

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23RD NAVAJO NATION COUNCIL --- FIRST YEAR, 2015**

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE LAND WITHDRAWAL OF 6.0 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS FOR NEWCOMB CHAPTER COMMUNITY CEMETERY NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED:

Section One. Findings


- A. Pursuant to 2 N.N.C. §501(B)(2)(a), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals; and
- B. Pursuant to Newcomb Chapter Resolution No. NWCB-081813-099, the Newcomb Chapter approved the land withdrawal of six (6) acres, more or less, for Newcomb Community Cemetery. A copy of the chapter resolution is attached hereto as Exhibit "A"; and
- C. The proposed land withdrawal is approximately 6.0 acres, more or less of Navajo Nation Trust Land located in the south-half (S ½) of Section 23, Township 24 North, Range 18, West NMPM, San Juan County, Navajo Nation (New Mexico). The location is more particularly described on the map attached hereto as Exhibit "B"; and
- D. The Project Review Section within the Navajo Land Department has obtained the consent of land users (i.e. grazing permittees) as stated in MEMORANDUM from Esther Kee, Right-of-Way Agent dated October 31, 2014, attached hereto as Exhibit "C"; and
- E. All environmental and archaeological surveys and studies have been completed and are attached hereto and made apart herein by this reference.

Section Two. Approval

- A. The Navajo Nation hereby approves the land withdrawal of 6.0 acres, more or less, of Navajo Nation Trust Lands for the construction, operation, maintenance of the Newcomb Chapter community cemetery, San Juan County, New Mexico. The location is more particularly described on the map attached hereto as Exhibit "B";
- B. The Navajo Nation hereby authorizes and directs the President of the Navajo Nation to sign any and all documents necessary to effectuate the intent of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Fort Defiance (NTUA), Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 3 in favor, 1 opposed, 0 abstain this 10th day of March, 2015.



Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete

EXECUTIVE OFFICIAL REVIEWTitle of Document: W/drawal_6acres.NewcombChap.cemeterytra
c Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928 871-6447☐ **Business Site Lease** Sufficient Insufficient1. Division: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐

(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)

3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**1. Division: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**1. Office of Management and Budget: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Navajo Housing Authority Request for Release of Funds**1. NNEPA: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Lease Purchase Agreements**1. Office of the Controller: _____ Date: _____ ☐ ☐

(recommendation only)

2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Grant Applications**1. Office of Management and Budget: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**1. Division: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Relinquishment of Navajo Membership**1. Land Department: _____ Date: _____ ☐ ☐2. Elections: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐

		Sufficient	Insufficient
<input type="checkbox"/>	Land Withdrawal or Relinquishment for Commercial Purposes		
1. Division:	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases		
1. NLD	Date: 01 Dec 14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. F&W	Date: 12/2/14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. HPD	Date: 12-15-14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Minerals	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	Date: 10-31-2014	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. DNR	Date: 1/6/15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. DOJ (ie)	Date: 1/24/15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Rights of Way		
1. NLD	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease		
1. Minerals	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Assignment of Mineral Lease		
1. Minerals	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)		
1. NLD	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	OTHER:		
1. _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ	
01/08/15	9:40am
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	003054
SAS #:	
UNIT:	NM

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

CLIENT TO COMPLETE

DATE OF REQUEST:	11/6/2014	DIVISION:	Natural Resources (DNR)
CONTACT NAME:	Howard P. Draper or Vera Shurley	DEPARTMENT:	Navajo Land Dept (NLD)
PHONE NUMBER:	X-6447, 6401, 6490	E-MAIL:	howarrrdraper@frontiernet.net verashurley@frontiernet.net
TITLE OF DOCUMENT: <i>Approving Withdrawal of 6.00 acres of NN Trust Lands for the Newcomb Chapter to construct, operate and maintain the Newcomb Chapter cemetery tract at Newcomb vicinity, Navajo Nation (San Juan County, NM)</i>			

DOJ SECRETARY TO COMPLETE

DATE REVIEWED:	1-8-15 3:15 pm	REVIEWING ATTORNEY/ADVOCATE:	Irvin Chee 1-20-15
DATE TIME OUT OF UNIT:	JAN - 8 2015 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT		

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Irvin Chee	1-21-15	Becker	1/26/15 9:00 AM

DOJ Secretary Called: *Eother Kee* for Document Pick Up on *1/26/15* at *9:15* By: *AK*

PICKED UP BY: (Print) _____ DATE / TIME: _____

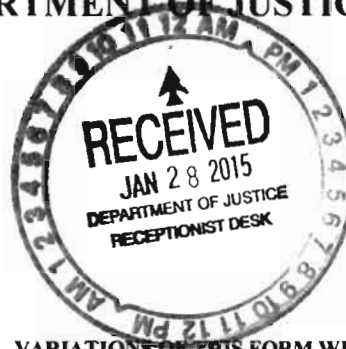
NNDOJ/DRRF-July 2013

COMPLETED



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
1/28/15 11:52a	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 3054	
SAS #:	
UNIT: DM	

☒ RESUBMITTAL
for signature only

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

CLIENT TO COMPLETE

DATE OF REQUEST:	1/27/2015	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	VERA	DEPARTMENT:	LAND
PHONE NUMBER:	6447 OR 6490	E-MAIL:	Click here to enter text.
TITLE OF DOCUMENT: Approving Withdrawal of 6.00 acres of NN Trust Lands for the Newcomb Chapter to construct, operate and maintain the Newcomb Chapter cemetery tract at Newcomb vicinity, Navajo Nation (San Juan County) NM			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT	RECEIVED 1/28/15 1:30p JAN 28 2015 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT	REVIEWING ATTORNEY/ADVOCATE:	Bidtah Becker
DATE TIME OUT OF UNIT:			

DOJ ATTORNEY / ADVOCATE COMMENTS

For surname on the 164 Doc only. AG

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
		<i>[Signature]</i>	1/26/15

DOJ Secretary Called: Juan Jones for Document Pick Up on 1/28/15 at 1001 By: AG

PICKED UP BY: (Print)	DATE / TIME:

NNDOJ/DRRF-July 2013

Document Reviewed 1/21/15 by Fisher
Surnamed by Becker 1/26/15 9:00 am but no
signature on the Executive Official Review

COMPLETED



NEWCOMB CHAPTER – NAVAJO NATION

P.O. Box # 7946, Newcomb, New Mexico 87455; Phone: 505.696-3300 Fax: 505.696-5475



FY'2013
NWCB-081813-099

Resolution of the Newcomb Chapter

APPROVING LAND WITHDRAWAL OF SIX (6) ACRES ON BIA ROUTE 191 FOR THE NEWCOMB COMMUNITY CEMETERY

WHEREAS:

1. The Newcomb Chapter is a duly certified Chapter governmental entity of the Navajo Nation with delegated authority to adopt ordinances and to adopt plans on matters of local concerns in the best interest of its local community membership; and
2. Pursuant to 26 N.N.C Section 1 (B) Newcomb Chapter is vested with the authority to review all matters affecting the community and make appropriate correction when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Newcomb Chapter is taking action to withdraw land for an existing cemeteries which is established and contain graves; and
4. The Newcomb Community Cemetery is divided into two (2) sections, one is the community plot and the other is reserved for deceased veterans; and
5. The Newcomb Community Cemetery covers an area of six (6) acres on the Community and Veteran Cemetery Tract on BIA Route 191; and
6. The Newcomb Chapter community agrees to have the six (6) acres land withdrawn for the Newcomb Community Cemetery.

NOW THEREFORE BE IT RESOLVED THAT:

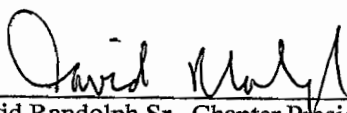
The Newcomb Chapter Membership hereby approving Land Withdrawal of Six (6) Acres on BIA Route 191 for the Newcomb Community Cemetery.

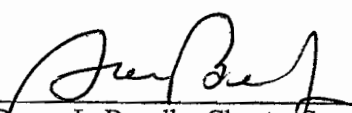
CERTIFICATION

We, hereby certify that the foregoing Chapter Resolution was considered by the Newcomb Chapter membership at a duly called Chapter meeting at Newcomb, Navajo Nation (New Mexico) at which a quorum was present and that same was passed by a vote of 28 in favor, 00 opposed, 01 abstained this 18th day of August, 2013.

Motioned: Malcolm Tsosie

Seconded: Marilyn Manuelito


David Randolph Sr., Chapter President


Donna L. Benally, Chapter Secretary/Treasurer



NEWCOMB CHAPTER – NAVAJO NATION

P.O. Box # 7946, Newcomb, New Mexico 87455; Phone: 505.686-3300 Fax: 505.696.5475

FY'2014
NWCB-112413-010

Resolution of the Newcomb Chapter

APPROVING THE NEWCOMB CHAPTER COMMUNITY CEMETERY PLAN OF OPERATION

WHEREAS:

1. The Newcomb Chapter is a duly certified Chapter governmental of the Navajo Nation with delegated authority to adopt ordinances and to adopt plans on matters of local concerns in the best interest of its local community membership; and
2. Pursuant to 26 N.N.C Section 1 (B) Newcomb Chapter is vested with the authority to review all matters affecting the community and make appropriate correction when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Newcomb Chapter establish the Community Land Use Planning Committee in accordance with the Navajo Nation Local Governance Act, 26 N.N.C., Section 2004, and NWCB-112399-000; and
4. The Newcomb Chapter Community Land Use Planning Committee (CLUPC) recommends adopting the Plan of Operation for the Newcomb Community Cemetery to accommodate the Chapter's proposed organization structure; and
5. The Newcomb Chapter Administration will maintain the operation and maintenance of the Cemetery and the Newcomb Chapter Officials will monitor all financial transaction in accordance to the Newcomb Chapters Five Management Systems, Policies and Procedures and the Navajo Nation Laws.

NOW THEREFORE BE IT RESOLVED THAT:

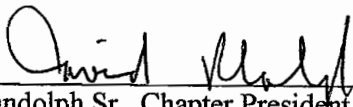
The Newcomb Chapter Membership hereby approves the Newcomb Chapter Community Cemetery Plan of Operation. (Attached)

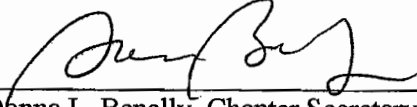
CERTIFICATION

We, hereby certify that the foregoing Chapter Resolution was considered by the Newcomb Chapter membership at a duly called Chapter meeting at Newcomb, Navajo Nation (New Mexico) at which a quorum was present and hat same was passed by a vote of 39 in favor, 00 opposed, 02 abstained this 24th day of November, 2013.

Motioned: Bruce Zah

Seconded: Violet Brown


David Randolph Sr., Chapter President


Donna L. Benally, Chapter Secretary/Treasurer

**THE NEWCOMB CHAPTER
Newcomb Community and Veterans Cemetery
Plan of Operation**

This Plan of Operation is developed for the six (06) acres of the Newcomb Community and Veterans Cemetery.

1. GENERAL DESCRIPTION OF THE NEWCOMB COMMUNITY AND VETERANS CEMETERY

The Newcomb Community and Veterans Cemetery is located 1.5 miles northwest from the Newcomb Chapter, along BIA Route 191; it consist of three (03) acres for the Newcomb Community and three (03) acres for the Veterans. It will be constructed and operated in accordance with Federal and Navajo Nation regulations, laws and/or statutes.

2. OBJECTIVES

To provide an ongoing public facility for the community as a cemetery
To provide the public with related information
To provide a planned and organized cemetery
Implement layout for burial plots
Provide and continue safety awareness
To responsibly provide a safe and secure burial ground that permits a sustainable environment for present and future generations

3. DAILY OPERATION

The cemetery hours of operation will be from Monday through Friday, 8:00 a.m. to 5:00 p.m. with the exclusion of Saturday and Sunday. It shall be secured on weekend, starting at 5:00 p.m., Friday through Monday, 8:00 a.m., with the exception of prior notice of pending interment(s). Immediate notices shall be given to Newcomb Chapter if interment is to be performed on weekends. A sign posting hours of operation shall be installed at the access road turn off adjacent to BIA Route 191.

4. SITE PERSONNEL

The Newcomb Chapter Manager or his/her designee will oversee the operation of the cemetery. If any additional personnel are required to maintain the cemetery, it shall be at the discretion of the Chapter Manager to hire.

- a. The Newcomb Chapter Manager may designate a Chapter employee to make burial plot assignments.
- b. The designee shall have the responsibility for assigning interment site(s), and to maintain Order and efficiently using all available space.
- c. With proper notice, the Newcomb Chapter backhoe and operator will be available to excavate the burial site. If the backhoe and operator are unavailable, relatives of the deceased person shall seek private contractors and be responsible for the cost of the excavation.

- b. Artificial floral arrangement may be placed during winter months, November through March.
- c. Artificial flowers arrangement shall be removed once every month. The removal shall be done without the notification of the family.
- d. Non-floral, stand-alone decorations shall be limited to three (03) per interment (i.e. balloons, pinwheels, etc.) this shall be observed by all community members to reduce the amount of buildup of garbage and debris.
- e. Attaching (gluing, taping, wiring, etc.) trinkets or decorations to markers or monuments is prohibited.
- f. Headstones will be subjected to maximum of three (03) feet high and three (03) feet wide. Headstones shall compliment to overall presence of the cemetery layout.

10. DEAD LIVESTOCK

The cultural and traditional practice of killing a livestock (i.e. Horse) for afterlife travel shall not be permitted at the cemetery.

11. PERFORMANCE MEASURE

To maintain an orderly appearance, the Newcomb Chapter Administration will conduct evaluations of the cemetery two (02) times a year to review the area, ensure the safety of the cemetery and repair any damages.

12. AMENDMENT

The Plan of Operation shall be amended at the recommendation of Chapter Administration, Chapter Officials, Community Land Use Planning Members and Community members. The amendments will be forwarded to the Planning meeting than to the Chapter meeting as an agenda item. The Community membership present shall than approve the amendments as a regularly duly called Newcomb Chapter meeting.

5. FEES

To maintain the operational costs of a self-supporting cemetery, burial fees shall be established at \$25.00 per interment. The monies generated from the burial fees shall be used for maintenance, repairs and operating cost according to the Five Management System of the Newcomb Chapter.

6. LAYOUT

The cemetery shall have a layout of graves in straight line incorporated into a grid system. The entrance shall be an impression gateway with a central drive for the funeral hearse. The central drive shall consist of gravel road that will be maintained throughout the year by the Newcomb Chapter.

Ground Layout

A margin of three (03) feet inside the boundary wall of each burial ground must be allowed. There shall be a passageway of three (03) feet in width between rows of graves spaces for pedestrian travel.

Burial Plot Layout

Grave spaces must be clearly and permanently marked, such as with number, to facilitate the location of an individual grave at any time.

Grave spaces have to be at least nine (09) feet long by four (04) feet wide for adults and at least six (06) feet long by three (03) feet wide in the case of children less than twelve years of age.

Family interments shall be established in grave space only.

At the time of first interment or burial at a grave space, it should be sunk to a depth of at least six (06) feet or to a lesser depth.

7. PRACTICES

The Newcomb Chapter will strictly adhere to the provisions of the Navajo Nation and Federal laws, regulations and statutes related to burials.

- a. Request(s) shall be made to Newcomb Chapter for interment site(s) and shall be assigned accordingly.
- b. The interment fee shall be paid before plot assignment.
- c. The Chapter Manager or his/her designee shall record the description and location of each assigned plot. The purpose of this practice will be to ensure proper identification of the deceased's burial is record for present and future reference.
- d. Person(s) visiting the cemetery shall use walkway provided.
- e. Every quarter garbage and funerary debris shall be removed and disposed in proper containers located at the Newcomb Transfer Station.
- f. The community shall be provided with the protocols set forth in this plan of operation.

Indigent's Grace

If someone dies without the means to pay for burial and has no traceable next of kin, it is the responsibility of the Newcomb Chapter, which the deceased person is enrolled in to ensure that he/she is buried in a dignified manner that does not impinge on public health or public decency. The responsible Chapter will also be liable for the interment and related cost.

It is in strict circumstances that exhumation shall occur. Some examples of situation where an exhumation of interred remains from a burial ground might be required or take place include:

- a. Family reasons, if the family of the deceased person requested that the remains be moved to another burial ground, another part of the country, etc. The family shall pay for all expenses related to disinterment.
- b. For public health reasons, (i.e. if a graveyard or cemetery is being moved).
- c. When a court orders an exhumation as a part of a criminal investigation. At all times during the process, due regard for respect to the deceased person, other interred remains in the burial ground/graveyard and privacy of the family and friends of the deceased person is protected.

8. APPEARANCE

The landscape of the cemetery shall be closely maintained in its natural original appearance.

- a. **NATIVE VEGETATIVE** – Remnants of native vegetable will be retained wherever possible.
- b. **WEED REMOVAL** – Through a regular maintenance program, undesired weed will be removed through use of bio gradable herbicide or hand tools.
- c. **FENCING AND GATES** – The six (06) acres cemetery will be enclosed with a wrought iron fence and gates.
- d. **SIGNAGE** – Original signs, section markers, etc. should be conserved and retained wherever practicable. Even if most be replaced, at least some should be retained reference to original fabric.
- e. **PATHS** – Paths will be retained and conserved. No private vehicle with the exception of a funeral hearse will be allowed within the cemetery boundaries.
- f. **ROADS** – Gravel road shall be established and maintained to permit all weather access to the cemetery from U.S. Highway 491 to the cemetery. Parking lot maintenance and repair shall be maintained by the Chapter.

9. FUNERARY ITEMS

The Newcomb Chapter adopted the following policy regarding floral and headstone placements.

- a. Fresh cut flowers are encouraged throughout the year.

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- e. Every quarter garbage and funerary debris shall be removed and disposed in proper containers located at the Newcomb Transfer Station.
- f. The community shall be provided with the protocols set forth in this plan of operation.

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- c. FENCING AND GATES – The six (06) acres cemetery will be enclosed with a wrought iron fence and gates.
- d. SIGNAGE – Original signs, section markers, etc. should be conserved and retained wherever practicable. Even if most be replaced, at least some should be retained reference to original fabric.
- e. PATHS – Paths will be retained and conserved. No private vehicle with the exception of a funeral hearse will be allowed within the cemetery boundaries.
- f. ROADS – Gravel road shall be established and maintained to permit all weather access to the cemetery from U.S. Highway 491 to the cemetery. Parking lot maintenance and repair shall be maintained by the Chapter.

9. FUNERARY ITEMS

The Newcomb Chapter adopted the following policy regarding floral and headstone placements.

- a. Fresh cut flowers are encouraged throughout the year.

- b. Artificial floral arrangement may be placed during winter months, November through March.
- c. Artificial flowers arrangement shall be removed once every month. The removal shall be done without the notification of the family.
- d. Non-floral, stand-alone decorations shall be limited to three (03) per interment (i.e. balloons, pinwheels, etc.) this shall be observed by all community members to reduce the amount of buildup of garbage and debris.
- e. Attaching (gluing, taping, wiring, etc.) trinkets or decorations to markers or monuments is prohibited.
- f. Headstones will be subjected to maximum of three (03) feet high and three (03) feet wide. Headstones shall compliment to overall presence of the cemetery layout.

10. DEAD LIVESTOCK

The cultural and traditional practice of killing a livestock (i.e. Horse) for afterlife travel shall not be permitted at the cemetery.

11. PERFORMANCE MEASURE

To maintain an orderly appearance, the Newcomb Chapter Administration will conduct evaluations of the cemetery two (02) times a year to review the area, ensure the safety of the cemetery and repair any damages.

12. AMENDMENT

The Plan of Operation shall be amended at the recommendation of Chapter Administration, Chapter Officials, Community Land Use Planning Members and Community members. The amendments will be forwarded to the Planning meeting than to the Chapter meeting as an agenda item. The Community membership present shall than approve the amendments as a regularly duly called Newcomb Chapter meeting.

TRACT DESCRIPTION

EXHIBIT

B

A parcel of land situate within the South Half (S 1/2) of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, in the vicinity of Newcomb, San Juan County, State of New Mexico, and being more particularly described as follows:

COMMENCING at the South One Quarter Corner of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, monumented with a found United States Bureau of Land Management Cadastral Survey brass cap dated 1968;

thence run N 01° 18' 47" E, a distance of 1,967.29 feet, to the POINT OF BEGINNING;

thence N 10° 18' 59" W, a distance of 511.23 feet; thence N 79° 41' 01" E, a distance of 255.62 feet; thence S 10° 18' 59" E, a distance of 511.23 feet; thence S 79° 41' 01" E, a distance of 255.62 feet to the POINT OF BEGINNING.

Said parcel contains 3.00 acres, more or less, and subject to existing easements and encumbrances.

