------------|------|------|
| From Year=1962 To Year=2000 | | | | | | | | | | | | | |
| | Precipitation | | | | | | | | | | Total Snowfall | | |
| | Mean | High | Year | Low | Year | 1 Day Max. | >= 0.01 in. | >= 0.10 in. | >= 0.50 in. | >= 1.00 in. | Mean | High | Year |
| | in. | in. | - | in. | - | in. dd/yyyy or yyyyymmdd | # Days | # Days | # Days | # Days | in. | in. | - |
| January | 0.73 | 2.85 | 97 | 0.00 | 94 | 1.20 05/1995 | 4 | 2 | 0 | 0 | 2.5 | 31.0 | 74 |
| February | 0.48 | 1.14 | 75 | 0.00 | 77 | 0.65 11/1963 | 3 | 2 | 0 | 0 | 0.8 | 7.0 | 74 |
| March | 0.72 | 1.98 | 83 | 0.00 | 66 | 1.13 24/1964 | 5 | 2 | 0 | 0 | 0.3 | 5.0 | 75 |
| April | 0.46 | 1.51 | 85 | 0.00 | 71 | 0.97 16/1988 | 3 | 2 | 0 | 0 | 0.1 | 3.0 | 99 |
| May | 0.56 | 1.85 | 92 | 0.00 | 63 | 1.05 04/1999 | 3 | 2 | 0 | 0 | 0.1 | 2.0 | 95 |
| June | 0.30 | 1.48 | 69 | 0.00 | 74 | 0.82 26/1969 | 2 | 1 | 0 | 0 | 0.0 | 0.0 | 62 |
| July | 0.93 | 2.52 | 99 | 0.00 | 93 | 1.32 31/1978 | 4 | 3 | 1 | 0 | 0.0 | 0.0 | 62 |
| August | 1.10 | 3.89 | 97 | 0.04 | 75 | 2.07 22/1995 | 5 | 3 | 1 | 0 | 0.0 | 0.0 | 62 |
| September | 0.78 | 3.01 | 76 | 0.00 | 63 | 1.40 12/1970 | 3 | 2 | 0 | 0 | 0.0 | 0.0 | 62 |
| October | 0.95 | 4.79 | 96 | 0.00 | 64 | 2.00 03/1996 | 3 | 2 | 1 | 0 | 0.0 | 0.0 | 62 |
| November | 0.63 | 2.77 | 78 | 0.00 | 89 | 1.19 18/1962 | 3 | 2 | 0 | 0 | 0.5 | 5.5 | 73 |
| December | 0.61 | 2.09 | 78 | 0.00 | 63 | 1.00 06/1978 | 4 | 2 | 0 | 0 | 1.3 | 14.0 | 72 |
| Annual | 8.25 | 13.55 | 65 | 4.11 | 89 | 2.07 19950822 | 43 | 25 | 4 | 1 | 5.6 | 47.0 | 74 |
| Winter | 1.81 | 4.65 | 93 | 0.34 | 94 | 1.20 19950105 | 11 | 6 | 1 | 0 | 4.6 | 39.5 | 74 |
| Spring | 1.74 | 3.85 | 85 | 0.04 | 89 | 1.13 19640324 | 11 | 6 | 1 | 0 | 0.4 | 5.0 | 75 |
| Summer | 2.34 | 4.83 | 81 | 0.36 | 76 | 2.07 19950822 | 11 | 7 | 1 | 0 | 0.0 | 0.0 | 62 |
| Fall | 2.36 | 6.17 | 96 | 0.21 | 99 | 2.00 19961003 | 10 | 6 | 1 | 0 | 0.5 | 5.5 | 73 |

Table updated on Jul 10, 2000

For monthly and annual means, thresholds, and sums:

Months with 5 or more missing days are not considered

Years with 1 or more missing months are not considered

Seasons are climatological not calendar seasons

Winter = Dec., Jan., and Feb. Spring = Mar., Apr., and May

Summer = Jun., Jul., and Aug. Fall = Sep., Oct., and Nov.

TEEC NOS POS, ARIZONA

Period of Record General Climate Summary - Precipitation

| Station:(028468) TEEC NOS POS | | | | | | | | | | | | | |
|-------------------------------|---------------|-------|------|------|------|---------------------------|-------------|-------------|-------------|-------------|----------------|------|------|
| From Year=1962 To Year=2000 | | | | | | | | | | | | | |
| | Precipitation | | | | | | | | | | Total Snowfall | | |
| | Mean | High | Year | Low | Year | 1 Day Max. | >= 0.01 in. | >= 0.10 in. | >= 0.50 in. | >= 1.00 in. | Mean | High | Year |
| | in. | in. | - | in. | - | in. dd/yyyy or yyyy-mm-dd | # Days | # Days | # Days | # Days | in. | in. | - |
| January | 0.73 | 2.85 | 97 | 0.00 | 94 | 1.20 05/1995 | 4 | 2 | 0 | 0 | 2.5 | 31.0 | 74 |
| February | 0.48 | 1.14 | 75 | 0.00 | 77 | 0.65 11/1963 | 3 | 2 | 0 | 0 | 0.8 | 7.0 | 74 |
| March | 0.72 | 1.98 | 83 | 0.00 | 66 | 1.13 24/1964 | 5 | 2 | 0 | 0 | 0.3 | 5.0 | 75 |
| April | 0.46 | 1.51 | 85 | 0.00 | 71 | 0.97 16/1988 | 3 | 2 | 0 | 0 | 0.1 | 3.0 | 99 |
| May | 0.56 | 1.85 | 92 | 0.00 | 63 | 1.05 04/1999 | 3 | 2 | 0 | 0 | 0.1 | 2.0 | 95 |
| June | 0.30 | 1.48 | 69 | 0.00 | 74 | 0.82 26/1969 | 2 | 1 | 0 | 0 | 0.0 | 0.0 | 62 |
| July | 0.93 | 2.52 | 99 | 0.00 | 93 | 1.32 31/1978 | 4 | 3 | 1 | 0 | 0.0 | 0.0 | 62 |
| August | 1.10 | 3.89 | 97 | 0.04 | 75 | 2.07 22/1995 | 5 | 3 | 1 | 0 | 0.0 | 0.0 | 62 |
| September | 0.78 | 3.01 | 76 | 0.00 | 63 | 1.40 12/1970 | 3 | 2 | 0 | 0 | 0.0 | 0.0 | 62 |
| October | 0.95 | 4.79 | 96 | 0.00 | 64 | 2.00 03/1996 | 3 | 2 | 1 | 0 | 0.0 | 0.0 | 62 |
| November | 0.63 | 2.77 | 78 | 0.00 | 89 | 1.19 18/1962 | 3 | 2 | 0 | 0 | 0.5 | 5.5 | 73 |
| December | 0.61 | 2.09 | 78 | 0.00 | 63 | 1.00 06/1978 | 4 | 2 | 0 | 0 | 1.3 | 14.0 | 72 |
| Annual | 8.25 | 13.55 | 65 | 4.11 | 89 | 2.07 19950822 | 43 | 25 | 4 | 1 | 5.6 | 47.0 | 74 |
| Winter | 1.81 | 4.65 | 93 | 0.34 | 94 | 1.20 19950105 | 11 | 6 | 1 | 0 | 4.6 | 39.5 | 74 |
| Spring | 1.74 | 3.85 | 85 | 0.04 | 89 | 1.13 19640324 | 11 | 6 | 1 | 0 | 0.4 | 5.0 | 75 |
| Summer | 2.34 | 4.83 | 81 | 0.36 | 76 | 2.07 19950822 | 11 | 7 | 1 | 0 | 0.0 | 0.0 | 62 |
| Fall | 2.36 | 6.17 | 96 | 0.21 | 99 | 2.00 19961003 | 10 | 6 | 1 | 0 | 0.5 | 5.5 | 73 |

Table updated on Jul 10, 2000

For monthly and annual means, thresholds, and sums:

Months with 5 or more missing days are not considered

Years with 1 or more missing months are not considered

Seasons are climatological not calendar seasons

Winter = Dec., Jan., and Feb. Spring = Mar., Apr., and May

Summer = Jun., Jul., and Aug. Fall = Sep., Oct., and Nov.

tern Regional Climate Center, wrcc@dri.edu

APPENDIX B

Biological Evaluation
for the
Carrizo Quarry Pit

Biological Evaluation

**Proposed Reopening of a Gravel Pit (Carrizo Pit)
approximately 5.5 miles west of
Teec Nos Pos, Apache County, Arizona**

Prepared by:
Gene Martinez
Environmental Section
Navajo Department of Transportation
Division of Community Development
P. O. Box 4620
Window Rock, AZ 86515
(520)871-4698

Fish & Wildlife Permit Number:

Permit #000306-013

Description of Action:

Apache County is interested in reopening an aggregate pit (sometimes referred to as the "Carrizo Pit") located approximately 5.5 miles west of Teec Nos Pos, AZ. Please refer to Figure 1 for the general location of this proposed project. The County would like to reopen this pit for the purpose of improving roads under their stewardship in the northern region of Apache County. Aggregate will be excavated, crushed, and stored on site within the 36.3 acre surveyed project plat. Please refer to Figure 2.

Improvements to a one-half (1/2) mile access road will also be part of this proposed action. The access road will be graded, widened, and graveled. One culvert will be installed along this road to insure unrestricted drainage of rain water run-off.

Description of the Environment:

This project is located north of Carrizo Mountain. This area consists of rolling hills covered with grass and shrubs. Dominant grass species in this area are blue grama grass (*Bouteloua gracilis*), downy brome (*Bromus tectorum*), galleta (*Hilaria jamesii*), and three-awn (*Aristida purpurea*). Dominant shrubs include gray rabbitbrush (*Chrysothamnus nauseosus*), Broom snakeweed (*Gutierrezia sarothrae*), and Mormon tea (*Ephedra trifurca*). The aggregate pit is located on the edge of a northeast/southwest trending bench. The existing pit is highly disturbed from past usage. The site was never reclaimed prior to abandonment. Three excavated areas and four piles of sand grain size soil, a by-product of passed crushing operations, are located within the proposed pit area.

Species Biology and Status:

Source of information on "species of concern" were obtained from a list provided by the Natural Heritage Program, Navajo Fish & Wildlife Department (Attachment A). The Navajo Fish & Wildlife Department "has no record of species of concern occurring on the project site". Species known to occur within one mile of the project site is the Loggerhead Shrike (*Lanius ludovicianus*). Species known to occur within three miles of the project site is the Parish's alkali grass (*Puccinellia parishii*). Additional species of concern with the potential to occur on the 7.5 minute USGS quadrangle map on which the project is located include: Golden Eagle (*Aquila chrysaetos*), Ferruginous hawk (*Buteo regalis*), Mountain Plover (*Charadrius montanus*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), Peregrine Falcon (*Falco peregrinus*), Black-footed ferret (*Mustela nigripes*), Northern leopard frog (*Rana pipiens*), and Western seep fritillary (*Speyeria nokomis nokomis*).

Loggerhead Shrike; MBTA. Diving from a low look-out perch, then rising swiftly to the next perch, this bird hunts in open or brushy areas for insects, rodents, snakes, and small birds.

Parish's alkali grass; NESL group 2. This is a water dependent grass, preferring to grow near alkali seeps or springs, or on salt crusted soil along perennial streams. This plant's life cycle is limited to the month of May.

Golden Eagle; NESL group 3; MBTA; EPA. This raptor prefers high cliffs, such as buttes, mesas, and volcanic plugs surrounded by open grassland with minimal human disturbances.

Ferruginous Hawk; NESL group 3; MBTA. This bird prefers open plains, prairies, or badlands

where they feed on small mammals. This hawk has a preference for nesting on buttes and mesas where they have a view of the surrounding grassland.

Mountain Plover; NESL group 4; ESA candidate; MBTA. Prefers habitat on dry, semidesert prairies and grassland with scattered shrubs. Frequently associated with prairie dog towns, nesting in shallow depression on barren flat ground.

Southwestern Willow Flycatcher; NESL group 2; ESA endangered. Flycatcher territories and nests are typically near open water, cienegas, marshy seeps, or saturated soil having dense patches of vegetation interspersed with small openings and sparser vegetation that is not uniformly dense.

Peregrine Falcon; NESL group 3; ESA endangered; MBTA. Probably the most common characteristic of this bird's habitat is the presence of tall cliffs (typically over 50 meters). Cliffs serve as perching and nesting sites, and an unobstructed view of the surrounding area. Peregrines feed primarily on small to medium sized birds, such as songbirds, shore birds, and ducks.

Black-footed ferret; NESL group 2; ESA endangered. These mammals are usually found in the vicinity of prairie dog towns where they use burrows for shelter and prairie dog for food. Ferrets are nocturnal and usually conduct most of their activities in the evenings and early morning hours.

Northern leopard frog; NESL group 3. This frog is associated with streams, rivers, ponds, lakes, marshes, and irrigation canals. Diet consists of a wide variety of invertebrate prey, such as, insects and spiders.

Western seep fritillary; NESL group 3. Prefers marshlands, boggy streams, wet meadows. The larvae of this butterfly can only feed and survive on violets, and the only violet occurring on the Navajo Nation is the Kidney-leaved violet (*Viola nephrophylla*).

Survey Method:

- Reviewed data provided by the Natural Heritage Program and other file reports and information pertinent to the species listed above.
- Determined the exact location of the project and completed an on-site field survey.
- Field survey consisted of driving on established roads within and around the existing aggregate pit and walking within the surveyed, staked boundary. Topography, vegetation, potential habitat, and other possible biological concerns were noted.
- A ½ mile radius around the project area was also generally surveyed for possible impacts to sensitive species.
- Reviewed information on "species of concern" again to be certain all possible concerns were adequately addressed.

Survey Result:

Prior to conducting a field survey, it was determined that no suitable habitat on or within the immediate (1/4 mile) area of the proposed aggregate pit existed for the following species:

Parish's alkali grass (*Puccinellia parishii*)

Golden Eagle (*Aquila chrysaetos*)

Ferruginous Hawk (*Buteo regalis*)

Peregrine Falcon (*Falco peregrinus*)

Southwestern Willow Flycatcher (*Empidonax traillii extimus*) Northern Leopard frog (*Rana pipiens*)

Western seep fritillary (*Speyeria nokomis nokomis*)

The abandoned aggregate pit and surrounding area was surveyed on May 25, 2000 to determine potential habitat for the Black-footed ferret, Loggerhead Shrike, and Mountain Plover.

