

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A
14.4/24.9 KV DISTRIBUTION OVERHEAD POWERLINE PROJECT FOR EUNICE
CUNEJO WO#84754 IN THE CHURCH ROCK CHAPTER, MCKINLEY COUNTY, NEW
MEXICO**

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants, New Mexico, has submitted a right-of-way (ROW) application for the construction, operation and maintenance of a 14.4/24.9 kv Electrical Distribution Line for Eunice Cunejo of the Church Rock Chapter Powerline Project WO #84754. The application request is attached hereto and incorporated herein at Exhibit "A".
- B. The proposed Right-of-Way is described on the maps attached hereto and incorporated herein at Exhibit "B".
- C. The necessary consent forms have been completed and provided. See Exhibit "C".

- D. The Terms and Conditions provide for consideration for the right-of-way to be assessed at \$12,301.92, as found in Exhibit "D".
- E. The consideration for the right-of-way may be waived at the discretion of the Committee when the right-of-way project serves a public purpose because the project benefits Navajo residents.
- F. The Resources and Development Committee of the Navajo Nation finds that the waiver of the consideration amount of \$12,301.92 is in the best interest of the Navajo Nation insofar as the project directly benefits members of the Navajo Nation.
- G. The application for the Right-of-Way as submitted by Continental Divide Electric Cooperative, Inc. has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection Agency; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See Exhibit "E".
- H. The environmental and archaeological studies including the Biological Resource Compliance Form, the Cultural Resources Compliance Form and the Finding of No Significant Impact have all been completed and attached hereto as Exhibit "F".
- I. The Navajo Nation "...may waive the requirement for a bond, insurance, or alternative form of security :...(2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest." 25 CFR § 169.103 (f) (2).
- J. The Resources and Development Committee of the Navajo Nation finds that the waiver of the requirement for a bond, insurance, or alternative form of security with respect to the Right of Way to Continental Divide Electric Cooperative for the Eunice Cunjeo Powerline Project WO#84574 is in the best interest of the Navajo Nation.

- K. The Resources and Development Committee of the Navajo Nation Council finds it to be in the best interest of the Navajo Nation to approve granting the Right-of-Way to Continental Divide Electric Cooperative, Inc. for the construction, operation and maintenance of a 14.4/24.9kv Electrical Distribution Line for Eunice Cunjeo WO #84574 in the Church Rock Chapter, Navajo Nation, McKinley County, New Mexico as found and attached and incorporated herein at Exhibits A thru F inclusive.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the construction, operation and maintenance of a 14.4/24.9kv Electrical Distribution Line for Eunice Cunejo, Powerline Project WO #84574 in Church Rock Chapter, Navajo Nation, McKinley County, New Mexico as found and attached and incorporated herein at Exhibits A thru F inclusive.
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives the consideration amount of \$12,301.92 as being in the best interest of the Navajo Nation.
- C. The Resources and Development Committee of the Navajo Nation Council, pursuant to 25 CFR § 169.103 (f)(2), hereby waives the requirement for a bond, insurance, or alternative form of security, finding such action to be in the best interest of the Navajo Nation.
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein, including granted waivers and attached as found in Exhibit "D".
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Transportation Administrative Complex, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 16th day of January, 2018.

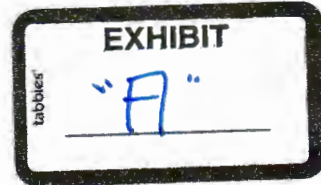


Benjamin Bennett, Vice Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.



200 E. High St. • P.O. Box 1087 • Grants, New Mexico 87020 • (505) 285-6656 • Fax (505) 287-2234

June 21, 2017

The General Land Development Department
Attn: Ms. Elerina Yazzie, Program Manager
Project Review Office
PO Box 69
Saint Michaels, Arizona 86511

Re: **Resubmitting** ROW Package for Eunice Cunejo, WO#84754

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kv distribution overhead Power line for Eunice Cunejo, WO#84754. The power line Right-of-way packet consists of the following documents being resubmitted for review by the Division of Natural Resources, Project Review Office.

1. Copy of cover letter submitting ROW Package dated March 31, 2016
2. Copy of \$500.00 Filing Fee, Check #134480, Check was cashed 7/19/16 see attached
3. Grant of Permission to Survey – Navajo Tribal Trust Land from Mr. Howard Draper (Copy)
4. Grant of Permission to Survey – Navajo Tribal Trust Land from Mr. Lester Tsosie (Copy)
5. Right of way Application, The new form is enclosed
6. Archaeological Report
7. Cultural Resources Compliance Form
8. Environmental Report
9. FONSI
10. Biological Resources compliance Form
11. Field Clearance
12. Legals
13. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 1,458.76' feet in length, 20' feet in width, and .684 acres.

Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive consideration since only Navajos are being served off of this Electrical Line.

If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar
Engineering/ROW
Enclosures

17-9055
JU 22 2017
NLD-PROJECT
REVIEW SECTION
GUP
JAH



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

200 E. High St. • P.O. Box 1087 • Grants, New Mexico 87020 • (505) 285-6656 • Fax (505) 287-2234

March 31, 2016

The Navajo Land Department
Attn: Mr. Howard Draper
Project Review Office
PO Box 2249
Window Rock, Arizona 86515

Re: Submitting ROW Package for Eunice Cunejo

Dear Mr. Draper,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kv line to the home of Eunice Cunejo. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. \$500.00 Filing Fee, Check #131929
2. Grant of Permission to Survey – Navajo Tribal Trust Land from Mr. Howard Draper (Copy)
3. Grant of Permission to Survey – Navajo Tribal Trust Land from Mr. Lester Tsosie (Copy)
4. Right of way Application – Navajo Tribal Trust Land (Copy)
5. Archaeological Report
6. Biological Resources Compliance Form
7. Cultural Resources Compliance Form
8. Environmental Report
9. FONSI
10. Map (4 Sets)
11. Legal

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 1458.76' feet in length, 20' feet in width, and .684 acres and is located in SW/4, Section 21, T15N, R17W, & NE/4, Section 29, T15N, R17W, NMPM McKinley County New Mexico.

If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar
Engineering/ROW

Enclosures



Navajo Nation Environmental Protection Agency
Water Quality Program
P. O. Box 339, Window Rock, AZ 86515
Phone: 928-871-7690 • Fax: 928-871-7996



Russell Begaye,
President

Jonathan Nez,
Vice-President

July 10, 2017

MEMORANDUM

TO: Navajo Land Title Data Systems
Land Department
Division of Natural Resource

FROM:

A handwritten signature in blue ink, reading "Lee Anna Martinez-Silversmith".

Lee Anna Martinez-Silversmith
401 Certification Coordinator/Sr. Environmental Specialist
Water Quality/NPDES Program
Navajo Nation Environmental Protection Agency

RE: Document No. 8243

The Navajo Nation Environmental Protection Agency Water Quality Program (NNEPA WQ) has reviewed the 164 Document No. 8243; also referenced as CDEC ROW Eunice Cunejo Powerline, Gallup-Hogbacks, New Mexico. This project will provide utility line infrastructure to within the Navajo Nation Community. It is suggested that a Clean Water Act Section 401 consultation be submitted to our office regarding this upcoming utility line project. The information that was provided in the Document No. 8243; displayed minimal information regarding the scope of work. When CDEC submits a consultation to our office we prefer a detailed scope of work for the project, along with a description of what will be placed in the waterway, and 1:24,00 topographic maps of the project line. It is highly recommended that all future infrastructure developments on Navajo Nation contact our Water Quality office to ensure that the proper certification and permits are followed for these future developments.

Any infrastructure development project that cross waterways, ephemeral or perennial need to contact NN Water Quality Office and abide by our Navajo Nation Surface Water Quality Standards. Respectfully, the US Army Corps of Engineers, Christopher Wrbas, needs to be contacted regarding projects complained with 404 & 401 Certifications.

cc: Christopher Wrbas, USACOE-Abq. District
Ronnie Ben, NNEPA Department Manager
File



Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

No. 131929
Date: 03/31/2016

DATE	INVOICE	DESCRIPTION	GROSS	NET
3/31/2016	EUNICE CUNEJO ROW	EUNICE CUNEJO ROW (CHURCH ROCK CHAPTER)	500.00	500.00
Vendor: 9997 THE NAVAJO NATION			Totals: 500.00	500.00

Cashed on
7/19/16

Copy

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW



Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

No. 131929
95-219/1070

Wells Fargo Bank, NA
Grants, NM 87020

FIVE HUNDRED AND NO / 100*****

AY THE NAVAJO NATION
C PO BOX 2249
HE WINDOW ROCK AZ 86515
RDER
F

9997

DATE	CHECK NO	AMOUNT
03/31/2016	131929	\$*****500.00

Rant E. Castro
Corina V. Jandave

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

131929# 107002192# 2811880586#



Image

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW



Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

No. 131929

95-219/1070

Wells Fargo Bank, NA
Grants, NM 87020

FIVE HUNDRED AND NO / 100*****

PAY THE NAVAJO NATION
TO PO BOX 2249
THE WINDOW ROCK AZ 86515
ORDER
OF

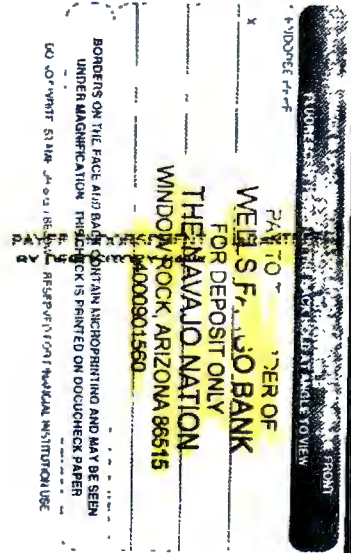
9997

DATE	CHECK NO	AMOUNT
03/31/2016	131929	\$*****500.00

Randy Gato
Corina V. Gato

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈131929⑈ ⑆107002192⑆ 2811880586⑈



Item Details

Amount: 500.00

Check #: 131929

Posting Date: 07/19/2016

As of Date: 07/19/2016

Account Number: 2811880586

Routing Number: 10700219

Type Code/Description: 475/CHECK PAID

Item Sequence Number: 381189239

May 30, 2014

Jerry DeGroat, Realty Specialist
Bureau of Indian Affairs
Eastern Navajo Agency
P.O. Box 328
Crownpoint, New Mexico 87313

Rec 7/23/14

Dear Mr. DeGroat:

The Continental Divide Electric Cooperative, Inc. (CDEC), 200 E. High St. P.O. Box 1087, Grants, New Mexico 87020 has submitted a permission to survey request to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for *proposed electric power line/Eunice Cunejo Project* right-of-way on Navajo Nation Trust Lands and any applicable Allotted lands #240918 (if applicable) in the Church Rock vicinity, McKinley County, New Mexico. The proposed survey is more particularly described on the attached survey map.

The request for CDEC is hereby granted, subject to the following terms and conditions:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of the field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.

Letter to Jerry Degroat
May 30, 2014
Page two

5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied.

Sincerely,



Howard Phillip Draper, Program &
Specialist
Navajo Land Department, DNR

Hpd

ATTACHMENTS

Xc: project file
Church Rock Chapter

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

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

1. Application Name and Address: Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020
2. Tracts(s) or parcel(s) affected by the right-of-way: _____
3. General location (easement location): Navajo Tribal Trust Land, SW/4, Section 21, T15N, R17W, NE/4, Section 29, T15N, R17W, NMPM, McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Churchrock Chapter), Construction, Operation, and Maintenance of 14.4 kv Electrical Distribution Line for Eunice Cunejo, WO#84754
5. Term (Renewal, if applicable): 50 Years
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: Continental Divide Electric Cooperative Inc.

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; [169.102(b)(2)]; survey plat signed by professional surveyor or engineering showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103:
4. Record that notice of the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting and requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
 - a. The representative has authority to execute the application;
 - b. The right-of-way will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.

8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

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

Applicant Point of Contact Information:

Name: Continental Divide Electric Cooperative, Inc.

Address: 200 East High Street, PO Box 1087, Grants

State: Grants Zip: 87020

Phone: (505) 285-6656

Email: dolivar@cdec.coop or smorales@cdec.coop

Date: June 21, 2017

Applicant:  (Signature)

Debbie Olivar or Steve Morales (Print Name)

**RIGHT-OF-WAY EASEMENT FOR
EUNICE CUNEJO POWER LINE PROJECT
LINE A
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 84754**

EXHIBIT

B

SURVEYORS DESCRIPTION of a right-of-way easement for the Continental Divide Electric Coop. Inc.'s Eunice Cunejo Power Line Project, Line A, located within sections 20, 21 and 29. Township 15 North, Range 17 West, New Mexico Principal Meridian, Church Rock, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty feet wide, being ten (10) feet on each side of the following described centerline:

COMMENCING at B.O.P. Station 0+00, existing pole number 084495, located in section 21 T15N, R17W, NMPM, said parcel being Navajo Tribal Trust Land, and from which point the BLM brass cap for the southeast corner of section 21, T15N, R17W, bears S86°01'16"E, a distance of 4,048.71 feet, and from which point the Base Station having True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N164246.23, E2480099.00, Latitude 35°30'29.10", Longitude -108°38'59.26", bears S32°43'31"W a distance of 553.51 feet.

Thence S83°34'15"W a distance of 90.10 feet to P.O.T. Station 0+90.10 at which point the centerline of the distribution line crosses a water line,

Thence continuing S83°34'15"W a distance of 1,019.90 feet to P.I. Station 11+10.00,

Thence S76°35'27"W a distance of 116.12 feet to P.O.T. Station 12+26.12, at which point the centerline of the distribution line crosses a fence line,

Thence continuing S76°35'27"W a distance of 8.28 feet to P.O.T. Sta. 12+34.40 at which point the centerline of the distribution line enters the SE ¼ of section 20, T15N, R17W, said parcel being Indian Allotment Number 40918, and from which point the found BLM brass cap for the southeast corner of section 20, T15N, R17W, bears S00°51'07"W a distance of 88.87 feet,

Thence continuing S76°35'27"W a distance of 371.26 feet to P.O.T. Station 16+05.66, at which point the centerline of the distribution line enters the NE ¼ of section 29, T15N, R17W, said parcel being Navajo Tribal Trust Land, and from which point the found BLM brass cap for the southeast corner of section 20, T15N, R17W, bears S89°33'38"E a distance of 359.83 feet,

Thence continuing S76°35'27"W a distance of 124.36 feet to E.O.P Station 17+30.02, the point of termination of the described right-of-way easement for Line A, and at which point the found BLM brass cap for the southeast corner of section 20, T15N, R17W, bears N86°53'43"E a distance of 481.49 feet,

The above described right-of-way contains 0.794 acres, more or less, in area. The right of way is 0.328 miles in length.