Surveyed March 29, 2012, by the Shiprock Navajo Land Department, The Navajo Nation, Window Rock, Arizona.

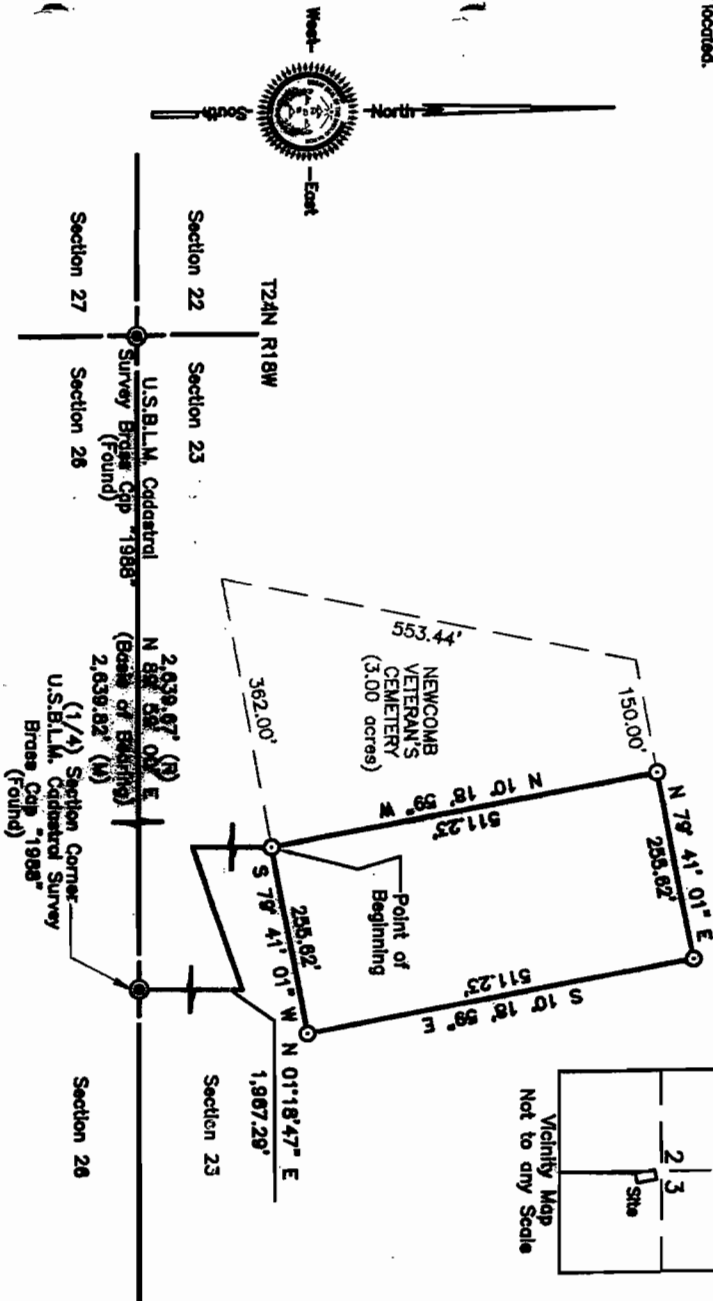
EXHIBIT "A"

NEWCOMB COMMUNITY CEMETERY TRACT

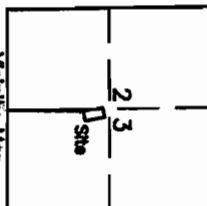
3.00 ± ACRE

DISTRICT 12 - NAVAJO INDIAN RESERVATION
S 1/2 of SEC. 23, T24N, R18W, N.M.P.M.
NEWCOMB, SAN JUAN COUNTY, NEW MEXICO

- NOTES:
- 1: Basis of Bearings are in reference to United States Bureau of Land Management Cadastral Survey Township Plat and refer to True North.
 - 2: All distances are "ground" unless enclosed in < >.
 - 3: Only above ground evidence of utilities and primary structures were located.



Vicinity Map
Not to any Scale



- Set 5/8" rebar
- Found 5/8" rebar or as noted
- ⊙ Found GLO or BLM Brass Capped Pipe
- ⊞ Found Marked Stone, or as noted
- ▲ Found USGS Tri-Station or as noted
- < > Grid Distance or Bearing

SURVEYORS STATEMENT:

I, Martin H. Martin, a registered land surveyor under the laws of Arizona, under authority of the Navajo Nation, hereby state that this plat was prepared from notes of an actual field survey performed by the (Shiprock) Navajo Land Department, and is true and correct to the best of my knowledge and belief, attest to by my seal and signature hereon.



SHIPROCK LAND DEPARTMENT
Surveyor's Seal
SHIPROCK LAND DEPARTMENT
SHIPROCK, ARIZONA 86501
DRAWN BY: CLAUDE
APPROVED BY: See Seal
FIELD BOOK NO.: NC-342
JOB NUMBER: 1502-A
SCALE: 1" = 200'

TRACT DESCRIPTION

A parcel of land situated within the South Half (S 1/2) of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, in the vicinity of Newcomb, San Juan County, State of New Mexico, and being more particularly described as follows:

COMMENCE at the South One Quarter Corner of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, monumented with a found United States Bureau of Land Management Cadastral Survey brass cap dated 1988.

thence run N 01° 18' 47" E a distance of 1,967.29 feet to the POINT OF BEGINNING.

thence S 79° 41' 01" W a distance of 362.00 feet; thence N 12° 12' 24" E, a distance of 553.44 feet; thence N 79° 41' 01" E, a distance of 150.00 feet; thence S 10° 18' 38" E, a distance of 511.23 feet to the POINT OF BEGINNING.

Said parcel contains 3.00 acres, more or less, and subject to existing easements and encumbrances.

Surveyed March 29, 2012, by the Shiprock Navajo Land Department, The Navajo Nation, Window Rock, Arizona.

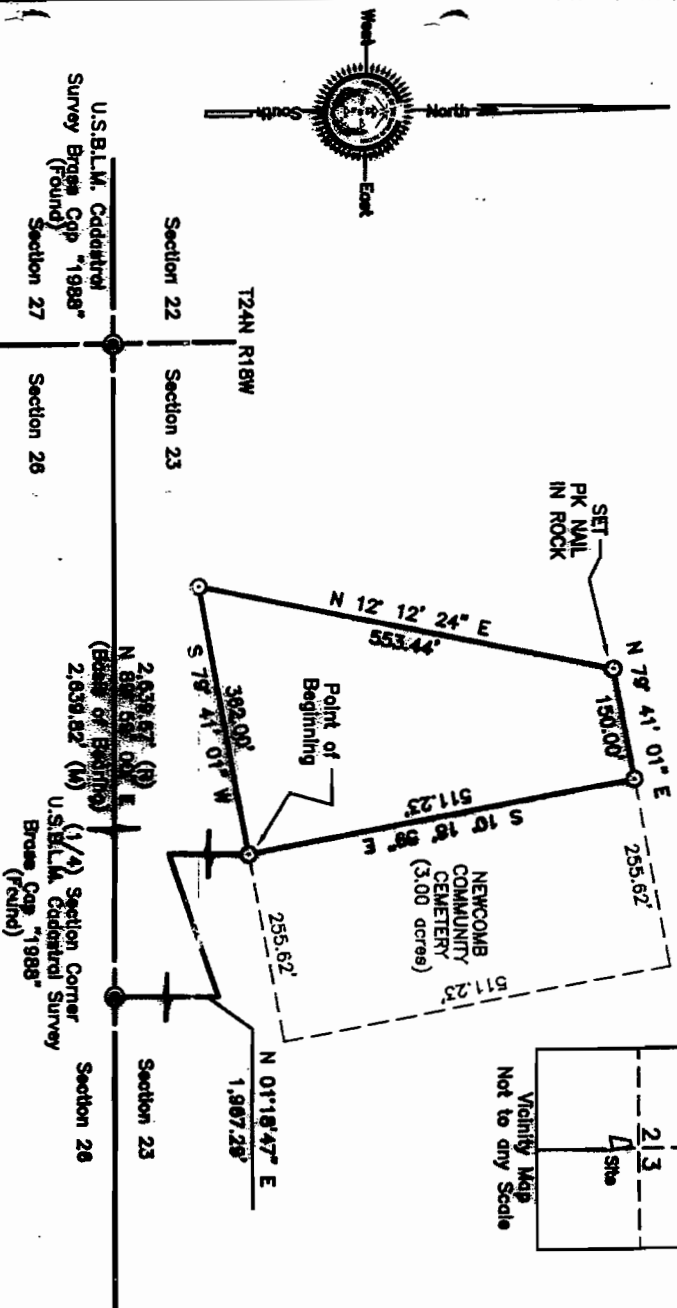
EXHIBIT "A"

NEWCOMB VETERAN'S CEMETERY TRACT

3.00 ± ACRE

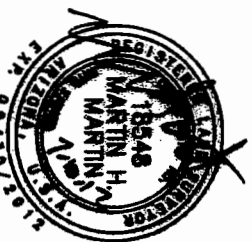
DISTRICT 12 - NAVAJO INDIAN RESERVATION
S 1/2 of SEC. 23, T24N, R18W, N.M.P.M.
NEWCOMB, SAN JUAN COUNTY, NEW MEXICO

- NOTES:**
1. Basis of Bearings are in reference to United States Bureau of Land Management Cadastral Survey Township Plat and refer to True North.
 2. All distances are "ground" unless enclosed in < >.
 3. Only above ground evidence of utilities and primary structures were located.

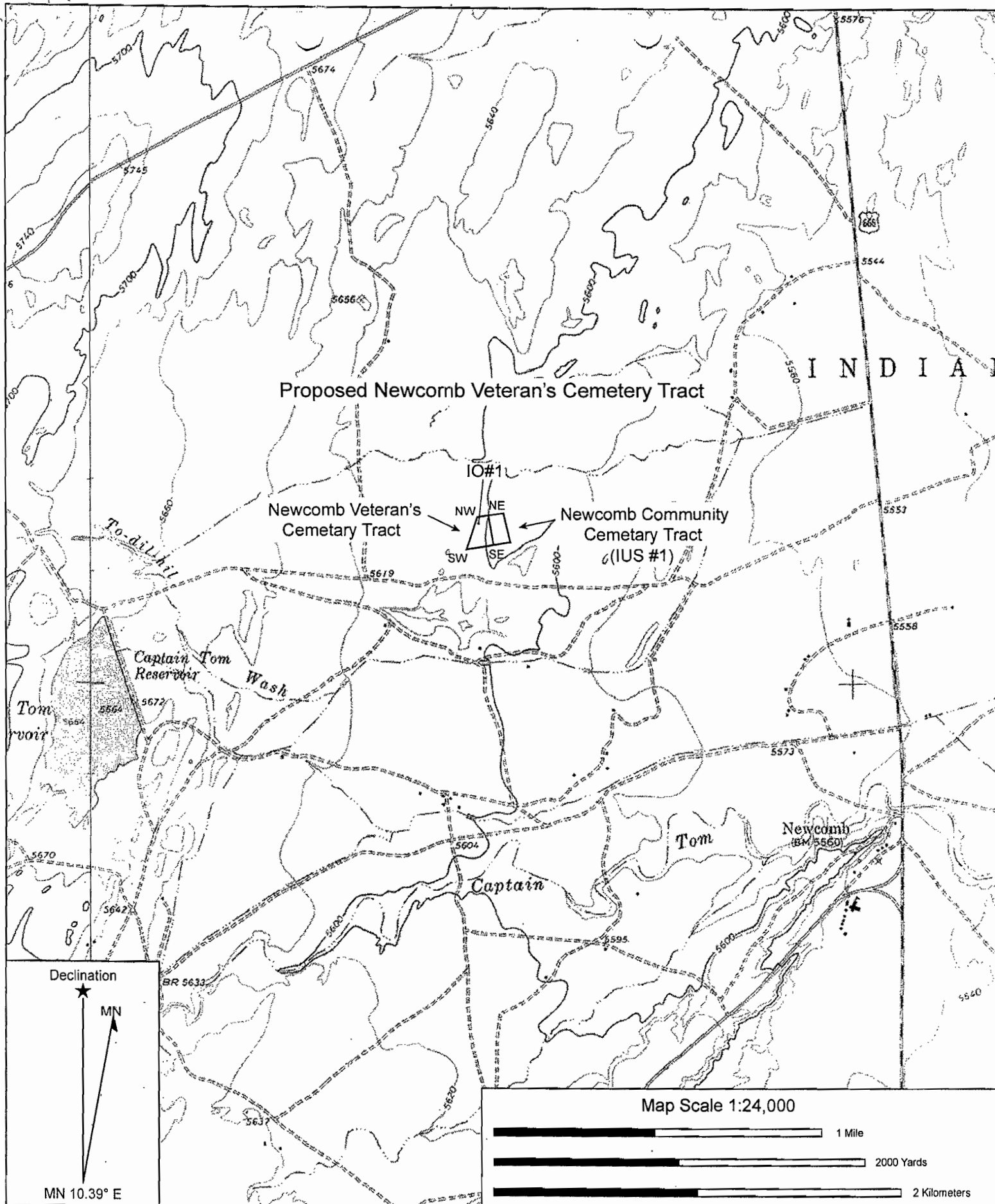


- Set 5/8" rebar, or as noted
- Found 5/8" rebar or as noted
- Found G.L.O. or B.L.M. Brass Capped Pipe
- Found Marked Stone, or as noted
- ▲ Found U.S.G.S. Tri-Station or as noted
- < > Grid Distance or Bearing

SURVEYOR'S STATEMENT:
I, Martin H. Martin, a registered land surveyor under the laws of Arizona, under authority of the Navajo Nation, hereby state that this plat was prepared from notes of an actual field survey performed by the (Shiprock) Navajo Land Department, and is true and correct to the best of my knowledge and belief, attest to by my seal and signature hereon.



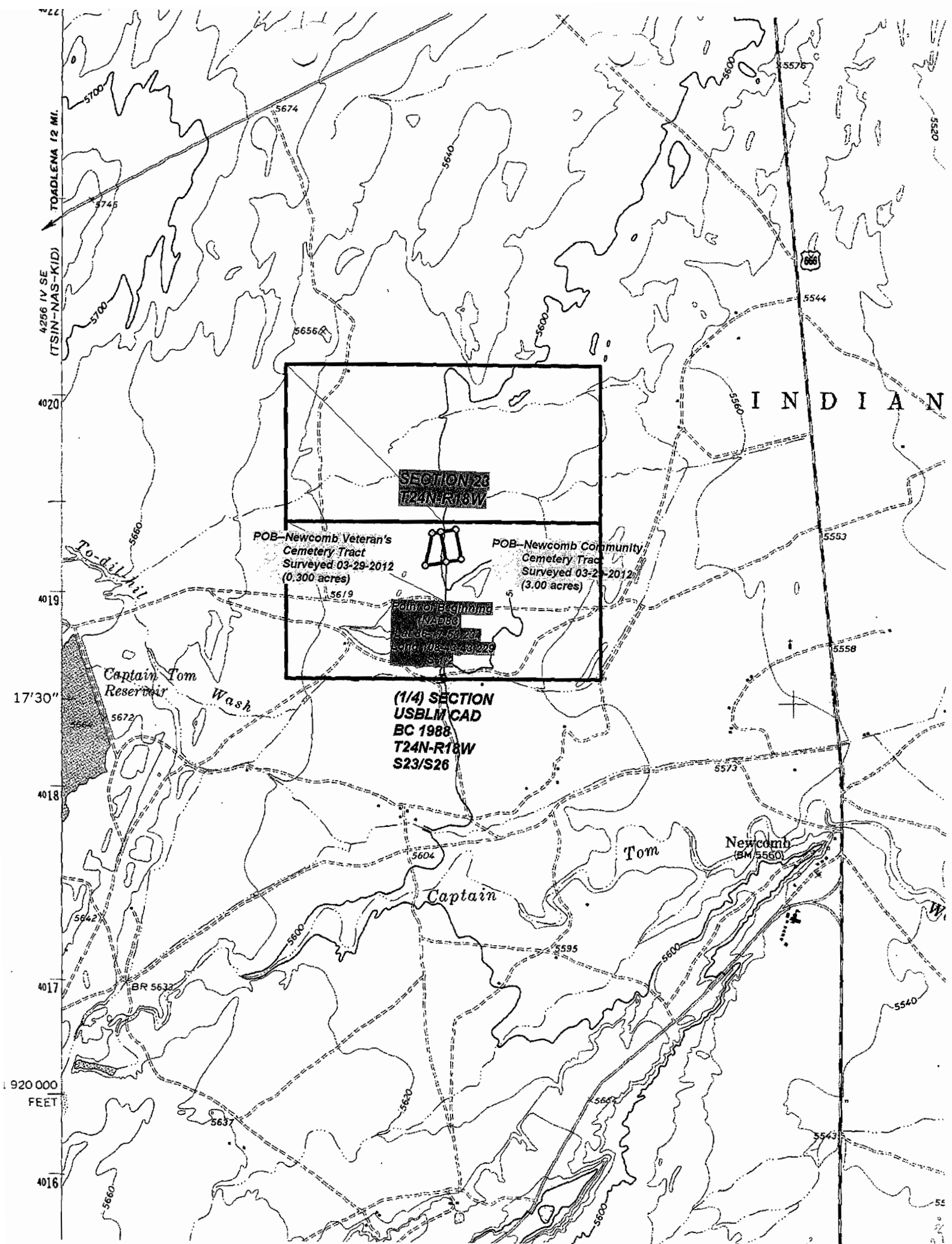
SHIPROCK LAND DEPARTMENT
SHIPROCK, NEW MEXICO 87450
COUNTY: 1129 (0905000-1129 (750)
SURVEY BY: BOB C.
DRAWN BY: CLAYTON
APPROVED BY: See Seal
FIELD BOOK NO.: NO-3142
JOB NUMBER: 1503-A
SCALE: 1" = 200'



Name: Newcomb, N. Mex. 1966
 Date: 06/21/12
 Scale: 1 inch = 2,000 ft.

Figure 1.0 Map showing specific location of the proposed Newcomb Veteran's Cemetery Tract in Newcomb, San Juan County, New Mexico. T 24N R 18W Sec 23 (DCRM 2012-38)

Copyright (C)



4256 IV SE
(TSIN-NAS-KID)
TODLENA 12 MI.

4020

4019

17'30"

4018

4017

920 000
FEET

4016

INDIAN

SECTION 26
T24N-R18W

POB-Newcomb Veteran's
Cemetery Tract
Surveyed 03-29-2012
(0.300 acres)

POB-Newcomb Community
Cemetery Tract
Surveyed 03-29-2012
(3.00 acres)

Point of Beginning
(N 24° 18' 30" W,
100.00' = 17.30' = 1730.00')

(1/4) SECTION
USBLM CAD
BC 1988
T24N-R18W
S23/S26

Captain Tom
Reservoir

Wash

Tom

Newcomb
(BM 5560)

Captain

5560

5573

SECTION 23
T24N-R18W

POB-Newcomb Community
Cemetery Tract
Surveyed 03-29-2012
(3.00 acres)



POB-Newcomb Veterans
Cemetery Tract
Surveyed 03-29-2012
(0.300 acres)

Point of Beginning
(NAD83)
Lat 36-47-53.234
Long 108-43-49.229
S 70° 2'

(1/4) SECTION
USBLM CAD
BC 1988
T24N-R18W
S23/S26

5619

Tim Tom Wash



DR. JOE SHIRLEY, JR.
President

BEN SHELLY
Vice President

MEMORANDUM

TO : Howard P. Draper, Supervisor
Project Review Section, NLD

FROM : *Esther Kee*
Esther Kee, R/W Agent
Project Review Section, NLD

DATE : October 31, 2014

SUBJECT: Newcomb Chapter Cemetery Land Withdrawal

Newcomb Chapter of Post Office Box 7946, Newcomb, New Mexico 87455, proposes to withdraw six (6) acres of Navajo Nation Trust lands to establish Newcomb Community & Newcomb Veterans Cemetery located within the S/2 of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, Newcomb Chapter, San Juan County, New Mexico.

District 12 Grazing Committee member identified two grazing permittees; Lena Gleason Tomlinson & Laurence Gould, affected by the proposed project. I informed the affected land users on the proposed request and they had no objection and I obtained the grazing permittees consent along with the concurrence of the Newcomb Chapter Grazing Official, Laurence Gould.

Field clearance completed, land users consent, map and supporting documents are all attached for your information and reference.

cc: Project file

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Laurence Gould, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit **Newcomb Chapter of Post Office Box 7946, Newcomb, New Mexico 87455**, to use a portion of my land use area for the following purpose(s): **Withdraw six (6) acres of Navajo Trust lands to establish Newcomb Community & Veterans Cemetery located in S/2 of Section 23 T24N, R18W, San Juan County, New Mexico, as shown on the map showing the location of the proposed project on the back of this consent form.**

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

REMARKS:

10-27-14
Date

Laurence Gould
Land User Signature or Thumbprint)

202,572 12-3836
Census No. Permit No.