Determining potential habitat for the Black-footed ferret consisted of driving along existing roads within the aggregate pit and surrounding area and visually surveying the area. However, due to the height of the vegetation, I was unable to see burrows from the existing roads. Therefore, it was necessary to walk the entire project area within the staked boundary. All burrows were counted during this survey. Burrows with clean openings were counted as active; and burrows with debris (sticks, tumbleweed, grass parts, etc.) or extensive spider web constructed across the burrow were counted as inactive. Mounds having no burrow, but slight depression indicating past active burrows were not counted. Within the staked boundary, no prairie dog burrows were found along the west and northwestern boundaries, or on the disturbed area of the aggregate pit. Please refer to Figure 3. However, 36 inactive and 17 active burrows were identified between the existing pit area and the southern and eastern edge of the staked boundary. This area consists of approximately 11 acres. That's approximately 1.5 active burrows per acre. Less than the density required to be considered a prairie dog town. During this extensive four hour survey, no prairie dogs were seen or heard around the area.

During habitat assessment for the Black-footed ferret, I was also looking out for the Loggerhead Shrike. I was looking for a grey bird with a long dark tail, dark wings with white patches, and a dark mask. I did not see any birds resembling this description. Approximately 90 percent of the shrub, other than grasses, consist of snakeweed having an average height of eight inches. There are rabbitbrush with a height of 18 inches in the area, however, this vegetation is limited to, and scattered throughout the disturbed area of the pit. More suitable habitat for this bird exists to the south near the foothills of the Carrizo Mountains, or north toward the banks of the San Juan River.

During the field survey, no suitable habitat for the Mountain Plover was found. Again, most of the vegetation in this area consist of eight inch tall snakeweed, ephedra, and various grasses. Even though various grasses grow through out the area, the thick, eight inches tall growth of snakeweed dominate the area. Wind blown soil also accumulate around the growth of ephedra making the terrain uneven.

Impact Analysis:

- Due to lack of habitat, this action will not impact the Mountain Plover (*Charadrius montanus*) and Loggerhead Shrike (*Lanius ludovicianus*).
- There are prairie dog mounds on portions of the proposed site, however, the density of active burrows is not sufficient enough to support Black-footed ferret. Therefore, this project will not impact the Black-footed ferret (*Mustela nigripes*).
- The existing pit is located along the edge of a northeast/southwest trending bench. From the edge of the pit, the terrain slopes down 36 degrees for approximately 75 feet. Rain water run-off carrying suspended sedimentation, and possible pollutants from equipment, off the proposed project area may impact drainages downstream.
- Vegetation will be impacted within the excavation, crushing, and storage areas. Elimination of vegetation will increase wind and water erosion.

Avoidance and Mitigation:

- No avoidance, or mitigation is required for the Mountain Plover (*Charadrius montanus*), Loggerhead Shrike (*Lanius ludovicianus*), Black-footed ferret (*Mustela nigripes*), and habitat.
- In order to mitigate the possibility of rain water run-off draining off the northwestern edge of the site, the operator of the aggregate pit shall maintain a 30 feet buffer zone between the edge of the bench and the active part of the aggregate pit. No equipment, gravel, or by-product of the crushing operation shall be stored within this buffer zone. Signs delineating the buffer zone shall be posted at 50 feet intervals 30 feet from the edge of the bench.
- Previous operators of the pit failed to reclaim the area before abandoning the site. After the aggregate pit has served its purpose, the site shall be reclaimed using native plant species.

Alternatives:

An alternative is to not reopen the Carrizo aggregate pit. Apache County could continue to purchase their gravel and haul it long distances to their respective projects. Another alternative is to open an aggregate pit at a different location. However, a new pit would impact an environment which has not been previously impacted by such action.

Conclusion:

The proposal to reopen the aggregate pit near US Highway 160 will not effect any of the "species of concern" provided by the Natural Heritage Program, Navajo Department of Fish & Wildlife. Based on habitat and field survey, a determination of a "No effect" is recommended.

Personnel:

Gene Martinez – Worked three and a half years total with the Navajo Fish & Wildlife Department and four years total with the Navajo Environmental Protection Administration. Employed with the Navajo Department of Transportation for the last three years researching and writing environmental documents.

Coordination and Consultation:

David Mikesic, Zoologist; Natural Heritage Program, Navajo Fish & Wildlife Department
Daniela Roth, Botanist; Natural Heritage Program, Navajo Fish & Wildlife Department
John Nystedt, Wildlife Biologist, Natural Heritage Program, Navajo Fish & Wildlife Department

Bibliography:

National Geographic Society. 1992. *Field Guide to the Birds of North America*, 2nd Edition. National Geographic Society, Washington, D. C.

Nelson, Brent. 1999. Memorandum on species of concern list for the *Reopening of a Gravel Pit west of Teec Nos Pos, Arizona*. November 03, 1999. Window Rock, AZ.

US Fish & Wildlife Service. April 1989. *Black-Footed Ferret Survey Guidelines for Compliance with the Endangered Species Act*. Denver, CO & Albuquerque, NM.

U. S. Fish & Wildlife Service. 1999. *Mountain Plover Survey Guidelines*.

U. S. Geological Survey. 1982. *Cow Butte, AZ - NM Quadrangle 7.5 Minute Series Topographic Map*. U. S. Geological Survey, Denver, CO.

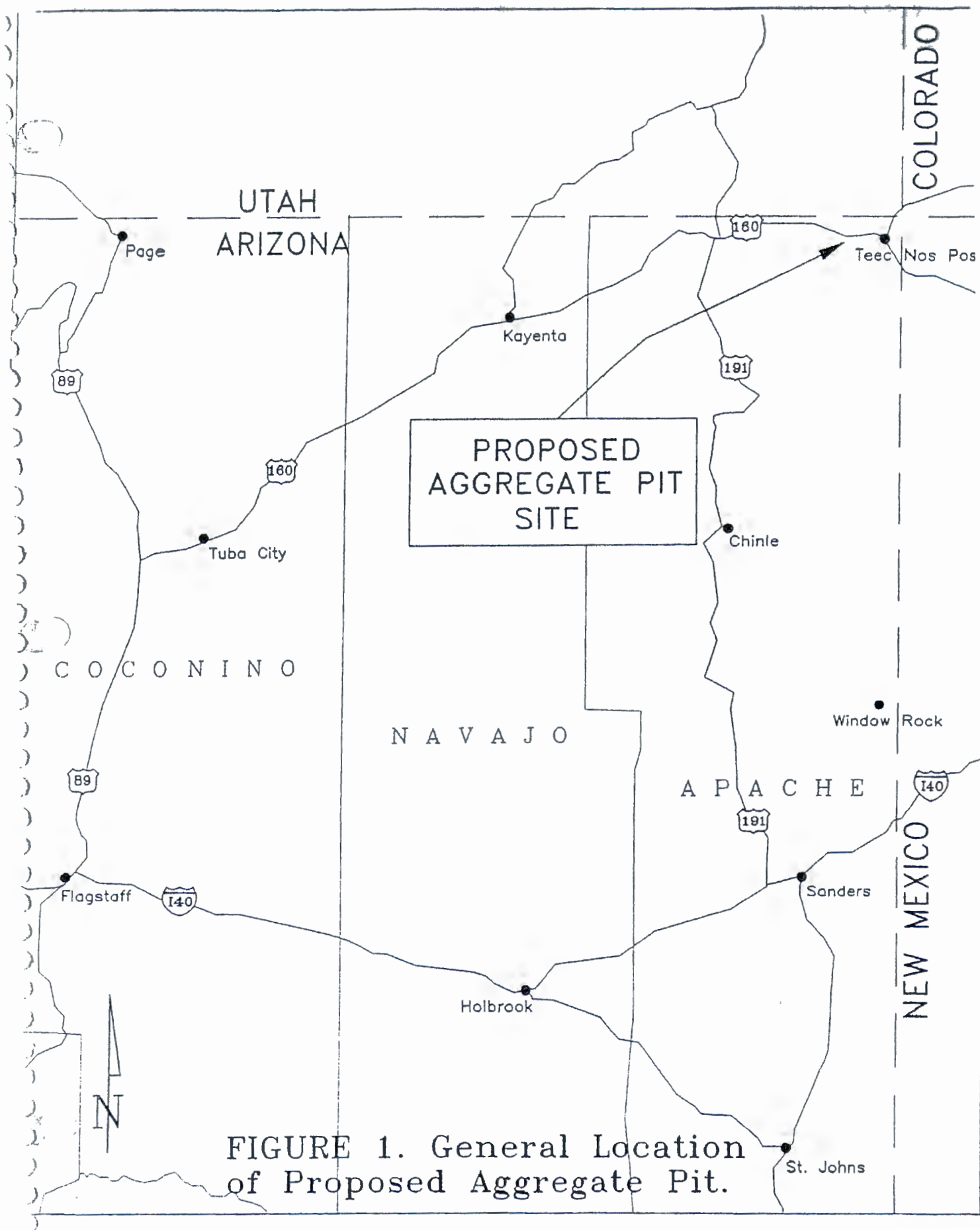


FIGURE 1. General Location of Proposed Aggregate Pit.

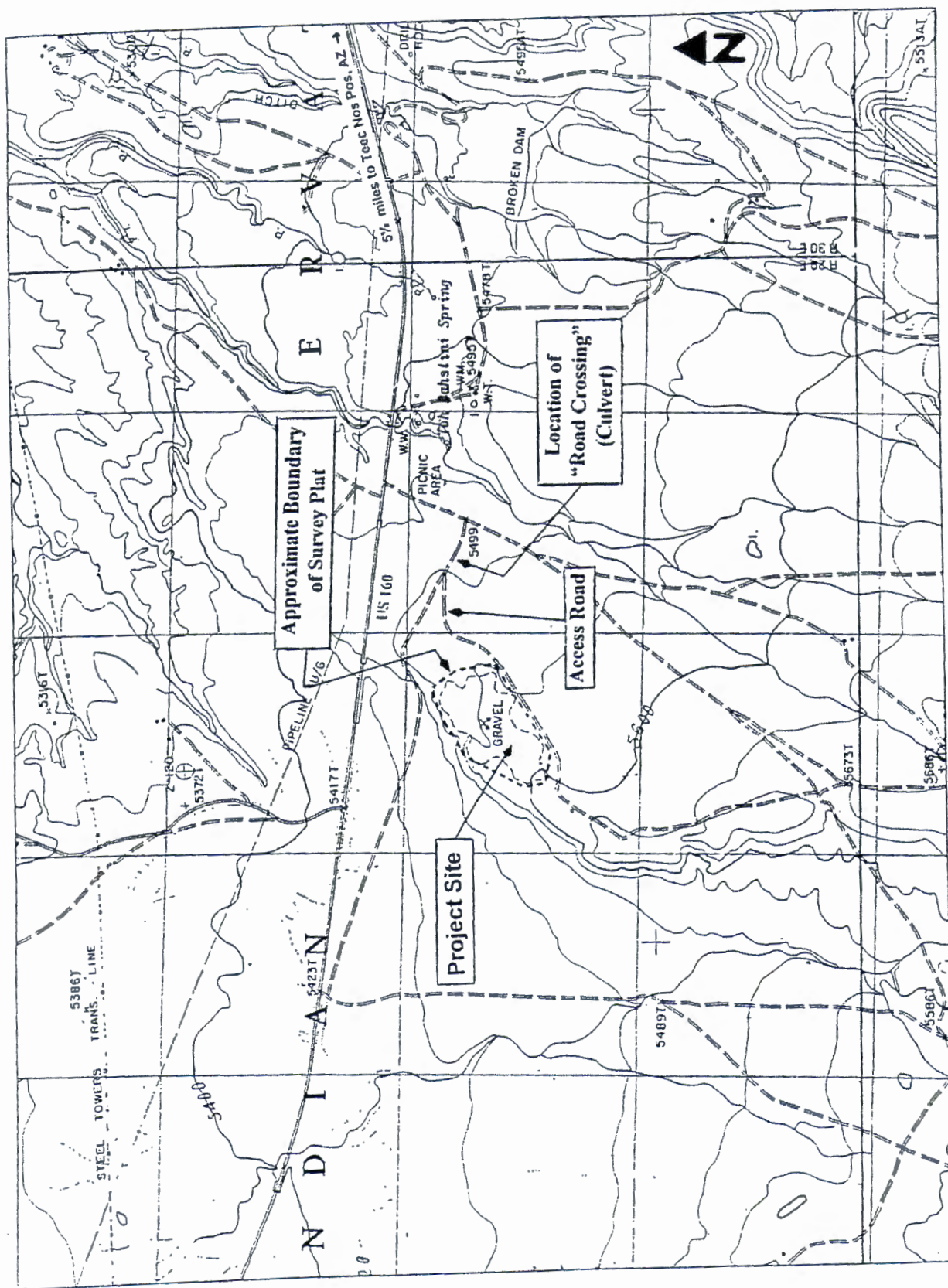


FIGURE 2. Specific Location of Proposed Aggregate Pit.

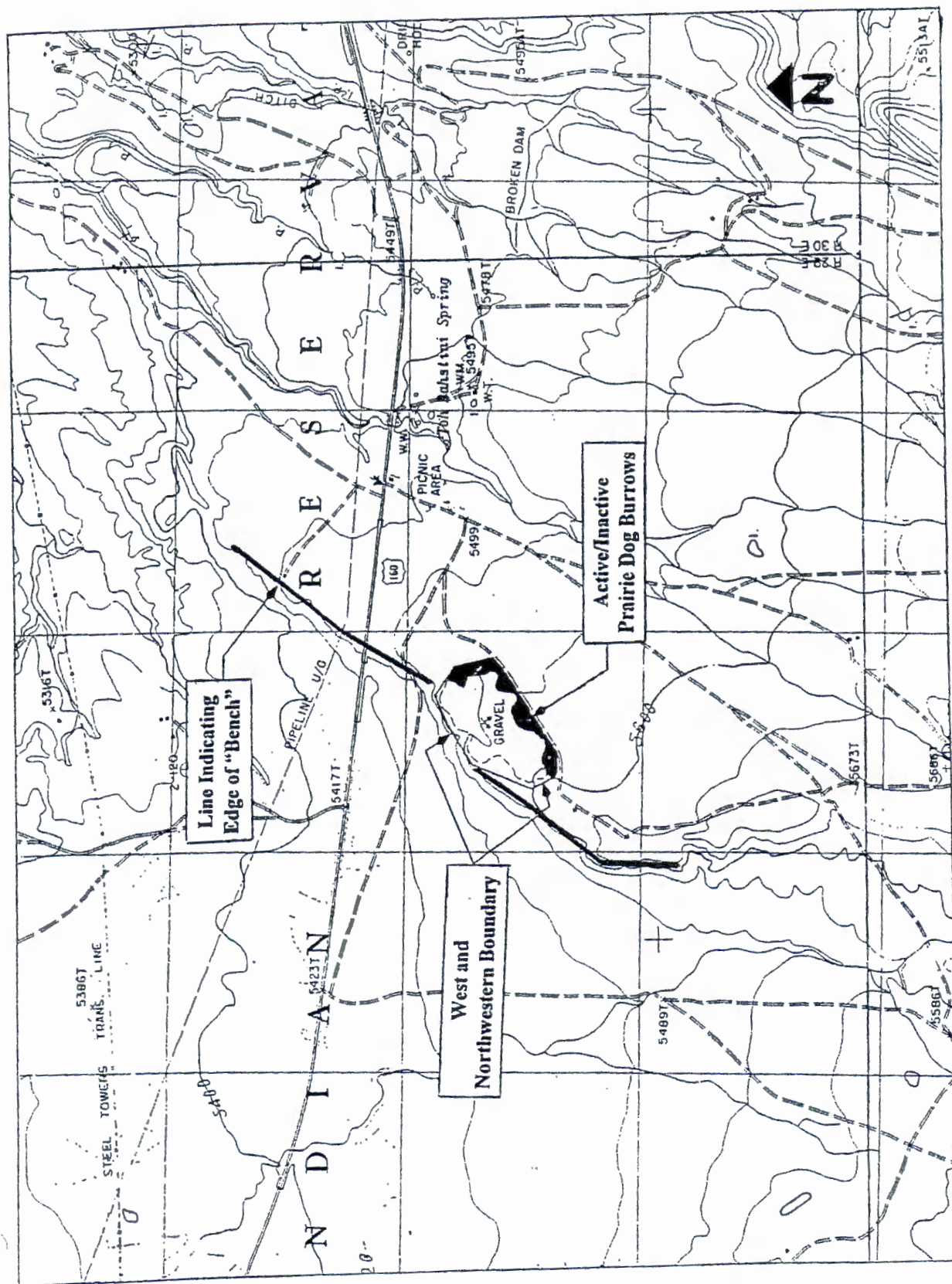


FIGURE 3. Map Indicating the Presence of Active/Inactive Prairie Dog Burrows.