**EUNICE CUNEJO POWER LINE PROJECT
LINE A
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 84754**

GUY EASEMENT DESCRIPTION

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	11+10.00	N09°55'09"W	50'	25'	0.03
2	17+30.02	S76°35'27"W	50'	25'	0.03
			100'		0.06

TOTAL 2 GUYS

2 Guys x 0.03 acres = 0.06 ACRES

SUMMARY DESCRIPTION

<u>PARCEL</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A	1,730.02'	0.328	20'	0.794
GUY EASEMENTS	100.00'		25'	0.060
TOTAL	1,830.02'	0.328		0.854

NOTICE: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document including but not limited to descriptions, surveyor statements, and plat.

CDEC'S EUNICE CONEJO
POWER LINE PROJECT
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 84754

SECTION SUMMARY

	LAND STATUS	POWER LINE LENGTH	POWER LINE MILES	POWER LINE		GUY FOOTAGE	GUY		TOTAL ACREAGE	TOTAL	
				ACREAGE	FOOTAGE		ACREAGE	FOOTAGE		ACREAGE	FOOTAGE
SE ¼ Sec. 20	IA 40918	371.26'	0.070	0.170	0.00'		0.00	371.26'	0.170		
SW ¼ Sec. 21	TNT	1,234.40'	0.234	0.567	50.00'		0.03	1,284.40'	0.597		
NE ¼ Sec. 29	TNT	124.36'	0.024	0.057	50.00'		0.03	174.36'	0.087		
TOTAL		1,730.02'	0.328	0.794	100.00'		0.06	1,830.02'	0.854		



In Reply, Refer to:

4N420 – Real Estate Services
Rights of Way

United States Department of the Interior
Bureau of Indian Affairs
Eastern Navajo Agency
P. O. Box 328
Crownpoint, New Mexico 87313



SEP 12 2014

Rec 9/19/14

Cesar Martin, Right of Way Coordinator
Continental Divide Electric Cooperative, Inc.
P.O. Box 1087
Grants, New Mexico 87020

Dear Mr. Martin:

Reference is made to the receipt of the Tribal Consent dated May 30, 2014, for permission to survey, to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for the proposed electric power line right of way, entitled Eunice Cunejo, Project No. CDE-14-002.

The Navajo Nation has given its concurrence to the survey for tribal trust lands, as contained in the letter from the Navajo Land Department. Prior to entry upon or across allotted land, consent from the Indian land owners is required.

Subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR 169, authorization is hereby granted to proceed with the necessary survey subject to the following terms and conditions of the Navajo Nation:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.
5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied.

This authorization is for SURVEY ONLY on Tribal Trust Lands, according to the Tribal Consent received on June 3, 2014.

If you have any question, please contact our Rights-of-Way Section at (505) 786-6002.

Sincerely,

Superintendent, Eastern Navajo Agency

Section 21

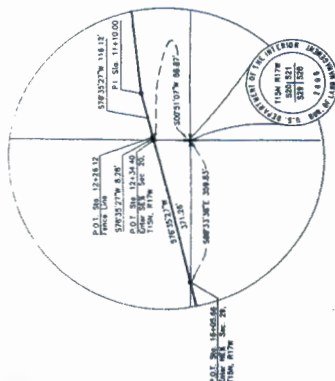
6. FIRST JUDICIAL CIRCUIT

Case Value 900

Section 207

THE UNIVERSITY OF CHICAGO

Section 29

[illegible]

Variable/Change	Fixed Line		Private Line		Public Line		Day & Another		Day & Another		Total
	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	
Fixed	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6
Private	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6
Public	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6
Day & Another	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6
Day & Another	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6
Total	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	11.6	1.17%	31.6

SCALE:
1 INCH = 300 FEET



WORK ORDER NUMBER 84754

CONTINENTAL DIVIDE ELECTRIC CO-OP, INC.

**EUNICE CUNEJO
POWER LINE PROJECT**

STATE	COUNTY	DETAIL
-------	--------	--------

IN. 1000000



Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONCERN:

I, DONALD ARVISO, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants New Mexico 87020 to use a portion of my land use area for the following purpose(s): Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Eunice Cunejo Power Line Project Work Order #84754

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 right as result of the above-referenced project as proposed.

REMARKS: The present land area has been declared as non use area by grazing Permitter

Date _____ Land User Signature (or Thumbprint) _____ Census No. _____ Permit No. _____

WITNESSES

6-16-2017 Donald Arviso 16
Date Grazing Committee or Land Board Member District No.
(505) 713-1883
Acknowledgement of Field Agent

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

Field Agent Signature

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo nation. Use back if necessary to complete this form.)

1. Project Identification: Continental Divide Electric Cooperative, Inc.
Type of Project: Electrical Powerline Extension
Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Eunice Cunejo Power Line Project WO#84754
Location: Chruchrock Chapter, NE/4 of Section 29, T15N, R17W, McKinley Cty New Mexico
Identification number(s): Work Order #84754
2. Amount of land affected: .087 acres, 20' width, 174.36' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	<u>LEONARD SMITH</u>	_____	<u>GRAZING Permit</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	<u>INACTIVE PERMITTEE</u>		

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list of Item 4 YES
6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

ACKNOWLEDGEMENT

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

6-16-2017
Date

Donald Rin 16
Grazing Committee or Land Board Member District No.

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo nation. Use back if necessary to complete this form.)

1. Project Identification: Continental Divide Electric Cooperative, Inc.
Type of Project: Electrical Powerline Extension
Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Eunice Cunejo Power Line Project WO#84754
Location: Chruchrock Chapter, SW/4 of Section 21, T15N, R17W, McKinley Cty New Mexico
Identification number(s): Work Order #84754
2. Amount of land affected: .597 acres, 20' width, 1,284.40' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	<u>LEONARD Smith</u>	_____	<u>GRAZING PERMIT</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	<u>INACTIVE PERMITTEE</u>	_____	_____

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list of Item 4 YES
6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

ACKNOWLEDGEMENT

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

6-16-2017
Date

Ronald Ariso 116
Grazing Committee or Land Board Member District No.

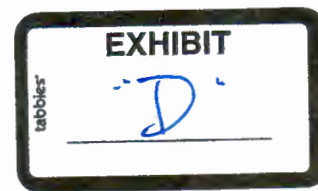


EXHIBIT " D "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)

Eunice Cunejo Power Line, WO #84754

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of Interior.

2. Consideration for the right-of-way is assessed at \$ 12,301.92 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 10 days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, maintenance, and operation of a 14.4 kV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.

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

- a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
- b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
- c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
- d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
 - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.

16. The Navajo Nation and the Secretary of the Interior shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

E

Document No. 008243Date Issued: 06/26/2017**EXECUTIVE OFFICE REVIEW**Title of Document: CDEC, ROW Eunice Cunejo Power Line Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: michellehoskie@frontier.com Phone Number: 928-871-6447

			Sufficient	Insufficient
<input type="checkbox"/>	Business Site Lease			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications			
1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds			
1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Lease Purchase Agreements			
1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)				
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Grant Applications			
1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Relinquishment of Navajo Membership			
1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐

2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases

1. NLD _____ Date: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. DNR _____ Date: _____ ☐ ☐

7. DOJ _____ Date: _____ ☐ ☐

☐ Rights of Way

1. NLD _____ Date: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. Office of the Attorney General: _____ Date: _____ ☐ ☐

7. OPVP _____ Date: _____ ☐ ☐

☐ Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease

1. Minerals _____ Date: _____ ☐ ☐

2. OPVP _____ Date: _____ ☐ ☐

3. NLD _____ Date: _____ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals _____ Date: _____ ☐ ☐

2. DNR _____ Date: _____ ☐ ☐

3. DOJ _____ Date: _____ ☐ ☐

☒ 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: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. DNR _____ Date: _____ ☐ ☐

7. DOJ ^(ic) *V. Blackhat* _____ Date: 9/22/17 ☒ ☐

8. OPVP *DA* _____ Date: 9-2-18 ☒ ☐

☐ OTHER:

1. _____ Date: _____ ☐ ☐

2. _____ Date: _____ ☐ ☐

3. _____ Date: _____ ☐ ☐

4. _____ Date: _____ ☐ ☐

5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
9-20-17 @ 11:55am	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 008243	
SAS #:	
UNIT: NRU	

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

CLIENT TO COMPLETE

DATE OF REQUEST:	9/20/2017	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT: CDEC ROW EUNICE CUNEJO POWER LINE PROJECT			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	9.20.17 12pm	REVIEWING ATTORNEY/ADVOCATE:	Trinchee 9.29.17
DATE TIME OUT OF UNIT:	9.22.17 3:15 PM	By	

DOJ ATTORNEY / ADVOCATE COMMENTS


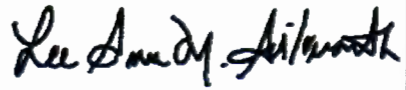



Document is legally sufficient. This is not Telecom Project but its Power Line Extension Project.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Trinchee	9/22/17	Blackhat	9/22/17 11:30am
DOJ Secretary Called: Emailed Michelle & Stevie for Document Pick Up on 9.22.17 at 2pm By: Bf			
PICKED UP BY: (Print)	DATE / TIME:		

NNDJ/DRRF-July 2013

COMPLETED

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	27-Jun-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	11-Aug-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	27-Jun-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved 1.	#17ntua102	1. No Reply	27-Jun-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	07-Jul-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved 1.	3.1 acres to be potentially disturbed. Disturbance of land surface in excess of 1.0 acre requires coverage under the federal Construction General Permit. A Notice of Intent (NOI) submitted to USEPA 14-days prior to earthmoving. A Storm Water Pollution Prevention Plan developed prior to NOI submittal.	1. No Reply	29-Jun-2017	

Recd 5/26/15

EXHIBIT

tabbies

F

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ LMASNNHPD NO.: **HPD-15-003 - REVISED**OTHER PROJECT NO.: **LMAS 1842**

PROJECT TITLE: Cultural Resource Survey for the Eunice Cunejo (Allotment No. 40918 & Navajo Tribal Trust) Power Line Extension, McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Continental Divide Electric Coop, Inc., 200 E. High St., Grants, New Mexico 87020

PROJECT DESCRIPTION: The undertaking consists of constructing an overhead powerline extension to the Eunice Cunejo residence. Five power poles and associated anchor point for guy wires will be installed for 1,730.02-ft. within a 20-ft wide right-of-way, including the anchor points for guy wires which totals 1,830.02-ft long. The area of effect is 0.854-acre. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Indian Allotment No. 40918 & Navajo Tribal Trust

CHAPTER: Church Rock

LOCATION: T. 15 N, R. 17 W - Sec. 20, 21 & 29; Gollup East Quadrangle, McKinley County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Douglas Boggess

NAVAJO ANTIQUITIES PERMIT NO.: 814386

DATE INSPECTED: 09/03/14

DATE OF REPORT: 02/12/14

TOTAL ACREAGE INSPECTED: 5.02 - ac

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

LIST OF CULTURAL RESOURCES FOUND: (1) Site (NM-Q-30-53); (1) Isolated Occurrence (IO); (2) In-Use Sites (IUS);

LIST OF ELIGIBLE PROPERTIES: (1) Site (NM-Q-30-53)

LIST OF NON-ELIGIBLE PROPERTIES: (1) IO; (2) IUS

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:

Site NM-Q-30-53:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing roadway.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-around.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Billie

FINALIZED: April 15, 2015 - Revised

Notification to Proceed Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ NoThe Navajo Nation
Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No

Acting

BIA - Navajo Regional Office

Date

Tm 4.22.15

Tamara Billie 4/15/15

10m 4.24.15



United States Department of the Interior

Navajo Region
P.O. Box 1060
Gallup, NM 87305



FEB 0 2016

MC:620/Branch of Environmental Quality Act Compliance & Review

Ms. Debbie Olivar
Continental Divide Electric Cooperative, Inc.
Post Office Box 1087
Grants, New Mexico 87020

RE: Continental Divide Electric Cooperative's Eunice Cunejo Powerline Project – Rehobeth,
McKinley County, New Mexico **EA-16-11191**

Dear Ms. Olivar:

The environmental assessment (EA), **EA-16-11191**, received on October 22, 2015 for the Continental Divide Electric Cooperative, Inc. proposed Eunice Cunejo Powerline Project, located approximately four (4) miles south of Rehobeth, McKinley County, New Mexico, has been reviewed in the Branch of Environmental Quality Act Compliance & Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. proposes to construct a 14.4 kV single-phase, overhead, raptor proof powerline to provide power to the Eunice Cunejo residence on Navajo Indian Allotment. The length of the power line will be 1,830.02-feet within a 20-foot right-of-way affecting approximately 0.854 acres of Navajo Tribal Trust land and Navajo Indian Allotted land.

A Finding of No Significant Impact (FONSI) has been determined for the proposed action. It 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.

Should you require additional information, you may contact Ms. Harrilene J. Yazzie, Supervisory Environmental Protection Specialist, at (505) 863-8287.

Sincerely,

Acting Regional Director, Navajo

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT
EUNICE CUNEJO POWERLINE PROJECT, EA-16-11191**

CONTINENTAL DIVIDE ELECTRIC COMPANY, INCORPORATED

Location:

**Sections 20, 21 & 29, T15N, R17W, NMPM
Gallup East, NM, Quadrangles, USGS 7.5 Minute Series Map
East of Rehobeth, McKinley County, New Mexico**

The Proposed Action is approval by the Bureau of Indian Affairs, Navajo Region, for a grant of right-of-way (ROW) for the construction of a 14.1 kV single phase, overhead, powerline to provide electricity to the residence of Eunice Cunejo. The proposed powerline is 1,830.02 feet in length from an existing power pole to the Eunice Cunejo residence. The existing power pole and Proposed Action are located on Navajo Nation Tribal Trust lands in Section 21 and 29, and on Navajo Indian Trust Allotment (ITA) #40918 in Section 20. The proposed project structure will include a number of wooden poles, 40-foot in height, buried five feet below the ground with guy anchors at each end, bearing change, and connection. All pole structures will include one wooden pole. All access roads along the power line will be from existing roads within ROW only. The project site is located approximately four (4) miles south of Rehobeth, McKinley County, New Mexico. The project is sponsored by the Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020.