WITNESS: _____

10-27-14
Date

Laurence Gould
Grazing Committee or Land Board Member

12
District No.

Acknowledgement of Field Agent

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

Elaine
Field Agent Signature

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Lena Gleason Tomlinson, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit **Newcomb Chapter of Post Office Box 7946, Newcomb, New Mexico 87455**, to use a portion of my land use area for the following purpose(s): **Withdraw six (6) acres of Navajo Trust lands to establish Newcomb Community & Veterans Cemetery located in S/2 of Section 23 T24N, R18W, San Juan County, New Mexico**, as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS:

10/23/14
Date

Lena Gleason Tomlinson
Land User Signature (or Thumbprint)

85274
Census No.

12-3853
Permit No.

WITNESS: _____

10.27.14
Date

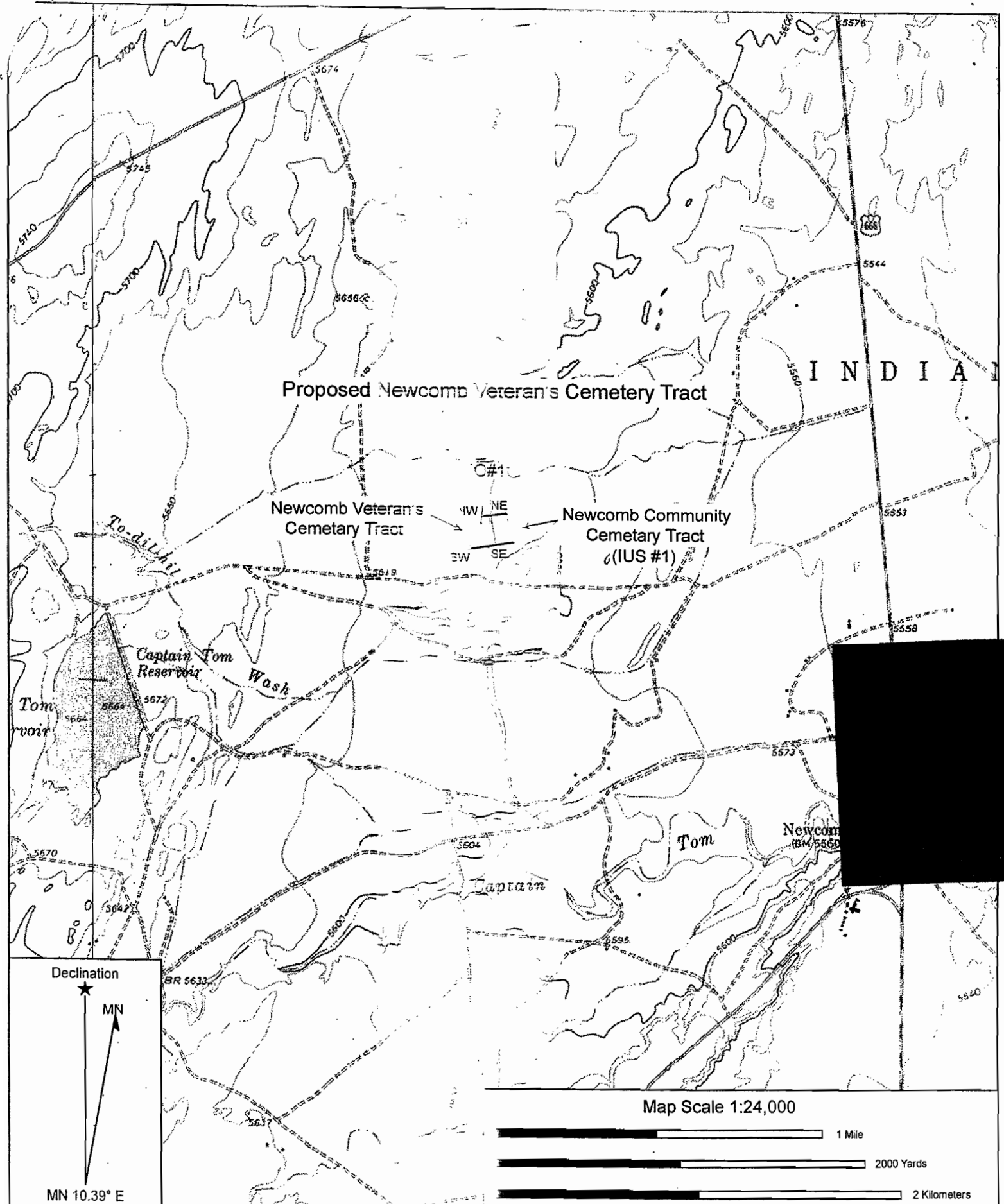
Ronnie Ineef
Grazing Committee or Land Board Member

12
District No.

Acknowledgement of Field Agent

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

E. Hecker
Field Agent Signature



Name: Newcomb, N. Mex. 1966
 Date: 06/21/12
 Scale: 1 inch = 2,000 ft.

Figure 1.0 Map showing specific location of the proposed Newcomb Veteran's Cemetery Tract in Newcomb, San Juan County, New Mexico. T 24N R 18W Sec 23 (DCRM 2012-38)

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.: Newcomb Veteran's & Community Cemetery Tract

DESCRIPTION: The Newcomb Chapter proposes an official land withdrawal of ±6.00 acres for two adjoining 3.0-acre cemeteries, one for community members and the other for military veterans.

LOCATION: S½ of Section 23, T24N, R18W, NMPM, Newcomb Chapter, San Juan County, New Mexico

REPRESENTATIVE: Lawrence John, Newcomb Chapter

ACTION AGENCY: NLD and BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/29 AUG 2013/Lawrence John

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

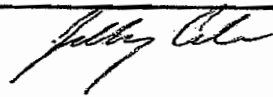
AVOIDANCE / MITIGATION MEASURES: NA

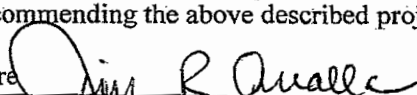
CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/25 FEB 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval		2/25/14
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> None (with memo)		
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife		

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.	
Representative's signature 	Date 8-21-14

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

FEB 28 2014

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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/25 FEB 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date <u>2/25/14</u>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

<p>*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.</p>	
Representative's signature	Date

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

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

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ACTION AGENCY: NLD and BIA

B.R. REPORT TITLE / DATE / PREPARER: Request for biological clearance/29 AUG 2013/Lawrence John

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

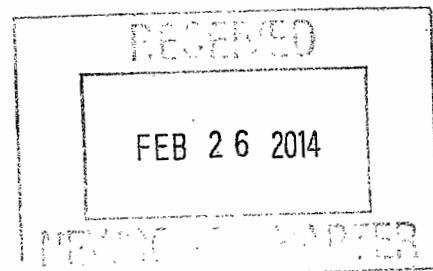
OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/25 FEB 2014

COPIES TO: (add categories as necessary)

☐
☐


2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature <i>[Signature]</i> Date <i>2/25/14</i> 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

**A Cultural Resources Inventory
of the Existing Newcomb Community Cemeteries
Newcomb Chapter
San Juan County, New Mexico
DCRM 2012-38**

CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD Jan/91)

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.								
4. TITLE OF REPORT: A Cultural Resources Inventory of the Existing Newcomb Community Cemeteries, Newcomb Chapter, San Juan County, New Mexico. Author (s): Clifford Werito		5. FIELDWORK DATES: May 23, 2012								
		6. REPORT DATE: June 25, 2012								
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin and Loretta Chavez Org. Name: Dinétahdóó CRM Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B12334								
		9. CONSULTANT'S REPORT NO.: DCRM 2012-38								
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Ms. Lorraine Johnson-Roy, CSC Org. Name: Newcomb Chapter Org. Address: P. O. Box 7946 Newcomb, New Mexico 87455 Phone: (505) 696-3300		11. SPONSOR'S PROJECT NO.: See Table 1								
		12. AREA OF EFFECT: <u>6.00ac. (2.42 ha)</u> AREA SURVEYED: <u>8.39 ac. (3.39 ha)</u>								
13. LOCATION (MAP ATTACHED): <table style="width:100%;"> <tr> <td style="width:50%;">a. Chapter: Newcomb</td> <td style="width:50%;">e. Land Status: Navajo Tribal Trust</td> </tr> <tr> <td>b. Agency: Shiprock</td> <td>f. UTM: (See Table 2)</td> </tr> <tr> <td>c. County: San Juan</td> <td>g. Legal Description: (See Table 2)</td> </tr> <tr> <td>d. State: New Mexico</td> <td>h. USGS 7.5' Maps: Newcomb, New Mexico, 1966.</td> </tr> </table>			a. Chapter: Newcomb	e. Land Status: Navajo Tribal Trust	b. Agency: Shiprock	f. UTM: (See Table 2)	c. County: San Juan	g. Legal Description: (See Table 2)	d. State: New Mexico	h. USGS 7.5' Maps: Newcomb, New Mexico, 1966.
a. Chapter: Newcomb	e. Land Status: Navajo Tribal Trust									
b. Agency: Shiprock	f. UTM: (See Table 2)									
c. County: San Juan	g. Legal Description: (See Table 2)									
d. State: New Mexico	h. USGS 7.5' Maps: Newcomb, New Mexico, 1966.									
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT // a. Description of Undertaking: See Supplemental Sheet b. Area of Environmental & Cultural Setting: See Supplemental Sheet c. Existing Data Review: See Supplemental Sheet d. Field Methods: See Supplemental Sheet										
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: See table 4 b. Evaluation of Significance of Each Resource: See table 5										
16. MANAGEMENT SUMMARY (RECOMMENDATION): No significant cultural resources were found, therefore archaeological clearances is recommended, for the proposed undertaking.										
17. CERTIFICATION: <table style="width:100%;"> <tr> <td style="width:30%;">SIGNATURE: <u>Rena Martin</u></td> <td style="width:40%;">Date: <u>6/25/12</u></td> <td style="width:30%;">General Charge Name: <u>Rena Martin, Archaeologist</u></td> </tr> <tr> <td>SIGNATURE: <u>Loretta Chavez for</u></td> <td>Date: <u>6/25/12</u></td> <td>Direct Charge Name: <u>Clifford Werito, Archaeologist</u></td> </tr> </table>			SIGNATURE: <u>Rena Martin</u>	Date: <u>6/25/12</u>	General Charge Name: <u>Rena Martin, Archaeologist</u>	SIGNATURE: <u>Loretta Chavez for</u>	Date: <u>6/25/12</u>	Direct Charge Name: <u>Clifford Werito, Archaeologist</u>		
SIGNATURE: <u>Rena Martin</u>	Date: <u>6/25/12</u>	General Charge Name: <u>Rena Martin, Archaeologist</u>								
SIGNATURE: <u>Loretta Chavez for</u>	Date: <u>6/25/12</u>	Direct Charge Name: <u>Clifford Werito, Archaeologist</u>								

13. LOCATION

Table 2. UTM Coordinates (NAD 83 / Zone 12), N.M.P.M., Legal Description.

Cemetery Location	Northing	Easting	¼	Section	Township	Range
West Section (Veteran)						
SW Corner	4019390	0703840	S 1/2	23	24N	18W
NW Corner	4019554	0703872	S 1/2	23	24N	18W
NE Corner	4019580	0703995	S 1/2	23	24N	18W
SE Corner	4019410	0703946	S 1/2	23	24N	18W
East Section (Community)						
SW Corner	4019410	0703946	S 1/2	23	24N	18W
NW Corner	4019580	0703995	S 1/2	23	24N	18W
NE Corner	4019595	0704084	S 1/2	23	24N	18W
SE Corner	4019431	0704027	S 1/2	23	24N	18W

¼ Sections Derived from Navajo Land Department Survey Plat

14. REPORT:

- a. **Description of Undertaking:** The Newcomb Chapter / Community members are taking action in withdrawing land for their two existing cemeteries. The ajoined cemeteries are established and contain graves. The cemetery is divided into two sections; one section is the community plot while the western section is reserved for deceased veterans. Upgrading the existing cemeteries may consist of fencing, improving the parking lot and such. The size of burial plots will range in different sizes. The staked community cemetery tract measures 511.23 ft (155.82 m) by 255.62 ft (77.91 m), and covers 3.00 acres (1.21 ha), and the veteran's tract measures 362.00 ft (109.72 m) by 553.44 ft (168.68 m) by 150.00 ft (45.72 m and by 511 23 ft (157.45 m), and covers 3.00 acres (1.21 ha). The combined two cemeteries cover an area of 6.00 acres (2.42 ha).
- b. **Area of Environmental & Cultural Setting:** The proposed project area is located north of an unnamed low clay mesa, and is approximately 0.75 mile (0.80 km) north of Captain Tom Wash. The Newcomb Chapter House is located 1.5-mile (2.41 km) to the southeast, the area is accessible by Navajo Route 191. Vegetation within the area consists of shade scale, Russian thistle, rabbitbrush, snakeweed, blue grama grass, Indian ricegrass, greasewood, bunch grass, and cholla cactus and prickly pear cactus. The primary drainage near the project area is Captain Tom Wash. The elevation for the proposed and existing cemetery is about 5,600 Ft (1,706 m) above sea level. The sediments consist of aeolian fine-grained sand.

The community of Newcomb is known to Navajo's as *T'iis nideeshgiizh* ("cottonwood grove spreading (from wash)"). The Newcomb Chapter was certified in 1981. It separated from the Two Grey Hills Chapter. However, the boundaries between the two chapters were not defined and remain unofficial. It is believed "Newcomb" received its name after the traders who established the first trading post in 1901. Early farmers planted columns of cottonwood running in different directions, which may have formed its Navajo community name (LSR Innovations: 2004).

- c. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office, located in Window Rock, Arizona. The records indicated that no previous surveys have been conducted within a 300 ft (91 m) radius of the project areas. The nearest project completed nearby is a waterline survey completed by Martin (1989) however, no cultural resources were found near the survey route.

Research conducted at the Navajo Nation Historic Preservation Department's Traditional Cultural Property (TCP) sacred site files did show of one (1) traditional cultural properties within 1.5-mile (2.41 km) of the project area. The TCP is identified as Number 55 and is named *Bis Doot# ' izh Deez,ahi* ("Badlands point" / Newcomb).

A check of Van Valkenburg's 1974 sacred places indicated White Cone, *Sel hiits Osi binhaa* ("Slendor Male Sand / Pile"), is located approximately 25 miles (40.2 km) to the southwest of the project areas.

- d. **Field Methods:** On May 23, 2012, Clifford Werito, an archaeologist with DCRM, conducted the cultural resources inventory of the existing Newcomb cemeteries. The proposed cemeteries were surveyed by walking parallel transects spaced no more than 10 m apart with a 50-foot buffer zone added. The combined acreages for the two cemeteries is 6.00 acres (2.42 ha). The cemetery appears to contain 62 (or more) graves and appears to have been in-use for several decades. Notes were taken on the environment, the IUS', and any interview information collected with the residents of the IUS'.

In accordance with NNHPD guidelines, the project archaeologist conducted interviews in the vicinity to determine whether or not if any Traditional Cultural Properties (TCP) were within or near the project area. Three homesites were visited near the cemetery and no information was obtained from any of the homeowners. Mr. Clifford Werito, then visited the Newcomb Chapter House to ascertain any information regarding any TCPs in the region, and learned that there was no information on any TCPs known of or reported to be near or within the proposed Newcomb cemetery tract.

15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Resource

During the course of the inventory; one In-Use Site (IUSs), one isolated occurrence (IOs), were identified within the project area. Table 4 provides a description of the In-Use Sites and their present status.

The isolated occurrence is located at UTM coordinates: IO1 4019410N, 0703940E. Isolated occurrence (IO1) is composed of one white enamel coffee pot.

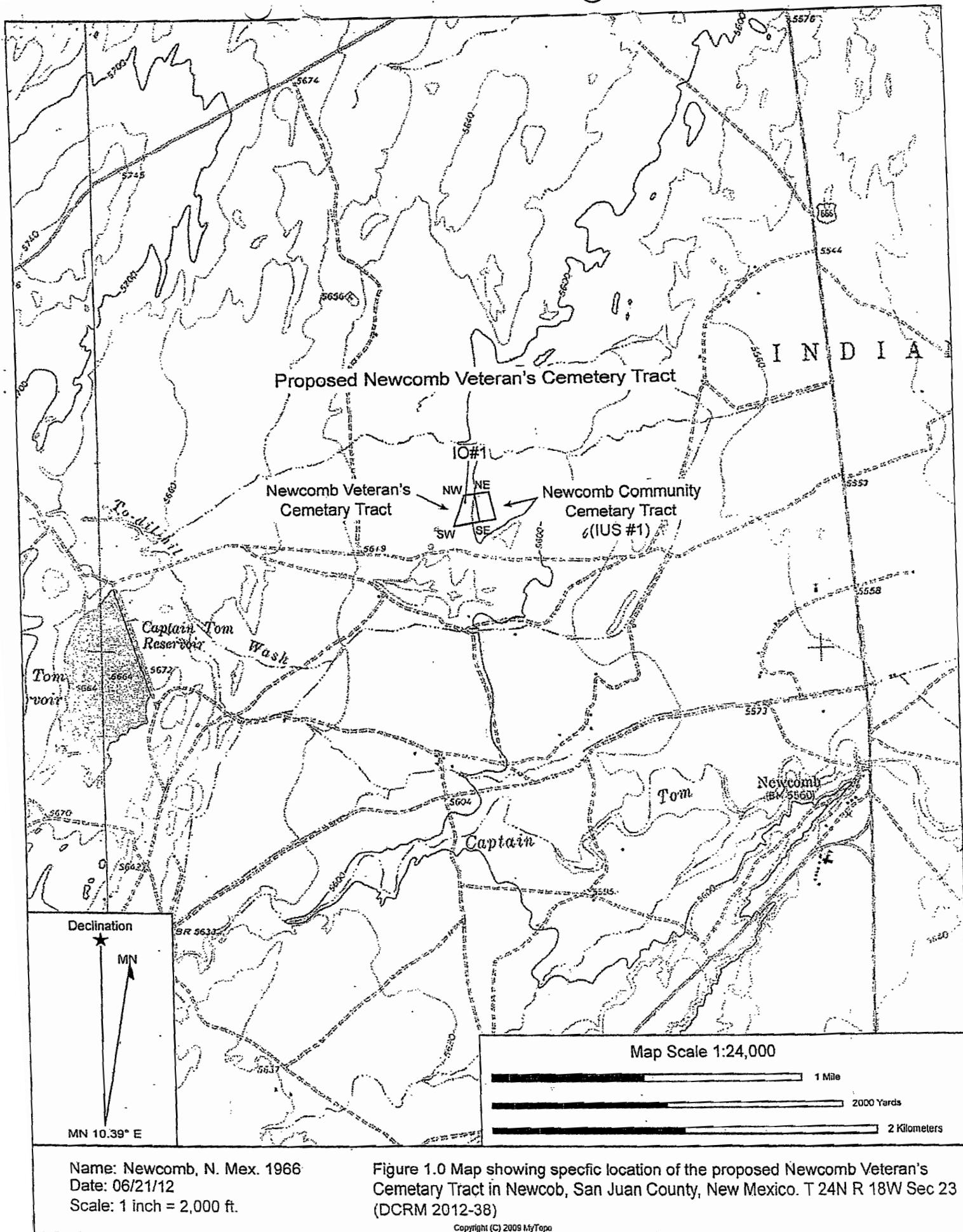
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Table 5. Description and evaluation of cultural resources

Cultural Resource	Description	Evaluation
IUS 1	Approximately 62 marked burials, and associated features	NRHP: possesses integrity of location and setting Criteria a-d: not eligible 50-year: May meet ARPA: 1) does not meet the 100-year guideline 2) is not of archaeological interest AIRFA: does not merit consideration NAGPRA: does not merit consideration
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REFERENCES:

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- 1974 Navajo Sacred Places. In *Navajo Indians III*, edited C. Kluckhohn, pp. 9-99. Garland Publishing New York, New York.

**Cultural Resource Compliance Form
NNHPD No. HPD-12-556**

CULTURAL RESOURCES COMPLIANCE FORM

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

ROUTING: COPIES TO

NM

SHPO

XX

REAL PROPERTY MGT/330

DCRM

NNHPD NO. **HPD-12-556**

OTHER PROJECT NO.