THE
NAVAJO
NATION

P. O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (520) 871-6000

KELSEY A. BEGAYE
PRESIDENT

TAYLOR MCKENZIE, M.C.
VICE PRESIDENT

ATTACHMENT A

November 03, 1999

Gene Martinez, Environmental Specialist
Department of Transportation
P.O. Box 4620
Window Rock, Arizona 86515

SUBJECT: Reopening of a Gravel Pit west of Teec Nos Pos, Arizona.

Mr. Martinez;

The following information on species of concern¹ is provided in response to your 29 October 1999 request concerning the subject project, which consists of Apache County reopening a gravel pit approximately 5 1/2 miles west of Teec Nos Pos, Arizona. The reopening of the gravel pit would be used for maintaining and regreave roads throughout that area.

At this time, the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on the project site.

Species of concern known to occur within one mile of the project site include:

1. Lanius ludovicianus (Loggerhead Shrike); MBTA.
2. Puccinellia parishii (Parish's alkali grass); NESL group 2.

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

3. Aquila chrysaetos (Golden Eagle); NESL group 3; MBTA; EPA.
4. Buteo regalis (Ferruginous Hawk); NESL group 3; MBTA.
5. Charadrius montanus (Mountain Plover); NESL group 4; ESA candidate; MBTA.
6. Empidonax traillii eximius (Southwestern Willow Flycatcher); NESL group 2; ESA endangered; MBTA.
7. Falco peregrinus (Peregrine Falcon); NESL group 3; MBTA.
8. Mustela nigripes (black-footed ferret); NESL group 2; ESA endangered. Potential for the black-

¹ *Species of concern* include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation, and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on an irregular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

footed ferret should be evaluated if prairie-dog towns of sufficient size (per NFWD guidelines) occur in the project area.

9. Rana pipiens (northern leopard frog); NESL group 3.
10. Speyeria nokomis nokomis (western seep fritillary); NESL group 3.

Biological surveys should be conducted during the appropriate season. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (520) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (David Mikesic) for animals at 871-7638, and Botanist (Daniela Roth) for plants at 871-7639.

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

The information in this report was identified by the NFWD's biologists and computerized database, and is based on current data. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

If you have any questions I may be reached at (520) 871-7603.



Brent Nelson, Data Manager
Natural Heritage Program
Navajo Fish and Wildlife Department

xc: file/chrono

APPENDIX C

Cultural Resources Compliance Forms

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

ROUTING: COPIES TO
AZ SHPO
XX REAL PROPERTY MGT/330
XX NDOT

NNHPD NO. HPD-99-927
OTHER PROJECT NO. _____
DCD3-99-132

PROJECT TITLE: A Cultural Resource Inventory for the Proposed 36.29 Acre Extension of an Existing Quarry Pit and 0.45 of a Mile for an Associated Access Road Near Teec Nos Pos, Apache County, Arizona.

LEAD AGENCY: BIA/NR

SPONSOR: Apache County - District 1 (Attn.: Joe Shirley), P O Box 111, Teec Nos Pos, Arizona 86514

PROJECT DESCRIPTION: The proposed undertaking will involve a land withdrawal of 36.29 acres for an extension at an existing gravel pit, and a 2376 (0.45 mile) by 60 foot right-of-way for an access road (3.27 acre) within the area surveyed. Ground disturbance will be intensive and complete.

LAND STATUS: Tribal Trust

CHAPTER: Teec Nos Pos

LOCATION: Unplatted & projected T41N, R29E, Sections 35 & 26; Apache County, Arizona G&SRPM&B

PROJECT ARCHAEOLOGIST: Roger Walkenhorst & Olsen John

NAVAJO ANTIQUITIES PERMIT NO.: Navajo Nation Code (19 NNC 1001 §302 *et seq.*)

DATE INSPECTED: 10/13/99

DATE OF REPORT: 11/8/99

TOTAL ACREAGE INSPECTED: 83.62

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.

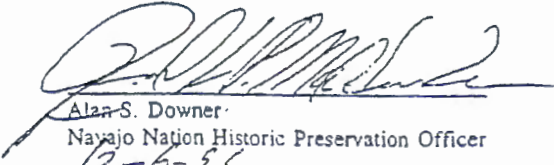
In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (520) 871-7132.

FORM PREPARED BY: James Dryer

FINALIZED: November 29, 1999

Notification to

Proceed Recommended: Yes XX No _____
Conditions: Yes _____ No XX


Alan S. Downer
Navajo Nation Historic Preservation Officer
12-6-99
Date

Navajo Region Approval:

Yes X

No _____

ACTING


Regional Director

12-8-99
Date

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

| | | | | | |
|--|--|-----------------------|--|--|--|
| 1. HPD REPORT NO.: | | 2. (FOR HPD USE ONLY) | | 3. RECIPIENT'S ACCESSION # | |
| 4. TITLE OF REPORT: A Cultural Resource Inventory for the Proposed 36.29 Acre Extension of an Existing Quarry Pit and the 0.45 miles of the Associated Access Road Near Teec Nos Pos Apache County, Arizona. Author(s): Roger N. Walkenhorst and Olsen John | | | | 5. FIELDWORK DATES October 13, 1999 | |
| | | | | 6. REPORT DATES November 8, 1999 | |
| 7. CONSULTANT NAME AND ADDRESS: General Charge: Roger N. Walkenhorst, Archaeologist III Phone: (520) 810-8528 Org. Name: Department of Transportation Org. Address: P.O. Box 4620 Window Rock, Arizona 86515 | | | | 8. PERMIT NO. NTC | |
| | | | | 9. CONSULTANT REPORT NO. DCD3-99-132 | |
| 10. SPONSOR NAME AND ADDRESS Ind. Responsible: Joe Shirley, Supervisor Phone: (520)656-3505 Org. Name: Apache County-District 1 Org. Address: P.O. Box 111 Teec Nos Pos, AZ 86514 | | | | 11. SPONSOR PROJECT NO. N/A | |
| | | | | 12. AREA OF EFFECT <u>39.56 ac</u> AREA SURVEYED <u>83.62 ac.</u> | |
| 13. LOCATION (MAP ATTACHED): a. Chapter: Teec Nos Pos b. Agency: Teec Nos Pos c. Country: Apache d. State: Arizona e. UTM Center: See Page 2 f. Land Owner/User Name: Tribal Trust g. Area: Unplatted, T41N R29E h. 7.5' Map Name(s): Cow Butte, AZ-UT P.E. 1982 | | | | | |
| 14. REPORT /x/ OR SUMMARY (REPORT ATTACHED)// OR PRELIMINARY REPORT// a. Description of Undertaking: The undertaking consists of a land-withdrawal by Apache County District 1. The BIA/NAO is the lead agency. The undertaking consists of the proposed (36.29 ac./14.69 ha.) extension of an existing gravel pit and maintenance blading for the associated 0.45 of a mile access road (3.27 ac./1.32 ha.) within a 60 ft. r-o-w. The entire area depicted in the legal survey has been heavily disturbed by prior gravel extraction operations. The proposed disturbance will include the mechanical removal of existing natural gravel deposits for construction projects in the Teec Nos Pos area. Only the existing access road bed will be maintained. The total area of effect is 39.56 ac. (16.01 ha.). b. Existing Data Review: As part of this project, the archival data of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, Arizona were consulted. No previous projects are known to have been completed and no sites have been documented within a kilometer of the project area. c. Area Environmental & Cultural Setting: The project area is located on a SW to NE trending terrace overlooking Dry Farms Wash to the west. Dry Farms Wash is located ca. 2.5 km. west. Vegetation present include prickly pear, rabbitbrush, sage, gramma grass, narrow leaf yucca, and snakeweed. The entire area of the existing borrow pit has been extensively disturbed by prior material extraction operations. d. Field Methods: Ms. Sadie Benally, Apache County, District 1 Roads Coordinator showed the authors the project area. The area was investigated using a Class III (100%) level pedestrian survey strategy with parallel transects spaced 15 m apart. A 300 ft. buffer was inspected around the perimeter of the existing gravel pit area (78.16 ac./31.63 ha.). A 100 ft. inventory corridor was inspected for the access road (5.49 ac./2.22 ha.). A total of 83.62 ac (33.84 ha.) was inventoried. The author interviewed Ms. Benally, about TCP's on October 13, 1999 and no TCP's are located in or adjacent to the project area. | | | | | |
| 15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Value: No cultural resources were identified with the project b. Evaluation of Significance of Each Value (above): N/A. | | | | | |
| 16. MANAGEMENT SUMMARY (Recommendations): Notice to proceed for the undertaking is recommended. | | | | | |
| 17. CERTIFICATION: SIGNATURE: <u>Roger N. Walkenhorst</u> DATE: <u>11/15/99</u> General Charge Name: Roger N. Walkenhorst SIGNATURE: <u>Denise R. E. Copeland</u> DATE: <u>11-15-99</u> Reviewed by Name: Denise R.E. Copeland | | | | | |

APPENDIX D

FONSI

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.: Carrizo Quarry Pit

DESCRIPTION: Apache County District 1 proposes to re-open the Carrizo Quarry Pit to mine gravel. The lease would consist of 36.29 acres and 0.45 mile access road to the site.

LOCATION: T41N, R29E, Sections 26 & 35, G&SRM, Teec Nos Pos Chapter, Apache County, Arizona

REPRESENTATIVE: Navajo Land Department

ACTION AGENCY: Apache County District I

B.R. REPORT TITLE / DATE / PREPARER: EA & BE for Re-opening of the Carrizo Quarry Pit/2000/NDOT

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

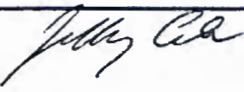
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/30 JUL 2013

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

| | | |
|--|--|--------------|
| <u>2 NTC § 164 Recommendation:</u> | Signature | Date |
| <input checked="" type="checkbox"/> Approval |  | 30 July 2012 |
| <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 |

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM:

TO : Jeff Cole, Wildlife Manager
Department of Fish and Wildlife

FROM : Gloria Tom
Gloria Tom, Director
Department of Fish and Wildlife

DATE : July 29, 2013

SUBJECT : DELEGATING OF AUTHORITY

I will be out of the office on Monday through Friday, July 29, 2013 to August 1, 2013. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. July 29, 2013. This delegation shall end on Thursday, August 1, 2013 at 5:00 p.m.

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:

Jeff Cole
Jeff Cole, Wildlife Manager
Department of Fish and Wildlife

xc: Fredrick H. White, Executive Director, DNR



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL REVIEW

PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996

Website: www.navajonationepa.org

M E M O R A N D U M

TO: Akhtar Zaman, Department Manager
Navajo Land Department
Division of Natural Resources

FROM:

A handwritten signature in black ink, likely belonging to Rita Whitehorse-Larsen.

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

THROUGH:

A handwritten signature in black ink, likely belonging to Stephen B. Etsitty.

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

DATE: August 13, 2013

SUBJECT: DNR-13544 Approving a sand and gravel lease and an access road right-of-way (ROW) for Apache County District 1.

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **conditional approval** for the proposed action pursuant the Title 4, NNC Chapter 9 Navajo Nation Environmental Policy Act, Subchapter 1, §904. The Apache County District 1, PO Box 1952, Chinle, Arizona, 86503, is proposing to reopen a former gravel pit, Carrizo Sand & Gravel quarry and mine 36.29 acres and improve an existing access road. A total 83.62 acres surface land will be disturbed. The proposed action is located 5.5 miles west of Teec Nos Pos, Arizona. The mining activities will include mechanically removing natural gravel deposits. The deposits will be excavated, crushed and stored onsite. Existing access road will be improved and a culvert will be placed in the drainage along the access road. The gravel will be used for county road and school route

¹ Navajo Nation Department of Transportation. Final Environmental Reopening of the Carrizo Quarry Pit Teec Nos Pos Apache County Arizona. October 2000.

improvements. The proposed action is located north ½ Section 35 and the south ½ Section 26, T41N, R29E, G&SRM, Teec Nos Pos, Arizona. No buildings, structures or utility lines will be constructed. No blasting will occur. Heavy machinery will be stored off site in designated locations.

1. Navajo Nation Clean Water Act:

- a. **§401 Certification:** The EA states *"The drainage near the access road to the Carrizo Quarry Pit is classified as "waters of the US" therefore a CWA 401 certification from USEPA [NNEPA] prior to a determination of Section 404 of the CWA by the US Army Corps of Engineers. Applications have been submitted to the USEPA Region 9 and US Army Corps of Engineers for a water quality certification and Nationwide Permit #14."* Copies of the application should be submitted to Ms. Lee Anna Silversmith, 401 Certification Water Quality Specialist, 928/871-7700, before commencing any construction activities for the proposed sand and gravel mining activities. A 401 certification application is on the NNEPA website – <http://www.navajonationepa.org>. A copy of this letter will be provided for Ms. Silversmith.
- b. **§402 Navajo Pollutant Discharge Elimination System (NPDES):** The proposed action is greater than 1 acre therefore Apache County is subject to complete the requirements under the Clean Water Act Section 402. Stormwater Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and Notice of Intent (NOI) will be completed and submitted to USEPA Region 9 and a copy will be provided to Patrick Antonio, Principal Hydrologist with NNEPA Water Quality Program. His office phone is 928/871-7185. The SWPPP template can be found online at the following weblink:
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#template>.
- c. **§404 Dredge & Fill:** Apache County maybe subject to complete a 404 permit.