The project environmental assessment (EA) was reviewed in the Branch of Environmental Quality Act Review and Compliance, Navajo Regional Office. Based on the environmental assessment and the mitigation measures specified in the document, it is determined that the Proposed Action will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 10 (2) (C), an environmental impact statement will not be required.

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

1. Agency and public involvement was solicited, and environmental issues relative to right-of-way approval for 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 and "no action" alternatives.
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 having the potential to occur on the *Gallup East, NM*, USGS 7.5-Minute Quadrangle containing the project boundaries (September 15, 2014, Letter from the NNDFW-EA). According to the NNDFW Biological Resource Land Clearance Policies and Procedures (BRLCPP), the proposed project is located within a low sensitive wildlife resources zone. The NNDFW issued Biological Resources Compliance Form (BRCF), NNDFW Review No.14PERM-11a indicating approval of the proposed action.

4. Potential impacts to flood plains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990 respectively. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map shows this area is not located in a flood plain (EA, Part 3.4.2). There are no perennial streams or wetlands in the project area (EA, Appendix 3-1-Wildlife Species Report).

5. Water Resources — surface flows are associated with small ephemeral drainage from snow melt and summer thunderstorms. These small drainages are categorized as sandy, silty, clayey or gravelly sediment on the flood plain or streambeds. Local drainage in the area is north of the proposed project (EA, Part 3.15). Increased sediment loading to the adjacent surface drainages through runoff of disturbed soils is possible. Spilled contaminants will be cleaned up as soon as possible to prevent runoff of contaminants into surface water or infiltration into ground water; and, reseeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years (EA, Parts 3.15.1&3.15.2.)

6. In compliance with the National Historic Preservation Act of 1966 as amended, Section 106 and 36 CFR 800.9 (b), a cultural resources inventory of the project area was conducted by Lone Mountain Archaeological Services, Inc. (LMAS). The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF) NNHPD No. HPD-15-003-REVISED indicating that no historic properties will be affected if conditions stated in the CRCF are followed (EA-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.

7. RCRA, Subtitle C, Hazardous Waste and Subtitle D, Non-Hazardous Solid Waste — solid waste materials will be generated as a result of the proposed action. These materials will include typical field waste associated with the construction of an overhead power line. Solid waste will be disposed at an approved off-site landfill (3.14.2.). Generation of hazardous waste is not expected. If hazardous waste is inadvertently generated, the proper authorities shall be consulted regarding disposal of such waste (EA, Part 3.14).

8. Noxious Weeds — there are seventeen species of noxious weeds present in the proposed project area listed by the BIA Navajo Noxious Weed List. The operator shall ensure that noxious weeds do not spread over disturbed areas, and shall consult with the Navajo Nation Department of Agriculture (NDA) regarding management and control of noxious weeds. The operator shall contact the Navajo Nation Environmental Protection Agency (NNEPA) Pesticide Enforcement and Development Program for a list of approved herbicides and applicators (EA, Part 3.6). The operator shall implement Best Management Practices to prevent the introduction of non-native, invasive plants to the project area.

9. Air Resources — there will be a short-term increase in dust during construction of the proposed action. This impact will subside as disturbed areas are reclaimed. Water shall be sprayed over disturbed areas for dust control if necessary. Surface disturbance and vehicular traffic will be limited; and compliance with the Clean Air Act and all applicable federal, tribal and local regulations will occur (EA, Part 3.1).

10. Visual Resources - the proposed action will be constructed in a manner that will minimize its impact on the visual quality of the area. In the general vicinity of the proposed power line route, the natural and undisturbed visual environment is dominant, but utility lines, fence lines and dirt roads are also highly visible elements of the landscape. Permanent impacts to visual quality will come from the overhead power line (EA. Part 3.13).

11. Public Health and Safety - short-term risks to the public associated with the construction of the power line would come from increased traffic on public roads. Vehicle traffic will be restricted to approved areas (EA. Part 3.9).

12. 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.

13. 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 allow the provision of electricity to the residence of Eunice Cunejo.



Regional NEPA Coordinator

2/3/2016

Date

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

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

PROJECT NAME & NO.: Eunice Cunejo Power Line

DESCRIPTION: CDEC proposes to construct, operate, and maintain a 14.4/24.9kV single-phase overhead distribution power line to serve the Eunice Cunejo residence. The power line extension would be a total of 1,830.02 ft. in length with a 20-ft. wide corridor (including 100 ft. of guys and anchors), consisting of 0.854± acre. The proposed action is located on Navajo Indian Allotment #40918 in Section 20 and NN Tribal Trust lands in Sections 21 & 29.

LOCATION: Sections 20, 21, & 29, T15N, R17W, Church Rock Chapter, Rehoboth, McKinley County, NM

REPRESENTATIVE: Jim Behnken, JGB Consulting for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EA-Eunice Cunejo Power Line, Appendices 3 & 4/MAR 2015/Permits West, Inc. & JGB Consulting

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: [1] The NNDFW highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard. All guy wires will be marked with highly visual daytime markers to prevent collisions.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 APR 2015; amended on 03 JUN 2015

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval		6/3/15
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)	Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	
<input type="checkbox"/> Categorical Exclusion (with request letter)		

☐ None (with memo)

*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

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD APR/93)

1. HPD REPORT NO, HPD-15-003	
2. TITLE OF REPORT: Cultural Resource Survey for the Eunice Cunejo (Allotment No. 40918) Power Line Extension, McKinley County, New Mexico	3. FIELDWORK DATES: September 3, 2014
	4. REPORT DATE: February 3, 2015 (Revised April 15, 2015)
5. CONSULTANT NAME AND ADDRESS: Lone Mountain Archaeological Services, Inc., 2825 Pennsylvania Ave. NE Suite 2000, Albuquerque NM 87110	6. PERMIT NO.: B14386
	7. CONSULTANT REPORT NO.: 1842
8. SPONSOR NAME AND ADDRESS: Continental Divide Electric Coop. Inc. 200 E High St Grants, NM 87020	9. SPONSOR PROJECT NO.:
	10. AREA OF EFFECT: ac. 0.854 TOTAL AREA SURVEYED: ac. 5.02

11. LOCATION (MAP ATTACHED):**a. Chapter:** Church Rock**e. Land Status:**

Tribal Trust Indian Allotment #40918

f. UTM NAD 83 Zone 12 Begin

N 3932074 E 713229

End

N 3931977 E 712714

b. Agency: Eastern Navajo Agency**g. Legal:** Township 15 N, Range 17 W, Sections 20, 21, and 29**c. County:** McKinley**h. 7.5' Map(s):** Gallup East, NM (1979 photorevised) 35108-E6**d. State:** New Mexico**i. Lead Agency:**

Cultural Resource Compliance Section

Navajo Nation Historic Preservation Department

12. Report Attachments**a. Description of Undertaking:**

The undertaking is an installation of an overhead power line extension from an existing power line to the Eunice Cunejo residence. The project area is accessible via an existing bladed dirt road (Shadow Farm Road). Expected impacts will be from vehicle traffic within and along the proposed power line route and from auger holes excavated for the placement of five power poles and associated anchor points for guy wires. The total area of potential effect is 1,830.02 long with a proposed power line corridor that is 20 ft wide and 1,730.02 ft in length, comprising 0.794 acres (0.32 ha), with any disturbance caused by the placement of anchor points and guy-wires taking up another 50 ft at each end of the line and comprising 0.06 acres (0.024 ha), for a total of 0.854 acres (0.344 ha).

b. Existing data Review:

Douglas Boggess conducted a review of the HPD site records on the morning of September 3, 2014 to determine if previously recorded cultural resources and previously conducted surveys are located in or near the project area. The files check located two previously recorded sites that may be located in or within 100 m of the project area. These are sites NM-Q-30-52 and NM-Q-30-53, recorded in 1991 during a waterline survey (HPD-92-703). A review of the confidential Sacred Places Database at the HPD offices in Window Rock on the same date revealed no previously recorded sacred places within or immediately adjacent to the project area (form attached). A review of HPD's Cultural Resources Compliance Section files revealed that several cultural resource surveys have taken place within or just beyond the search radius. These include HPD-92-703, a survey for a buried waterline intended to serve homes in the area; HPD-00-86, a powerline survey; HPD-02-1053, a survey of Eunice Cunejo's homesite; HPD-03-575, another homesite survey; and HPD-06-671.1, a water and wastewater project that included the Eunice Cunejo homesite. Only HPD-92-073 located sites within or near the proposed Eunice Cunejo powerline. The present project area has not been the subject of any known Traditional Cultural Property (TCP) study.

Lone Mountain conducted this survey during the week, and local residents were likely at work; no one was available to be interviewed. The Chapter House was not able to offer any information regarding the traditional or historic use of the area.

c. Area Environmental & Cultural Setting:

The project area is located on an open valley floor east of a large sandstone escarpment or outcrop. The terrain has a 5 degree to 7 degree slope to the southwest, and drains into an unnamed drainage approximately 150 m away from the project. The proposed route crosses two soil types. The eastern and western ends of the route fall on Buckle-Gapmesa-Barboncito complex, 1 to 6 percent slopes and the central portion falls on Eagleeye-Atchee-Rock outcrop complex, 2 to 35 percent slopes. Buckle-Gapmesa-Barboncito complex, 1 to 6 percent slopes is found on the slopes of ridges, hills, and cuesta dip slopes and is made up of eolian deposits and sandstone and shale alluvium. Eagleeye-Atchee-Rock outcrop complex, 2 to 35 percent slopes is found on the slopes of ridges and hills and is made up of alluvium derived from sandstone and shale. The project area surface is 70 percent free of ground cover. The observed vegetation includes pifion, juniper, low grasses and forbs, prickly pear, and dispersed leafy shrubs and stands of sagebrush.

The project area and its surroundings show significant disturbances due to both natural and human causes. The location on varying slopes makes the area subject to water erosion. The surface exhibits signs of sheetwash, slopewash, and gully formation. Eolian caused disturbance is present, but to a lesser extent. The construction of in-use residences, including the Eunice Cunejo home, has led to the blading of roads leading to the home (Shadow Farm Road). The proposed powerline has been staked to the south of an existing buried waterline, which has an accompanying two-track road. Refuse associated with the in-use home(s) at the east end of the survey area is evident across the eastern end of the survey corridor.

The surveyed area falls in a part of northwest New Mexico known to have been inhabited by Paleoindian peoples pursuing large game across the landscape between 10,500 and 5500 B.C. (if not earlier), and by early Archaic peoples hunting smaller game and gathering. By 1700 B.C., maize had appeared in the southwest (Vierra 2005:3) and by A.D. 300, pottery was being used in the pithouse villages built by the Anasazi. The area appears to fall at the southern edge the Chaco Canyon culture area. Many of the Anasazi abandoned the Chaco greathouses between A.D. 1150 and 1200 to join other pueblos, while others became the ancestors of Navajo clans. The Navajo have retained histories that describe their relationships (both trade and intermarriage) with the Anasazi (e.g., Begay 2004).

d. Field Methods

Fieldwork was conducted on September 3, 2014 by Field Director/Field Supervisor Douglas Boggess. The project included a 5.02-acre (2.03-ha) linear survey of the proposed power line surrounded by a 50-ft cultural buffer.

The proponent furnished Lone Mountain with maps depicting the proposed ROW to be surveyed. This survey was performed by a permitted one-person crew walking 15-m transects covering the 20 ft. ROW corridor with a 50-ft cultural buffer on each side, defined by five staked proposed pole locations at each end and along the route.

When cultural remains that are not in use were encountered, a determination was made as to whether they constituted an isolated occurrence or a site. An especially intensive low-interval survey would have been conducted in areas where previously recorded sites were expected within or near the project area. These searches would be conducted at both the previously recorded UTM coordinates and at the locations of hand-drawn map plots, which are often divergent in the case of sites recorded in pre-GPS years. In-use locations were to be plotted using a GPS and the archaeologist was to conduct an interview of any resident that could be contacted.

13. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Resource:

Lone Mountain encountered Isolated Occurrence No. 1, NM-Q-30-53, and two in-use properties. Isolated Occurrence 1 included a nearly complete brown chert Tularosa Corner notched point (100 B.C. to A.D. 900), measuring 23 mm by 17 mm by 2 mm, and eight amber glass bottle shards. This material is similar in date to materials reported from NM-Q-30-52. That site is identified as having UTM coordinates that place it to the north of the project area, but maps and the associated previous report place it 80 m to the south of the now-constructed waterline. No other materials that were clearly associated with this site were encountered within the survey corridor.

NM-Q-30-53 is a historic Navajo homesite that may date between A.D. 1950 and 1980. The proposed overhead powerline crosses through the middle of the site.

The finds are located on the Gallup East, NM (1979 photorevised) USGS map

IO#1 Legal Location: T15N, R17W, S21

UTM: Zone 12, NAD 83 E713056 N3932046

NM-Q-30-53 Legal Location: T15N, R17W, S20, S21, S28, S29

UTM: Zone 12, NAD 83 E712831 N3932019

One of the two in use properties is the Eunice Cunejo homesite, for which the proposed powerline is intended.

Legal Location: T15N, R17W, S20,

UTM: Zone 12, NAD 83 E712711 N3932038

At the eastern end of the proposed powerline, the route passes between a corral and a homesite, herein treated as the same in-use location.

Legal Location: T15N, R17W, S20,

UTM: Zone 12, NAD 83 E713235 N3932017

b. Evaluation of Significance of Each Resource:

NM-Q-30-53 is recommended eligible for nomination to the NRHP under Criterion D but is not eligible for ARPA protection. The proposed undertaking will have no effect on any in use properties or the isolated occurrence.

14. MANAGEMENT SUMMARY (RECOMMENDATIONS):

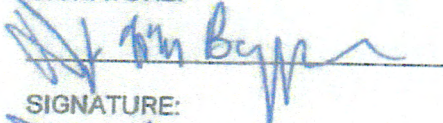
Restrict any vehicle traffic to the existing graded road in the vicinity (within 15 m [50 ft]) of NM-Q-30-53. The proposed powerpole within the site boundary will be relocated to a location more than 15 m/50 ft from the site boundary and taller poles will be employed to span the site.