DCRM 2012-38

PROJECT TITLE: A Cultural Resources Inventory of the Existing Community Cemeteries, Newcomb Chapter, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Lorraine Johnson-Ray, CSC - Newcomb Chapter, PO Box 7946, Newcomb, New Mexico 87455

PROJECT DESCRIPTION: The proposed undertaking will involve the land withdrawal for two existing 3.0-acre cemeteries. The area of effect is 6.0-acres.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Newcomb

LOCATION: T.24N, R.18W - Sec. 23; Newcomb Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Clifford Werito

NAVAJO ANTIQUITIES PERMIT NO.: B12334

DATE INSPECTED: 05/23/12

DATE OF REPORT: 06/25/12

TOTAL ACREAGE INSPECTED: 8.39-ac

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10 m apart.

LIST OF CULTURAL RESOURCES FOUND:

(I) Isolated Occurrence (IO) & (I) In-Use Area (IUA)

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

(I) IO & (I) IUA

LIST OF ARCHAEOLOGICAL RESOURCES:

None

EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7147.

FORM PREPARED BY: Tamara Billic

FINALIZED: July 9, 2012

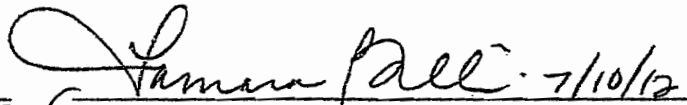
Notification to

Proceed Recommended:

Yes XX No

Conditions:

Yes No XX


Alan S. Downer, Navajo Nation
Historic Preservation Officer

Date

Navajo Region Approval:

Yes X No

Acting


BIA-Regional Director

Date

TLN 7.24.12

CULTURAL RESOURCES COMPLIANCE FORM

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

ROUTING: COPIES TO

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DCRM

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EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

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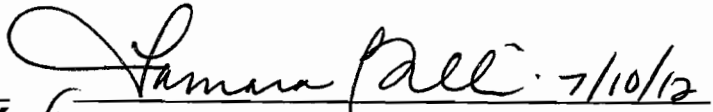
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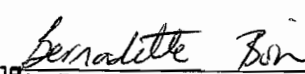
Yes No XX


Alan S. Downer, Navajo Nation
Historic Preservation Officer

Date

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Yes X No

Acting 
BIA-Regional Director

Date

TLM 7.24.12

CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD Jan/91)

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resources Inventory of the Existing Newcomb Community Cemeteries, Newcomb Chapter, San Juan County, New Mexico. Author (s): Clifford Werito		5. FIELDWORK DATES: May 23, 2012 6. REPORT DATE: June 25, 2012
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin and Loretta Chavez Org. Name: Dinétahdóó CRM Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B12334 9. CONSULTANT'S REPORT NO.: DCRM 2012-38
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Ms. Lorraine Johnson-Roy, CSC Org. Name: Newcomb Chapter Org. Address: P. O. Box 7946 Newcomb, New Mexico 87455 Phone: (505) 696-3300		11. SPONSOR'S PROJECT NO.: See Table 1 12. AREA OF EFFECT: <u>6.00ac. (2.42 ha)</u> AREA SURVEYED: <u>8.39 ac. (3.39 ha)</u>
13. LOCATION (MAP ATTACHED): a. Chapter: Newcomb b. Agency: Shiprock c. County: San Juan d. State: New Mexico e. Land Status: Navajo Tribal Trust f. UTM: (See Table 2) g. Legal Description: (See Table 2) h. USGS 7.5' Maps: Newcomb, New Mexico, 1966.		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED)// OR PRELIMINARY REPORT// a. Description of Undertaking: See Supplemental Sheet b. Area of Environmental & Cultural Setting: See Supplemental Sheet c. Existing Data Review: See Supplemental Sheet d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: See table 4 b. Evaluation of Significance of Each Resource: See table 5		
16. MANAGEMENT SUMMARY (RECOMMENDATION): No significant cultural resources were found, therefore archaeological clearances is recommended, for the proposed undertaking.		
17. CERTIFICATION: SIGNATURE: <u>Rena Martin</u> Date: <u>6/25/12</u> General Charge Name: <u>Rena Martin, Archaeologist</u> SIGNATURE: <u>Loretta Chavez for</u> Date: <u>6/25/12</u> Direct Charge Name: <u>Clifford Werito, Archaeologist</u>		

13. LOCATION

Table 2. UTM Coordinates (NAD 83 / Zone 12), N.M.P.M., Legal Description.

Cemetery Location	Northing	Easting	¼	Section	Township	Range
West Section (Veteran)						
SW Corner	4019390	0703840	S 1/2	23	24N	18W
NW Corner	4019554	0703872	S 1/2	23	24N	18W
NE Corner	4019580	0703995	S 1/2	23	24N	18W
SE Corner	4019410	0703946	S 1/2	23	24N	18W
East Section (Community)						
SW Corner	4019410	0703946	S 1/2	23	24N	18W
NW Corner	4019580	0703995	S 1/2	23	24N	18W
NE Corner	4019595	0704084	S 1/2	23	24N	18W
SE Corner	4019431	0704027	S 1/2	23	24N	18W

¼ Sections Derived from Navajo Land Department Survey Plat

14. REPORT:

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Dinétahdóó Cultural Resources Management, LLC



P.O. Box 2012 • Farmington, New Mexico 87499 • Phone: (505) 960-9478 • Fax: (505) 960-9749
E-Mail: dinetahdoo@yahoo.com

June 25, 2012

Ms Lorraine Johnson-Roy, CSC
Newcomb Chapter
P.O. Box 7946
Newcomb, New Mexico 87455

**RE: Report: DCRM 2012-38: A Cultural Resources Inventory of the Existing Newcomb
Community and Veteran's Cemeteries, Newcomb Chapter, San Juan County, New Mexico.**

Dear Lorraine,

Enclosed is a copy of the Dinétahdóó Cultural Resources Management's survey report DCRM 2012-38 concerning the Newcomb community and veteran's cemeteries. Because no significant cultural resources were identified during the surveys, archaeological clearance has been recommended for the land withdrawal.

This report has been submitted to the Navajo Nation Historic Preservation Department (NNHPD)- Cultural Resource Compliance Program in Window Rock, Arizona for compliance review. Once a determination of effect has been made by NNHPD you will hear directly from their office.

Please call me if you have any questions regarding this report or any other questions regarding the review process or invoice. I can be contacted at (505) 960-9478

Sincerely,

A handwritten signature in cursive script, appearing to read "Clifford Werito".

Clifford Werito, Archaeologist

Chrono 2012-116
Project files

ENVIRONMENTAL ASSESSMENT

Newcomb Chapter Community Cemetery Tract

**Prepared by
Environmental Assessment Services
P. O. Box 1034
Gallup, New Mexico 87305**

**Newcomb Chapter
P. O. Box 7946
Newcomb, New Mexico 87455**

**Department of the Interior
Bureau of Indian Affairs
Navajo Region
Shiprock Agency**

August 2014

**in accordance with
National Environmental Policy Act of 1969,
As Amended
DOI DM Part 516
and
59 LAM 3**

**J. R. Analla
EA Services
EAS-1406
August 2014**

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Appendix F	A Cultural Resources Inventory of the Existing Newcomb Community Cemeteries, Newcomb Chapter. San Juan County, New Mexico, DCRM 2012-38
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Executive Summary

This environmental assessment has been prepared in accordance with *Sections 101 and 102 of the National Environmental Policy Act of 1969, As amended, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508 and Bureau of Indian Affairs NEPA Handbook, 516 DM. 59 IAM 3*. The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significance as to require the preparation of an environmental impact statement.

The federal action for this undertaking is the BIA approval of a 6.0± acre land withdrawal for the Newcomb Chapter Community Cemetery (NCCC). The NCCC consist of two existing cemeteries; the western plot is for customary community burials and the eastern plot is reserved for veterans. The two plots are adjacent and located in the Newcomb Chapter (NC).

NCCC is an essential part of the Newcomb community. NCCC contributes to the spiritual and social needs of the local people. The approval of the NCCC land withdrawal is essential for the continued administration of the NCCC and its related spiritual, social and community services.

Consultation has been conducted with the Navajo Nation Natural Heritage Program, Fish and Wildlife Department to identify federally listed threatened or endangered species, critical habitat or other species of concern that may exist in the project area. *Biological Resources Compliance Form NNDF&WL Review No. 13MISC-282* was issued on February 25, 2014.

Archaeological surveys and reports were completed for the NCCC. Consultation with the Navajo Nation Historic Preservation Department was initiated and archaeological clearance has been granted for the NCCC

This EA analyzes and evaluates the impacts of the proposed project and decision on a minority and low-income population and surrounding communities as mandated by *Executive Order 12898 (EO) of February 11, 1994, Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations*. The EO requires federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. The EO applies equally to Federal agencies responsible for Native American programs.

The assessments and determinations of final impacts contained in this EA were developed in accordance with the *CEQ Guidelines 40 CFR 1500*. *40 CFR 1500* provides that the EA shall include reasonable alternatives to the proposed action, identify a preferred alternative, give consideration to general and broad measures to minimize or eliminate adverse impacts and allow a final federal decision as to the need for an environmental impact statement (EIS) for the approval of the NCCC land withdrawal.

Approval of the land withdrawal for 6.0± acres for the NCCC addressed in this document will not result in an irreversible commitment of other resources or prejudice the selection of other alternatives for future project related activities.

Based on this EA, it is determined that approval of the proposed action will not have a significant impact on the quality of the human environment so as to require the preparation of an EIS.

ENVIRONMENTAL ASSESSMENT
For the
Newcomb Chapter Community Cemetery Tract

Newcomb Chapter
P.O. Box 7946
Newcomb, New Mexico 87455

Department of the Interior
Bureau of Indian Affairs
Navajo Region
Shiprock Agency

I. Description of the Proposed Action

All Bureau of Indian Affairs (BIA) federal actions are subject to environmental assessment (EA) as provided by the *National Environmental Policy Act of 1969, as Amended, 40 CFR Parts 1500-1508, Department of the Interior, Departmental Manual 516 DM, 59 IAM 3*. The federal action for this undertaking is the BIA approval of a 6.0± acre land withdrawal for the Newcomb Chapter Community Cemetery (NCCC). The NCCC consist of two existing cemeteries; the western plot is for customary community burials and the eastern plot is reserved for veterans. The two plots are adjacent and located in the Newcomb Chapter (NC). This EA will address the potential environmental impacts which may result from the BIA approval of the site withdrawal.

A. Project Description

The Newcomb Chapter/Community proposes to withdraw land for their two existing cemeteries. The two adjoining cemeteries have been in use for many years. The eastern cemetery is the community plot and the western cemetery is the veterans plot. The cemeteries may be upgraded by fencing and improving the parking areas. Improvements and care of individual grave sites will be the responsibility of the respective families and friends.

Water and electricity are not required at the site.

No waste materials will be disposed of on site.

B. Purpose and Need for Action

The Newcomb Cemeteries have been used for many years and it is felt by the residents of the community and the Chapter that there is a need to withdraw and designate the cemeteries to assure future protection and use of the tracts in a respectful and caring manner. The withdrawal of the tracts will designate the boundaries of the cemeteries and assure future protection of the tracts. The Chapter feels this is essential for the continued use and the protection of the sites for related spiritual and community services.

C. Location

The NCCC consists of a total of 6.0± acres located in Section 23, T24N, and R18W, New Mexico Prime Meridian and found on the 7.5 Minute *Newcomb Quadrangle*. Maps showing a more exact location and site photographs are shown in Figures 1-6.

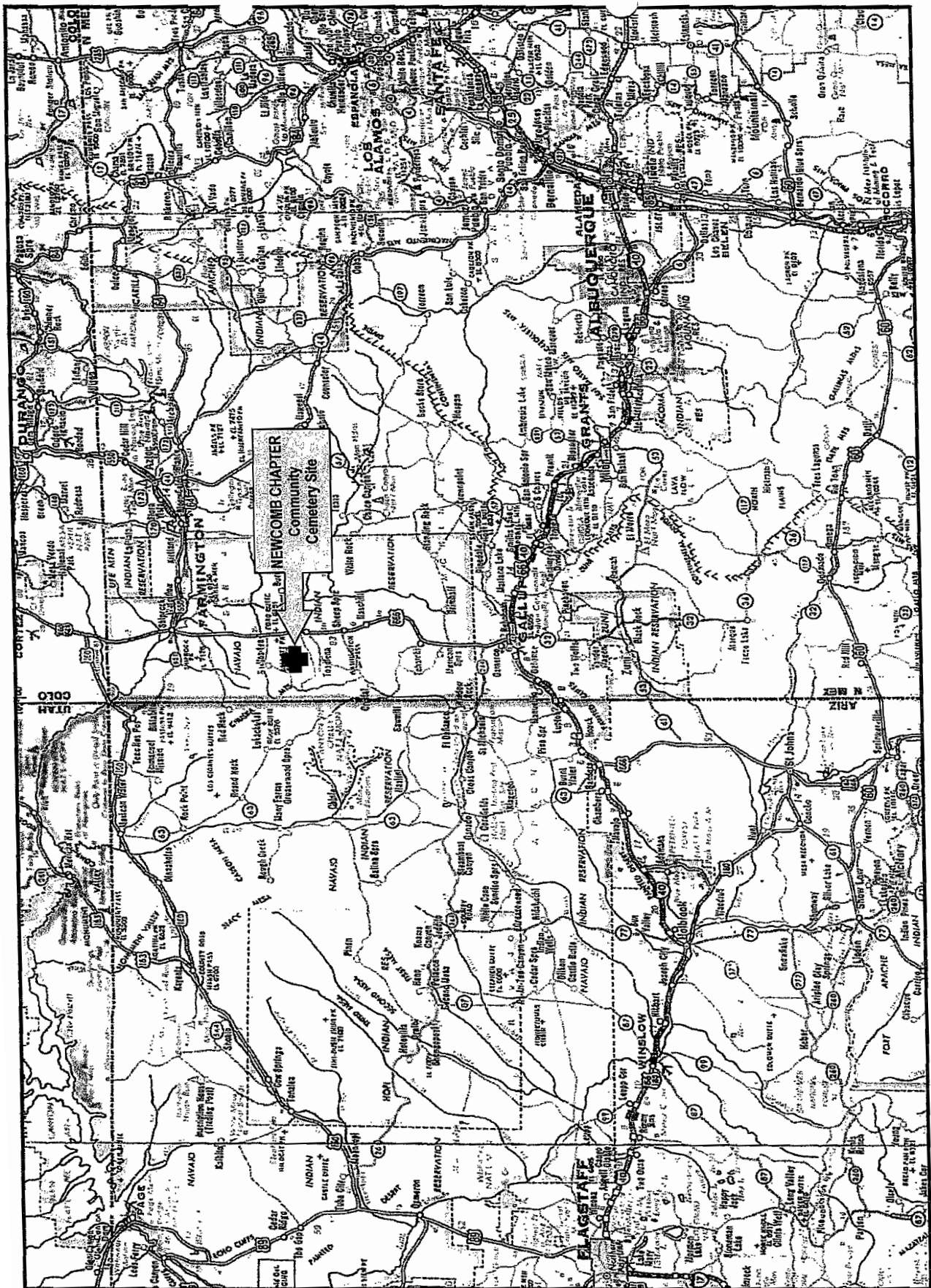


Figure Sheet 1
Community Cemetery Site
Newcomb Chapter



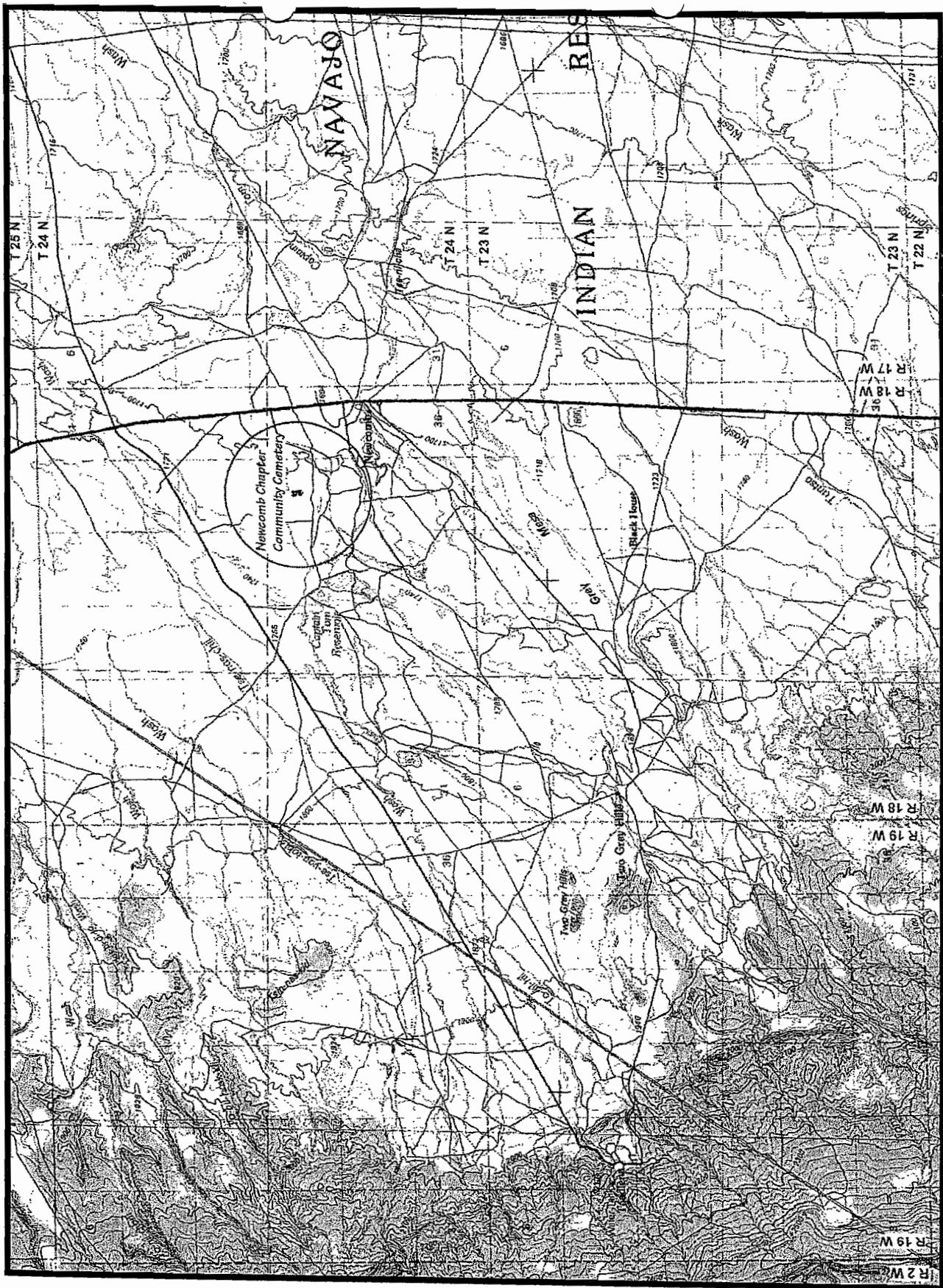


Figure Sheet 2
Community Cemetery Site
Newcomb Chapter

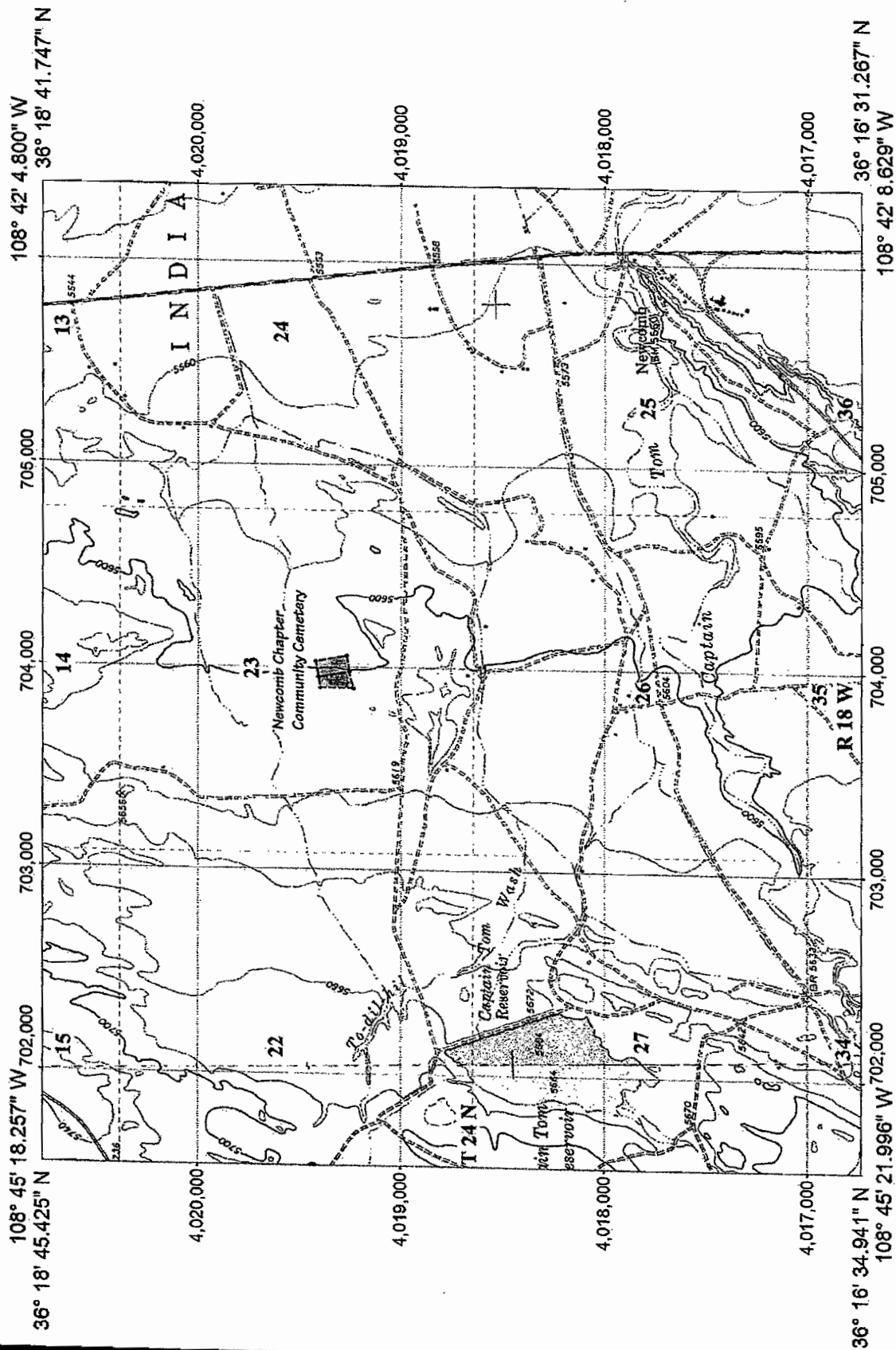




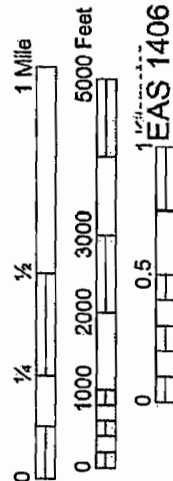
Figure Sheet 3
Community Cemetery Site
Newcomb Chapter