2. Navajo Nation Air Pollution Prevention and Control Act:

- a. Apache County District 1 will consult with NNEPA and Region IX USEPA regarding a new source performance standards review of the proposed sand and gravel site and acquisitions of permits as appropriate.
- b. The proposed action will be located within an area designated as Class II which is unclassified for the National Ambient Air Quality Standards (NAAQS)~ attainment of the NAAQA;
- c. Visibility is good to excellent. Dust suppression must be implemented in the Best Management Practice.
- d. NNEPA recommends for Apache County District 1 to complete and submit the Navajo Nation Air Quality Control Program Activity Application to NNEPA Air Quality Operating Permit Program.

3. Navajo Nation Safe Drinking Water Act:

- a. Ensure there are no existing drinking waterlines and/or domestic waste waterlines located within the premises of the proposed site to avoid significant impacts to the Teec Nos Pos and surrounding communities' safe drinking water resources before trenching and/or digging.
- b. The NNEPA - Public Water Systems Supervision Program (PWSSP) recommends all proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit of

the PWSSP pursuant the Navajo Nation Primary Drinking Water Regulations.

- c. The owner/operator and water utility company are subject to submit the proposed domestic waste water and public drinking water lines to Ms. Yolanda Barney, Program Manager, NNEPA PWSSP, she can be contacted at 928/871-7715 or visit the website at www.navajopublicwater.org.

3. Navajo Nation's Solid Waste Act:

- a. If illegal waste dumps are encountered at the proposed sand & gravel site, Apache County District 1 will be responsible to clean the dumpsite and properly dispose to an approved landfill.
- b. If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
- c. The contractor must submit a copy of the landfill receipt/ticket to NNEPA Resource Conservation Recovery Program using the above mailing address as a guarantee the construction waste has been properly disposed of.
- d. Do not allow public to take construction waste, cumulatively NNEPA receives complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
- e. The Apache County District 1 is subject to control the solid waste bin to reduce injuries or fatalities of mining related waste to human, wildlife and domestic animals.

4. Navajo Nation Comprehensive, Environmental Response, Compensation and Liability Act (CERLA):

- a. Pursuant the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act approved by the Navajo Nation Council, CF-07-08, February 26, 2008, the NN CERCLA includes petroleum (including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and synthetic gas)) unlike the US CERCLA or the Superfund Law and mandates petroleum, operator and guarantor to report petroleum release ≥ 25 gallons at the site and/or during transport immediately to the Navajo Nation Department of Emergency Management within the Navajo Nation Division of Public Safety.

5. Navajo Nation Storage Tank Act (NNSTA) (formerly Underground Storage Tank (UST) Act; amended February 2012):

- a. If during the sand & gravel mining operating activities, a need arises for an aboveground storage tanks (AST) greater than 100 gallons, it must meet the design and installation specifications as described in the NNSTA.
- b. Mr. Warren Roan, Ms. Tanya Yazzie and/or Mr. Nathaniel Yazzie can be contact for UST/AST issues. They can be reached at 928/871-7995/7763/7808/7993.

6. Federal Insecticide Fungicide and Rodenticide Act (FIFRA)/NN Pesticide Act:

- a. Apache County District 1 will include invasive and noxious weed control plan to prevent the spread of unwanted plant species.
- b. Contact the NNEPA Pesticide Program at 928/871-7815/7810 before applying any pesticides and herbicides to control noxious and invasive plant species to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
- c. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide

application.

7. ***Others To Contact Within Navajo Nation:***

- a. Jack Utter, Division of Natural Resources, Department of Water Resources, Water Code Program at 928/871-6595 to ensure sufficient water is available for the new and proposed sand and gravel mining site.

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

Cc: Apache County District 1, PO Box 1952, Chinle, Arizona, 86503
Harrilene Yazzie, Bureau of Indian Affairs, PO Box 10, Gallup, New Mexico, 87305
Jack Utter, Division of Natural Resources, Department of Water Resources, Water Code, NN Mail
NNEPA – Water Quality; Air Quality; OPP; PWSSP; RCRP; Superfund; STP; Pesticide; Administration
 chrono file
Contact: Lana Clark, 928/205-7661; 928/659-4246
USGS Quad: Toh Dastini Spring, AZ

Appendix C

Cultural Compliance Form

STORM WATER POLLUTION PREVENTION PLAN FOR
THE CARRIZO GRAVEL PIT WHICH IS LOCATED IN A PORTION OF
THE SOUTH HALF OF SECTION 26 AND A PORTION OF THE NORTH
HALF OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA
AND SALT RIVER MERIDIAN, NEAR TEEC NOS POS, APACHE
COUNTY, ARIZONA

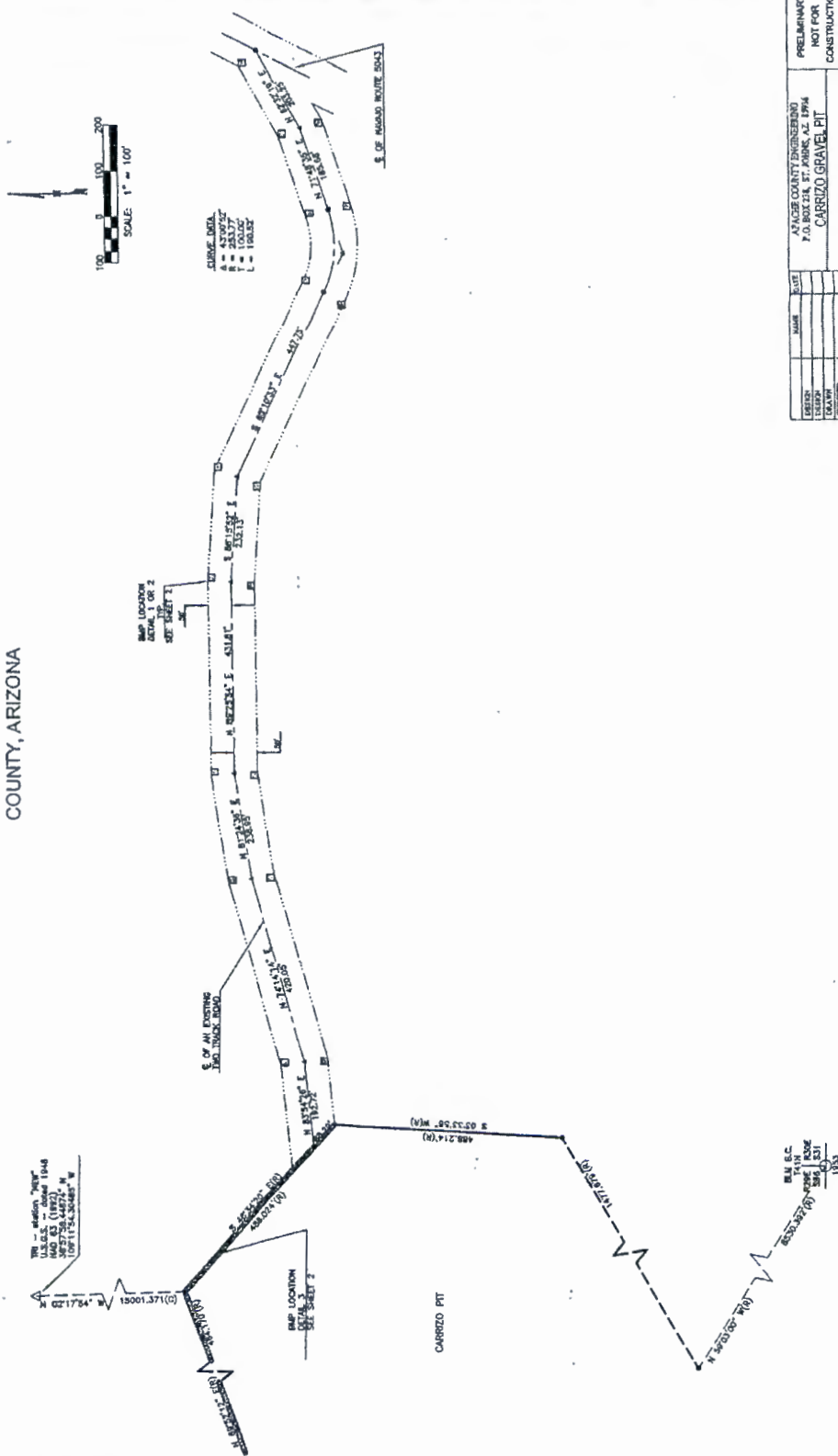
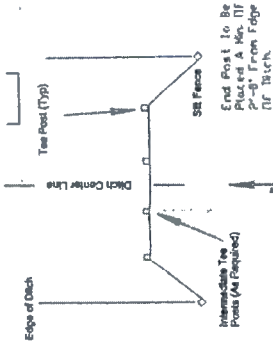
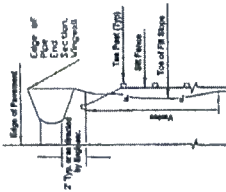
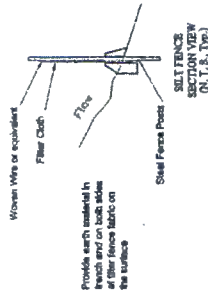
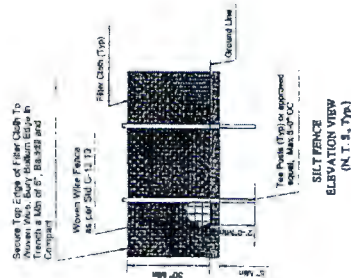
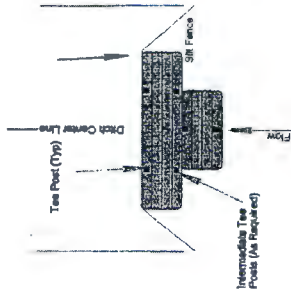
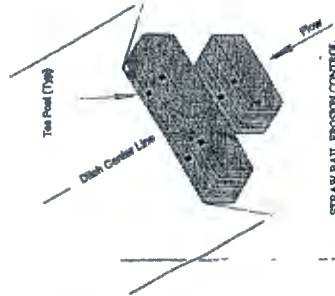


Figure 3: SWPPP Location Sheet



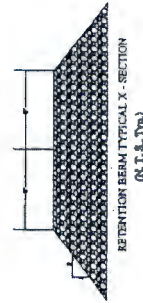
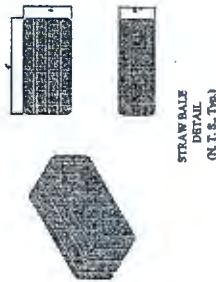
FILTER FABRIC SILT FENCE
DITCH CHECK
(N.T.S., Typ)

DETAIL 1



STRAW BALE EROSION CONTROL
DITCH CHECK
(N.T.S., Typ)

DETAIL 2



DETAIL 3

Figure 2: SWPPP Standard Drawing

GENERAL NOTES:

Silt fences may be required as directed by the Engineer. Silt fences are for temporary erosion control only. They shall be installed in accordance with the Engineer's specifications and good engineering practices. Remove all fences before the resumption of normal activities (NOT). Silt fences are to be installed at areas of construction disturbance in association with their respective plain locations. In the event that precipitation is heavy, according to local forecast. The contractor shall supply a rain gauge and monitor the amount of rainfall and document the precipitation results within 24 hours of their occurrence and submit this information to the Engineer. Once a silt fence has been installed it is the responsibility of the contractor to properly maintain this device.

Apparent Opening Size - 20-50 US Std. Sieve
Minimum Thickness - 0.075 in.
Minimum Tensile Strength - 5000 lbs.
Crush Strength - 15,000 lbs.
Crush Tensile - 100 lbs. per
UV Resistance - 70-80 %
Wire mesh fence fabric shall be standard woven wire fence fabric, as specified in Construction Standard C-12.10.
Posts shall be steel line posts as specified in Construction Standard C-12.10, with a minimum length of 6'-0".
Pseudo filter cloth shall be attached to the top wire and midpoint of the fence fabric every 3'-0" and shall also be attached to every 3'-0" of the top, middle, and bottom with wire ties.

Filter cloth shall be a woven polypropylene fabric that meets or exceeds the following specifications:

| LOCATION | DATE | REVISION |
|-----------------------------------|------|----------|
| DESIGN | | |
| ISSUED | | |
| REVISION | | |
| SMALLER | | |
| DATE | | |
| BY | | |
| FOR | | |
| PROJECT NO. | | |
| TRACCS NO. | | |
| PRELIMINARY | | |
| NOT FOR | | |
| CONSTRUCTION | | |
| OR | | |
| RECORDING | | |
| SWPPP STANDARD SHEET | | |
| CARRIZO GRAVEL PIT | | |
| APACHE COUNTY ENGINEERING | | |
| P.O. BOX 184, ST. MARYS, AZ 85558 | | |
| SHEET 2 OF 3 | | |
| OF | | |

Appendix F

Teec Nos Pos Chapter Resolution



TEEC NOS POS CHAPTER GOVERNMENT

P. O. Box 106, Teec Nos Pos, Arizona, Navajo Nation 86514
Highway 160 BIA School Road #5114 Chapter Government Building
Telephone #928-656-3662 Facsimile #928-656-3661

RESOLUTION OF TEEC NOS POS CHAPTER

TNPCH- 121-030R

TEEC NOS POS CHAPTER REAFFIRM RESOLUTION TNPCH-091-06R AND SUPPORTS APACHE COUNTY TO OBTAIN AN APPROVED SAND AND GRAVEL LEASE TO RE-ESTABLISH THE 36.92 ACRE CARRIZO SAND & GRAVEL PIT INCLUDING A 0.45-MILE EASEMENT TO THE GRAVEL PIT: FOR THE PURPOSE OF EXTRACTING ROAD MAINTENANCE MATERIALS.