15. CERTIFICATION:

General Charge Name:

SIGNATURE:

DATE:

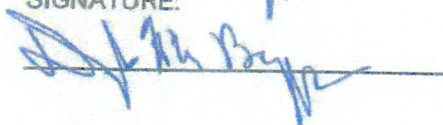


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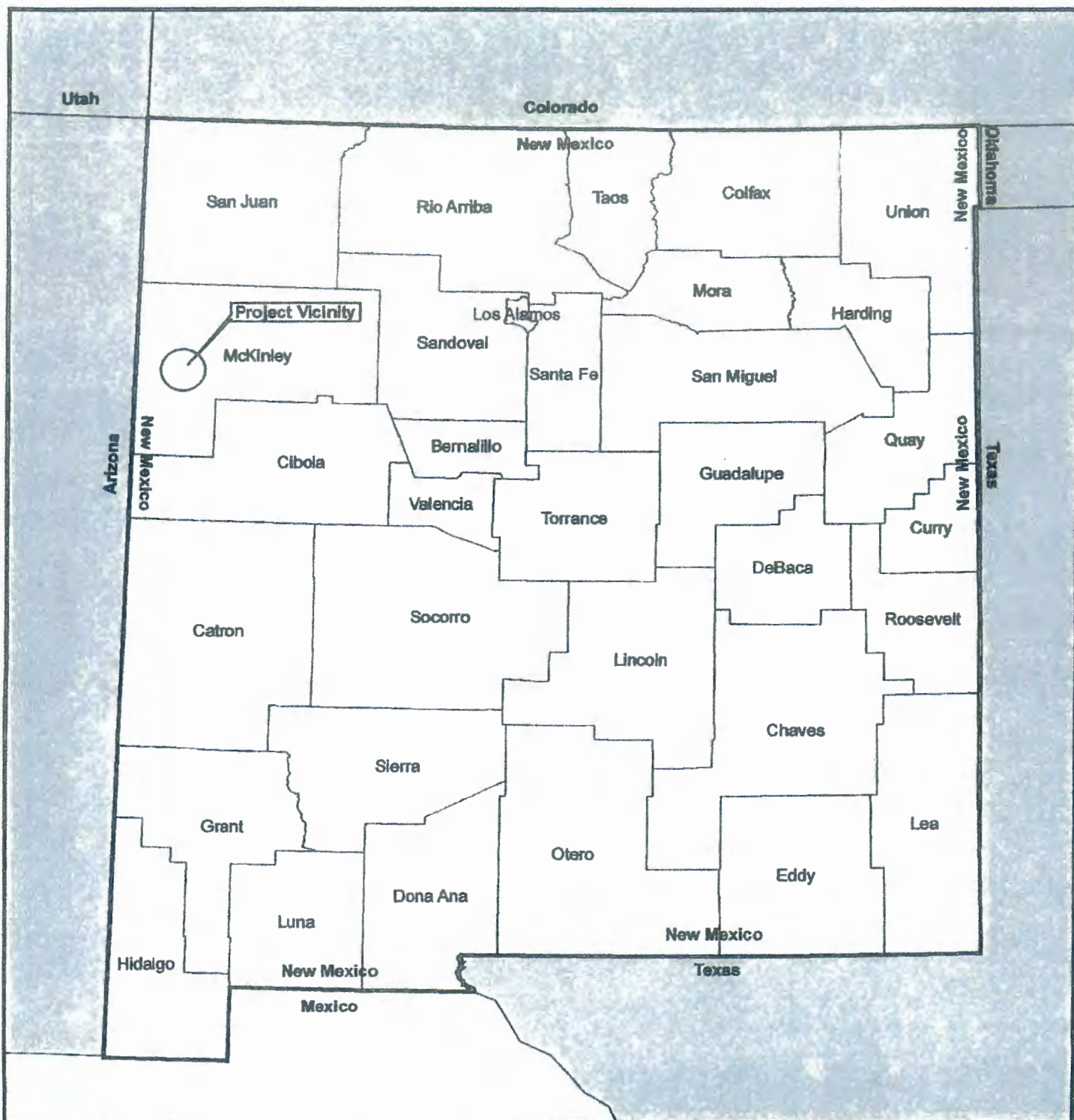
SIGNATURE:

DATE:

Direct Charge Name:



4-15-2015



Legend

Counties

Source: ArcGIS10.1 Database

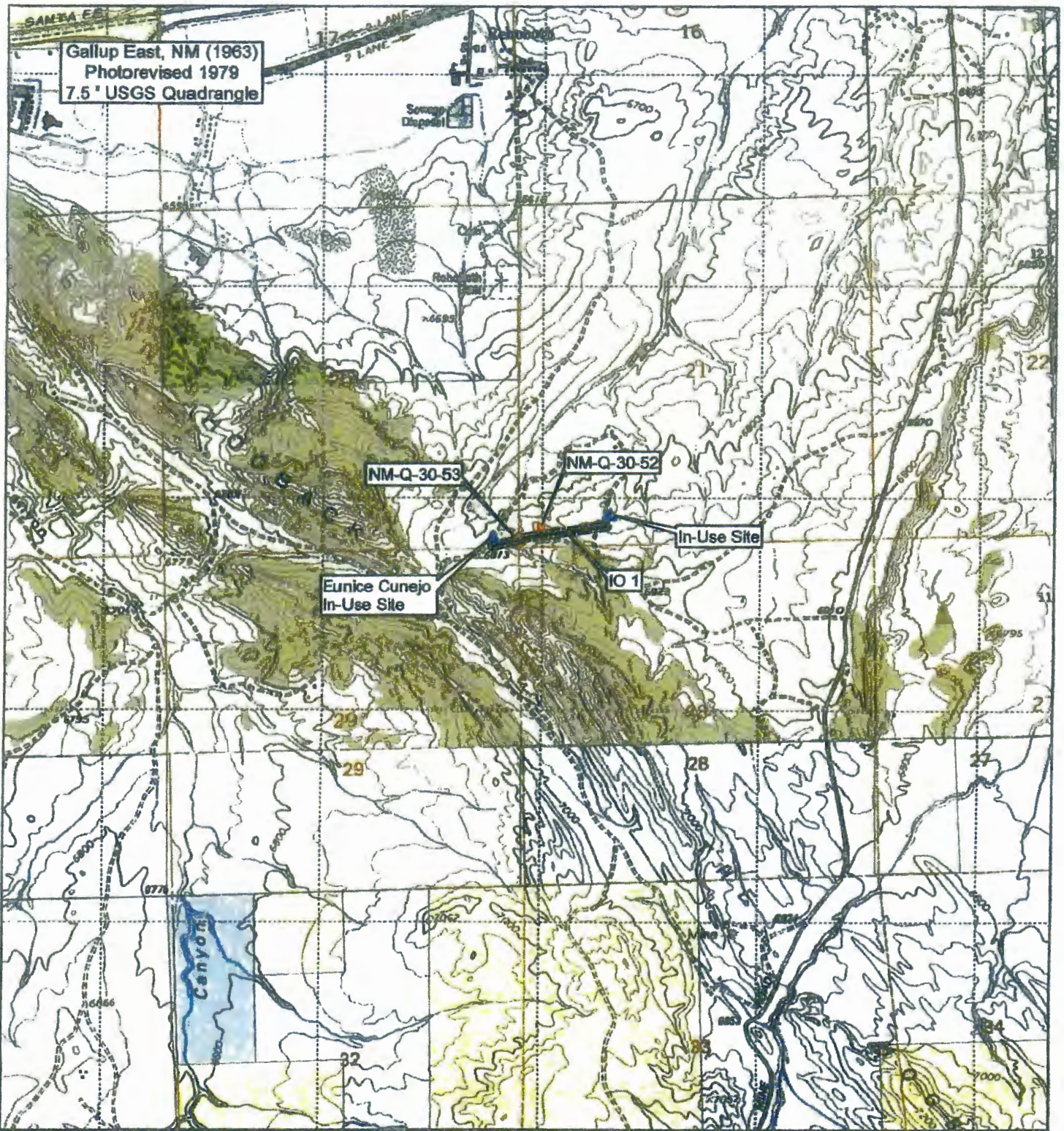


Cunejo Electric Line Cultural Resource Survey Project Vicinity Map

Lone Mountain Archaeological Services

Drawn by: T. Cordua
LMAS No.: 1842

Client:
Continental Divide
Electric Coop



Legend

- Project Area
- Cultural Buffer
- Isolated Occurrence
- Previously Recorded Site
- Site Boundary
- ▲ In-Use Site

Land Ownership

- Bureau of Land Management
- Private
- State
- Tribal Land

T15N, R17W, Sections 20-21
McKinley County, NM



Cunejo Electric Line Cultural Resource Survey

Project Area

Lone Mountain Archaeological Services, Inc.

Drawn by: T. Cordua
LMAS No.: 1842

Client:
Continental Divide
Electric Coop

**Navajo Nation Archaeology Department
Site Survey and Management Update Form**

Site
Number:
NM-Q-30-53

Original Site
Number:
LA 89915, CRS-2

Date:
09/03/2014

Current Project Number and
Name:

Permit No. 14386, Cultural Resource Survey for the
Eunice Cunejo (Allotment No. 40918) Power Line
Extension, McKinley County, New Mexico

Update by:
Doug Boggess
Lone Mountain Archaeological Services, Inc.

New Location Information:

Legal Description:

T15N, R17W, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S20

SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S21

NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S28,

NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S29

UTM Coordinates:

Zone 12, NAD83 E712831 N3932019

Other:

Location of Site Relative to Current Project Area:

1. A stake marking the location of pole for an overhead powerline has been placed next to Feature
2. The powerline as proposed will cross over the site.

Additional Description (including current condition of site):

Assemblage Information

Lone Mountain estimates that there are more than 1,000 historic artifacts at this site, including cans, glass, ceramics, a variety of miscellaneous metal artifacts, and other miscellaneous items. Previously recorded artifacts reflect dates between the 1950s and 1970s (Nabahe 1992). Lone Mountain observed children's shoes, fiestaware sherds, and pulltab cans that would support the date range Nabahe (1992) identified.

Site Structures and Features

Nabahe (1992) reported 14 features at this site. These included a sandstone home, a sandstone foundation, a 1930s era tractor, a cinder block garage, a brick fireplace, a firewood pile, three trash piles, two rock piles, a brick pile, a cement pile, and a 1950s era washing machine. The site appears to have deteriorated or been dismantled somewhat since the 1992 recording, as Lone Mountain observed only an artifact concentration and four features.

A rectangular barbed-wire fence surrounds much of the site, measuring 51 m east/west by 25 m north/south. Features 1, 2, and 4 fall within this fenced area, while Feature 3 and the artifact concentration fall to the south, on a slope along a drainage margin.

The artifact concentration was previously recorded by Nabahe as Feature 14. The concentration is made up of more than 200 artifacts in a 3-m diameter area. Artifacts include a variety of cans, wine bottle shards, rusted metal fragments, and fiestaware sherds. Dateable cans include venthole cans and pulltab cans. While venthole cans began to be produced in the early twentieth century, they fall out of use by the mid 1980s (Rock 1988), and pulltab cans date to the 1960s and 1970s (Maxwell 1993).

Feature 1 is a partially collapsed sandstone home measuring approximately 12 m by 5 m. The walls are constructed of sandstone slabs and blocks stacked with semi regular coursing and some chinking. Walls are upright on the northern and eastern side of the home, while those walls on the southern side and half of the western side have collapsed. Walls are a maximum of 15 courses high, with an estimated maximum height of 2.5 m. There is no roof or flooring remaining; it is possible that the home had an earthen floor. There is some potential for buried cultural deposits within this feature, which remains 70 percent intact.

Feature 2 is a 30-cm high mound of sediment containing burned brick, sandstone, weathered wood, and a piece of a rubber tire. There is concrete step and short alignments of brick visible at the northern edge of the feature. The area encompassed by this feature is 6.3 m by 5.0 m. The feature may contain the remains of Nabahe's (1992) Features 4 and 5 (a brick fireplace and a log pile). The feature contains buried cultural deposits and is 20 percent intact. A proposed powerline pole has been staked very close to this feature.

Feature 3 is series of two linear mounds of sandstone building materials, a charcoal stain, and some additional scattered bricks and sandstone slabs. The feature occupies an area measuring 8 m by 6 m. The sandstone mounds measure 3 m by 2 m by 40 cm and 2.5 m by 1.5 m by 20 cm. This area appears to contain the remains of Nabahe's (1992) Features 7 through 10 and 12 (an ash and refuse concentration, two rock piles, a brick pile, and the foundation of a small building). This area may have been pushed around or further disassembled since 1992 and is estimated to be no more than 20 percent intact, though buried cultural deposits are likely.

Feature 4 is the remains of a concrete block garage. The feature measures 7 m by 5 m and retains stacked concrete blocks to a height of three courses (30 cm to 40 cm) only on its east side. The floor of the feature is concrete and is unlikely to contain buried cultural deposits, though it is possible that deposits are present in the area surrounding the feature. The area immediately to the north contains a 2-m diameter heap of concrete blocks stacked to approximately 50 cm high. This feature was recorded as Features 3 and 11 in 1991 (Nabahe 1992). The feature is estimated to be less than 25 percent intact.

Other previously recorded features such as a washing machine (Feature 13) and a tractor (Feature 2) are no longer present, while Feature 6, an artifact concentration, may have become partially obscured and is now visible only as part of the general artifact assemblage.

The site area consists of colluvial and eolian deposits. Various features are capable of producing buried cultural materials and shallow buried cultural deposits are likely across much of the site.

Ethnographic Information

While some in-use homes are present very near this site, there was no one home at the time that the survey took place. Likewise, people at the Chapter House were not informative. Additional ethnographic work that took place over a weekend might be more productive.

Disturbances and Potential Impacts

The site is in fair condition, having been affected by wind erosion, sheetwash, and slopewash down drainage margins. Some elements of the site may have been scavenged by neighbors or descendants. A waterline has been installed to the north and a bladed road forms the northern boundary of the site. A Department of Interior section corner monument has been placed along the eastern fence enclosing the homesite. The site is estimated to be in fair condition, between 51 percent and 75 percent intact.

Site Assessment (Indicate any changes from original evaluation):

36 CFR 60.4 (National Register of Historic Places): Though a handwritten notation on the site form indicates that the site was determined ineligible in 1993, the site is a component of the historic Navajo landscape. This site is therefore recommended eligible for nomination to the NRHP under Criterion D.