Newcomb Chapter Community Cemetery



NEWCOMB QUADRANGLE
NEW MEXICO - SAN JUAN CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



1977 North American Datum; UTM grid zone 12
Data by USGS, 1977
Map compiled from USGS Quads:
T19N-18W-44E; N19N-18W-44E; N19N-18W-45E

2014 Declassification of Sheet Charts
T19N-18W-44E; T19N-18W-45E
T19N-18W-44E; T19N-18W-45E

EAS 1406 Newcomb Chapter Community Cemetery



Figure Sheet 4
Community Cemetery Site
Newcomb Chapter

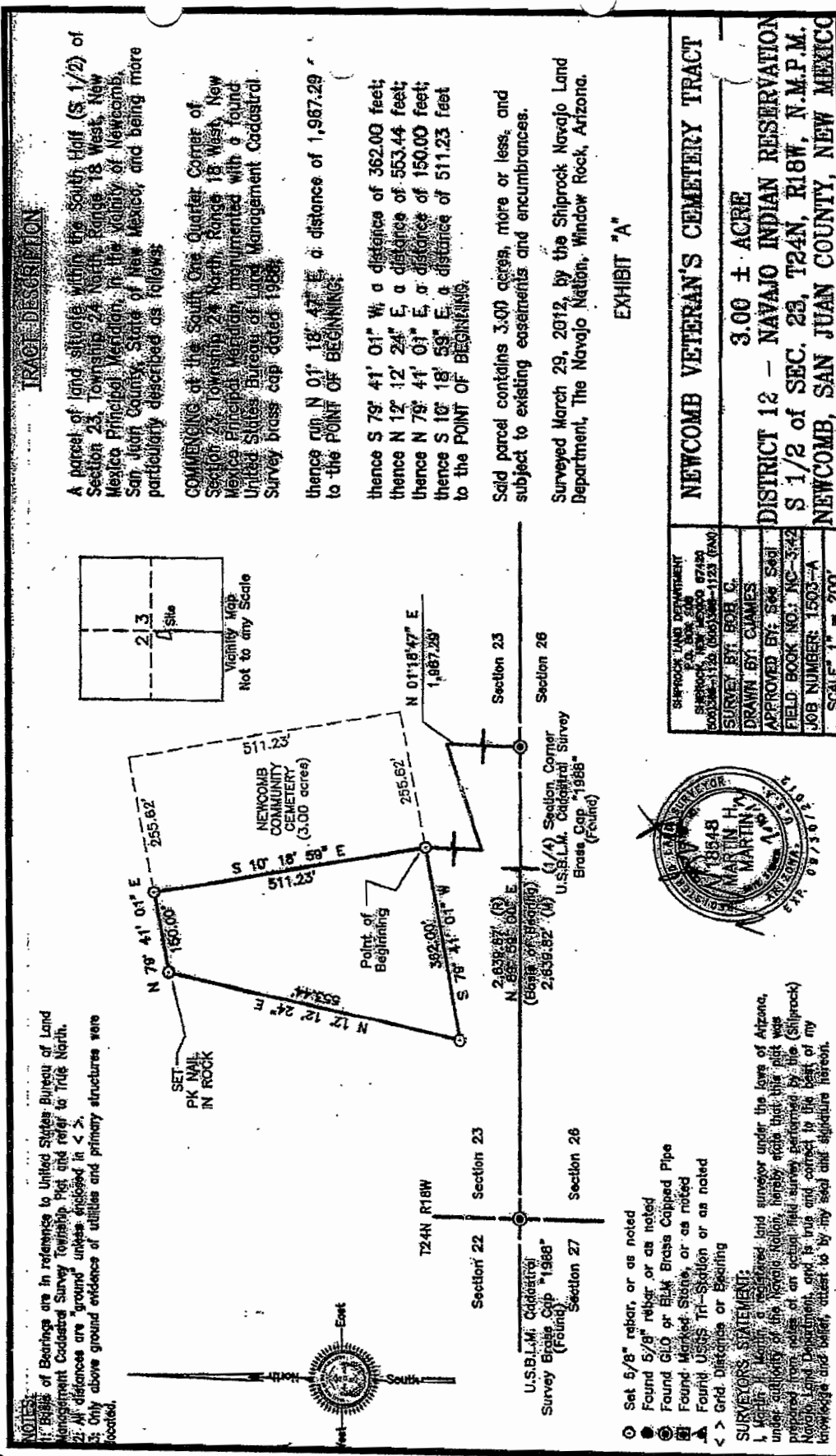




Figure Sheet 5

Community Cemetery Site

Newcomb Chapter

TRACT DESCRIPTION

A parcel of land situated within the South Half (S 1/2) of Section 23, Township 25 North, Range 18 West, New Mexico Principal Meridian. In the vicinity of Newcomb, San Juan County, State of New Mexico, and being more particularly described as follows:

COMMENCING at the South One Quarter Corner of Section 23, Township 24 North, Range 18 West, New Mexico Principal Meridian, monumented with a found United States Bureau of Land Management Cadastral Survey brass cap dated 1988!

thence run N 01° 18' 47" E, a distance of 1,967.29 f
to the POINT OF BEGINNING;

thence N 10° 18' 59" W, a distance of 511.23 feet;
thence N 79° 41' 01" E, a distance of 255.62 feet;
thence S 10° 18' 59" E, a distance of 511.23 feet;
thence S 79° 41' 01" E, a distance of 255.62 feet
to the POINT OF BEGINNING.

Said parcel contains 3.00 acres; more or less, and subject to existing easements and encumbrances.

Surveyed March 29, 2012, by the Shiprock Navajo Land Department, The Navajo Nation, Window Rock, Arizona.

EXHIBIT "A"

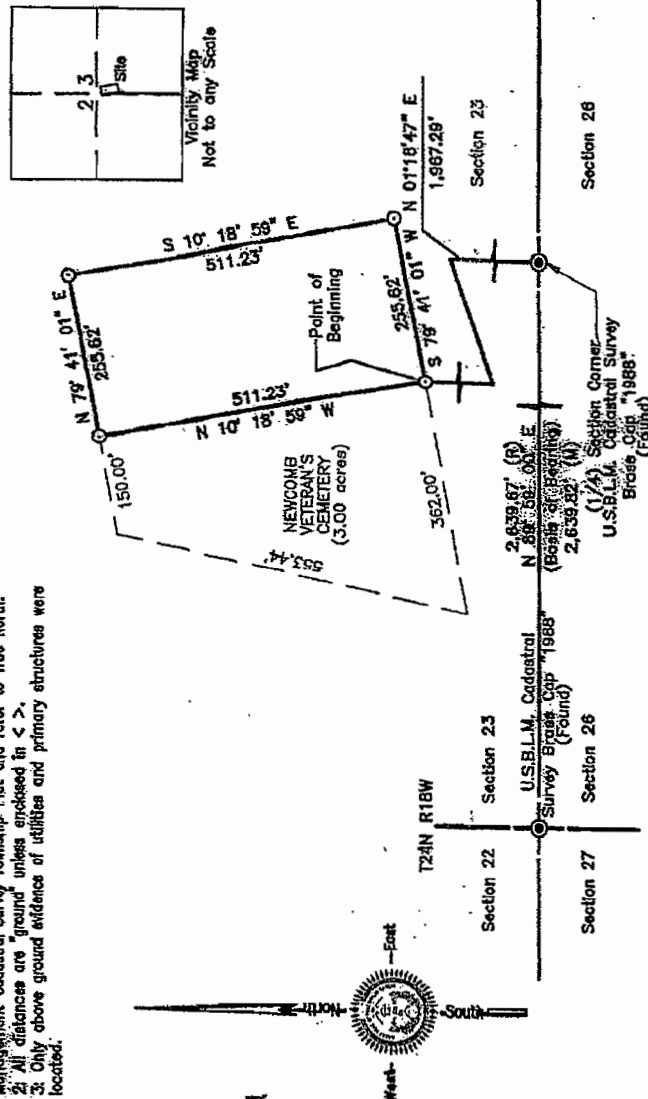
NEWCOMB COMMUNITY CEMETERY TRACT

3,00 ± ACRE

DISTRICT 12 - NAVAJO INDIAN RESERVATION

S 1/2 of SEC. 23, T24N, R18W, N.M.P.M.

NEWCOMB, SAN JUAN COUNTY, NEW MEXICO



- Set 5/8" rebar
- Found 5/8" rebar or as noted
- ⊙ Found GLD or BLM Brass Capped Pipe
- ⊙ Found Marked Stone, or as noted
- ⊙ Found USGS TM-Station or as noted
- ⊙ > Grid Distance or Bearing

SURVIVORS. STATEMENT:

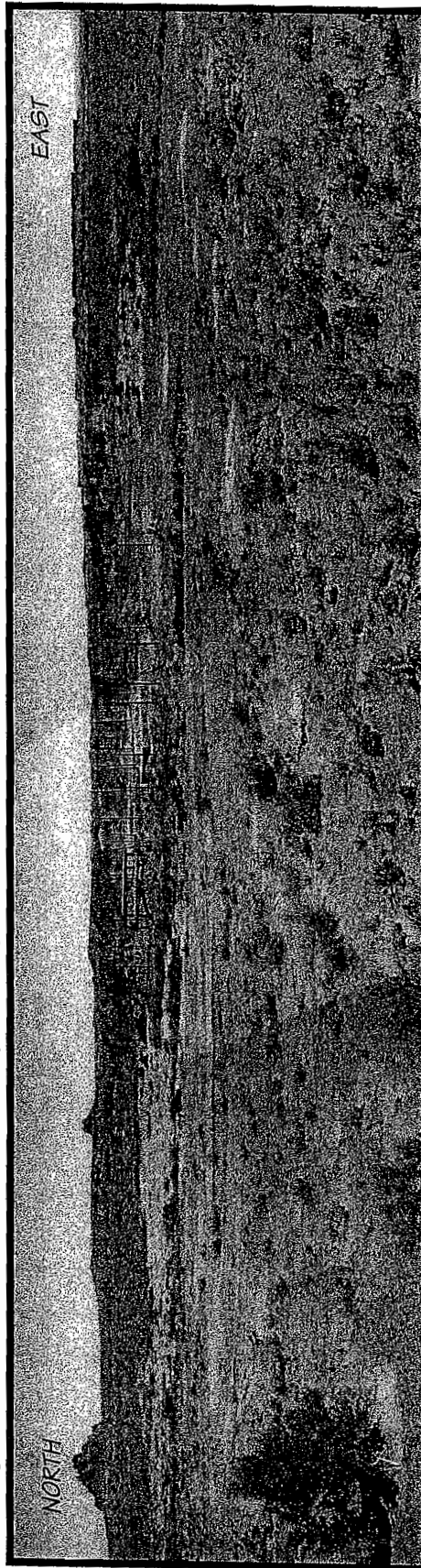
SURVEYOR'S STATEMENT:
I, Martin L. Martin, a registered land surveyor under the laws of Arizona, under authority of the Navajo Nation, hereby state that this plat was prepared from notes of an actual field survey performed by the (Shiprock) Navajo Land Department, and is true and correct to the best of my knowledge and belief, attest to by my seal and signature hereon.



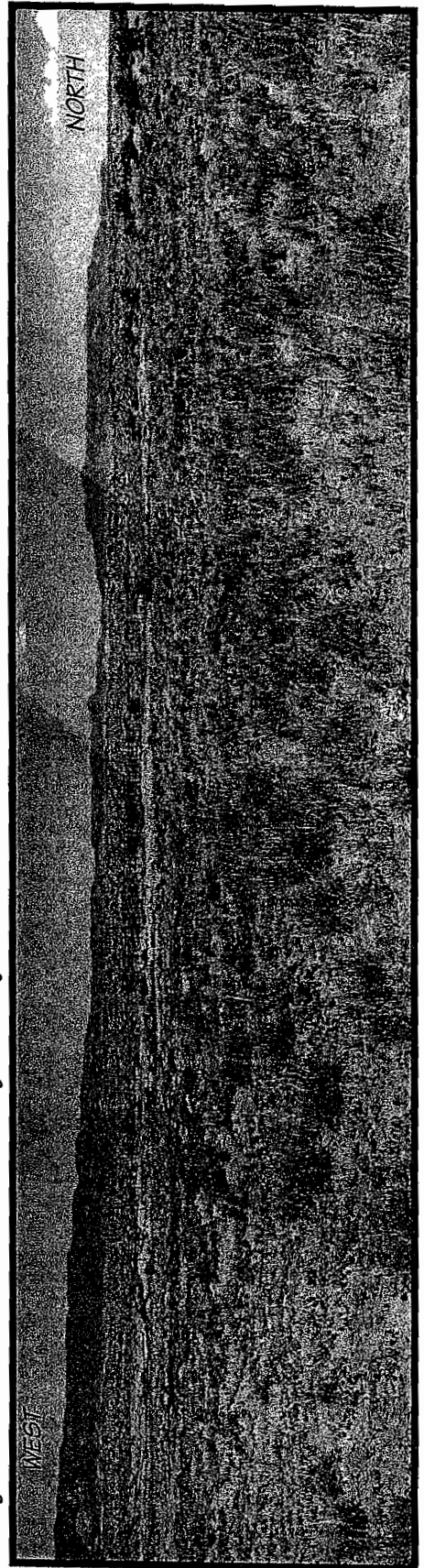
SHIPROCK LAND DEPARTMENT
P.O. BOX 208
SHIPROCK, NEW MEXICO 87450
505/556-1120 (505)556-1123 (FAX)
SURVEY BY: BOB C.
DRAWN BY: CLAMES
APPROVED BY: SGE SGEI
FIELD BOOK NO.: NC-342
JOB NUMBER: 1502-A
SCALE: 1" = 200'



Looking southeast across Newcomb community cemetery tracts



Looking northeast across Newcomb community cemetery tracts



Looking northwest across Newcomb community cemetery tracts



Figure Sheet 6
Community Cemetery Site
Newcomb Chapter



II. Alternatives

A. Preferred Alternative

The preferred alternative is the approval of the site withdrawal for 6.0± acres of land for the NCCC, as described in *Section I. Description of the Proposed Action, A. Project Description*.

B. Reasonable Alternatives

1. Alternative Sites

Due to the unique Indian Trust status of land on the Navajo Nation any other alternative sites, located on Navajo Tribal Trust lands, would be subject to the same procedures and approvals as the existing “preferred” site. The NCCC is presently located on the site and has been there for many years. Graves on at the present site cannot be moved and a new site would not reasonably serve the community. There are no feasible alternatives which will serve the purpose of the “preferred” alternative.

2. Alternatives Beyond the Authority of the BIA [40 CFR 1502.14 (c)]

Approval of the NCCC land withdrawal requires the approval of the BIA. There are no alternatives for this action that will satisfy the intent and needs of this action that are beyond the authority of the BIA.

3. “No Action” Alternative [(40 CFR 1502.14(d)]

The “No Action” alternative will result in the abandonment of the NCCC site. The spiritual and social needs provided to the Newcomb community by NCCC will be impaired. Negative impacts to the needs of the residents of the Newcomb Chapter are not acceptable considering they can be avoided by the approval of the “preferred alternative.”

III. Description of the Affected Environment

A. Land and Mineral Resources

1. Topography

The NCCC site is located near the head of the Rio San Jose River, in a broad upland valley. The NCCC site is nearly level to slightly sloping to the south. The topography in the area consists of lo tilted ridges and ledges with outcrop of bedrock. Although the differences in local relief are not great, the faces or exposure of sandstone and interbedded shale outcrops are nearly vertical to very steep. . Elevation of the NCCC site is approximately 5,600 feet above sea level.

2. Soils

The NCCC site is located on lands that have been the subject of a soil survey conducted by the United States Department of Agriculture, Soil Conservation Service and the New Mexico Agriculture Station. Soils in the project area have been classified as Kimbeto-Huerfano complex..

Kimbeto soil is deep and very deep, well drained that formed in eolian material, alluvium, slope alluvium and residual alluvium from sandstone. Kimbeto soils are on summits of plateaus and structural benches, dipslopes of cuestas and treads of high stream terraces. Permeability of Kimbeto soil is moderate. Available water capacity is very low. Runoff is slow. Soils in the Kimbeto series are classified as fine-loamy, mixed, active, mesic Typic Calciargids.

Huerfano soil is well drained, Erosional terraces on dipslopes on cuestas and valley floors. Parent material is alluvial material derived from sandstone and shale. Permeability of Huerfano soil is slow. Available water capacity is very low. Runoff is high. Soils in the Huerfano series are classified as fine-loamy, mixed, superactive, mesic Typic Natragids.

The soils are not listed as hydric soils in *AD-A176734, Corps of Engineers Wetlands Delineation Manual, Jan. 87.3.*

3. Geological Setting

The NCCC lies within the San Juan Basin, which is in the Navajo and Datil physiographic sections of the Colorado Plateaus Province. Geologic deposits within the basin range from Cambrian (600 million years old) to Recent age and are as much as 15,000 feet thick. The San Juan Basin is an asymmetric structural feature with a northwest trending axis. The Hogback Monocline and the San Juan Uplift bound the basin on the north. The Nacimiento Uplift, the Brazos Uplift and the Jemez Mountains Caldera form the rim on the east. The Zuni Uplift and Chaco Slope form the southern margin of the basin; the Defiance Uplift and Four Corners Platform complete the basin rim in the north and west. The NCCC lies on the Four Corners Platform within the San Juan Basin, which is in the Navajo and Datil physiographic sections of the Colorado Plateaus Province. Geologic deposits within the basin range from Cambrian (600 million years old) to Recent age and are as much as 15,000 feet thick. In the project area some of the Precambrian granite rocks are exposed which may be well over 600 million years old. The Four Corners Platform occupies the northwestern corner of the San Juan Basin and is bounded by the Hogback Monocline on the east and the Carrizo Mountains and Ute Mountain on the west. This feature is a relatively flat, wide and low divide between the Chuska and the San Juan Uplift in Colorado. The main structural features include singly and doubly plunging anticlines distributed in an irregular fashion. Geological units of the platform include upper Cretaceous members of the Mesa Verde Group and the Mancos Shale, which dip eastward into the central basin.

4. Mineral Resources

Extensive coal, uranium, oil and natural gas deposits are found throughout the San Juan Basin. However, there are no mineral resources in the vicinity of the NCCC.