WHEREAS:

1. By resolution CAP-34-98, the Navajo Nation Council approved the "Local Government Act" wherein the Navajo Nation Council delegated governmental authority to the chapters of the Navajo Nation to address matters of local concerns consistent with Navajo Nation laws, customs and traditions; AND
2. An Intergovernmental Agreement (IGA) was established between Apache County, Navajo Nation and B.I.A. Regional Office for the purpose of performing routine road maintenance on officially approved IGA school bus routes within District One of Apache County; AND
3. Teec Nos Pos Chapter and Apache County District One have identified the abandoned Carrizo Sand & Gravel Pit, situated in Section 6 & of Township 38 North and Range 24 East, PM, as a site for the extraction and production of road plating material for clayey roadways, stabilization of soft spots within the roadway and installation of pipes and erosion control devices; AND
4. Because of some legal terms and conditions surrounding the acquisition of an approved sand & gravel lease by Apache County, Apache County gave all approved feasibility studies for Carrizo Sand and Gravel Pit to the Navajo Division of Transportation on December 20, 2007; AND
5. Navajo Division of Transportation was not able to obtain an approved sand and gravel lease for Carrizo Sand and Gravel Pit from the Navajo Nation; AND
6. Apache County will now proceed with the original plans, to acquire Carrizo Sand and Gravel Lease according to the laws of the Navajo Nation; to extract road maintenance materials to repair, preserve, restore and maintain IGA approved School bus routes; AND
7. Apache County will from time to time or upon written request by the Chapter President leave a pile of gravel at Teec Nos Pos Chapter Compound for the Chapter and Community's use; AND
8. Road maintenance material extracted from Carrizo Sand and Gravel Pit will be used to maintain officially approved IGA school bus routes within the boundaries of Apache County and will not be used for commercial purposes.

THEREFORE BE IT RESOLVED THAT:

1. Teec Nos Pos Chapter hereby approves and reinstates resolution TNPCH-091-06R and approves Apache County to obtain an approved sand and gravel lease to re-establish the 36.92 acre Carrizo Sand & Gravel Pit, located 5.5 miles west of Teec Nos Pos Chapter, which is an abandoned gravel pit covering 36.92 acres of land; for the purpose of extracting roads materials.

2. Teec Nos Pos Chapter further requests Apache County to obtain an approved 0.45-mile easement with a sixty (60) feet corridor between BIA Route N5034 and the proposed Carrizo Sand & Gravel Pit.
3. Teec Nos Pos Chapter further request the Navajo Nation to agree to waiver the annual advance royalty, annual consideration for access road easement and the reclamation bond for this endeavor, since the materials will be used to maintain school bus routes within the boundaries of Apache County and the Navajo Nation.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by Teec Nos Pos Chapter, Navajo Nation, Arizona, by a vote of 46 in favor 0 oppose and 02 abstain on this 17th day of April, 2011.

Motion: Raymond Yazzie, Sr.

Second: Henry Clark

Roy Kady
Roy Kady, President

John Mc Donald Sr.
John Mc Donald Sr., Vice President

Verma Francisco
Verma Francisco, Secretary/Treasurer

Kenneth Maryboy
Kenneth Maryboy, Council Delegate

Dale Redhouse
Dale Redhouse, Grazing Officer

CHAPTER OFFICERS

| | | |
|-----------|---------------------|---------------------|
| Roy Kady | John MacDonaid, Sr. | Verma Francisco |
| President | Vice President | Secretary/Treasurer |

| | |
|-----------------|------------------|
| Dale Redhouse | Kenneth Maryboy |
| Grazing Officer | Council Delegate |

ADMINISTRRTION:

| | |
|---------------------|-------------------|
| Mey Howard | Susie Joe |
| Chapter Coordinator | Office Specialist |



TEEC NOS POS CHAPTER GOVERNMENT

P.O. Box 106 Teec Nos Pos, Arizona (Navajo Nation) 86514 Telephone 928.656.3662 Facsimile 928.656.3661
Hwy 160 BIA School Road #5114 Chapter Government Building

CHAPTER OFFICERS

Rodger D. Joe
Chapter President

John MacDonald, Sr.
Vice President

Jennifer D. Laughter
Secretary/Treasurer

Dale Redhouse
Grazing Official

Francis Redhouse
Council Delegate

ADMINISTRATION

Ralph Alcitty
Community Service
Coordinator

Laurencita Luna
Office Specialist

RESOLUTION OF TEEC NOS POS CHAPTER

TEEC NOS POS CHAPTER SUPPORTING AND APPROVING APACHE COUNTY DISTRICT ONE TO COLLABORATE WITH THE NAVAJO NATION MINERAL DEPARTMENT, NATURAL RESOURCES COMMITTEE AND THE REALITY OFFICE TO OBTAIN APPROVED SAND AND GRAVEL LEASE TO RE-ESTABLISH THE ABANDONED CARRIZO SAND & GRAVEL PIT (36.92 Acres)

WHEREAS:

1. The Teec Nos Pos is a Certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. *See generally*, 2 N.N.C. §4021 *et seq.* and 26 N.N.C. §102, and
2. Pursuant to 2 N.N.C. §102(A), the Navajo Nation Council is governing body of the Navajo Nation; and
3. By resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act" wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo Nation to address matters of local concerns with Navajo law, custom and tradition; and
4. An Intergovernmental Agreement (IGA) was established between Apache County, Navajo Nation and B.I.A. Navajo Regional Office for the purpose of performing routine maintenance of official IGA school bus routes; and
5. Apache County District One office has identified county routes that are serving as school bus routes that need routine maintenance and improvements in Teec Nos Pos chapter; and
6. Teec Nos Pos Chapter and Apache County District One Office have identified the abandoned Carrizo Sand & Gravel Pit, situated in Section 6 of Township 38 North and Range 24 East, PM, as a site for extraction of material for plating of clayey roadways, stabilizing soft sorts within roadways and installing rip rap for erosion control; and
7. There are not sand and gravel pit available to easy access for quality materials within Navajo Nation and for this reason, Teec Nos Pos Chapter fully supports this initiative; and
8. The extraction material from Carrizo Sand & Gravel Pit will be used to address school bus routes and will not be used for commercial purposes.

THEREFORE IT BE RESOLVED:

1. Teec Nos Pos Chapter hereby approves Apache County, District One Office to work with the Navajo Nation Minerals Department, Resources Committee and B.I.A. Realty Office to obtain an approved Sand and Gravel Lease for the extraction of road material from Carrizo Sand and Gravel Pit (36.92 Acres)
2. Teec Nos Pos Chapter further requests of the Navajo Nation Mineral Department, Resources Committee and B.I.A. Realty Office to approve 0.7 miles of access route as an easement for the Carrizo Sand & Gravel Pit.

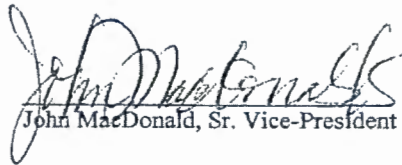
3. Teec Nos Pos Chapter further requests that Navajo Nation agrees to and approves the royalty waiver for this endeavor since the materials will be used for school bus routes.
4. Teec Nos Pos Chapter supports the issuance of Survey Permits to Apache County District One for the performance of engineering survey and all other surveys, studies and clearance of the gravel pit.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Teec Nos Pos Chapter at a duly called meeting at Teec Nos Pos, Arizona, Navajo Nation at which a quorum was present and that same was passed by a vote of 28 favor 01 opposed, and 02 abstained on this 12th day of August, 2006.

Motion: Frank Farley
Seconded: Dick Shorthair


Rodger D. Joe, Chapter President


John MacDonald, Sr. Vice-President


Jennifer Laughter, Secretary/Treasurer

Francis Redhouse, Council Delegate



TEEC NOS POS CHAPTER GOVERNMENT

P. O. Box 106, Teec Nos Pos, Arizona, Navajo Nation 86514
 Highway 160 BIA School Road #5114 Chapter Government Building
 Telephone #928-656-3662 Facsimile #928-656-3661

RESOLUTION OF TEEC NOS POS CHAPTER

TEEC NOS POS CHAPTER HEREBY RESCINDS RESOLUTION TNPCH-091-06R; AND AUTHORIZES THE NAVAJO DEPARTMENT OF TRANSPORTATION (NDOT) TO RE-ESTABLISH AND TO OBTAIN AN APPROVED CARRIZO SAND AND GRAVEL PIT LEASE ON 36.92 ACRES AND 0.45 MILE ACCESS EASEMENT TO THE GRAVEL PIT.

WHEREAS:

1. Teec Nos Pos Chapter is a duly certified chapter of the Navajo Nation pursuant to 11 N.N.C., Part 1, Section 10, and pursuant to 26 N.N.C., Section 1 (B)(1), the Navajo Nation Council delegated to chapters governmental authority with respect to local matters consistent with Navajo Nation laws, including customs and tradition; and
2. An Intergovernmental Agreement (IGA) was established between Apache County, Navajo Nation and B. I. A. Regional Office for the purpose of performing routine road maintenance on officially approved IGA school bus routes within District One of Apache County; and
3. Teec Nos Pos Chapter and Apache County District One have identified the abandoned Carrizo Sand & Gravel Pit situated in Section 6 & of Township 38 and Range 24 East, PM, as a site for the extraction and production of plating material of clayey roadways, stabilization of soft spots within the roadway and installation of erosion control devices; and
4. Because of some legal terms and conditions surrounding the acquisition of an approved sand & gravel lease, Apache County has given all paperwork for Carrizo Quarry Pit to the Navajo Department of Transportation (NDOT); and
5. Navajo Department of Transportation will acquire the approved sand & gravel lease for Carrizo Quarry Pit with the understanding that Apache County District One will still implement its plan to set up a rock crusher to produce aggregate for plating and rip rap material for erosion control devices on approved IGA school bus routes; and
6. Navajo Department of Transportation is getting more and more involved with road maintenance and other activities related to development of transportation system and this is the first gravel pit project to be undertaken by the program and
7. Apache County will be allowed to use the gravel pit according to the conditions established by the Navajo Department of Transportation and the extracted material by Apache County will not be used for commercial purposes; and
8. The re-opening of Carrizo Sand & Gravel Pit will be a landmark for Navajo Nation Department of Transportation as it ventures more into different areas of transportation development within the boundaries of the Navajo Nation.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Teec Nos Pos Chapter hereby rescinds resolution TNPCH-091-06R and approves the Navajo Nation Department of Transportation to establish a Sand & Gravel Pit. Located 5.5 miles west of Teec Nos Pos Chapter, and to obtain an approved Sand & Gravel Lease to re-establish Carrizo Sand & Gravel Pit which is abandoned covering 36.92 acres of land; for the purpose of extracting roads materials.
2. Teec Nos Pos Chapter further requests the Navajo Nation Material Department Resources Committee and B. I. A. Realty Office to approve the initiative to obtain and improve 0.45 miles access easement with a sixty (60) feet corridor between BIA Route N5043 and the proposed Carrizo Sand & Gravel Pit.
3. Teec Nos Pos Chapter recommends that the material obtained from the approved pit by Apache County District One will only be use for the purpose of road maintenance on approved IGA school bus routes and not to be used for commercial purposes.

CHAPTER OFFICERS

Roy Kady John MacDonald, Sr. Verma Francisco
 PRESIDENT VICE PRESIDENT SECRETARY/TREASURER

Dale Redhouse
 GRAZING OFFICER

ADMINISTRATION:

VACANT VACANT
 COMMUNITY SERVICE COORDINATOR OFFICE SPECIALIST

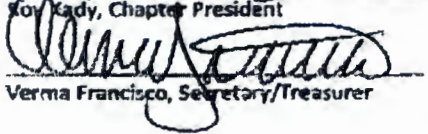
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Mexican Water Chapter, Apache County, Arizona, at a duly called meeting at which a quorum was present, and that same was passed by a vote of: 20 in favor, 0 opposed, 02 abstained, this 14th day of June, 2009.

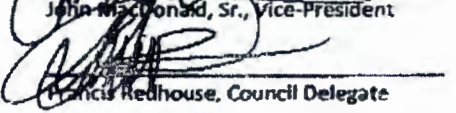
Motion by: Kenny Victor

Second by: Lenny Nez


Joy Kady, Chapter President


Verma Francisco, Secretary/Treasurer


John MacDonald, Sr., Vice-President


Francis Redhouse, Council Delegate


Dale Redhouse, Grazing Officer



BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT

MEMORANDUM

TO: Howard P. Draper, Prog. & Project Specialist
Project Review Section/NLD

FROM: 
Rodger R. Paul, Right-of-Way Agent
Project Review Section/NLD

DATE: January 03, 2013

SUBJECT: ***FIELD INVESTIGATION FOR GRAVEL PIT***
Teec Nos Pos, Apache County, Arizona

The Apache County District One, Post Office Box #1592, Chinle, Arizona 86503 has submitted an application requesting to withdraw 36.29 acres, more or less of land for a gravel pit and 0.45 acre, more or less which will be utilize for access road for ingress and egress to the gravel pit. The proposed gravel pit and access road consists of 36.74 acres, extracted materials will be utilize on various road projects within the Apache County service area.

The proposed site is located on Navajo Tribal Trust Land (NTTL) within Sections North Half (N1/2) of Section 35, and South Half (S1/2) of Section 26, Township 41N, Range 29 East, Gila and Salt River Meridian, Teec Nos Pos, Apache County, Arizona.

The Project Review Section/Chinle Land Department has conducted and completed the field investigation on the above project, upon review of attached survey plat (legal description) with Mr. Dale Redhouse Committee Member from Teec Nos Pos chapter the proposed right-of-way is located on the Navajo Tribal Trust Land (NTTL), according to his records and knowledge there are three (03) land users (grazing permittee) affected by the project. Project Review Section has contacted and met with the affected land users (James Litson, Darlene Litson and Phyllis C. Nez) to inform them of and to obtain their written consents. James Litson and Darlene Litson have a joint grazing permit. The affected land users (grazing permittee) had no objection, gave their written consent and requested for surface damage compensation. The applicant (Apache County) has agreed to paid the surface damage compensation (see attached memorandum from Stanley Robbins Apache County District Manager), 36.74 ac. x \$150.00 = \$5,511.00. Total surface damage compensation will be divided among the affected land users James

Litson and Darlene Litson will each receive \$1,377.75 and Phyllis C. Nez will receive \$2,755.50. Attached hereto are Land User Consent Forms #2 (Compensation for Damages), and W-9 Forms signed by the affected land users for your information and use.

Should you have any question please contact me at Chinle Land Department (928) 674-2315 or (928) 797-1835

cc: Office File

FIELD CLEARANCE CHECKLIST

This form covers only damages and compensation to individual land users. It doesn't cover consideration or other fee to the Navajo Nation. (use back if necessary to complete this form).

1. Project Identification:

Application: Apache County District I
Type of Project: Land Withdrawal
Purpose: Gravel Pit/Access Road
Location: Teec Nos Pos, Apache County, Arizona
Identification number(s): _____

2. Amount of land affected: 36.74 ac.

3. Land Status: Trust: XX Fee: _____ Other: _____

4. List names of all individuals whose land use rights will be affected by the proposed project.

| Name | Census Number | Type of Land Use Right |
|--------------------------|---------------|------------------------|
| 1. <u>Phyllis C. Nez</u> | <u>105744</u> | <u>G/P # 09-2455</u> |
| 2. <u>James Litson</u> | <u>55791</u> | <u>G/P # 09-2293</u> |
| 3. <u>Darlene Litson</u> | <u>105745</u> | <u>G/P # 09-2293</u> |
| 4. _____ | _____ | _____ |
| 5. _____ | _____ | _____ |
| 6. _____ | _____ | _____ |

5. Are all the land users with claims to the affected lands as shown in Branch Land Operation records included in the list in item 4? Yes

6. Have the Grazing Committee or Land Board Member (which ever appropriate) for the affected area confirm land user list in item 4 by signing acknowledgement below. Yes

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the proposed project, and according to my records and to the best of my knowledge, the list of the individual in item 4 includes all land users who have land use rights in the affected lands.