Archaeological Resources Protection Act (ARPA):

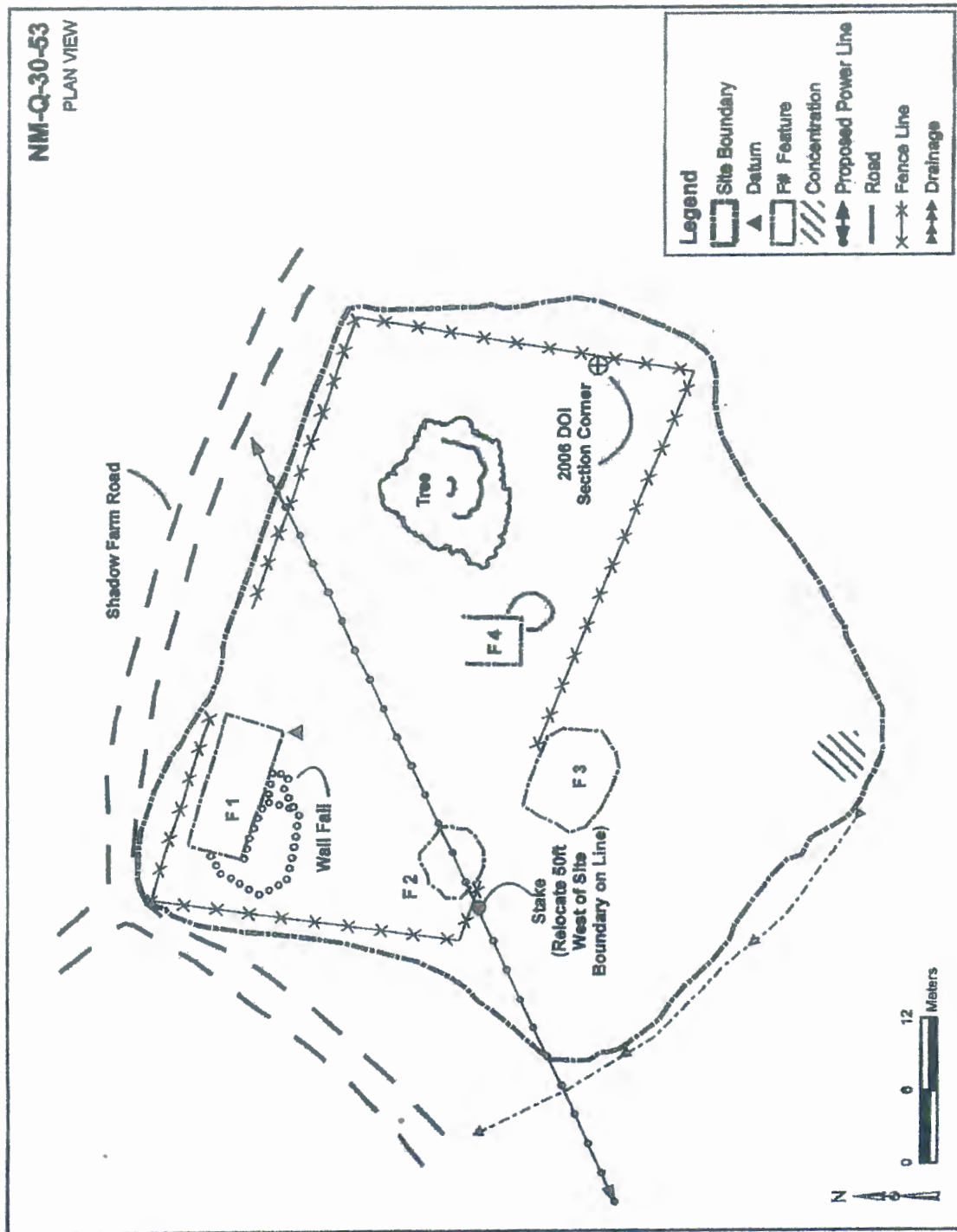
The site is less than 100 years old and is not eligible for ARPA protection

American Indian Religious Freedom Act (AIRFA):

Recommendations:

A proposed powerline pole has been staked within the site boundary near Feature 2. This pole will be relocated to a position 15 m (50 ft) outside of the site boundary and taller poles will be employed to successfully span the site. Vehicle traffic should be restricted to the existed bladed road within the vicinity of the site. The powerline may be strung above the site.

NM-Q-30-53
PLAN VIEW



NN Site Number: NM-Q-30-53

Land Status: Tribal Trust

Cultural Affiliation(s): Historic Navajo (ca. A.D. 1950s to 1970s)

Site Assessment:

NRHP Eligibility: Eligible, D

ARPA Eligibility: < 100 years old

Location Information:

USGS Map: Gallup East, NM (Photorevised 1979)

Legal Location: T15N, R17W, S20, S21, S28, S29

UTM: Zone 12, NAD83 E712831 N3932019

Elevation: 6,783 ft.

Site Type: Navajo Home Site

Description

NM-Q-30-53 was first recorded in 1991 during the Church Rock South waterline project as a recently-burned homesite with 14 associated features (Nabahe 1992). The site measures 65 m by 65 m, with an estimated area of 4,225 m sq. The site can be reached by vehicle using Shadow Farm Road. Vegetation includes an overstory of piñon and juniper, with grasses, leafy shrubs, sagebrush, and small forbs. Surface visibility is 70 percent.

Assemblage Information

Lone Mountain estimates that there are more than 1,000 historic artifacts at this site, including cans, glass, ceramics, a variety of miscellaneous metal artifacts, and other miscellaneous items. Previously recorded artifacts reflect dates between the 1950s and 1970s (Nabahe 1992). Lone Mountain observed children's shoes, fiestaware sherds, and pulltab cans that would support the date range Nabahe (1992) identified.

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Nabahe (1992) reported 14 features at this site. These included a sandstone home, a sandstone foundation, a 1930s era tractor, a cinder block garage, a brick fireplace, a firewood pile, three trash piles, two rock piles, a brick pile, a cement pile, and a 1950s era washing machine. The site appears to have deteriorated or been dismantled somewhat since the 1992 recording, as Lone Mountain observed only an artifact concentration and four features.

A rectangular barbed-wire fence surrounds much of the site, measuring 51 m east/west by 25 m north/south. Features 1, 2, and 4 fall within this fenced area, while Feature 3 and the artifact concentration fall to the south, on a slope along a drainage margin.

The artifact concentration was previously recorded by Nabahe as Feature 14. The concentration is made up of more than 200 artifacts in a 3-m diameter area. Artifacts include a variety of cans,

wine bottle shards, rusted metal fragments, and fiestaware sherds. Dateable cans include venthole cans and pulltab cans. While venthole cans began to be produced in the early twentieth century, they fall out of use by the mid 1980s (Rock 1988), and pulltab cans date to the 1960s and 1970s (Maxwell 1993).

Feature 1 is a partially collapsed sandstone home measuring approximately 12 m by 5 m. The walls are constructed of sandstone slabs and blocks stacked with semi regular coursing and some chinking. Walls are upright on the northern and eastern side of the home, while those walls on the southern side and half of the western side have collapsed. Walls are a maximum of 15 courses high, with an estimated maximum height of 2.5 m. There is no roof or flooring remaining; it is possible that the home had an earthen floor. There is some potential for buried cultural deposits within this feature, which remains 70 percent intact.

Feature 2 is a 30-cm high mound of sediment containing burned brick, sandstone, weathered wood, and a piece of a rubber tire. There is concrete step and short alignments of brick visible at the northern edge of the feature. The area encompassed by this feature is 6.3 m by 5.0 m. The feature may contain the remains of Nabahe's (1992) Features 4 and 5 (a brick fireplace and a log pile). The feature contains buried cultural deposits and is 20 percent intact. A proposed powerline pole has been staked very close to this feature.

Feature 3 is series of two linear mounds of sandstone building materials, a charcoal stain, and some additional scattered bricks and sandstone slabs. The feature occupies an area measuring 8 m by 6 m. The sandstone mounds measure 3 m by 2 m by 40 cm and 2.5 m by 1.5 m by 20 cm. This area appears to contain the remains of Nabahe's (1992) Features 7 through 10 and 12 (an ash and refuse concentration, two rock piles, a brick pile, and the foundation of a small building). This area may have been pushed around or further disassembled since 1992 and is estimated to be no more than 20 percent intact, though buried cultural deposits are likely.

Feature 4 is the remains of a concrete block garage. The feature measures 7 m by 5 m and retains stacked concrete blocks to a height of three courses (30 cm to 40 cm) only on its east side. The floor of the feature is concrete and is unlikely to contain buried cultural deposits, though it is possible that deposits are present in the area surrounding the feature. The area immediately to the north contains a 2-m diameter heap of concrete blocks stacked to approximately 50 cm high. This feature was recorded as Features 3 and 11 in 1991 (Nabahe 1992). The feature is estimated to be less than 25 percent intact.

Other previously recorded features such as a washing machine (Feature 13) and a tractor (Feature 2) are no longer present, while Feature 6, an artifact concentration, may have become partially obscured and is now visible only as part of the general artifact assemblage.

The site area consists of colluvial and eolian deposits. Various features are capable of producing buried cultural materials and shallow buried cultural deposits are likely across much of the site.

Ethnographic Information

While some in-use homes are present very near this site, there was no one home at the time that the survey took place. Likewise, people at the Chapter House were not informative. Additional ethnographic work that took place over a weekend might be more productive.

Disturbances and Potential Impacts

The site is in fair condition, having been affected by wind erosion, sheetwash, and slopewash down drainage margins. Some elements of the site may have been scavenged by neighbors or descendants. A waterline has been installed to the north and a bladed road forms the northern boundary of the site. A Department of Interior section corner monument has been placed along the eastern fence enclosing the homesite. The site is estimated to be in fair condition, between 51 percent and 75 percent intact.

Conclusions and Recommendations

This site was encountered within the project ROW. NM-Q-30-53 has a Historic Navajo component, dating sometime between A.D. 1950 and 1980. The site is less than 100 years old, indicating no eligibility for ARPA protection. Though a handwritten notation on the site form indicates that the site was determined ineligible in 1993, the site is a component of the historic Navajo landscape. This site is therefore recommended eligible for nomination to the NRHP under Criterion D.

A proposed powerline pole has been staked within the site boundary near Feature 2. The proposed pole will be relocated to a position 15 m (50 ft) outside of the site boundary and taller poles will be employed to successfully span the site. Vehicle traffic should be restricted to the existed bladed road within the vicinity of the site. The powerline may be strung above the site.

Maxwell, D.B.S

1993 Beer Cans: A Guide for the Archaeologist. *Historical Archaeology*, 27(1):95-113.


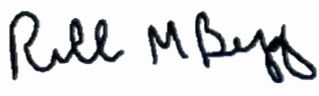
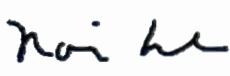



Nabahe, R.J. 1992 Survey of Church Rock South For Navajo Indian Health Services.
NNHPD Project No.

92-703. NNAD No. 91-003. Navajo Nation Archaeological Department, Window Rock, AZ.

Rock, Jim

1988 *Tin Canisters: Their Identification*. USFS, Yreka, California.

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	no comments	No Reply	20-Sep-2017	
Richard Begay (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	1. HPD-17-105	1. No Reply	16-Aug-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and EPA environmental laws.	1. No Reply	16-Aug-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	15-Aug-2017	
Steven Prince (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	17-Aug-2017	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	1. I think this tower is already built and in use.	1. No Reply	23-Aug-2017	



Project Area, Facing W



IO No. 1, Projectile Point, Facing W



NM-Q-30-53, Site Overview, Facing E



NM-Q-30-53, Feature 1, Facing NW



NM-Q-30-53, Feature 2, Facing W



NM-Q-30-53, Feature 3, Facing SE



NM-Q-30-53, Feature 4, Facing SE



THE NAVAJO NATION
Historic Preservation Department
Cultural Resource Compliance Section
PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7147 FAX: (928) 871-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

DATE	09/03/2014
COMPANY	Lone Mountain Archaeological Services, Inc.
PROJECT NAME	Power distribution line extension for Eunice Cunejo
PROJECT NUMBER	LMAS 1842
PERMIT NUMBER	B14386
PROJECT LOCATION	T15N, R17W, Section 20; Indian Allotment Number 40918
USGS QUAD MAP:	Gallup East, NM (1963) Photorevised 1979

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

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

Researcher's Name:	
NNHPD/TCP Program Reviewer:	<i>Sumner</i>

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

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

ENVIRONMENTAL ASSESSMENT **FOR**



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
200 EAST HIGH STREET
GRANTS, NM 87020
(505) 285-6656

EUNICE CUNEJO POWER LINE PROJECT

October 2015

PREPARED BY:



TOGETHER WITH



JGB Consulting

TABLE OF CONTENTS

1.	Introduction.....	1
1.1	Purpose and Need	1
1.2	Conformance with Applicable Land Use Plans and Other Environmental Assessments.....	1
1.3	Federal, State, or Local Permits, Licenses, or Other Consultation Requirements.....	1
2.	Alternatives Including the Proposed Action	3
2.1	Alternative A - No Action.....	3
2.2	Alternative B - Proposed Action.....	3
2.3	Reclamation	4
2.4	Alternatives Considered But Not Analyzed In Detail.....	4
3.	Description of Affected Environment.....	6
3.1	Air Resources.....	6
3.1.1	No Action Alternative.....	8
3.1.2	Proposed Action.....	8
3.2	Cultural Resources.....	8
3.2.1	No Action Alternative.....	9
3.2.2	Proposed Action.....	9
3.3	Environmental Justice.....	9
3.3.1	No Action Alternative.....	10
3.3.2	Proposed Action.....	10
3.4	Floodplains and Wetlands.....	10
3.4.1	No Action Alternative.....	11
3.4.2	Proposed Action.....	11
3.5	General Topography/Surface Geology	11
3.5.1	No Action Alternative.....	11
3.5.2	Proposed Action.....	12
3.6	Invasive, Non-native Species.....	12
3.6.1	No Action Alternative.....	12
3.6.2	Proposed Action.....	12
3.7	Land Use	13
3.7.1	No Action Alternative.....	13
3.7.2	Proposed Action.....	13
3.8	Noise	14
3.8.1	No Action Alternative.....	14
3.8.2	Proposed Action.....	14
3.9	Public Health and Safety.....	15
3.9.1	No Action Alternative.....	15
3.9.2	Proposed Action.....	15
3.10	Soils.....	15
3.10.1	No Action Alternative.....	16
3.10.2	Proposed Action.....	16