5. Paleontology

Paleontology is the science that deals with the remains of animals and plants found buried in rocks. For convenience it is now customary to use the term only for the study of fossil and animals and to deal with plants under the heading of paleobotany. In essence, however, the two form one science. There are no formations containing fossils on or within the NCCC site.

B. Water Resources

1. Surface Water

Intermittent drainages originating in the Chuska Mountains flow from west to east toward the Chaco River. Discharge in these ephemeral streams occurs during spring snowmelt runoff and occasional intense summer thundershowers. As a result, streams in this area fluctuate widely both seasonally and annually. Torrential thunderstorms, for example, can produce flood stage flows within minutes. Topographic features and soil conditions that result in the formation and continual development of canyons, arroyos and gullies contribute to the production of very poor water quality from many ephemeral flows. Key components that influence water quality are highly erosive and saline soils, sparse vegetative cover and rapid runoff. Surface runoff usually consists of greater than 10,000 ppm of suspended sediment and more than 1,000 ppm of dissolved solids (TDS). Limited salinity data indicates that moderately saline water (1,000 to 2,000 ppm TDS) are predominate. There are no significant drainages found on the NCCC site. No lakes, ponds, springs, seeps or wetlands are located within or adjacent to the NCCC business site.

a. Floodplain Management [24 CFR 55, Executive Order 11988]

Flood data, including peak discharges and high water records are not available for most washes on the Navajo Nation. There are no drainages of any magnitude on or near the NCCC site. No evidence exists to indicate the NCCC site has ever been subject to flooding. The NCCC tract does not have the characteristics common to floodplains. The NCCC site has not and will not be affected by flooding.

b. Wild and Scenic River Act [Sections 7(b) and (c)]

There are four designated Wild and Scenic Rivers as set forth in *16 U.S.C. Section 1271* in the State of New Mexico. *Wild and Scenic Rivers in New Mexico* are listed in *Appendix A*. *Wild and Scenic Rivers in New Mexico* are the East Fork of the Jemez, portions of the Pecos, Rio Chama and Rio Grande; none are located in the Navajo Nation.

c. Wetland Protection [Executive Order 11990]

Wetlands are defined as areas that are inundated or saturated by surface or groundwater (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs and similar areas. In addition, jurisdictional wetlands; those that are regulated by the U. S. Army Corps of Engineers (COE) under *Section 404*, must exhibit all three characteristics: hydrology, hydrophytes and hydric soils (*US ACOE 1987*). The U. S. Fish and Wildlife Service define wetlands as lands that are transitional between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:

- At least periodically, the land supports predominantly hydrophytes.
- The substrate is predominantly undrained hydric soil.
- The substrate non-soil and is saturated during the growing season of each year (Cowardin et al. 1979).

Kimbeto-Huerfano association soils are not hydric soils as defined in *AD-A176734, Corps of Engineers Wetlands Delineation Manual, Jan. 87*. No wetlands have been identified within the NCCC.

2. Ground Water

Regionally, stream valley alluviums may provide a various quantities of water. Well yields from this source vary greatly in volume and quality. Generally the quantity and quality of the water varies significantly depending on the alluvial material and the substrata water level as it rises and lowers depending on precipitation and runoff. Much of the water is primarily suitable for livestock use, and only marginally suitable for human consumption. Aquifers producing sufficient quantities of potable water for domestic use require wells from 200 to over 500 feet in depth. Drinking water in the Newcomb area is provided by Navajo Tribal Utilities Authority (NTUA).

a. Sole Source Aquifers [40 CFR 149]

The US EPA Region VI is the agency responsible for maintaining the sole source aquifer database for the State of New Mexico. *Designated Sole Source Aquifers in EPA Region VI* are shown on the map found in *Appendix B*. There are no designated sole source aquifers within the State of New Mexico or the Navajo Nation.

C. Air Resources (Clean Air Act [Sections 176 (c), (d) and 40 CFR 6, 51, 93])

1. Quality

Air quality is affected by pollutants, which include almost any composition of matter capable of being airborne. It is usual to consider as pollutants only those substances added in sufficient concentrations to produce measurable effects. These effects include visibility reduction, damage to materials such as structural metals, paint and fabrics, damage to vegetation, and physiological damage to man and animals.

No published studies of air quality have been conducted in project area. However, ambient air quality may be regarded as good to excellent, that is, near pristine. Primary pollution in the vicinity of the proposed project is wind blown dust from loose topsoil common during times of high winds and dust from vehicular traffic along unimproved roads in the area. The New Mexico Air Quality Bureau have informed EAS that the State of New Mexico no longer maintains ambient air quality monitors in areas where the air quality is generally good (*Appendix C*). Because of the absence of air quality problems; no air monitoring stations are located in the Newcomb area. The proposed NCCC site is not within a designated nonattainment area, designated nonattainment areas in EPA Region VI, areas that exceed EPA air quality standards for pollutants, and are not listed in *Appendix D*. The proposed NCCC is not within a designated nonattainment area

2. Visibility

No sources of air pollution, which would affect visibility, are located in the Newcomb area. Primary air pollution in the area, which may affect visibility, is wind blown dust from loose topsoil common during times of high winds and dust from vehicular traffic along unimproved roads in the area. Visibility in the area may be regarded as very good to excellent.

3. Climate/Meteorology

Due to the latitude and elevation of the area, precipitation occurs as snow in the winter, rain in the summer and both in the fall and spring. Winter precipitation generally occurs from air masses that originate in the extratropical Pacific or Canada. Summer precipitation usually occurs due to localized thunderstorm activity from air masses that primarily originate in the Gulf of Mexico. Precipitation also occurs from air masses that originate off the west coast of Mexico. Winds at higher altitudes generally move from west to east, while surface winds are influenced somewhat by the local topography, solar insolation, and the proximity of high and low pressure areas. Prevailing winds in the project area are from southwest to northeast.

The Western Regional Climate Center data shows the average annual total precipitation is 5.97 inches with a high average rainfall of 1.13 inches in August and a low of 0.16 inches in February. The average annual snowfall is 0.5 inches with a high average depth of 0.4 inches in January. The average minimum snowfall of 0.1 inches is recorded in December, with no recorded snow fall from February thru November. The average annual maximum temperature in the project area is 69.2° F, with an average high of 94.1° F in July and a low of 42.6° F in January. The average annual minimum temperature is 35.5° F, with an average high of 58.9° F in July and a low of 14.0° F in January.

D. Biotic Resources

1. Description of Ecosystems and Biological Communities

On June 12, 2014, a field trip was made to the project site to become acquainted with the physical, hydrospheric, biotic and human environment at the proposed project site. Habitat in the Newcomb area may be described as Mixed Grassland habitat.

The NCCC site is in an area designated as *AREA 3; LOW SENSITIVITY WILDLIFE RESOURCES* as defined by the Nation Natural Heritage Program *Biological Resources Land Clearance Policies and Procedures (Appendix E)*.

2. Wildlife

a. Terrestrial

Fauna in the Newcomb area include silky pocket mice, spotted ground squirrels, striped skunk, coyote, badger, valley pocket gopher, porcupine, blacktail jackrabbits, eastern cottontail, desert cottontails, deer mice and bannertail and Ord's kangaroo rats, vesper sparrow, American goldfinches, American kestrels, sagebrush lizards and eastern fence lizards.

b. Riparian/Aquatic

There are no streams, lakes, ponds, springs or seeps on the NCCC site. Habitat, which would support riparian or aquatic species, is not found on the site.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

On 11 August 2014 the Navajo Nation Natural Heritage Program (NNNHP), Navajo Fish and Wildlife Department (NFWD) responded to a request for information by EAS regarding the effect of the proposed undertaking on federally listed threatened or endangered species at the NCCC site. The NFWD identified the following federally listed threatened or endangered species that have potential to occur on the *Newcomb, NM Quadrangle (Appendix E)*.

Southwestern willow flycatcher (*Empidonax traillii extimus*) NESL group 3; USESA endangered; MBTA
This species is a small, passerine bird, approximately 15 cm in length. It has a grayish-green back and wings, whitish throat, light gray-olive breast and pale yellowish belly. Two wingbars are visible; the eye ring is faint or absent. The upper mandible is dark, the lower is light. Willow flycatchers are a neotropical migrant songbird that winter in southern Mexico, central America and extreme south America. Flycatchers nest in dense riparian vegetation, often with a high percentage of canopy cover. Habitat is riparian woodlands and brushy areas in pastures.

Black-footed ferret (*Mustela nigripes*) NESL group 2; USESA endangered

The Black-footed ferret is a weasel-like mammal that has yellow-buff coloration with black feet, tail tip and eye-mask; a blunt, light colored nose. Body length 15 to 18 inches, tail length 5 to 6 inches. Habitat is grassland plains and surrounding mountain basins to 10,500 feet in elevation. Usually found in conjunction with prairie dogs, which are their primary food source; and provide abandoned burrows for habitat.

d. Other Species of Concern

On 11 August 2014 the NNNHP, NFWF responded to a request for information by EAS regarding the effect of the proposed undertaking on tribally listed species or other species of concern at the NCCC site. The NFWF identified the following *Species of Concern* that have potential to occur on the *Newcomb, NM Quadrangle (Appendix E)*.

Golden eagle (*Aquila chrysaetos*) NESL group 3; MBTA; BEA.

Wing spread 6-7 feet. Majestic, flat-winged gliding and soaring with occasional wingbeats. Evenly dark below, or with a slight lightening at base of tail. When the bird wheels, a wash of gold on the hind neck may be noticed. Nests are a mass of sticks on cliff ledges or trees. Nests on steep cliffs ($\geq 30\text{m}$) in height, although shorter cliffs ($\geq 10\text{m}$) infrequently used. Nesting cliffs are normally directly adjacent to foraging habitat of desert grassland or desert scrub, with only sparse shrubs, if present, that provides primary prey of cottontail and jackrabbits. Nests usually placed in the middle to upper parts of cliffs in sheltered ledges, potholes or small caves which provide protection from the elements.

Burrowing owl (*Speotyto cunicularia*) NESL group 4; MBTA

A small brown owl of open country, often seen by day standing on the ground or on fence posts. About the size of a Screech owl, round head, long legs, stubby tail. Bobs and bows when agitated. Habitat is open grassland, prairies, dikes, desert and farms. Nests in rodent burrows in open ground and banks of arroyos.

Ferruginous hawk (*Buteo regalis*) NESL group 3; USESA category 2, candidate; MBTA.

A large hawk of the plains. Rufous above and whitish below, with whitish tail. Head often quite white. A good mark in typical adults overhead is a dark V formed by dark rusty feathers on the legs. In flight, shows a light patch on upper wing near tip. Birds seem to key in on wide open grasslands and prairies. Nests of sticks, on cliffs or trees.

Mountain plover (*Charadrius montanus*) NESL group 4; USESA category 1 candidate; MBTA

The Mountain plover is about 7 inches tall about the size of a small Killdeer, but with no breast-rings common to the killdeer and other plovers. In breeding season, a white forehead and line over the eye, contrasting with a black crown. Habitat is semiarid grassland, plains and plateaus. Breeding habitat requirements are typically sites where the vegetation is less than 10 cm in height, has at least 30 percent bare ground, a conspicuous object such as a manure pile, clump of forbs or rock nearby, and less than 5 percent slope. Its nest is a scrape on the ground. Mountain plovers are rarely near water.

Peregrine falcon (*Falco peregrinus*) NESL group 4; MBTA

A medium-sized falcon about 14-18 inches long, narrow wings that commonly span 43 inches. Adults have a blue-gray backs with white chests and heavily barred bellies. Younger birds (less than 1 year of age) have brown backs, heavily streaked underparts, and buff-colored chests. Both adults and immatures have dark heads and with a distinct mustache mark below the eye. Very similar to the American peregrine falcon except that it is slightly smaller and paler. The Arctic peregrine falcon nests in the treeless tundra areas of Alaska, Canada and Greenland and migrate south through Canada and the United States. They spend the winter in warmer climates from the southern United States to southern Argentina and Chile. Nests are on cliffs or bluffs and are usually near rivers or lakes that provide habitat for the shorebirds, songbirds and waterfowl upon which falcons prey. The arctic falcon eats mostly birds that are caught in mid-air.

Northern Pygmy-owl (*Glaucidium gnoma*) MBTA

Similar species are Ferruginous owl. A very small "earless" owl; brown with sharply streaked flanks and a rather long barred tail. Habitat is open coniferous or mixed woods and wooded canyons. Nests in woodpecker hole.

Flammulated owl (*Otus flammeolus*) NESL group 4, MBTA

A little known owl, smaller than the screech owl. The bird is largely gray, a touch of tawny with inconspicuous ear tufts. The only small North American owl with dark eyes. Habitat is open pine and fir forests in the mountains. Nests in woodpecker holes.

Kit fox (*Vulpes macrotis*)

The Red fox is a small, slender fox with exceptionally large ears; head and body approximately 15-20 inches and the tail 9-12 inches in length. The fox is pale gray washed with rust; belly whitish; black tip on tail. The fox remains in burrows during day and forages at night. Feeds on small desert rodents. Habitat is open, level sandy ground in low desert vegetation and junipers.

Northern Leopard frog (*Rana pipiens*) NESL group 2

A slim green frog with a dorsal pattern of well defined oval or round dark spots with pale borders. The dorsal ground color varies - green, brownish, gray, or rarely almost black. There are well defined, usually pale, dorsolateral folds and a white stripe on the upper jaw. Below cream or yellowish. In arid parts of its range it tends to be pale - gray or dull green and spotting is less vivid. The most widely distributed amphibian in North America. Frequents springs, creeks, rivers, ponds, canals and reservoirs where there is permanent water and growth of cattails or other aquatic vegetation. May forage far from water in damp meadows.

3. Vegetation

a. Terrestrial

Species in the NCCC area include galleta, alkali sacaton, Indian ricegrass, shadscale, fourwing saltbush, plains pricklypear, black greasewood and mound saltbush.

b. Riparian/Aquatic

There are no streams, lakes, ponds, springs or seeps on the NCCC site. Habitat, which would support riparian or aquatic species, is not found on the site.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

On 11 August 2014 the NNNHP, NFWD responded to a request for information by EAS regarding the effect of the proposed undertaking on federally listed threatened or endangered species at the NCCC site. The NFWD identified the following federally listed threatened or endangered species that have potential to occur on the *Newcomb, NM Quadrangle (Appendix E)*.

Mesa verde cactus (*Sclerocactus mesae-verdae*)

This plant grows mostly solitary, sometime found in clusters. Plant is oval to depressed-globose. Flowers are yellowish-cream to pinkish and bloom in spring. Habitat is salt-desert scrub communities, typically in the Fruitland and Mancos shale formations, but also in the Menefee Formation overlying Mancos shale. It is most frequently found on the tops of hills or benches and along slopes. Known populations occur between 4,900 feet to 5,500 feet. Navajo Nation distribution range from the Colorado border to near Naschitti, NM.

Mancos milkvetch (*Astragalus humillimus*)

Small, clump or mat forming perennial plant with persistent spiny leaf stalks. Stems up to 1 cm long. Leaves up to 4 cm long with 7 – 11 oval leaflets 0.7 – 2.0 mm long. Flowers lavender to purplish with a conspicuous lighter colored spot in the throat of the corolla tube. Banner 7 – 10 mm long, keel and banner petal 6 -8- mm in length. Fruits ellipsoid. Ca. 4.5 mm long and 3 mm wide. Flowers from mid April to early May. Forms highly localized populations from 4 – 20 acres in size. It is typically found on large, nearly flat sheets of exfoliating whitish-tan colored sandstone, in small depressions and sand filled cracks on or near ledges and mesa tops in slickrock communities of Point Lookout and Cliffhouse Sandstone.

d. Other Species of Concern

On 11 August 2014 the NNNHP, NFWD responded to a request for information by EAS regarding the effect of the proposed undertaking on tribally listed species or other species of concern at the NCCC site. The NFWD identified the following Species of Concern that have potential to occur on the *Newcomb, NM Quadrangle (Appendix E)*

Yellow Lady's Slipper (*Cypripedium parviflorum* var. *pubescens*)

Plants erect, often forming clumps with several stems, 30-40 cm tall. Stems and leaves sparsely pubescent to glandular, with 2 sheathing bracts below the 3-4 alternate lanceolate to elliptic, somewhat acuminate leaves, leaves 5-15 cm long. Flowers mostly solitary, often exceed by an erect leaf-like bract; sepals and petals greenish or yellowish or more often purplish-brown dorsal sepal suborbiculate or ovate to ovate-lance-acuminate, 19-80 × 7-40mm, lateral sepals connate; 11-80 × 5-34mm; orifice basal; staminode cordiform-ovoid, deltoid, lance-ovoid, or ovoid-oblong. Flowers from late May to June. Habitat in moderate shade along stream banks, mountain meadows and mesic places in Ponderosa pine, mixed conifer and aspen forest communities.

Parish alkali grass (*Puccinellia Parishii*) NESL group 2

A dwarf blue-green annual grass with one to many stems. Leaf blades are about 1mm broad, flat or involute, short; culms mostly 5-15cm tall; panicle narrow, few flowered, the branches erect-appressed; spikelets 4-6mm long. Glumes shorter than the first floret. Flowering stems are 1 to 8 inches tall. Habitat is alkaline springs, seeps and seasonally wet areas that occur at the heads of drainages or gentle slopes at 2,600-7,200 feet. The species requires continuously damp soils during late winter to spring growing period. Requires wet alkaline soils; activities that divert or dry up springs or seeps will destroy its habitat. It can persist at springs that have been severely impacted by livestock grazing and trampling. This species was proposed for Federal listing as endangered in 1994, but the proposal was withdrawn in 1998 due to the discovery of additional populations and a re-evaluation of threats to the species.

E. Cultural Resources, Historic Preservation [36 CFR Part 800]

A complete cultural resource inventory of the NCCC sites was conducted by Dinétahdóó CRM. The 6.0± acre NCCC site was subject to an archaeological survey on May 23, 2012. A pedestrian survey was conducted by walking parallel transects no more than 10m apart with a 50-foot buffer of the 6.0± acre NCCC site. This work is the subject of a report titled *A Cultural Resources Inventory of the Existing Newcomb Community Cemeteries, Newcomb Chapter, San Juan County, New Mexico, DCRM 2012-38 (Appendix F)*. The NNHPD issued *Cultural Resource Compliance Form NNHPD No. HPD-12-556* on July 12, 2012 with a determination of **No historic properties affected** (*Appendix G*).

1. Traditional Cultural, Historic and Religious Properties

One In-Use site (IUS) and one Isolated Occurrence (IO) were identified in the project area. The IUS consisted of 62 marked burials with associated unary items and markers. Some burials appear to be decades old. The IO consisted of one white enamel coffee-pot less than 100 years old (*Appendix F*).

2. Archaeological Resources

No cultural resources eligible for the *National Register of Historic Places* were found at the NCCC site (*Appendix F*).

F. Socioeconomics

1. Demographics

The Navajo Nation encompasses 16.2 million acres in northwest New Mexico, northeast Arizona and southeast Utah. The 2000 census set the Navajo Nation resident population at a total of 180,462 persons, 165,673 being Navajo. The NCCC site is located in the Shiprock Agency. The 2000 census of the Navajo Nation combined the Newcomb Chapter with Two Greyhills Chapter and set the population of the two chapters at 1,836.

2. Employment

Unemployment on the Navajo Nation is high. Living standards of Navajo people in this area may be considered average for the reservation. Because of the remoteness of the Newcomb community, availability of wage work is limited. Local jobs generally pay little more than minimum wage. Major employers within the Newcomb Chapter are The Navajo Nation and Central Consolidated Schools. Other employment opportunities for residents of Naschitti Chapter are found outside the chapter. While cottage industries lack formal organization in both production and marketing, the Navajos' traditional artistic skills find an economic productive outlet in the in the creation of arts and crafts which enjoy substantial demand on and off the reservation. These cottage industries can produce an income of \$50,000 or more per year.

3. Lifestyles, Cultural Values

From the time the Navajo Reservation was established until the early 20th century, Navajo social and political organization were based on the extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element in social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The Chapter, District and Agency system has developed from the basis of the BIA and Navajo Tribal political system.