12-20-2012

Date:

Dale Leckman
Grazing Committee/Land Board Member

9
Dist. No.

CONSENT FORM # 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I James Litson hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Apache County District I of Post Office Box # 1952, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose(s): to withdraw 36.29 acres, more or less of Navajo Tribal Trust Land (NTTL) for a Gravel Pit, materials will be used for various road projects within the Apache County service area, also 0.45 mile of existing road will be use for egress and ingress. The proposed site is located within Sections N1/2 of Section 35 & S1/2 of Section 26, Township 41 North, Range 29 East, Gila & Salt River Meridian, Teec Nos Pos, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation \$1,377.75 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above referenced project as proposed.

REMARKS: _____

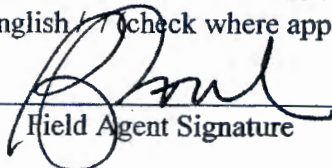
| | | | |
|----------------|--|---------------------|--------------------|
| <u>7/24/12</u> | <u>James Litson</u> | <u>55791</u> | <u>GP# 09-2293</u> |
| Date: | Land User Signature (thumb print) | Census No. | Permit No. |
| | <u>P.O. Box # 334, Teec Nos Pos, AZ. 86514</u> | <u>526-60-0938</u> | |
| | Address: (P.O. Box, City, State, Zip) | Social Security No. | |

WITNESS: _____

| | | |
|-------------------|--|--------------|
| <u>12-20-2012</u> | <u>Dale Roschman</u> | <u>9</u> |
| Date: | Grazing Committee or Land Board Member | District No. |

Acknowledgement of Field Agent

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


Field Agent Signature

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2

Name (as shown on your income tax return)

James Litson

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶
☐ Other (see instructions) ▶

☐ Exempt
payee

Address (number, street, and apt. or suite no.)

P.O. Box # 334

City, state, and ZIP code

Teess Nos tos, AZ. 86514

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
526 60 0938

OR

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign
Here

Signature of
U.S. person ▶

James Litson

Date ▶ 9/24/12

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

CONSENT FORM # 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I Darlene Litson hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Apache County District I of Post Office Box # 1952, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose(s): to withdraw 36.29 acres, more or less of Navajo Tribal Trust Land (NTTL) for a Gravel Pit, materials will be used for various road projects within the Apache County service area, also 0.45 mile of existing road will be use for egress and ingress. The proposed site is located within Sections N1/2 of Section 35 & S1/2 of Section 26, Township 41 North, Range 29 East, Gila & Salt River Meridian, Teec Nos Pos, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation \$1,377.75 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above referenced project as proposed.

REMARKS: _____

9/24/12 Darlene Litson 185745 Gp# 09-2293
Date: Land User Signature (thumb print) Census No. Permit No.
P.O. Box # 334, Teec Nos Pos, AZ 86514 585-03-6169
Address: (P.O. Box, City, State, Zip) Social Security No.

WITNESS: _____

12-20-2012 Paula Lechner 9
Date: Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Paula Lechner
Field Agent Signature

W-9

October 2007

Department of the Treasury
Internal Revenue Service**Request for Taxpayer
Identification Number and Certification**Give form to the
requester. Do not
send to the IRS.Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Darlene LITSON

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶
☐ Other (see instructions) ▶☐ Exempt
payee

Address (number, street, and apt. or suite no.)

P.O. Box #534

City, state, and ZIP code

Tee Nos Pos, AZ 86019

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

585 03 6169

or

Employer identification number

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign
HereSignature of
U.S. person ▶X Darlene Litson

Date ▶

9-24-12**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

CONSENT FORM # 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I Phyllis C. Nez hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Apache County District I of Post Office Box # 1952, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose(s): to withdraw 36.29 acres, more or less of Navajo Tribal Trust Land (NTTL) for a Gravel Pit, materials will be used for various road projects within the Apache County service area, also 0.45 mile of existing road will be use for egress and ingress. The proposed site is located within Sections N1/2 of Section 35 & S1/2 of Section 26, Township 41 North, Range 29 East, Gila & Salt River Meridian, Teec Nos Pos, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation \$2,755.50 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above referenced project as proposed.

REMARKS:

12/12/12
Date:

Phyllis C. Nez
Land User Signature (thumb print)

105744 GP# 09-2455
Census No. Permit No.

P.O. Box # 165, Teec Nos Pos, AZ. 86514
Address: (P.O. Box, City, State, Zip)

585-10-6359
Social Security No.

WITNESS:

12-20-2012
Date:

[Signature]
Grazing Committee or Land Board Member

9
District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 4

| | |
|--|---|
| Name (as shown on your income tax return) Thyllis C. Nez | |
| Business name, if different from above | |
| Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶ | |
| Address (number, street, and apt. or suite no.) P.O. Box # 163 | Requester's name and address (optional) |
| City, state, and ZIP code Tecoc Nos Pos, AZ 86514 | |
| List account number(s) here (optional) | |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

| |
|--|
| Social security number 585-10-6259 |
| OR |
| Employer identification number |

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

| | | |
|-----------|--|------------------------|
| Sign Here | Signature of U.S. person ▶ Thyllis C. Nez | Date ▶ 12/12/12 |
|-----------|--|------------------------|

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

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- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

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The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

JIM CLAW
MEMBER OF THE BOARD
DISTRICT I OFFICE
P.O. BOX 993 • CHINLE, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II OFFICE
P.O. BOX 994 • CANADO, AZ 86505

R. JOHN LEE
MEMBER OF THE BOARD
DISTRICT III OFFICE
P.O. BOX 428 • ST. JOHNS, AZ 85936

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-4364
FAX: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

August 15, 2012

MEMORANDUM

TO: Roger Paul, Field Agent
Navajo Nation Land Department

FROM: 
Stanley Robbins, District Manager
District I Apache County

SUBJ: COMPENSATION / CARRIZO SAND AND GRAVEL PIT

This letter is to inform Navajo Nation Land Department that Apache County District I is currently working on 36.29 acre Lease and 0.45 mile access easement to Carrizo Sand and Gravel pit. The purpose is to extract and produce road plating aggregate materials. Routine school bus roadways maintenance is performed within the boundaries of the Navajo Nation.

The County will compensate valid grazing permit holders within Teec Nos Pos grazing District in accordance with Project Review Office payment policy and procedures.

If you should have any questions please contact me at 928-674-5664 or Lena Clark at 928-659-4247. Thank you in advance for our understanding.

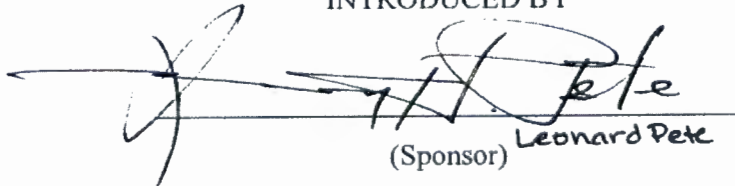
cc: JClaw, Supervisor
LClark, Administrative Coordinator
Chrono

| |
|---------------------------------|
| 5-DAY BILL HODGENSEN |
| TIME / DATE: 12:14 pm 9/27/2013 |
| SIGNATURE: <i>W. A. G.</i> |
| END DATE: 10/2/2013 |

RDCO-53-13
Resources & Development Committee

PROPOSED STANDING COMMITTEE RESOLUTION
22nd NAVAJO NATION COUNCIL -Third Year, 2013

INTRODUCED BY


(Sponsor) Leonard Pete

TRACKING NO. 02916-13

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND
AND GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR APACHE
COUNTY DISTRICT I

BE IT ENACTED:

Section One. Findings

The Navajo Nation hereby finds the following with respect to this resolution:

1. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council and is authorized to approve sand and gravel leases and permits on the Navajo Nation; and
2. Apache County District I, address is P.O. Box 1952, Chinle, Arizona 86503, desires to enter into an agreement for a sand and gravel lease (Lease) and access road right-of-way (Exhibit "1"); and
3. The Lease and the right-of-way are located in the vicinity of Tecnospos, Apache County, Arizona. The Lease and the right-of-way are described in maps marked Exhibit "A" and "B" respectively. The Lease occupies 36.294 acres more or less and the right-of-way consists of 5.84 acres more or less; and
4. The Mining and Reclamation Plan is attached as Exhibit "C"; and

C. 5. 59-1
13-559-1

5. Apache County District I has submitted an Environmental Assessment Report and Findings of No Significant Impact issued by the Bureau of Indian Affairs (Exhibit "D"); and
6. The consent of the affected land users have been obtained by the Navajo Land Department and are attached hereto as Exhibit "E".

Section Two. Approvals

1. The Navajo Nation hereby approves a sand and gravel lease and an access road right-of-way for Apache County, District I (Exhibit "1"); and
2. The location of the lease and the right-of-way for the access road is shown on maps attached as Exhibit "A" and "B", respectively; and
3. Apache County District I shall abide by all the terms and conditions stipulated in Exhibit 1 and adhere to the Mining and Reclamation Plan (Exhibit "C") and
4. The President of the Navajo Nation is hereby authorized to execute all documents intended to fulfill the intent of this resolution.

LEGISLATIVE SUMMARY SHEET

Tracking No. 0296-13

DATE: September 22, 2013

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, A
AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND
AND GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR APACHE
COUNTY DISTRICT I

PURPOSE: The purpose of the resolution is to approve a sand and gravel lease and an access
road right-of-way for Apache County District I. The lease, if approved, would occupy 36.294
acres, more or less, and the right-of-way would occupy 5.84 acres, more or less. The lease and
right-of-way would be located in the vicinity of Teecnospos, Arizona.

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

0296-13

EXHIBIT A



PROPOSED ENTRANCE ROAD INTO THE CARRIZO GRAVEL PIT WHICH IS LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 26 AND A PORTION OF THE NORTH HALF OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 29 EAST, GILA AND SALT RIVER MERIDIAN, NEAR TEEC NOS POS, APACHE COUNTY, ARIZONA

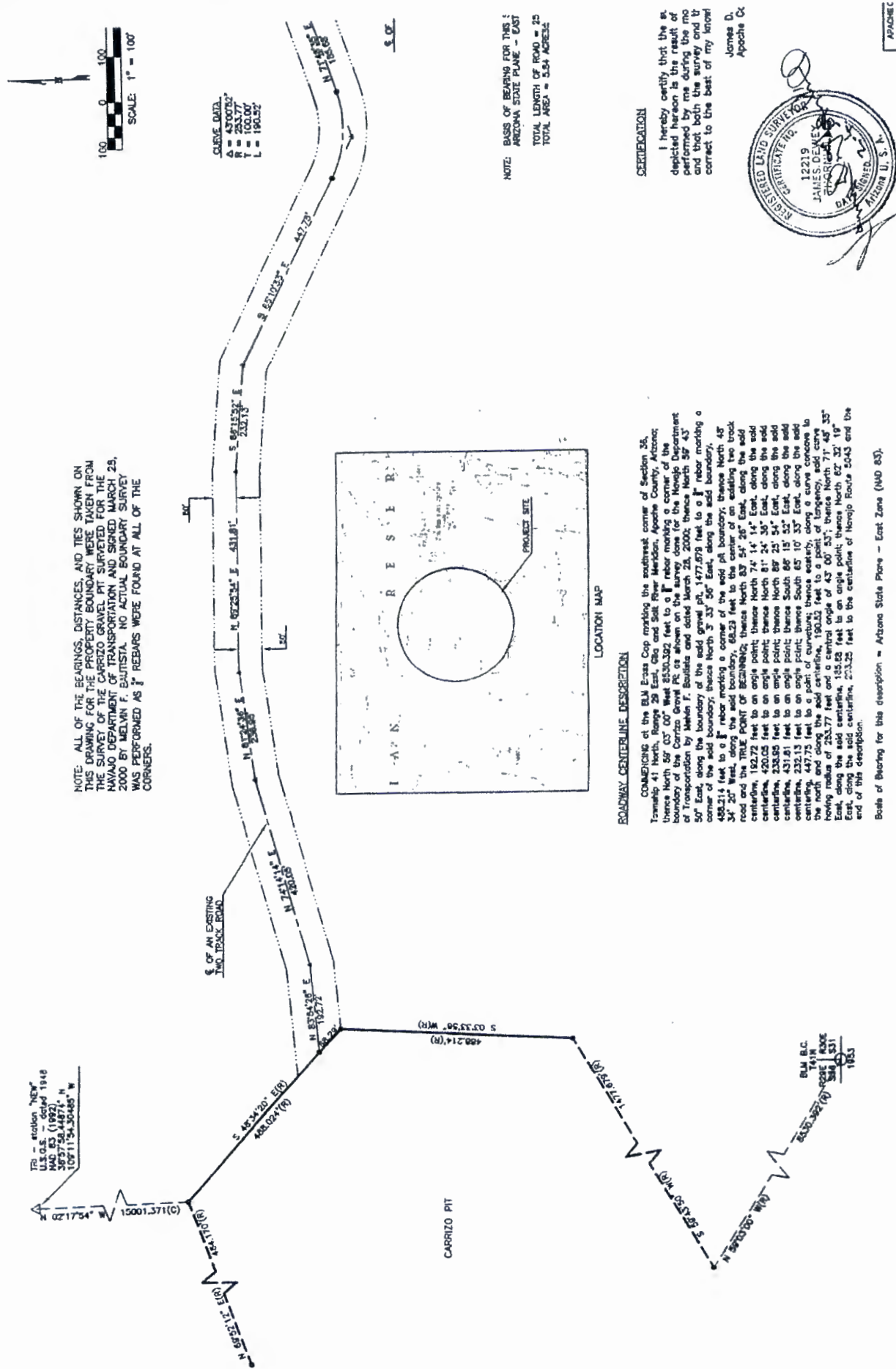


Figure 5.