3.11	Threatened, Endangered, and Special Status Species.....	16
3.11.1	No Action Alternative.....	18
3.11.2	Proposed Action.....	18
3.12	Vegetation, Forestry.....	18
3.12.1	No Action Alternative.....	19
3.12.2	Proposed Action.....	19
3.13	Visual Resources.....	19
3.13.1	No Action Alternative.....	19
3.13.2	Proposed Action.....	20
3.14	Wastes, Hazardous and Solid.....	20
3.14.1	No Action Alternative.....	20
3.14.2	Proposed Action.....	20
3.15	Water Resources	21
3.15.1	No Action Alternative.....	22
3.15.2	Proposed Action.....	22
3.16	Wildlife	23
3.16.1	No Action Alternative.....	23
3.16.2	Proposed Action.....	23
3.17	Cumulative Effects.....	24
3.17.1	No Action Alternative.....	24
3.17.2	Proposed Action.....	24
4.	Consultation/Coordination.....	24
5.	Contact Information.....	25
6.	References.....	25

TABLES

Table 2.1: Project Land Use Summary	4
Table 4.1: Interdisciplinary Project Team	24

APPENDICES

Appendix 1: Map of Project Area
Appendix 2: Navajo Fish and Wildlife Correspondence Letter
Appendix 3: Threatened, Endangered, and Special Status Wildlife Species Reports
Appendix 4: Plant Survey Report
Appendix 5: Cultural Resources Compliance Form
Appendix 6: Biological Resources Compliance Form

1. Introduction

Continental Divide Electric Cooperative, Inc. (CDEC) proposes to construct a 14.4 kV single-phase overhead distribution power line approximately four miles south of Rehoboth in McKinley County, NM (Proposed Action). The Proposed Action is located in Sections 20, 21, and 29, Township 15N, Range 17W, of the Gallup East, NM 7.5-Minute Quadrangle. The proposed power line is 1,830.02 feet in length (including 100 feet of guys and anchors) and runs west-southwest from an existing power pole to the Eunice Cunejo residence. The existing power pole and Proposed Action are located on Navajo Nation Tribal Trust lands in Sections 21 and 29, and on Navajo Indian Allotment (NIA) #40918 in Section 20. The layout of the power line and a topographic map of the location are attached as Appendix 1. This Environmental Assessment (EA) will address the Proposed Action with regards to its potential impacts to the surrounding environment.

1.1 Purpose and Need

The purpose of the Proposed Action is to construct a single-phase overhead distribution power line to serve a residence on Navajo Nation Tribal Trust lands.

1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments

This EA addresses the potential impacts imposed on surrounding resources by the Proposed Action. Impacts are presented on a site-specific basis as required by the National Environmental Policy Act (NEPA), as amended (NEPA 2000). NEPA requires federal agencies to consider the potential environmental consequences of proposed actions and to enhance the environment through well-informed federal decisions. The Council on Environmental Quality (CEQ) was established under NEPA to implement regulations (40 CFR) and to oversee federal policy in this process. The proposed project will not be in conflict with any local, county, or state plans. CDEC will file a right-of-way (ROW) application with the Bureau of Indian Affairs (BIA).

1.3 Federal, State, or Local Permits, Licenses, or Other Consultation Requirements

The Federal Water Pollution Control Act (Clean Water Act) and its National Pollutant Discharge Elimination System (NPDES) regulate impacts to rivers, wetlands, and streams. Regulated entities must obtain coverage under an NPDES stormwater permit for construction activities one acre or larger and implement stormwater pollution prevention plans (SWPPPs) or stormwater management programs (both using best management practices [BMPs]) that effectively reduce or prevent the discharge of pollutants into

receiving waters. This action applies to all states, federal lands, and Indian country regardless of whether the USEPA or a state is the NPDES permitting authority.

The Endangered Species Act (ESA) of 1973 requires all federal departments and agencies to conserve threatened, endangered, and critical and sensitive species and the habitats on which they depend, and to consult with the U.S. Fish and Wildlife Service (USFWS) on all actions authorized, funded, or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat. Consultation with the USFWS, as under Section 7 of the ESA, (50 CFR 402) is required unless the agency determines that a project will have "no effect" on an endangered species or critical habitat because none are located in the project area (BIA 2012).

The Navajo Nation Department of Fish & Wildlife (NNDFW) Natural Heritage Program has been consulted with respect to species of concern that are known to occur, or that have the potential to occur, within the area of the Proposed Action (Appendix 2). Species of concern listed by the USFWS, State of New Mexico, and NNDFW will be evaluated in Section 3 of this document and in the Wildlife and Plant Survey Reports attached as Appendices 3 and 4, respectively.

Section 106 consultation (36 CFR 800) with the New Mexico State Historic Preservation Officer (SHPO) and the Navajo Nation Historic Preservation Officer (NNHPO) under the National Historical Preservation Act (NHPA) is required unless the agency determines that the project is the type of activity that has "no potential to cause effects" to an historic property (36CFR 800.3(a) (1)) (BIA 2012).

Lone Mountain Archaeological Services, Inc. performed a Class III Cultural Resources Inventory of the Proposed Action area. A determination was made that there is one historic Navajo homestead within the project ROW. A proposed power pole will be relocated to a position 15 m (50 ft) outside of the site boundary and taller poles will be employed to successfully span the site. A request for archaeological clearance was also submitted to the Navajo Nation Historic Preservation Department (NNHPD). The Cultural Resources Compliance Form will be attached as Appendix 5.

Additionally, CDEC is required to:

- Comply with all applicable federal, state, and local laws and regulations.
- Obtain the necessary permits for construction of the power line.

2. Alternatives Including the Proposed Action

2.1 Alternative A - No Action

The BIA NEPA Guidebook (59 IAM 3-H) states that in EAs the No Action Alternative can either be no change from the current management practices, or a description of what is reasonably foreseeable, if the proposed action does not take place (BIA 2012). For this EA, the No Action Alternative means that the proposed activity will not take place. This alternative would deny approval to build the power line and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

In this case, the No Action Alternative is presented for baseline analysis of resource impacts.

2.2 Alternative B - Proposed Action

Continental Divide Electric Cooperative, Inc. (CDEC) proposes to construct a single-phase overhead distribution power line approximately four miles south of Rehoboth in McKinley County, New Mexico (Proposed Action). The Proposed Action is located in the Gallup East, NM 7.5-Minute Quadrangle in the SE ¼ of Section 20, T. 15 N., R. 17 W., on Navajo Allotted Land. The proposed power line with guys is 1,830.02 feet in length (1,730.02 feet of line plus 100 feet of guys and anchors). The 20.0 foot-wide right-of-way runs west-southwest from an existing power pole to the Eunice Cunejo residence. The existing power pole and Proposed Action are located on Navajo Nation Tribal Trust lands in Sections 21 and 29, and on Navajo Indian Allotment (NIA) # 40918 in Section 20 (Table 2.1). Most of the proposed single-pole wood structures will be approximately 40 feet in height and buried about six feet below grade; the structures at either end of the historic site will each be approximately 10 feet higher so the site can be spanned. The layout and a topographic map are included as Appendix 1. This Environmental Assessment (EA) will address the potential impacts of the Proposed Action on the surrounding environment.

All access along the power line route will be from existing roads and two-tracks within the ROW only. The length of the proposed ROW with guys is 1,830.02 feet and the width is 20 feet, for a total area of 0.854 acres (0.794 acre for the line and 0.06 acre of disturbance for guys and anchors). Soil and vegetation will be minimally disturbed except at the locations of poles and guy anchors. The estimated duration from start of construction is approximately one to two weeks.

Table 2.1 summarizes the project land use specifications.

Table 2.1: Land Ownership Summary

<i>Land Ownership</i>	<i>Location</i>	<i>Centerline Length (ft)</i>	<i>Guy Wire Length (ft)</i>	<i>Total Length w/ Guys (ft)</i>	<i>Total Area w/ Guys (acres)</i>
Navajo Allotment #40918	SE ¼ Sec. 20 T. 15N. R. 17W	371.26	0	371.26	0.170
Navajo Tribal Trust	SW ¼ Sec. 21 T. 15N. R. 17W	1,234.40	50	1,284.4	0.597
Navajo Tribal Trust	NE ¼ Sec. 29 T. 15N. R. 17W	124.36	50	174.36	0.087
TOTAL		1,730.02	100	1,830.02	0.854

The proposed route crosses a gently sloping pinyon-juniper woodland. Construction will entail driving a truck-mounted auger on existing roads and two-tracks to the location of each structure and boring a hole. Then a truck-mounted crane will raise the pole, and the hole will be backfilled and tamped. The conductors will be strung on the poles with the assistance of a reel truck and a winch truck. No temporary roadways or use areas will be required and no blading or blasting will be performed as part of the project.

Use of Best Management Practices (BMPs) will include performing construction only when the soil is dry enough to adequately support construction equipment and vehicles. When the soil is too wet (ruts more than six inches deep), construction will be postponed until conditions improve. Maintenance will be conducted as necessary.

2.3 Reclamation

Disturbed areas will be restored as closely as possible to their original condition upon completion of construction. BIA and Navajo Nation reclamation measures will be followed and may include ripping compacted and disturbed areas at least 12 inches deep with the contour, harrowing, applying a native seed mix as prescribed by the BIA or Navajo Nation, and mulching. Noxious weeds will be controlled in accordance with Navajo Nation Environmental Protection Agency (EPA) requirements; at a minimum, this will include cleaning of construction equipment by CDEC and its contractors prior to entering the area.

2.4 Alternatives Considered But Not Analyzed In Detail

One alternative that was considered is the use of an alternative energy source. The use of on-site diesel or gas engines to provide power to the current private residence is an

alternative to providing electricity via a power line. However, a power line is quieter, less expensive, produces no local air emissions and requires less maintenance. In addition, any on-site engines would require regular re-fueling, which would increase operating expenses due to fuel costs and man hours for fueling and maintaining the engines.

Photovoltaic (PV) cells are costly and inconvenient for intensive or widespread use. PV cell electricity typically costs 800% more than that from a power line. A typical battery can store a maximum of 72 hours of electricity, and many would be needed to power the electrical needs of this home. The need for multiple batteries would be costly and potentially unreliable during long stretches of inclement weather.

Wind generators are also expensive and can be impractical due to the necessity to place the windmills on high points in the direct stream of wind. This project area may not have a suitable location to support wind-generated energy.

Another alternative initially considered was to bury the entire length of the line rather than use an overhead span from the existing power pole to the residence. Burying the entire length by trenching would disturb far more land and increase the amount of erosion and the subsequent possibility of noxious weeds becoming established than burying only power poles to support an overhead line. It also was ruled out due to the historic site and the greater potential impact that trenching for an underground line could cause.

These alternative energy sources are impractical for powering this private residence and the proposed power line best meets the energy needs required at this time.

No other significant issues were identified for the present location of the Proposed Action during the following activities:

- on-site inspections;
- Cultural Resources Inventory (with the planned spanning of the historic site, no impacts are anticipated);
- Threatened, Endangered, and Special Status Species Surveys; and the
- Special Status Species and NNDFW species of concern survey of known to occur or with the potential to occur in the 7.5-Minute Gallup East, NM Quadrangles.

Therefore, no further alternatives other than the No Action Alternative were considered.

3. Description of Affected Environment

This section describes the environment that would be affected by implementation of the alternatives described in Section 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Only aspects of the affected environment that are potentially impacted are described.

3.1 Air Resources

The proposed project is located in McKinley County, NM on Navajo Nation Tribal Trust lands and on Navajo Nation Allotment Lands. The US Environmental Protection Agency (USEPA), Region 9, and the Navajo Nation Environmental Protection Agency Air Quality Control program are responsible for administering air quality regulations on Navajo Allotment Lands in New Mexico. The Navajo Nation Air Quality Control Program (NNAQCP) is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA) (Navajo Nation Council 2004). In addition, the project area lies within the USEPA's designated Four Corners Interstate Air Quality Control Region (USEPA 1972).

Air resources include air quality and climate. The USEPA has the primary responsibility for regulating air quality, including seven nationally regulated ambient air pollutants. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology, and terrain; and also includes applications of noise, smoke management, and visibility. Greenhouse gas (GHG) emissions, such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), water vapor, and several trace gases, can affect air quality (USEPA 2014).

Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. GHGs also affect climate. Through complex interactions on a global scale, GHG emissions may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to measurably increase, and may contribute to overall climatic changes, typically referred to as global warming (USEPA 2014). GHG emissions are not regulated by the USEPA, but climate is considered because it has the potential to influence renewable and non-renewable resource management.

Air Quality

The USEPA's Inventory of US Greenhouse Gas Emissions and Sinks found that total U.S. GHG emissions were over 6.7 billion metric tons and that total U.S. GHG emissions have increased by 8.4% from 1990 to 2011. Emissions decreased from 2010 to 2011 by 1.6% (108.0 million metric tons CO₂ Eq.). The decrease was due to a decrease in carbon intensity of fuels consumed to generate electricity as caused by a substitution of natural gas for coal use and an increase in hydropower use, and relatively mild winter conditions (USEPA 2013).

Since 1990, U.S. GHG emissions have increased at an average annual rate of 0.4 percent (USEPA 2013). It is likely that levels of these GHGs worldwide will continue to increase.

The primary sources of air pollution in the local area are dust from blowing wind on disturbed or exposed soil, and exhaust emissions from motorized equipment.

The NMED Air Quality Bureau monitors and enforces ambient air quality throughout New Mexico and has permanent sites throughout the state. The closest permanent station to the project area is the Bloomfield Substation, located near Bloomfield, NM. Air quality at the substation was rated as good (Index = 24) as of December 12, 2013. Thus, the general project area is classified as in attainment with NAAQS (NMED 2013).

Other factors that currently affect air quality in the area include dust from livestock and dust from vehicular traffic on disturbed or unpaved surfaces.

Climate

The average global temperature has risen about 1.4°F (0.8°C) from 1880 to 2012. The continued increase in GHG levels in Earth's atmosphere may contribute to a long-term rise in global temperatures. On the current course of GHG increases, climate models forecast each successive decade to be warmer than the previous one (Hansen et al. 2013).