The Navajo of today is subject to a fluidity and change that appears to characterize Navajo culture. There may not be, in fact, a single Navajo culture; rather a continuum from most traditional to most "modern" (that is, most like Anglo culture). The sources of change within the Navajo society are education, proximity to the Anglo society, political organization, economic relationships and other factors. In American culture, one is accustomed to thinking of certain activities as religious, or economic or political; in Navajo society, these divisions do not necessarily exist nor are they perceived. For Navajos, man, nature, and supernatural forces are inextricably interwoven, and everyday acts are infused with the concept of the supernatural. Animals, plants, minerals, mountains, and places frequented daily; can all be endowed with power so that spiritual and supernatural forces surround the Navajo wherever he goes and in whatever he does. Navajos are influenced by a worldview, which anchors them within a rich cultural and religious tradition. Despite changes in Navajo society, traditional practices are still strong. Christian and the Native American Church preach primary responsibility to one's nuclear family and only secondary responsibility to other kin. Many Navajos, who subscribe to a belief in these non-traditional religions, are still strongly bound by tradition to their kinship and community groups through Navajo religious practices. Most traditional families have an area marked by a bush or plant where family members leave offerings of used material and paraphernalia from sings or ceremonies. Only individual families, medicine men or singers may know areas. Such areas are numerous and can only be identified by inquiry in each community. The tenuous subsistence of the marginal lands that make up lands within the Navajo Nation dictates a mutual dependence for Navajo survival and it is the clan group, which serves to promote economic cooperation. Because a nuclear family could scarcely survive without reciprocal relationships, the clan system is continually reinforced. Withdrawal of group or clan support is an economic, as well as, a psychological threat.

4. Community Infrastructure

The Navajo Nation is governed by a President, Vice-President and a unicameral council made up of delegates from the chapters throughout the reservation. Local governments consist of Chapter Presidents and other representatives, with day-to-day administrative duties conducted by Chapter Coordinators.

Services within the Newcomb Chapter are the Navajo Head Start and a Senior Citizens Center.. Education in the area is provided by the Central Consolidated Schools Elementary, Middle School and High Schools. One gas station serves the local population.

The major trade centers area Gallup, NM 58 miles south; and Farmington, NM 62 miles north.

There are four Christian churches, one Native American Church and Traditional Navajo Religion serving the Newcomb Chapter.

Road construction and maintenance are provided by the BIA, San Juan County and the State of New Mexico.

Utilities available in the area are provided by NTUA and Citizens Communications Telephone Company.

Newcomb is also the central location for the surrounding communities of Burnham, Two Greyhills/Toadlena, Sheepsprings and Littlewater.

G. Land Use Patterns

1. Agriculture, Farmland Protection Policy Act [7 CFR 658]

Agriculture is generally practiced on a limited basis throughout the Navajo Nation. Dry land farming of small farm plots is the most prevalent method due to the aridity of the southwest. Due to the fact that the NCCC is located in an area which draws water from artesian wells and runoff from the Chuska Mountain Range therefore the Newcomb Chapter is farmed more extensively than most areas of the Navajo Nation not located along the San Juan River. Newcomb Chapter has a farm Board, NAVA Farm which is currently active. Grazing by sheep, goats, cattle and horses is the primary use of the land by local inhabitants. Rangeland may be classified by its carrying capacity in sheep units; that is, the amount of land needed to graze one sheep for one year (one cow requires four sheep units; one horse, five sheep units). According to studies conducted in the area, the best grazing areas would require 20 to 30 acres per sheep unit. In poorer grazing areas, as many as 500 acres would be required per sheep unit. Grazing areas in the Newcomb Chapter range from poor to good.

No prime or unique farmlands are within or adjacent to the NCCC site.

2. Residential Land Use

There are no definite town limits or zoning restrictions, which specify types of construction or specific areas for commercial, industrial or residential development in the Newcomb Chapter. Housing is available through Navajo Housing Authority projects throughout the area. NHA housing development projects in the area are laid out in the conventional urban layout, that is, homes located along streets and alleys.

Most Navajo families residing in the Newcomb Chapter communities reside a rural form often found in farming and ranching communities where homes are located and surrounded by acres of farmland or grazing areas. Often several families, composed of the parents, and one or more sons and/or daughters, live at the same location. These compounds are generally ¼ mile or more apart.

In general, housing conditions range from poor to good throughout the Newcomb Chapter. Many dwellings have been built by their owners and have three rooms or fewer. With the extension of electric power lines; and development of water projects in the area, more homes are beginning to have the modern amenities enjoyed by the general population in more urban areas. 807 houses were reported in the Twogrey Hills/Newcomb Chapter in the 2000 census; of this number 284 were found vacant. Mobile homes are a popular source of improved housing for those who can afford them. 88 mobile homes are located in the Chapter. 92 homes lack water and sewer and are dependent on outhouses and hauled water.

H. Other Values

1. Sound and Noise, Noise and Abatement Control [24 CFR 51B]

In acoustics noise is defined as any undesired sound. Usually, noise is a mixture of many tones combined in a non-musical manner. Sound measurements are given in decibels (db).

NOISE LEVELS

Decibel Level	Example
30	Quiet library, soft whispers
40	Living room, refrigerator, bedroom away from traffic
50	Light traffic, normal conversation, quiet office
60	Air conditioner at 20 feet, sewing machine
70	Vacuum cleaner, hair dryer, noisy restaurant
80	Average city traffic, garbage disposals, alarm clock at two feet
THE FOLLOWING NOISE LEVELS MAY BE DANGEROUS UNDER CONSTANT EXPOSURE	
90	Motorcycle, truck traffic, lawn mower
100	Garbage truck, chain saw, pneumatic drill
120	Rock band concert in front of speakers, thunderclap
140	Gunshot blast, jet plane
180	Rocket launching pad

The ambient noise levels in the Newcomb area ranges between 0 db (soft whisper) and 90 db from heavy truck traffic.

2. Public Health and Safety

The Northern Navajo Medical Center in Shiprock, New Mexico, 34 miles north and Gallup Indian Medical Center provide the primary health services for the Newcomb Chapter. The Shiprock District Navajo Police, San Juan County Sheriff Department and New Mexico State Police provide public safety services. Fire retention and emergency services are provided by the San Juan County Fire Station.

3. Visual Setting

“Landscape which is unique – that is, different from others or uncommon – has more significance to society than that which is common. The unique qualities which enhance its value to society are those which have some aesthetic, scenic or human interest connotation”

Luna B. Leopold

The visual resources of an area are closely linked to peoples’ concern for that area. Because of the importance of the visual senses, aesthetics are closely related to other human interest values. Public enjoyment of recreational, historical and cultural resources is enhanced by aesthetic quality. The landscape elements found at the NCCC site are not considered unusual or outstanding. There are no vegetative patterns or sensitive areas which would make the project site a unique visual resource.

4. Explosive and Flammable Operations [24 CFR 518]

The NCCC site was visited on June 12, 2014. No industrial facilities handling explosives or fire-prone materials are located in the NCCC area.

5. Toxic Chemicals and Radioactive Materials

The NCCC site was visited on June 12, 2014. The area was found to be clear of dumps, landfills, industrial sites or other facilities or locations that contain hazardous wastes. The NCCC site is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances.

6. Airport Clear Zones and Accident Potential Zones [24 CFR 51D]

No airstrips are located in the NCCC site area. The NCCC site is not within air traffic landing or potential accident zones.

IV. Environmental Consequences of the Proposed Action and Measures for Mitigation

A. Land Resources

1. Topography

The NCCC land withdrawal approval will have no effect on the topography.

2. Soils

The NCCC land withdrawal approval will have no effect on soils.

3. Geological Setting and Mineral Resources

a. Geology

The NCCC land withdrawal approval will have no effect on geology.

b. Mineral Resources

The NCCC land withdrawal approval will have no effect on mineral resources.

4. Paleontology

The NCCC land withdrawal approval will have no effect on paleontology.

B. Water Resources

1. Surface Water

There are no surface waters or significant drainages located within the NCCC site. The NCCC land withdrawal approval will have no effect on surface water.

a. Floodplain Management [24 CFR 55, Executive Order 11988]

The NCCC land withdrawal will have no effect on floodplains or floodplain management.

b. Wild and Scenic River Act [Sections 7(b) and (c)]

There are no designated Wild and Scenic Rivers as set forth in *16 U.S.C. Section 1271* in the State of New Mexico or the Navajo Nation. The NCCC land withdrawal approval will have no effect on wild and scenic rivers.

c. Wetland Protection [Executive Order 11990]

There are no wetlands on the NCCC site. The NCCC land withdrawal approval will have no effect on wetlands.

2. Ground Water

The NCCC land withdrawal approval will not affect ground water.

a. Sole Source Aquifers [40 CFR 149]

There are no designated sole source aquifers within the State of New Mexico or the Navajo Nation. The NCCC land withdrawal approval will have no effect on sole source aquifers.

C. Air Resources (Clean Air Act [Sections 176 (c), (d) and 40 CFR 6, 51, 93])

1. Quality

The NCCC land withdrawal approval will not have an effect on air quality.

2. Visibility

The NCCC land withdrawal approval will have no effect on visibility.

3. Climate/Meteorology

The NCCC land withdrawal approval will have no effect on the climate or meteorology.

D. Biotic Resources

1. Wildlife

The proposed action will not result in a loss, or extinction of any species of wildlife native to the area. The NCCC land withdrawal approval will have no effect on wildlife.

b. Riparian/Aquatic

The NCCC land withdrawal approval will have no effect on riparian or aquatic species or habitat.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

Southwestern willow flycatcher (*Empidonax traillii extimus*)

Habitat for this species is not found at the NCCC site. NCCC land withdrawal approval will have no effect on this species.

Black-footed ferret (*Mustela nigripes*)

No prairie dog colonies were found on or near the NCCC tract. Habitat for this species is not found at the NCCC site. NCCC land withdrawal approval will have no effect on this species.

d. Other Species of Concern

Peregrine falcon

Northern Pygmy-owl

Flammulated owl

Northern Leopard frog

Habitats for these species is not found at the NCCC site. NCCC land withdrawal approval will have no effect on these species.

Golden eagle

Ferruginous hawk

Mountain plover Kit fox

These species may frequent the NCCC area however, habitats conducive for their occupation of the cemeteries are not found on the NCCC site. NCCC land withdrawal approval will have no effect on these species.

The NCCC land withdrawal approval will not impact any species of concern.

2. Vegetation

a. Terrestrial

The NCCC land withdrawal approval will not have significant affect natural vegetation.

b. Riparian/Aquatic

The NCCC land withdrawal approval will have no effect on riparian or aquatic species or habitat.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

Mancos milkvetch
Mesa verde cactus

Habitats conducive for these species are not found in the cemeteries at the NCCC site. NCCC land withdrawal approval will have no effect on these species.

d. Other Species of Concern

Parish alkali grass
Yellow Lady's Slipper

Habitats for these species is not found at the NCCC site. NCCC land withdrawal approval will have no effect on these species.

The NCCC land withdrawal approval will not impact any species of concern.

3. Biological Resources Compliance

A *Biological Resources Compliance Form NNDF&WL Review No. 13MISC-282* was issued on February 25, 2014 (*Appendix E*).

E. Cultural Resources, Historic Preservation [36 CFR Part 800]

The NNHPD issued *Cultural Resource Compliance Form NNHPD No. HPD-12-556* with a determination of **No historic properties affected** (*Appendix G*).

1. Traditional Cultural, Historic and Religious Properties

NCCC land withdrawal approval will have no effect on traditional cultural properties or sacred areas.

2. Archaeological Resources

NCCC land withdrawal approval will have no effect on archaeological resources in the project area.

In the event of the discovery of any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with the Native American religious/traditional beliefs or practices; the Navajo Nation Historic Preservation Department will be notified.

F. Socioeconomics

1. Employment

The NCCC land withdrawal approval will have no effect on employment in the Newcomb Chapter.

2. Demographics

The NCCC land withdrawal approval will not have an effect on demographics.

3. Lifestyles, Cultural Values

The NCCC land withdrawal approval will not have an effect on lifestyles or cultural values.

4. Community Infrastructure

The NCCC land withdrawal approval will have no effect on the community infrastructure.

G. Resource and Land Use Patterns

1. Agriculture, Farmland Protection Policy Act [7 CFR 658]

The NCCC land withdrawal approval will not have an effect on agriculture.

2. Residential Land Use

The NCCC land withdrawal approval will not affect residential land use.

3. Waste Material

a. Solid Waste

Solid wastes generated at the NCCC will be collected and disposed of by NCCC members.

b. Hazardous Waste

There are no hazardous or toxic waste materials on the NCCC.

H. Other Values

1. Sound and Noise, Noise and Abatement Control [24 CFR 51B]

The NCCC land withdrawal approval will have no noise impacts in the area.

2. Public Health and Safety

The NCCC land withdrawal approval will have no effect on the public health and safety of the community of Newcomb Chapter.

3. Visual Setting

The NCCC land withdrawal approval will not have an effect on the visual setting or visual resources.

V. Compliance with Executive and Secretarial Orders

1. Environmental Justice

The proposed action will have positive social and spiritual benefits to Newcomb Chapter, a large minority population. The NCCC land withdrawal approval is considered as an action, which is in conformance with the intent of *Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

2. Indian Trust Resources

This environmental assessment and investigation has been prepared to assess the impacts of the proposed undertaking to the Navajo Indian environment and trust resources. This action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*.

V. Conclusions Regarding Significance

- The NCCC land withdrawal approval will not have an adverse impact on land resources.
- The NCCC land withdrawal approval will not have an effect on water resources in the Newcomb Chapter.
- The NCCC land withdrawal approval will not have an impact on air quality.
- The NCCC land withdrawal approval will not have an effect on biotic resources.
- The NCCC land withdrawal approval will not have an effect on wetlands.
- The NCCC land withdrawal approval will not affect any federally listed species or impact any tribally listed species or other species of concern.
- Traditional cultural, historic, or religious properties will not be affected by the NCCC land withdrawal approval.
- The NCCC land withdrawal approval will have no effect on archaeological resources.
- The NCCC land withdrawal approval will have no impact on existing socioeconomics in the Newcomb Chapter.
- The NCCC land withdrawal approval site will not have an effect on ambient noise levels.
- The NCCC land withdrawal approval may be considered as an action which is in conformance with the intent of *Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.
- This environmental assessment has been prepared to assess the impacts to the Navajo Indian environment and trust resources that may result from the NCCC land withdrawal approval. This action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*.

VI. Consultation and Coordination

A. Persons or agencies involved in the proposed action

Consultation with the Navajo Nation Fish and Wildlife Program and the Navajo Nation Historic Preservation Department has been conducted to assure mandated protection of natural and cultural resources.

Nation Historic Preservation Office
Ms. Harrilene Yazzie, NEPA Coordinator, U. S. DOI, BIA, Navajo Region
Shiprock Agency, Branch of Real Estate Services U. S. DOI, BIA Navajo Region

B. Persons or agencies providing information

Lawrence John, Chapter Manager, Newcomb
Dinétahdóó CRM
The Navajo Nation, Natural Heritage Program, Navajo Fish and Wildlife Department

C. References

- _____ 2012. A Cultural Resources Inventory of the Existing Newcomb Community Cemeteries, Newcomb Chapter. San Juan County, New Mexico, DCRM 2012-38
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- _____ 1978. Western Area Survey, PNM

VII. Document Preparer

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(505) 905-3943

Wild and Scenic Rivers
www.nps.gov/rivers/wildriverslist.html



Wild & Scenic Rivers By State

"... the time has also come to identify and preserve free-flowing stretches of our great rivers before growth and development make the beauty of the unspoiled waterway a memory."

- President Lyndon Johnson

Designated WSRs
River Information
Rivers & Trails
WSR Council
Publications
Study Rivers
About WSRs
Guidelines
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Agencies
WSR Act
NRI

- | | | |
|-------------------------------------------|-----------------------------------------|---------------------------------------------|
| • Alabama | • Kentucky | • New Jersey / Pennsylvania |
| • Alaska | • Louisiana | • New Mexico |
| • Arizona | • Maine | • New York / Pennsylvania |
| • Arkansas | • Massachusetts | • North Carolina |
| • California | • Michigan | • Ohio |
| • Colorado | • Minnesota / Wisconsin | • Oregon |
| • Connecticut | • Mississippi | • Pennsylvania |
| • Delaware / Pennsylvania | • Missouri | • Tennessee |
| • Florida | • Montana | • Texas |
| • Georgia / Carolinas | • Nebraska | • Washington |
| • Idaho | • Nebraska / S Dakota | • West Virginia |
| • Idaho / Oregon | • New Hampshire | • Wisconsin |
| • Illinois | • New Jersey | • Wyoming |

Managing Agencies

- ACOE = [Army Corps of Engineers](#)
- BLM = [Bureau of Land Management](#) -- [BLM Rivers](#)
- NPS = [National Park Service](#)
- USFS = [U.S. Forest Service](#)
- USFWS = [U.S. Fish & Wildlife Service](#)
- Various states

Multiple listings of some rivers indicate more than one segment of the river is designated. Some rivers also have tributaries designated.

Arizona

- [Verde. USFS](#)

New Mexico

- [Jemez \(East Fork\). USFS](#)
- [Pecos. USFS](#)
- [Rio Chama. BLM/USFS](#) -- [Boating the Rio Chama](#)
- [Rio Grande. BLM/USFS](#) -- [Boating the Rio Grande](#)

**Designated Sole Source Aquifers
in EPA Region VI
www.epa.gov/safewater/swp/ssa/reg6.html**



U.S. Environmental Protection Agency Source Water Protection

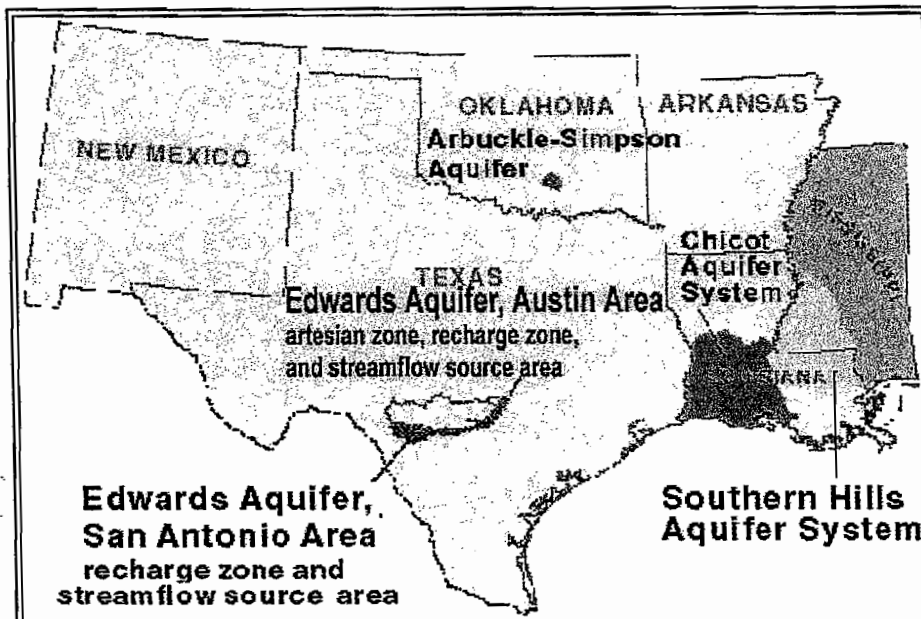
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[EPA Home](#) > [Water](#) > [Ground Water & Drinking Water](#) > [Source Water Protection](#) [Source Water Protection](#) > [Designated Sole Source Aquifers in EPA Region VI](#)

DESIGNATED SOLE SOURCE AQUIFERS IN EPA REGION VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas



Claybourne Chesney
Source Water Protection Branch (6WQ-S)
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
phone: (214)665-7128
email: chesney.claybourne@epa.gov

The 5 Sole Source Aquifer designations in Region VI are listed below. Visit EPA Region 6 for SSA maps and details on each aquifer.

DESIGNATED SOLE SOURCE AQUIFERS IN REGION 6:

State	Sole Source Aquifer Name	Federal Reg. Cit.	Public. Date	IS map
LA	Chicot Aquifer System	53 FR 20893	06/07/88	yes
*LA/MS	Southern Hills Aquifer System	53 FR 25538	07/07/88	yes
OK	Arbuckle-Simpson Aquifer, South Central Oklahoma	54 FR 39230	09/25/89	yes
TX	Edwards Aquifer, San Antonio Area	40 FR 58344	12/16/75	yes
TX	Edwards Aquifer, Austin Area	53 FR 20897	06/07/88	yes

**New Mexico Air Quality Bureau
Correspondence
August 1, 2005**



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Air Quality Bureau
2048 Galisteo St.
Santa Fe, NM 87505
Phone (505) 827-1494
Fax (505) 827-1523
www.nmenv.state.nm.us



RON CURRY
Secretary

DERRITH WATCHMAN-MOORE
Deputy Secretary

August 1, 2005

Mr. Jim Analla
PO Box 1034
Gallup, NM 87305

Dear Mr. Analla:

In response to your question about the New Mexico Environment Department (NMED) air monitoring network, I can give you the following information. Generally, our ambient air monitors are set up at sites in New Mexico that are near known sources of air pollution or have a high population concentration. Usually, when NMED has no monitors in a particular area, it is because air quality is generally good. There are many counties in New Mexico where there is no air monitoring because of the absence of air quality problems.