LEGAL DESCRIPTION OF CARRIZO QUARRY PIT

A PARCEL OF LAND SITUATED WITHIN THE NORTH HALF (1/2) OF SECTION 35 AND THE SOUTH HALF (1/2) OF SECTION 28 TOWNSHIP 41 NORTH, RANGE 29 EAST, CLAY AND SALT RIVER WATERSHED IN THE VICINITY OF TEEC NOS POS, APACHE COUNTY STATE OF ARIZONA AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the S.E. Corner of Section 38; R. 29 E, T. 41 N and S.W. Corner of Section 31, R. 30 E, T. 41 N, a found B.L.M. Cadastral Survey Co. Dated 1953:

THENCE on N 59° 03' 00" W, 8530.392 feet to the POINT OF BEGINNING of the herein described tract of land;
THENCE N 86° 32' 09" W, a distance of 350.832 feet;
THENCE N 18° 58' 34" W, a distance of 286.015 feet;
THENCE N 26° 39' 40" E, a distance of 739.495 feet;
THENCE N 44° 34' 59" E, a distance of 416.222 feet;
THENCE N 62° 05' 05" E, a distance of 425.992 feet;
THENCE N 69° 52' 12" E, a distance of 464.170 feet;
THENCE S 48° 34' 20" E, a distance of 488.024 feet;
THENCE S 63° 33' 56" W, a distance of 488.214 feet;
THENCE S 59° 03' 00" W, a distance of 1477.679 feet;
to the POINT OF BEGINNING.

The described enclosed is comprised of 36.294 acres, more or less, and being subject to any and all existing easements for underground utilities located therein.

GENERAL NOTES

- 1.) All bearings shown herein are in reference to True-nation "True" and the B.L.M. Brass Cop of Sec. 34, T. 41 N, R. 29 E, Sec. 31, T. 41 N, R. 30 E.
- 2.) All Tract corners are set by 5/8" rebar.
- 3.) Reference used: B.L.M. Plat dated 06/17/54.
- 4.) Tract to be Disturbed.

| NAVAJO DEPARTMENT OF TRANSPORTATION | | | |
|---|----------|-------------|--------|
| CARRIZO GRAVEL PIT | | | |
| 36.29 AC.± | | | |
| SECTION 28; T. 41 N, R. 29 E | | | |
| SECTION 35; T. 41 N, R. 29 E | | | |
| REVISION | DATE | BY | REASON |
| SURVEYED | 11/02/79 | J. B. B. B. | |
| DRAWN | 11/02/79 | J. B. B. B. | |
| CHECKED | 01/13/80 | J. B. B. B. | |
| APPROVED | 3/28/80 | J. B. B. B. | |
| JACINTA: TEEC NOS POS, APACHE COUNTY, ARIZONA | | | |

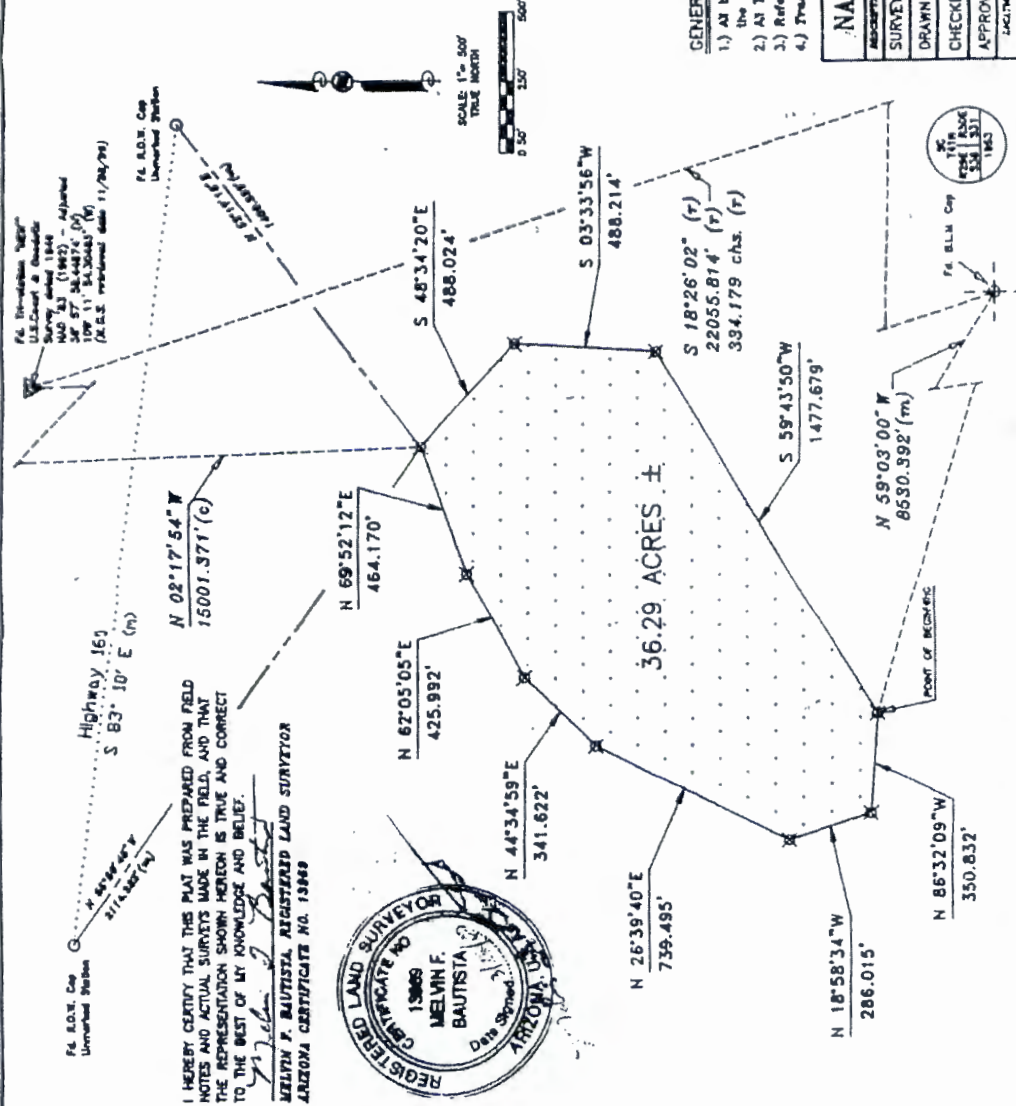
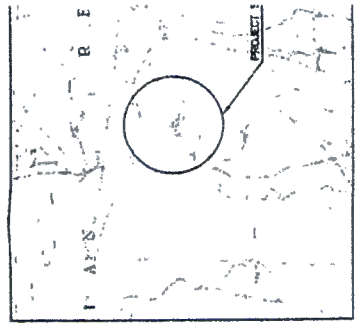
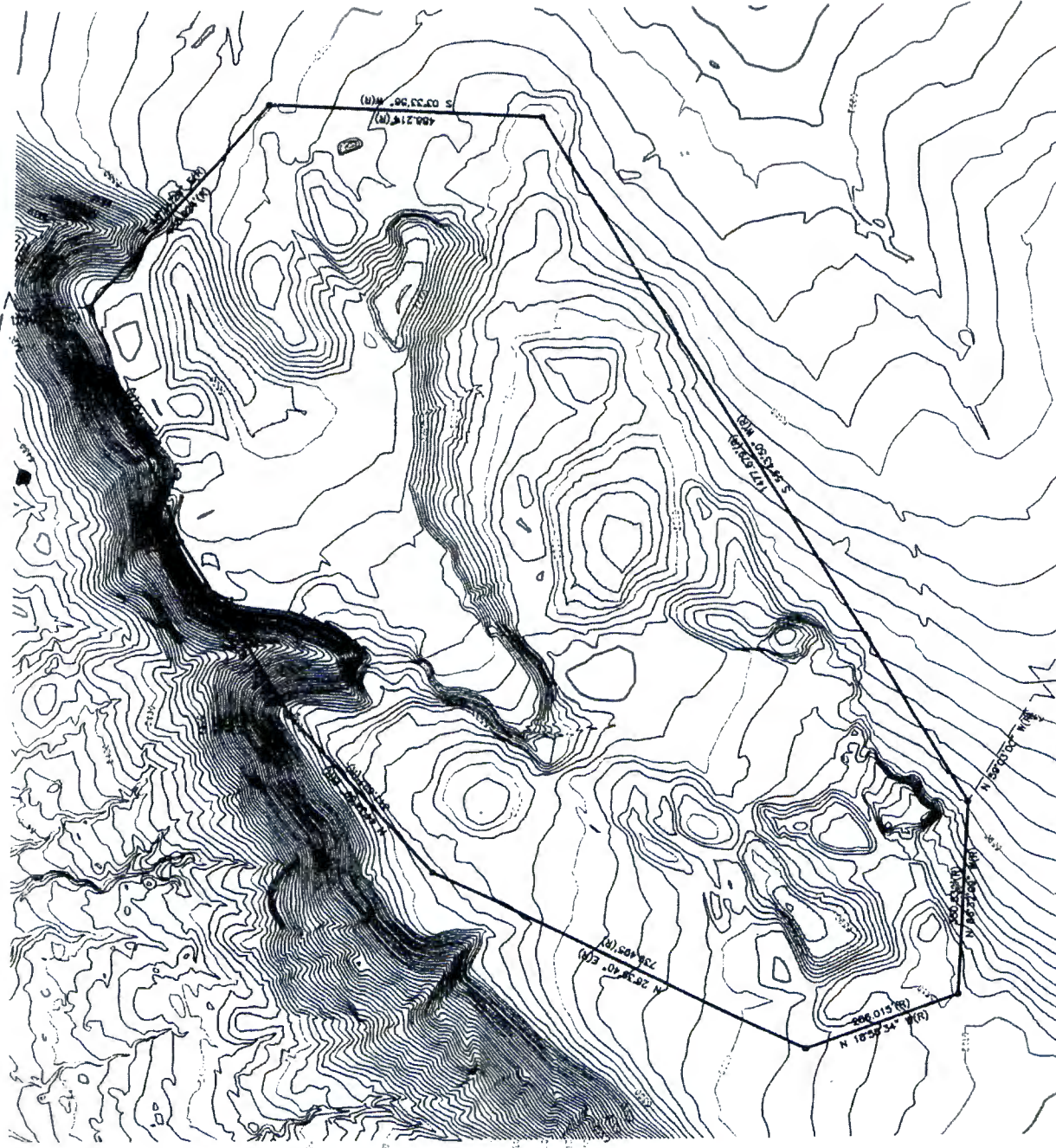


Figure 4: Survey Plat of Carrizo Quarry Pit

A TOPOGRAPHIC SURVEY OF
GRAVEL PIT
LOCATED IN THE SOUTH HALF
AND THE NORTH HALF OF
TOWNSHIP 41 NORTH, RANGE
SALT RIVER MERIDIAN, NEAR
APACHE COUNTY, AZ

TR - edition "NEW"
U.S.G.S - dated 1948
NAD 83 - datum
3457734.14871' N
10871134.32485' W



NOTE: CONTOUR INTERVAL IS 2.00'. ELEVAT
FROM GPS OBSERVATION.

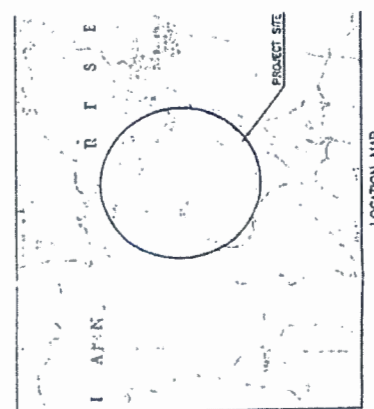
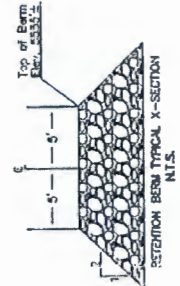
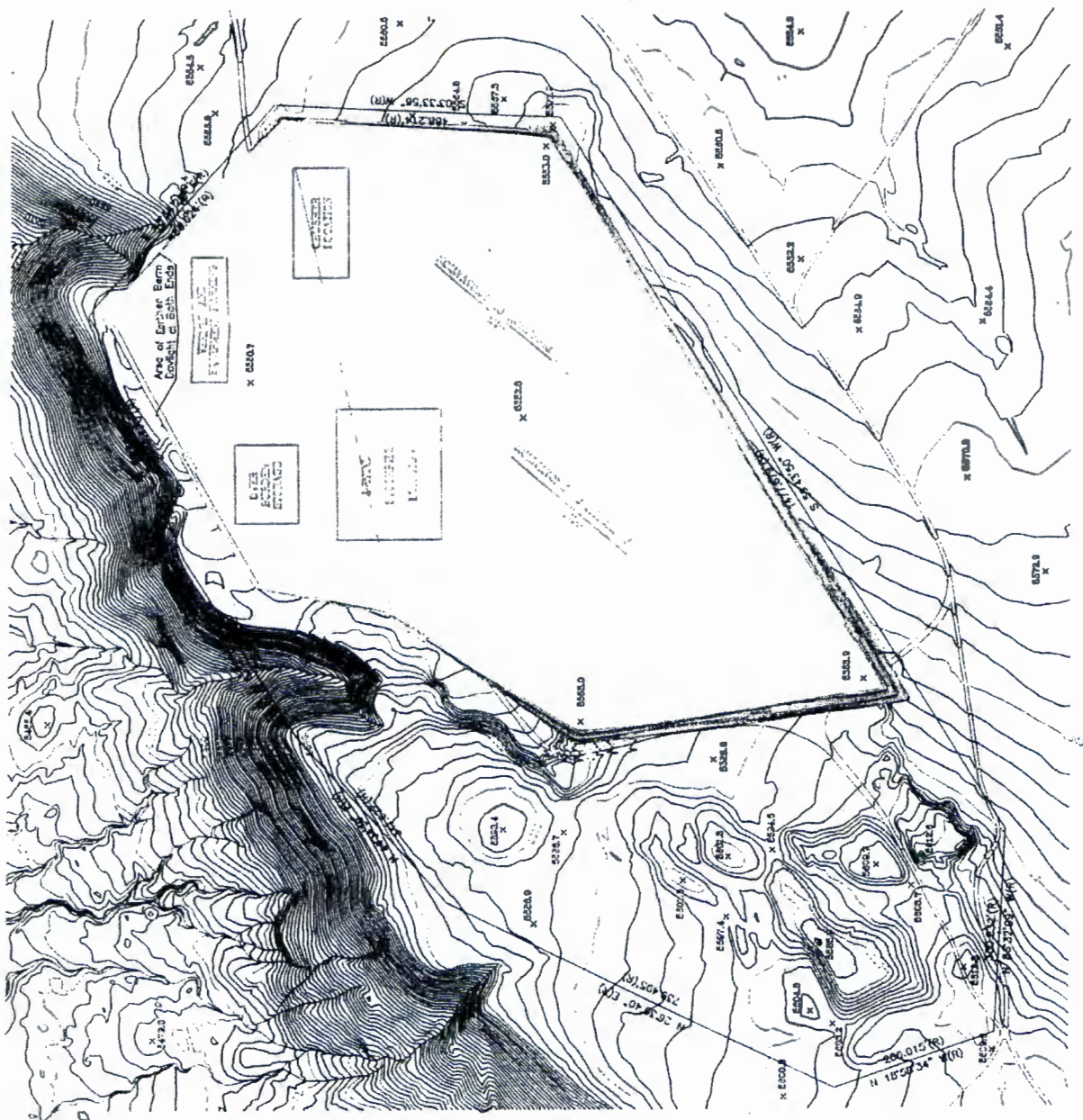
ALL OF THE BEARINGS, DISTANCES, AN
THIS DRAWING WERE TAKEN FROM THE
CARRIZO GRAVEL PIT PLAT SURVEYED
DEPARTMENT OF TRANSPORTATION AND
2000 BY MELVIN F. BAUTISTA. NO A
SURVEY WAS PERFORMED AS REBA
AT ALL OF THE CORNERS.