A report on climate change by the U.S. Government Accountability Office (USGAO) found that, "federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others: 1) physical effects such as droughts, floods, glacial melting, and sea level rise; 2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and 3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses" (USGAO 2007).

It is not, however, possible to predict with any certainty regional or site-specific effects on climate relative to the Proposed Action and subsequent actions.

3.1.1 No Action Alternative

3.1.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to air resources would occur.

3.1.2 Proposed Action

3.1.2.1 Direct and Indirect Effects

Air Quality

There will be a short-term (approximately two weeks) increase in dust and particulate matter during construction of the Proposed Action. This impact would subside as disturbed areas are reclaimed.

There will be a minor, short-term increase (approximately two weeks) in local combustive emissions from operating vehicles and earth moving equipment.

There will be a minor, infrequent long-term impact to air quality from motorized vehicles performing periodic maintenance of the power line.

There will be minor and infrequent, long-term fugitive dust creation during maintenance of the power line.

Climate

No quantifiable impacts to the climate are anticipated as a result of the Proposed Action.

3.1.2.2 Mitigation

CDEC will apply water for dust control, if necessary.

Surface disturbance and vehicular traffic will be limited to the approved locations to reduce combustive emissions and dust.

CDEC will comply with the NAAQS, USEPA's Clean Air Act, and all applicable Navajo Nation regulations.

3.2 Cultural Resources

Lone Mountain Archaeological Services, Inc. performed a Class III Cultural Resources Inventory of the Proposed Action area. A determination was made that there is one historic Navajo homesite within the project ROW. A proposed power pole will be relocated to a

position 15 m (50 ft) outside of the site boundary and taller poles will be employed to successfully span the site. A request for archaeological clearance was also submitted to the Navajo Nation Historic Preservation Department (NNHPD). The Cultural Resources Compliance Form will be attached to this EA as Appendix 5.

3.2.1 No Action Alternative

3.2.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to cultural resources would occur.

3.2.2 Proposed Action

3.2.2.1 Direct and Indirect Effects

The potential exists to impact undiscovered or improperly inventoried cultural resources that may be discovered during construction of the Proposed Action.

3.2.2.2 Mitigation

Restrict any vehicle traffic to the existing bladed road and proposed power line corridor. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered during the Proposed Action by CDEC, or any person working on their behalf, will be immediately reported to the NNHPD at (928) 871-7148, and to any other necessary agencies. CDEC will suspend all operations in the immediate area of such discovery until approval to proceed is issued by the NNHPD. An evaluation of the discovery will be made by the NNHPD archaeologist to determine appropriate action to prevent the loss of significant cultural or scientific values.

3.3 Environmental Justice

In 1994, Executive Order 12898 on Environmental Justice in Minority Populations and Low Income Populations was signed by President Clinton. This Order broadly states that federal activities, programs, and policies should not produce disproportionately high and adverse impacts on minority and low income populations. The Order also indicates that these populations should not be denied the benefits of or excluded from participation in these activities, programs, and policies (Federal Register 1994). RUS and many other agency guidelines do not require an environmental justice review for relatively minor projects such

as the Proposed Action; however, since the No Action Alternative could have an adverse impact, environmental justice was examined in this EA.

The population of McKinley County in 2010 was 71,492 people, comprised of 75.5% American Indian, 4.8% White, 8.5% Hispanic or Latino, 0.8 Asian, 4.9% Other race and 3.1% are two or more races from the 2010 U.S. Census Bureau, with 33.6% of the population constituting a high percentage of minorities live below the poverty level in McKinley County (USCB 2010).

3.3.1 No Action Alternative

3.3.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed. This alternative could have indirect impacts to the local minority and possibly low-income population by essentially denying local residents the opportunity to have electric service.

3.3.2 Proposed Action

3.3.2.1 Direct and Indirect Effects

The purpose of the Proposed Action is to provide power to a private residence on Navajo Allotment Lands. Private residences located on Navajo Allotment Lands are likely considered minority and could potentially represent low income populations. A positive direct effect will be access to electricity for these residents. The Proposed Action is not located on public lands. Negative direct effects to minority or low-income populations include a slight increase in activity and noise disturbance during construction activities.

3.3.2.2 Mitigation

If there are any grazing permits in the area, the permittees will be contacted. Regarding an increase in noise disturbance, see Section 3.8 Noise, below.

3.4 Floodplains and Wetlands

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the Proposed Action is outside of a Zone A floodplain which is "an area subject to a one percent or greater annual chance of flooding in any given year. Because detailed hydraulic analyses have not been performed on these areas, no base flood elevations are shown" (FEMA 2010). The landscape in the project area is located on the east flank of the

Gallup hogback and consists of gentle hills and slopes very gradually to the northeast toward the floodplain of the Rio Puerco del Sur.

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory tool (2014b) does not identify wetlands or riparian zones within the Proposed Action. There are no wild and scenic rivers in or near the project area.

3.4.1 No Action Alternative

3.4.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to floodplains would occur.

3.4.2 Proposed Action

3.4.2.1 Direct and Indirect Effects

The Proposed Action is not located in the 100-year floodplain. Therefore, no impacts to floodplains are anticipated.

3.5 General Topography/Surface Geology

The Proposed Action area is located 4 miles south of Rehoboth, NM. Topography in the area is gently sloping from southwest to northeast with considerable patches of bare ground among pinyon and juniper trees, and some sandstone outcropping in the vicinity of the proposed power line. The soils consist of deep eolian deposits and slope alluvium derived from sedimentary rock over weathered Dakota and Gallup sandstones and Mancos shale residuum on sandstone (NRCS 2014, NMBMGR 2003, Dane and Bachman 1957). Elevations range from 6870 feet at the existing power pole and 6813 feet at the west end or project terminus.

3.5.1 No Action Alternative

3.5.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to general topography and surface geology would occur.

3.5.2 Proposed Action

3.5.2.1 Direct and Indirect Effects

A direct effect to the natural topography will result from accessing and installing new power line poles and guy anchors.

The indirect effect of disturbance and loss to soil and seed banks will result from installing the power line poles.

3.5.2.2 Mitigation

Surface disturbance and vehicular traffic will be limited to approved locations to reduce the area of disturbance.

Disturbed areas will be reclaimed pursuant to Section 2.3. Reseeding will help prevent soil loss and seed bank disturbance/loss. Successful reclamation will take two to three years.

Use of Best Management Practices (BMPs) are listed in Section 2.2.

3.6 Invasive, Non-native Species

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI OSM 1999). None of the species were observed in the project area. No noxious weeds identified by the state of New Mexico (Gonzales 2009) were identified in the project area. The full Plant Survey Report is attached as Appendix 4.

3.6.1 No Action Alternative

3.6.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to invasive, non-native species would occur.

3.6.2 Proposed Action

3.6.2.1 Direct and Indirect Effects

Although not observed during field surveys, some noxious weeds may be present within the proposed project area and may become established in disturbed areas within the Proposed Action area. Weedy plants that are not considered noxious, but are prone to populate and spread invasively

throughout disturbance areas were observed in the project area. Disturbance in the Proposed Action area may displace healthy populations of native plants with these invasive and noxious weeds.

3.6.2.2 Mitigation

Any disturbed areas will be seeded with an approved seed mix. CDEC will make every effort to ensure that noxious weeds do not spread over disturbed areas. If noxious weeds become established within the Proposed Action area, CDEC will contact the Navajo Nation EPA Pesticides Program for a list of approved herbicides and applicators.

3.7 Land Use

The Proposed Action is located on Navajo Allotment Lands. Current land uses include the existing power line; dirt and two-track roads and driveways; nearby residences; and grazing by livestock. There are no farmlands in the Proposed Action area.

3.7.1 No Action Alternative

3.7.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to current land uses would occur.

3.7.2 Proposed Action

3.7.2.1 Direct and Indirect Effects

The Proposed Action will affect (with guy wires) 0.854 acre of Navajo Tribal Trust and Navajo Indian Allotment Lands. Short-term impacts will come from minimal land clearing for power line pole, conductor, guy and guy anchor placement.

3.7.2.2 Mitigation

Reclamation of the Proposed Action as stated in Section 2.3 will replace vegetative cover along the overhead span right-of-way. Successful reclamation is expected to take two to three years.

If grazing permits are identified in the project area, the permittees will be contacted to gain written permission for CDEC's proposed use of the land as part of this project.

3.8 Noise

Noise is not currently regulated or managed by the Navajo Nation. The Proposed Action is in a rural location. Aside from the residence gaining power as part of this project, only one other residence is located east of the power line. Low-level noises are emitted from traffic on roadways. The most likely receptors of noise generated from the Proposed Action will be those traveling to the area for work activities and the ground-drilling activities for placing the wooden poles in the ground.

3.8.1 No Action Alternative

3.8.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect noise impacts would occur.

3.8.2 Proposed Action

3.8.2.1 Direct and Indirect Effects

Noise will be generated as part of construction activities associated with the Proposed Action.

Occasional maintenance and/or monitoring vehicles will travel to and within the project area during normal operations.

3.8.2.2 Mitigation

Construction will be conducted during daylight hours and will be limited to approved locations. Vehicular traffic will be restricted to approved areas and will not exceed what is necessary for the construction and maintenance of the Proposed Action.

Noise associated with construction activities will cease after approximately two weeks. Once construction is complete and operation begins, noise will return to background level.

3.9 Public Health and Safety

There are only two occupied residences in the project area: one will be gaining power from the proposed power line and the other house is just east of the existing power line. The residents of the occupied home east of the power line and CDEC employees or contractors are the most likely persons to be in the vicinity of the Proposed Action.

3.9.1 No Action Alternative

3.9.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to public health and safety would occur.

3.9.2 Proposed Action

3.9.2.1 Direct and Indirect Effects

Risks to the public associated with the construction of a power line include wildfire, increased traffic on public roads, fire and explosion, spills of vehicular fluids or water, and potential air emissions exposure.

3.9.2.2 Mitigation

Only approved areas will be used during construction to minimize hazards to workers and the general public.

All applicable laws, regulations, and policies will be followed during construction and maintenance activities, or while responding to any emergency.

BMPs and appropriate Occupational Safety and Health Administration standards and guidelines will be implemented to minimize negative effects to public health and safety.

3.10 Soils

The Proposed Action crosses two different soil units. Soils in the eastern and western-most thirds of the proposed line are composed of the Buckle-Gapmesa-Barboncito complex (1 to 6 percent slopes). This complex consists of eolian deposits over fan and slope alluvium derived from Dakota and Gallup sandstones and Mancos shale. The soil texture ranges from calcic and gypsic fine sandy loam and loam, to sandy clay loam and clay (NRCS 2014).

The Eagleeye-Atchee-Rock outcrop complex (2 to 35 percent slopes) is associated with the weathered rock outcrop found in the middle third of the proposed line. The complex consists of slope alluvium derived from sedimentary rock over weathered Dakota and Gallup sandstones and Mancos shale residuum (Dane and Bachman 1957, NMBMGR 2003) with soil textures of fine sandy loam, gravelly clay loam, to extremely channery¹ sandy clay loam (NRCS 2014).

Soils in both complexes are well drained with moderate to high susceptibility to erosion due to water and wind, including the hazard of severe soil blowing (NRCS 2014).

3.10.1 No Action Alternative

3.10.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to soils would occur.

3.10.2 Proposed Action

3.10.2.1 Direct and Indirect Effects

Soils will be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.

Due to wind and water, the soils will be subject to an undetermined amount of erosion until vegetation is established.

3.10.2.2 Mitigation

Successful reclamation of the Proposed Action outlined in Section 2.3 will reduce long-term negative impacts to soils. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.

Use of BMPs as outlined in Section 2.2 will reduce impacts to soils.

3.11 Threatened, Endangered, and Special Status Species

Prior to field surveys, a list of federal and state threatened and endangered and special status species potentially occurring in McKinley County was created with data obtained from the

¹ A channery soil consists by volume of more than 15 percent thin, flat fragments of sandstone, shale, slate, limestone, or schist as much as 6 inches along the longest axis.

USFWS Information, Planning and Conservation System (USFWS 2014a) website and the Biota Information System of New Mexico (BISON-M 2014). The New Mexico Energy, Minerals and Natural Resources Department State Forestry Division Endangered Plant Program (EMNRD 2014) and the New Mexico Rare Plant Technical Council (NMRPTC 2014) websites were referenced for information on listed and rare plants that could be present in the area. A data request to the Navajo Natural Heritage Program was made for Navajo Nation endangered species known to occur or with the potential to occur on the 7.5 minute Gallup East Quadrangle. The request reply was received on September 15, 2014.

Based on this review of species and their habitat requirements, an evaluation was made of which species have the potential to occur in the project area. The species that were evaluated as potentially being impacted by the project are protected under state or federal laws, and/or interagency agreements, and are either known to occur within the project area, or have habitat requirements consistent with habitat available within or near the project area.

On August 28, 2014, a biologist conducted pedestrian wildlife surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species. No federal or Navajo listed threatened or endangered species, or their habitats, were observed during the August 28, 2014 wildlife surveys. There is a potential for golden eagles (*Aquila chrysaetos*) and peregrine falcons (*Falco peregrinus*) to pass through the project area, but no suitable nest habitat for these species are located within 1.0 mile of the project area.

Several migratory bird species protected under the Migratory Bird Treaty Act (MBTA) were observed during the survey including: turkey vulture (*Cathartes aura*); red-tailed hawk (*Buteo jamaicensis*); unknown flycatcher (*Empidonax* sp.); western scrub jay (*Aphelocoma californica*), pinyon jay (*Gymnorhinus cyanocephalis*); Juniper titmouse (*Baeolophus ridgewayi*); blue-gray gnatcatcher (*Poliophtila caerulea*); rock wren (*Salpinctes obsoletus*); Chipping sparrow (*Spizella passerine*); western tanager (*Piranga ludoviciana*); house finch (*Carpodacus mexicanus*); and lesser goldfinch (*Carduelis psaltria*). One migratory bird nest which had been used during the 2014 season was observed during the survey in an area south of the project ROW.

Because there will be minimal ground disturbance in association with the proposed power line construction, no take of nesting birds is anticipated from the project if Section 3.11.2.2 Mitigation, below, is followed.

No species of concern to the NNHP or the USFWS occur in the Proposed Action area. The full Threatened, Endangered, and Special Status Wildlife and Plant Reports are attached as Appendices 3 & 4.