In the absence of air monitors, such areas are generally described as "unclassified" for attainment status, and are treated as though they are in attainment of all national and state ambient air quality standards. I hope this information will be useful to you in preparing your air quality assessments.

Sincerely,

Josephine Ball
Quality Assurance Manager
New Mexico Air Quality Bureau

**Air State Implementation Plans
EPA Region VI: South Central
www.epa.gov/earth1r6r/air/pd-1/sip.html**

Air State Implementation Plans

Section 110 of the Clean Air Act (Act) or (CAA) requires states to submit plans to EPA which provide for implementation, maintenance, and enforcement of the primary and secondary national ambient air quality standards for the criteria pollutants regulated under Title I of the Act (i.e., ozone, carbon monoxide, particulate matter less than or equal to 10 microns (PM-10), sulfur dioxide, nitrogen dioxide, and lead).

Each plan submitted must undergo reasonable notice and public hearing and include enforceable emission limitations and other control measures, schedules and timetables for compliance. The EPA approved SIP regulations are available for each State.

The following are the designated nonattainment areas in Region 6 subject to the section 110 nonattainment planning requirements (as of 9/5/12):

AREA	POLLUTANT	CLASSIFICATION
Houston-Galveston-Brazoria, Tx	8-Hour Ozone (1997 standard)	Severe
Houston-Galveston-Brazoria, Tx	8-Hour Ozone (2008 standard)	Marginal
Beaumont-Port Arthur, Tx	8-Hour Ozone (2008 standard)	N/A
Dallas-Ft. Worth, Tx	8-Hour Ozone (1997 standard)	Serious
Dallas-Ft. Worth, Tx	8-Hour Ozone (2008 standard)	Moderate
Baton Rouge, La	8-Hour Ozone (2008 standard)	Marginal
Anthony, NM	PM-10	N/A
El Paso, Tx	PM-10	N/A

**Correspondence
Newcomb Community Cemetery Site
Newcomb, San Juan County, NM.
Navajo Nation Natural Heritage Program
Department of Fish & Wildlife
11 August 2014**

NN Biological Resource Land Clearance Policies and Procedures

**Biological Resources Compliance Form
NNDF&WL Review No. 13MISC-282**



NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515



Phone: 928.871.6472 • Fax: 928.871.7603 • <http://nnhp.nndfw.org>

Ben Shelly, President

Rex Lee Jim, Vice-President

11 August 2014

File#14JRAE-08

Jim R. Analla
J.R. Analla EA Services
P.O. Box 1034
Gallup, NM 87305

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: NEWCOMB COMMUNITY CEMETERY SITE
LEGAL DESCRIPTION SEC. 23, T24N, R16W, NMPM
NEWCOMB, SAN JUAN COUNTY, NM

Mr. Analla:

The following information on species of concern¹ is provided in response to your 24 June 2014 request concerning the subject project, which consists of the land withdrawal for Newcomb Chapter's Community Cemetery. The proposed community cemetery is made up of 2 three acre tracts; a tract for a veterans cemetery and a tract for community use. The legal description of the project site is Section 23, T24N, R16W, NMPM, Newcomb, San Juan County, NM.

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

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

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FEDERAL STATUS AND/OR *MBTA
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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 a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus humillimus</i>	Mancos Milk-vetch	G2	ESA Endangered
3.	<i>Athene cunicularia</i>	Burrowing Owl	G4	MBTA
4.	<i>Buteo regalis</i>	Ferruginous Hawk	G3	MBTA
5.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA.
6.	<i>Cypripedium parviflorum</i> var. <i>pubescens</i>	Yellow Lady's Slipper	G4	
7.	<i>Empidonax traillii extimus</i>	Southwestern Willow-Flycatcher	G2	ESA Endangered; MBTA.
8.	<i>Falco peregrinus</i>	Peregrine Falcon	G4	MBTA
9.	<i>Glaucidium gnoma</i>	Northern Pygmy-owl	G4	MBTA
10.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
11.	<i>Otus flammeolus</i>	Flammulated Owl	G4	MBTA
12.	<i>Puccinellia parishii</i>	Parish's Alkali Grass	G4	
13.	<i>Lithobates pipiens</i>	Northern Leopard Frog	G2	
14.	<i>Vulpes macrotis</i>	Kit Fox	G4	
15.	<i>Sclerocactus mesae-verdae</i>	Mesa Verde Cactus	G2	ESA Threatened

*MBTA = Migratory Bird Treaty Act

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3" please refer to our website at nndfw.org).

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

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

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (928) 871-6595 for permitting procedures. Questions pertaining to surveys should be directed

⁴Available free of charge on our website at <http://nnhp.navajofishandwildlife.org/>

to the NFWD Zoologist (Chad Smith) for animals at 871-7070 and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluations should be directed to Pamela Kyselka (Acting Environmental Reviewer) at 871-7065.

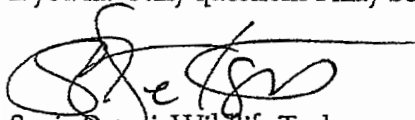
Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive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

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

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

An invoice for this information is attached.

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



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

xc: file/chrono

Biological Resource Land Clearance Policies and Procedures

INTRODUCTION

The Resources Committee of the Navajo Nation Council is the legislative oversight of the Division of Natural Resources that includes the Navajo Nation Department of Fish & Wildlife (NNDFW). It has the responsibility and authority to adopt policies, procedures and regulations that protect the biological resources of the Navajo Nation. The Resources Committee, by Resolution No. RCMA-34-03 dated March 13, 2003, approved the Biological Resource Land Clearance (BRLC) Policies and Procedures prepared by the NNDFW to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect fish, wildlife species, both plants and animals, and their habitat, resulting in expedited land use approvals.

The NNDFW is established, "to conserve, protect, enhance and restore the Navajo Nation's fish, wildlife, plants and their habitat, through aggressive management programs for the spiritual, cultural and material benefit of present and future generations of the Navajo Nation". After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation. The maps are attached, hereto, as attachment "A", and are incorporated herein by reference. The BRLC Policies and Procedures identify wildlife/habitat sensitive areas that will assist the Navajo Nation government and chapters expedite the land clearance process for land withdrawals, rights-of-ways, leases, subleases, assignments, land use permits and other similar land uses.

The BRLC Policies and Procedures will help direct development to areas where impacts to wildlife and/or their habitat will be less significant. This should increase certainty in planning and implementation of projects, while ensuring the perpetuation of wildlife resources for present and future generations. The entire Navajo Nation has been divided into six types of wildlife areas. These areas provide the framework for planning specific development projects, but site-specific planning to address wildlife resources will still be necessary, in most cases. This BRLC Policies and Procedures explain what restrictions apply in each area and describes the process for the planning and approval of projects with respect to wildlife resources.

The following is a brief summary of six (6) wildlife areas identified in attachment "A":

1. Highly Sensitive Area – recommended little or no development.
2. Moderately Sensitive Area – moderate restrictions on development.
3. Low Sensitive Area – least restrictions on development.
4. Community Development – areas in and around towns, and with only a few exceptions, there are no biological resources that need to be taken into consideration in planning. However, this is not meant to keep chapters from taking the initiative to develop areas such as parks or nature trails to enhance the quality of life for those communities.
5. Biological Preserve – area is off limits to development except development that is compatible with the purpose of this area.
6. Recreational – area is off limits to development except development that is compatible with the purpose of this area.

Preparation of a Biological Evaluation (BE) is required for development in any area, except in Area 3 and 4 for individual homesites and related utilities. The BE:

- Is documentation of impacts that a proposed project may have on biological resources.
- Must consider direct, indirect, short-term, long-term and cumulative impacts and impacts from actions that are dependent on, or are clearly related to the proposed development.
- Must have Department concurrence that the evaluation of impacts to wildlife resources is accurate.
- Contains accurate information about the location of the development, including but not limited to a legal description, distance to landmark, and a map (7.5' USGS topographic quadrangle).

For information about the contents of a BE, contact NNDFW. Additionally, the Department possesses additional information on wildlife, including biology, distribution, occurrence records, avoidance measures, management recommendations and wildlife law. Project sponsors, including chapter officials, or those working on behalf of a chapter on land-use planning, are encouraged to contact the Department for this information.

Federal laws for environmental planning and protection apply to all areas when the Federal government is involved in funding, carrying out, or authorizing, in whole or in part, proposed development. These laws include the National Environmental Policy Act, Endangered Species Act, Eagle Protection Act and Migratory Bird Treaty Act. The wildlife areas identified herein do not supersede or replace Federal law, but can be an important tool in addressing the requirements of these laws. Federal actions that may affect federally listed species will require consultation with the U.S. Fish and Wildlife Service.

The following is a more detailed description of the six (6) wildlife areas, identified in attachment "A", which provides an explanation of the applicable restrictions on development, and describes the process for the planning and approval of projects

Biological Resource Land Clearance Policies and Procedures
with respect to wildlife resources.

AREA 1: HIGHLY SENSITIVE WILDLIFE RESOURCES

This area contains the best habitat for endangered and rare plant, animal and game species, and the highest concentration of these species on the Navajo Nation. The purpose of this area is to protect these valuable and sensitive biological resources to the maximum extent practical.

The general rule for this area is no development. Restricted development is allowable only if the following criteria are met. All development requires the preparation of a BE. An acceptable BE must fully consider alternatives to the proposed development, and provide a compelling reason to develop in this area.

Criteria for Allowable Development:

- A. Residential/business development is allowed within Area 1 if it is:
 - 1. Not within or close enough to the habitat to cause significant impacts
 - 2. Located on the perimeter of the area
 - a) If not on the perimeter, there must be no reasonable alternatives
 - 3. Located within 1/8 mile of similar development
- B. Other types of development are allowed in Area 1 if:
 - 1. It is not within or close enough to habitat to cause significant impacts
 - 2. There are no reasonable alternatives outside the area

Process for planning and approval of development:

- A. Project Sponsor requests information on rare and endangered species, specific to the proposed development, from the Navajo Natural Heritage Program
- B. Project Sponsor meets with the Department to explore alternatives for development
- C. Project Sponsor, or their consultant, prepares a BE for the proposed development
- D. Department reviews the BE to determine if impacts to wildlife resources are accurately assessed, impacts that can not be avoided are reasonably mitigated, and that no other reasonable alternatives exist
- E. Department issues a letter, to the Project Sponsor, either concurring or not concurring with the BE based on the review
- F. The Department letter must be part of any project approval application package

2. AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented.

The rule for this area is that all development be placed to avoid species and their habitat. Avoidance needs to include an adequate buffer to address long-term and cumulative impacts. The buffer distance will depend on the species and the situation, and may be up to one mile. All development requires the preparation of a BE.

Criteria for allowable development:

- A. Must not be within or close enough to habitat to cause significant impacts

Process for planning and approval of development:

- A. Project Sponsor requests information on rare and endangered species, specific to the proposed development, from the Navajo Natural Heritage Program
- B. Project Sponsor, or their consultant, prepares a BE for the proposed development
- C. Department reviews the BE to determine if impacts to wildlife resources are accurately assessed, impacts that can not be avoided are reasonably mitigated, and that no other reasonable alternatives exist
- D. Department issues a letter, to the Project Sponsor, either concurring or not concurring with the BE based on the review
- E. The Department letter must be part of any project approval application package

3. AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on

Biological Resource Land Clearance Policies and Procedures

'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape.

Small-scale development to serve the private needs of individuals, such as homesites and service lines for utilities, can proceed without the development of a BE. However, documentation of the development shall be submitted to the NNDFW for its files.

All other development requires preparation of a BE. Any proposed development in this area does not preclude the need to meet the requirements of Federal law, as applicable.

Process for planning and approval of development:

A. For individual homesites and related utilities

1. Submit homesite documentation to NNDFW, including:
 - a) Location plotted on a 7.5' USGS topographic quadrangle map or reasonable facsimile
 - b) Brief description of project, including acreage

B. For all other development

1. Project Sponsor requests information on rare and endangered species, specific to the proposed development, from the Navajo Natural Heritage Program
2. Project Sponsor, or their consultant, prepares a BE for the proposed development
3. Department reviews the BE to determine if impacts to wildlife resources are accurately assessed, impacts that cannot be avoided are reasonably mitigated, and that no other reasonable alternatives exist
4. Department issues a letter, to the Project Sponsor, either concurring or not concurring with the BE based on the review
5. The Department letter must be part of any project approval application package

4. AREA 4: COMMUNITY DEVELOPMENT

The Department has determined that areas around certain communities do not support the habitat for species of concern and therefore development can proceed without further biological evaluation. This applies to all development except that which may have significant impacts outside the community. An example of this is industrial development that may impact air or water quality. For certain communities, there are exceptions where one or two species have the potential to occur. For these exceptions, the biological evaluation need only address that one or two species, and be submitted to the Department for approval.

Small-scale development to serve the private needs of individuals, such as homesites and service lines for utilities, can proceed without the development of a BE. However, documentation of the development shall be submitted to the NNDFW for its files.

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 - a) Location plotted on a 7.5' USGS topographic quadrangle map or reasonable facsimile
 - b) Brief description of project, including acreage

B. For all other development

1. Project Sponsor requests information on rare and endangered species, specific to the proposed development, from the Navajo Natural Heritage Program
2. For responses that do not list any wildlife resources the process is complete
3. For responses that list wildlife resources
 - a) Project Sponsor, or their consultant, prepares a BE for the proposed development
 - b) Department reviews the BE to determine if impacts to wildlife resources are accurately assessed, impacts that cannot be avoided are reasonably mitigated, and that no other reasonable alternatives exist
 - c) Department issues a letter, to the Project Sponsor, either concurring or not concurring with the BE based on the review
 - d) The Department letter must be part of any project approval application package

5. AREA 5: BIOLOGICAL PRESERVE

These areas contain excellent, or potentially excellent, wildlife habitat and are recommended by the Department for protection from most human-related activities, and in some cases are recommended for enhancement. Only a few of these areas have been developed, to date. Future areas will be identified for each chapter on a case-by-case basis. A variety of

Biological Resource Land Clearance Policies and Procedures

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United States Department of the Interior

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



MC 620: Division of Environmental, Cultural & Safety Management

SEP 02 2014

Mr. Jim R. Analla
J.R. Analla EA Services
P.O. Box 1034
Gallup, NM 87305

Dear Mr. Analla:

The Environmental Assessment (EA), **EA-14-113**, received on August 21, 2014, for the Newcomb Chapter proposed Newcomb Chapter Community Cemetery Tracts in the Newcomb Chapter, San Juan County, New Mexico, has been reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. The Newcomb Chapter/Community proposes to withdraw land for two existing cemetery tracts. The two adjoining cemeteries, one for community and the other for veterans, have been in use for many years. The withdrawal of the tracts will designate the boundaries of the cemeteries and assure continued use and protection of the tracts. The cemeteries may be upgraded by fencing and improving the parking areas. Water and electricity are not required at the sites. Waste materials will not be disposed at the sites. 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 proposed project is not required.

If you have questions, you may contact Ms. Harrilene J. Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

Sincerely,

Regional Director, Navajo

Enclosure

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-14-113
NEWCOMB CHAPTER COMMUNITY CEMETARY TRACTS

NEWCOMB CHAPTER

Location: Newcomb, NM, Quadrangle, USGS 7.5 Minute Series Map
Sections 23, T24N, R18W, NMPM
Newcomb Chapter, San Juan County, New Mexico

The proposed action is approval, by the Bureau of Indian Affairs (BIA), for withdrawal of land on which two existing cemeteries are located. The two adjoining cemeteries, one for community and the other for veterans have been in use for many years. The withdrawal of the tracts will designate the boundaries of the cemeteries and assure continued use and protection of the tracts. The two cemeteries total ± 6.0 acres of Navajo Tribal Trust land. The cemeteries may be upgraded by fencing and improving the parking areas. Water and electricity are not required at the sites. Waste materials will not be disposed at the sites. The project is sponsored by the Newcomb Chapter, P.O. Box 7946, Newcomb, New Mexico 87455.

The environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment and the mitigation measures specified in the document, it is determined that the proposed 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 environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited. Environmental issues relative to the proposed 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 three potentially viable alternatives including the "no action" alternative.
3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Nation Department of Fish and Wildlife (NNDFW), Natural Heritage Program (NHP). Although the NNDFW has no record of species of concern occurring on or near the project site at this time, it provided a list of species of concern with potential to occur on the *Newcomb, NM*, USGS, 7.5-Minute Quadrangle containing the project boundaries. The NNDFW issued Biological Resources Compliance Form (BRCF), NNDFW Review No. 13MISC-282, recommending approval of the project. There are no *avoidance/mitigation measures or conditions of compliance*.
4. Potential impacts to floodplains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990. There is no evidence that any portion of the proposed project sites have ever been subject to flooding. The tracts of land on which the cemeteries exist do not have the characteristics common to flood plains. There are no drainages of any magnitude on or near the sites. The sites have not and will not be affected by

flooding (EA, Part 111.B.1.a). No lakes, ponds, springs, seeps or wetlands are located within or adjacent to the cemetery tracts (EA, Part III.B.1).

5. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation, and 36 CFR 800.9 (b), a cultural resources inventory of the proposed project area was conducted by Dinétahdóó Cultural Resources Management (DCRM). The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF), NNHPD No. HPD-12-556, indicating "No historic properties affected" (EA-Appendix G-CRCF).

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.

6. RCRA, Subtitle C, Hazardous Waste, and Subtitle D, Non-Hazardous Solid Waste – there are no hazardous or toxic waste materials on the sites. Solid waste generated by the proposed project shall be collected and disposed by community members (EA, Part IV.G.4.a&b).

7. Agriculture – the proposed project will not have an effect on prime or unique farmlands or agriculture in the Becenti Chapter area (EA, Part IV.G.1).

8. Air – the proposed project land withdrawal will not affect air quality (EA, Part IV.C.1.).

9. Noise – the proposed project land withdrawal approval will have no noise impacts in the area (EA, Part IV.H.1.).

10. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable.

11. In accordance with 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.

The proposed action will designate the boundaries of the cemeteries and assure future protection of the tracts. The Chapter membership feels that the land withdrawal action is essential for the continued use and protection of the sites.


Regional NEPA Coordinator

8/28/14
Date



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationepa.org

M E M O R A N D U M

TO: Howard P. Draper, Project and Program Specialist
Project Review Office
Navajo Land Department
Division of Natural Resources

FROM:

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Environmental Review
Office of the Executive Director/Administration
NNEPA

DATE: December 31, 2014

SUBJECT: 164 EOR 003054 Withdrawal 6 Acres Newcomb Chapter Cemetery Tract

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends ***conditional approval*** for the proposed six (6) acres land withdrawal in Newcomb, McKinley County, New Mexico. The 6-acres land withdrawal is for the existing two (2) - three (3.00) acres cemeteries. The western plot is for customary community burials and the eastern plot is reserved for veterans. The two plots are adjacent and located in the Newcomb Chapter. The fence and parking lot will be improved. Each grave site will be at the responsibility of the families and friends. [Excerpt from EA] The cemeteries are located at UTM 4019390N 703840E Veteran's; UTM 4019410N 703946E NAD83 Zone 12.

1. Navajo Nation Clean Water Act:

- a. §402 Navajo Pollutant Discharge Elimination System (NPDES):** The proposed action is greater than 1 acre. Newcomb Chapter is subject to complete the requirements under the Clean Water Act Section 402. Technical assistance is available with NNEPA Water Quality Staff in Section 402 application, Stormwater Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and

¹JR Analla. Environmental Assessment Newcomb Chapter Community Cemetery Tract. August 2014.

164 EOR 003054 six acres newcomb cemetery land withdrawal

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12/31/14

Notice of Intent (NOI). All should be 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>.

2. ***Navajo Nation Air Pollution Prevention and Control Act:***

- a. The proposed action is not located in an attainment area.
- b. Visibility is good to excellent.
- c. Dust suppression must be implemented in the Best Management Practice.

3. ***Navajo Nation's Solid Waste Act:***

4. The Newcomb Chapter is subject to control the trash and litter from cemetery plots especially from the grave plots such as decorative flowers, balloons, flags, etc., as they will blow out of the cemeteries by weather related storms.

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

- a. Newcomb Chapter is subject to control and prevent the spread of invasive and noxious weeds.
- 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.

6. ***Others:***

- a. Existing public roads will be used for access during the grave burial activities. If there is a need for new road(s), new archaeological, biological and environmental clearances are required before any construction activities.

If there are any questions contact Rita Whitehorse-Larsen at 928/871-7188 or email: rwhitehorsel@navajo-nsn.gov. Thank you.

Cc: Newcomb Chapter, PO Box 7946, Newcomb, New Mexico, 87455
NNEPA Water Quality, Air Quality, OPP; Pesticides; RCRP; Administration chrono file