THE TOPOGRAPHY SHOWN HEREON IS
2003 AND WAS PROVIDED BY COOPER
COMPANY OF PHOENIX, ARIZONA. CO
MAPPING WAS PROVIDED BY APACHE



Figure 6.

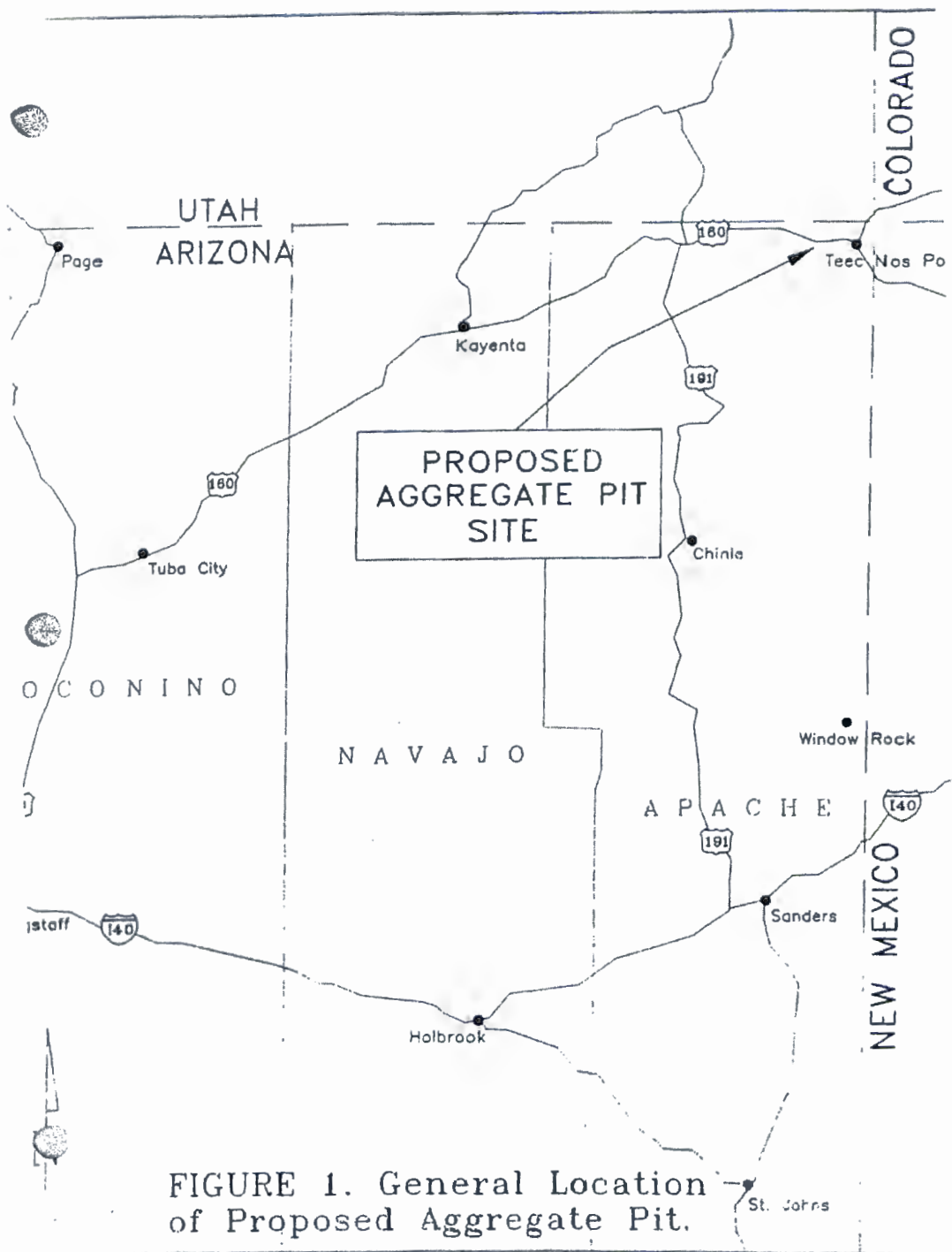
FUTURE GROUND CONTOURS OF A PI
MATERIALS PIT KNOWN AS THE CA
GRAVEL PIT LOCATED IN THE SOUTH
SECTION 26 AND THE NORTH HALF OF
35, TOWNSHIP 41 NORTH, RANGE 29 E
& SALT RIVER MERIDIAN, NEAR TEEC
APACHE COUNTY, ARIZONA

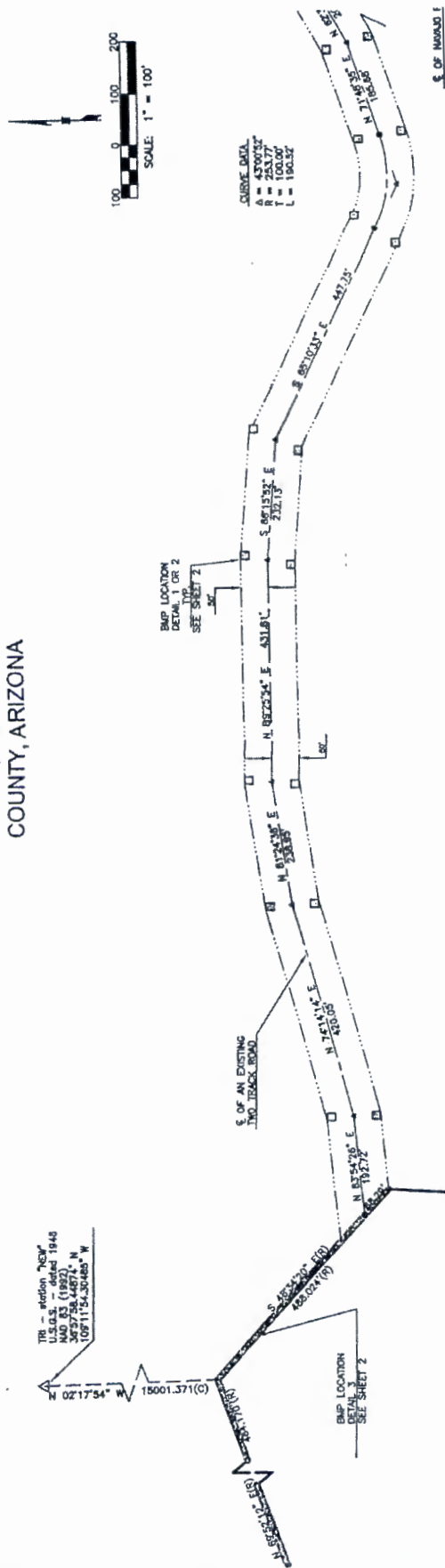


LOCATION MAP

NOTE: CONTOUR INTERVAL IS 2.00'.

Figure 9.





| | | |
|-------------|----------|---|
| NAME | DATE | ALABAMA COUNTY LAND RECORDS P.O. BOX 10000, TUSCALOOSA, AL 35404 CARRIZO GRAVEL PIT SWPPP LOCATION SHEET |
| WESCH | | |
| BRISON | | |
| DAVEN | | |
| CHUBOZ | | |
| TEAM LEADER | | |
| DATE | LOCATION | |
| | | TRACT NO. |

Figure 3: SWPPP Location Sheet



JIM CLAW
MEMBER OF THE BOARD
DISTRICT I OFFICE
P.O. BOX 1951 • CHINLE, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II OFFICE
P.O. BOX 994 • GANADO, AZ 86503

R. JOHN LEE
MEMBER OF THE BOARD
DISTRICT III OFFICE
P.O. BOX 428 • ST. JOHNS, AZ 85936

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-4364
FAX: (928) 337-2003

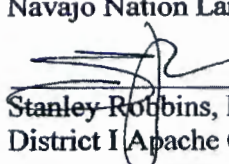


DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

August 15, 2012

MEMORANDUM

TO: Roger Paul, Field Agent
Navajo Nation Land Department

FROM: 
Stanley Robbins, District Manager
District I Apache County

SUBJ: COMPENSATION / CARRIZO SAND AND GRAVEL PIT

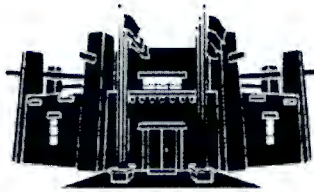
This letter is to inform Navajo Nation Land Department that Apache County District I is currently working on 36.29 acre Lease and 0.45 mile access easement to Carrizo Sand and Gravel pit. The purpose is to extract and produce road plating aggregate materials. Routine school bus roadways maintenance is performed within the boundaries of the Navajo Nation.

The County will compensate valid grazing permit holders within Teec Nos Pos grazing District in accordance with Project Review Office payment policy and procedures.

If you should have any questions please contact me at 928-674-5664 or Lena Clark at 928-659-4247. Thank you in advance for our understanding.

cc: JClaw, Supervisor
LClark, Administrative Coordinator
Chrono

**LEGISLATIVE BRANCH
NAVAJO NATION**



HONORABLE JOHNNY NAIZE
Speaker, 22nd Navajo Nation Council

September 27, 2013

MEMORANDUM

TO : *Honorable Members*
Resources and Development Committee

FROM : 
Hon. Johnny Naize, *Speaker*
22nd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources and Development Committee;

Legislation No. 0296-13

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND AND GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR APACHE COUNTY DISTRICT I.

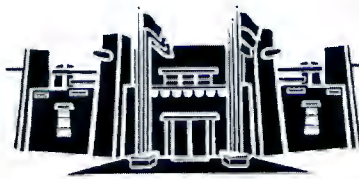
As the Committee assigned to consider the legislation, Legislation No. 0296-13 must be placed on the Resources and Development Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0296-13

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Leonard H. Pete, Council Delegate (*Prime Sponsor*)

ORCEN

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax: (928) 871-7576



Johnny Naize
Speaker of the Navajo Nation Council

MEMORANDUM

To : Honorable Leonard Pete
Navajo Nation Council Delegate

From : Mariana Kahn
Mariana Kahn, Acting Chief Legislative Counsel
Office of Legislative Counsel

Date : September 22, 2013

Re PROPOSED STANDING COMMITTEE RESOLUTION, A AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A SAND
AND GRAVEL LEASE AND AN ACCESS ROAD RIGHT-OF-WAY FOR
APACHE COUNTY DISTRICT I

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

Thank you for your service to the Navajo Nation.

13-559-1

OFFICIAL

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0296-13_____ SPONSOR: Leonard Pete

TITLE: An Action Relating To Resources and Development; Approving a Sand and Gravel Lease and an Access Road Right-of-Way For Apache County District 1

Date posted: September 27, 2013 at 12:37pm

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.: 0296-13

SPONSOR: Honorable Leonard Pete

TITLE: An Action Relating To Resources And Development; Approving A Sand
And Gravel Lease And An Access Road Right-Of-Way For Apache County District
1.

Posted: September 27, 2013 at 12:37 pm

5 DAY Comment Period Ended: August 2, 2013

Digital Comments received: *none*

6711

Executive Director
Office of Legislative Services

10/03/2013 - 8:30 am

Date

COMMENT ENDING DATE: 10/2/13

TRACKING FORM

FOR REPORTING SECTION USE:

TRACKING NO. 0296-13

Sponsor: Leonard H. Pete Phone: 871-6380, 6381, 7254

Received by: Mary J. Nez Date Rec'd: September 27, 2013 @ 10:00 a.m.

Subject Matter: An Action

DOCUMENT NAME: Relating To Resources And Development; Approving A Sand And Gravel Lease And An Access Road Right-Of-Way For Apache County District I.

Rec'd by Speaker's Support Staff: _____ Date/Time Rec'd: _____

Reviewed By: [Signature] Title: COS

Standing Committee Assigned: NNC _____
Naa'bik'iyati' _____
Budget & Finance _____
Health, Education & Human Services _____
Law & Order _____
Resources & Development 10/8/2013

Speaker's Signature: [Signature] Date Signed: 9/27/13

FINAL RECEIPT BY REPORTING SECTION

Received by OLS Staff: [Signature] Date Rec'd: 9/27/13 Time Rec'd: 12:14 pm

Final Resolution No.: RDCO-53-13 Approval Date: 10/8/2013

Close-Out Date: 10/11/2013 NG (Withdrawn Date: _____)

DUPLICATE

OFFICE OF THE PRESIDENT
The Navajo Nation
Window Rock (Navajo Nation), Arizona 86515

SIGNATURE APPROVAL SHEET

FROM: MINERALS DEPARTMENT SAS NO: DNR-13544
Akhtar Zaman - Ext. 6587 DATE: 19-Apr-12

DOCUMENT: PROPOSED RESOLUTION OF THE RESOURCES AND DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL: "Approving a Sand and Gravel Lease and an Access Road Right-
of-Way for Apache County District I"

SURNAME

| | | |
|--------------------------|---------------------|---------------------------|
| 1. Minerals: | <u>Akhtar Zaman</u> | Date: <u>7-18-2013</u> |
| 2. NLD: <u>X</u> | <u>[Signature]</u> | Date: <u>7-25-13</u> |
| 3. HPD: | <u>[Signature]</u> | Date: <u>7-25-13</u> |
| 4. F&W: | <u>[Signature]</u> | Date: <u>30 July 2013</u> |
| 5. Water Resources: | <u>[Signature]</u> | Date: <u>7/31/13</u> |
| 6. DNR: | <u>[Signature]</u> | Date: <u>7/31/2013</u> |
| 7. NNEPA: | <u>[Signature]</u> | Date: <u>8/15/13</u> |
| 8. DOJ: | <u>[Signature]</u> | Date: <u>8/19/13</u> |
| 9. OP/VP: | <u>[Signature]</u> | Date: <u>8/20/13</u> |
| 10. Legislative Counsel: | _____ | Date: _____ |

Date Signed: _____

No. of Signature(s): _____

Disposition: _____

Initial: _____

DISTRIBUTION: OP/VP (Original) DEPARTMENT (Blue) DNR FILES (Pink)