3.11.1 No Action Alternative

3.11.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to threatened, endangered, or special status species would occur.

3.11.2 Proposed Action

3.11.2.1 Direct and Indirect Effects

The MBTA protects migratory birds from a "take". Take is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities". A "take" does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. Nesting migratory birds could be adversely impacted by a potential take.

Overhead power lines have a direct effect on raptors. Raptors and other birds are killed every year by electrocution from perching or nesting on power lines.

3.11.2.2 Mitigation

Removal of trees and shrubs will be avoided as much as possible, and only authorized ROW and roads will be used for construction and installation.

Construction and installation of the power line would preferably be completed outside the March 1-July 31 raptor nesting season. If construction activities must occur during this period, surveys for nests will be conducted beforehand. This will ensure nesting migratory birds are protected from a potential take.

Power line construction will be raptor-safe and will follow the Navajo Nation's Raptor Electrocution Prevention Regulations (NNHP 2008a).

3.12 Vegetation, Forestry

The vegetation in the project area can be characterized as a Pinyon-Juniper Woodland by Brown (1994). The dominant plants in the grassland are pinyon (*Pinus edulis*), one-seed juniper (*Juniperus monosperma*), big sage (*Artemisia tridentata*), blue grama (*Bouteloua gracilis*), indian ricegrass (*Achnatherum hymenoides*); with scattered rabbitbrush (*Ericameria nauseosa*), broom snakeweed (*Gutierrezia sarothrae*), and four-wing saltbush

(*Atriplex canescens*). Russian thistle (*Salsola tragus*) is also present. A complete inventory of plant species can be found in Appendix 4.

3.12.1 No Action Alternative

3.12.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to vegetation or forestry would occur.

3.12.2 Proposed Action

3.12.2.1 Direct and Indirect Effects

The Proposed Action will affect 0.854 acre (including guys and anchors) of Navajo Tribal Trust and Allotment Lands.

3.12.2.2 Mitigation

Reclamation, as outlined in Section 2.3, will mitigate impacts to vegetation from the construction of the Proposed Action. Reseeding will replace vegetation removed or damaged during construction. Successful reclamation is expected to take two to three years.

3.13 Visual Resources

Visual resources are not currently inventoried or managed by the Navajo Nation. However, considering that the Proposed Action will extend a new power line from an existing power pole and line, the project will introduce new vertical elements to the landscape, though most visual resources will be minimally affected.

3.13.1 No Action Alternative

3.13.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to visual resources would occur.

3.13.2 Proposed Action

3.13.2.1 Direct and Indirect Effects

Short-term impacts to visual resources could come from dust, truck traffic, and placement of heavy equipment during construction. The new power line will become a permanent interruption to the line of sight and introduce vertical elements to the landscape.

3.13.2.2 Mitigation

Short-term impacts to visual resources from construction will cease after approximately two weeks.

3.14 Wastes, Hazardous and Solid

As a result of the construction of the Proposed Action, solid waste materials will be generated. These materials may include typical field waste such as charts and plats, excess conductor wire, bent anchors, anchor line spools, broken insulators, damaged bolts and fittings, broken poles and cross arms, scrap lumber, laths, stakes, flagging, nylon rope, lunch trash, and cardboard. Generation of hazardous waste is not expected. If hazardous waste were inadvertently generated, the proper authorities would be consulted regarding the disposal of such waste.

3.14.1 No Action Alternative

3.14.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts from wastes, hazardous or solid, would occur.

3.14.2 Proposed Action

3.14.2.1 Direct and Indirect Effects

Trash and unwanted materials will be generated by construction.

3.14.2.2 Mitigation

All trash will be placed in a portable trash cage or equivalent container and hauled to an approved landfill. There will be no burial or burning of trash.

Human waste will be disposed of in chemical toilets and hauled to an approved dump station off of the Navajo Nation.

3.15 Water Resources

The Colorado Plateaus aquifers underlay the northwestern portion of New Mexico. The principal aquifers and aquifer systems are the Uinta-Animas, the Mesaverde, the Coconino-De Chelly, and the Dakota-Glen Canyon. Smaller, more localized aquifers are also defined as part of the Colorado Plateaus aquifers. The San Andres Limestone-Glorieta Sandstone, Dakota-Westwater Sandstones, and the Gallup Sandstone of the Mesaverde Group at and near the project area, form aquifers that produce most of the ground water for the communities of Gallup and Rehoboth (Cooper and West 1967). The quality of water from these aquifers and systems throughout the Four Corners area has been described by the USGS as being highly variable with total dissolved solids generally measuring under 1,000 mg/L, though several areas reported concentrations as high as 35,000 mg/L (Robson and Banta 1995).

The Gallup Sandstone is recharged in its outcrop areas by infiltration of precipitation and runoff. Locally, it is recharged by downward percolation of water from the overlying unconsolidated sediments. Water from the sandstone is discharged naturally through small springs and seeps in the outcrop areas and by vertical or lateral leakage percolation into adjacent unconsolidated deposits.

The project area receives approximately 11.08 inches of annual precipitation (WRCC 2014). However, annual groundwater recharge is limited in the Gallup region as indicated by recent and significant declines in water levels in the area's wells. In the Gallup area, the water table dropped about 200 feet between 1999 and 2009 and is not expected to meet the demands of the population by 2019 (Bushnell 2012). The chemical quality of the water in the aquifers varies widely, probably because of variations in the quality of recharge water and because of the presence locally of coal beds and carbonaceous shale within the formation (Cooper and West 1967). The city's 17 wells are located up to 10 miles from the city center and range from 300 to 3,500 feet deep. As such, they receive no recharge from surface sources (such as rain or snow) immediately above each well site.

Wells at Rehoboth are similarly confined, deep, and well-protected, since they draw from the San Andres-Glorieta aquifer, a 200 ft thick aquifer, 1100 ft below the ground surface. The wells have TDS levels ranging from 540-7509 mg/L, sulfate ions around 500mg/L, and have highly variable chloride concentrations (De Wit et al. no date).

The hydrologic setting of the project area is characterized by several small, ephemeral drainages filled with eolian deposits and alluvium. Surface flows are associated with small ephemeral flows from snow melt and summer thunderstorms. Drainages in the project area are categorized as sandy, silty, clayey, or gravelly sediments and deposits on sandstone streambeds. Most discharge to alluvial channels is lost by evapotranspiration. However, some water may move laterally through the underlying sandstones as subsurface flow.

3.15.1 No Action Alternative

3.15.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to water resources would occur.

3.15.2 Proposed Action

3.15.2.1 Direct and Indirect Effects

A direct effect is the increased sediment loading to the adjacent surface drainages through runoff of disturbed soils.

Natural surficial drainage patterns may be slightly disrupted by construction of the Proposed Action.

Although no hazardous substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act will be used, and no Resources Conservation and Recovery Act-defined hazardous wastes will be generated during construction or operation, construction equipment could experience a spill of on-board fluids and/or materials that could potentially get into the surface or groundwater system.

3.15.2.2 Mitigation

BMPs in Section 2.2 will be implemented to prevent erosion and off-site migration of soils and other materials, and to reduce impacts to watershed and hydrology.

Any spilled contaminants will be cleaned up as soon as possible to prevent run-off of contaminants into surface waters or infiltration into groundwater.

The Proposed Action will be reclaimed as outlined in Section 2.3. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.

3.16 Wildlife

Wildlife expected to occur in the area may include passerines such as pinyon jay (*Gymnorhinus cyanocephalis*), western scrub jay (*Aphelocoma californica*), and loggerhead shrike (*Lanius ludovicianus*) (NMPIF 2014), as well as common wildlife such as coyote (*Canis latrans*), desert cottontail (*Sylvilagus auduboni*), common raven (*Corvus corax*), jackrabbits (*Lepus* spp.), and fence lizards (*Sceloporus undulatus*). A complete inventory of observed species is included in Appendix 3.

3.16.1 No Action Alternative

3.16.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to wildlife would occur.

3.16.2 Proposed Action

3.16.2.1 Direct and Indirect Effects

The wildlife species that use the site may die or may be displaced during construction. Removal of or damage to vegetation during construction of the Proposed Action may reduce wildlife forage and cover in the area.

The new power line and associated structures may be attractive as a perch or nesting sites for some avian species.

3.16.2.2 Mitigation

Reclamation of the Proposed Action, as outlined in Section 2.3, will reduce the long-term impacts to wildlife that use the area. Reseeding disturbed areas will replace vegetation removed during construction. In some instances, there may be a benefit from successful reclamation due to an increase in vegetative cover and wildlife forage. Successful reclamation is expected to take two to three years.

Vehicles will be restricted to existing roads and the proposed power line route to reduce impacts to ground dwelling wildlife at the project site.

The power line will be constructed according to raptor-safe power pole design standards for new power line construction within Raptor Sensitive Areas (NNHP 2008a).

3.17 Cumulative Effects

3.17.1 No Action Alternative

Under the No Action Alternative, this project would not be approved or constructed so this project would not contribute to the cumulative disturbance in the area.

3.17.2 Proposed Action

The Proposed Action will affect 0.854 acres on Navajo Tribal Trust and Allotment Lands. Reasonably foreseeable future development may include additional power lines and communications structures installed in the vicinity of the Proposed Action due to the presence of other residences that presently do not have electricity. These installations would add to the cumulative disturbance in the area.

4. Consultation/Coordination

This section identifies the interdisciplinary team that participated in the development of this document.

Table 4.1: Interdisciplinary Project Team

Member	Title	Organization	Onsite Inspection	Date of Inspection
Robyn Tierney	Botanist/Author	Permits West, Inc.	Yes	August 28, 2014
Celia Cook	Wildlife Biologist	Permits West, Inc.	Yes	August 28, 2014
Douglas Boggess	Archaeologist	Lone Mountain Archaeological Services, Inc.	Yes	2014
Jim Behnken	Project Coordinator & Editor	JGB Consulting	No	n/a

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Proposed Eunice Cunejo Power Distribution Line

Sections 20, 21, & 29
Township 16N,
Range 17W
Reheboth,
McKinley County,
New Mexico



USGS Quad: Gallup East

— Proposed Power Line



NAD 1983 New Mexico State Plane West
FPS 3003 Feet



Prepared by Permits West, Inc., March 12, 2015
for Continental Divide Electric Cooperative, Inc.



Appendix 1-1





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

15 September 2014

File#14PERM-11

Brian Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, NM 87508

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: CONTINENTAL DIVIDE'S EUNICE CUNEJO POWER LINE
LOCATED 3 MILES SOUTHEAST OF GALLUP, NM
SECTIONS 20 & 21, T15N, R17W, MCKINLEY COUNTY, NM
UTM COORDINATES HOUSE: 712831E, 3931818N
EXISTING POWER LINE: 713683E, 3931968N

Mr. Wood:

The following information on species of concern¹ is provided in response to your 31 July 2014 request concerning the subject project, which consists of the proposed ½ mile long x 20' wide overhead single phase power line right-of-way to Eunice Cunejo's house.

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 *Gallup East, 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.

Appendix 2-1

1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus nautitensis</i>	Naturita Milk-vetch	G3	
3.	<i>Athene cunicularia</i>	Burrowing Owl	G4	MBTA
4.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA
5.	<i>Cypripedium parviflorum</i> var. <i>pubescens</i>	Yellow Lady's Slipper	G4	
6.	<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	G2	ESA Endangered; MBTA.
7.	<i>Erigeron aconianus</i>	Acoma Fleabane	G3	
8.	<i>Erigeron rhizomatus</i>	Rhizome Fleabane/Zuni Fleabane	G2	ESA Threatened.
9.	<i>Erigeron sivinskii</i>	Sivinski's Fleabane	G4	
10.	<i>Falco peregrinus</i>	Peregrine Falcon	G4	MBTA
11.	<i>Lesquerella navajocensis</i>	Navajo Bladderpod	G3	
12.	<i>Lithobates pipiens</i>	Northern Leopard Frog	G2	
13.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
14.	<i>Strix occidentalis lucida</i>	Mexican Spotted Owl	G3	ESA Threatened; MBTA.

*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 to the NFWD Zoologist (Chad Smith) for animals at 871-7070 and Botanist (Andrea Hazelton) for plants

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

Appendix 2-2

at (928)523-3221. Questions regarding biological evaluations should be directed to Pamela Kyselka, Wildlife Biologist 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

WILDLIFE SURVEY REPORT
FOR
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.'S PROPOSED
14.4 kV EUNICE CUNEJO POWER LINE

SECTIONS 20, 21, AND 29, T. 15 NORTH R. 17 WEST
MCKINLEY COUNTY, NEW MEXICO

1.0 INTRODUCTION

Threatened, endangered and special status wildlife (T&E) surveys were conducted August 28, 2014 at the location of Continental Divide Electric Cooperative, Inc.'s proposed 14.4 kV power line for the Eunice Cunejo home. The proposed power line would be located in the southwest quarter of Section 21, the southeast quarter of Section 20, and the northeast quarter of Section 29 of T. 15 North, Range 17 West, McKinley County, New Mexico.

The project area is located approximately 3 miles southeast of Gallup, NM, in the community of Rehoboth. The project will cross Navajo Indian Allotment 40918. The proposed power line would connect the Eunice Cunejo home to an existing distribution line located in the southwest quarter of Section 21. The proposed power line would be 1,830.02 feet long (including 100 feet of guys and anchors) with a 20 foot Right-of-Way (ROW). Therefore, land disturbance associated with the project would be approximately 0.854 acres. Existing roads would be used to access the project area during construction. The power line would be built raptor safe and would be constructed using wooden poles, anchors, and guys.

2.0 METHODS

Prior to the field survey, The Navajo Department of Fish and Wildlife's Navajo Natural Heritage Program (NNHP) was consulted regarding the potential for T&E wildlife species to occur on or near the project area. In response, NNHP provided a list of all T&E species that are known or have potential to occur within the 7.5 minute Gallup East, NM quadrangle map (Detsoi, 2014). Species on the list and their preferred habitats were carefully evaluated during the survey of the project area.

Permits West, Inc. wildlife biologist, Celia Cook, conducted a pedestrian survey of the proposed power line August 28, 2014. The purpose of the survey was to inspect for the potential presence of T&E wildlife species and evaluate existing habitat conditions.

Weather during surveys was clear, with temperatures in the mid-70s (°F) and winds at 3-5 miles per hour.

The surveyed area consisted of the power line route plus adjacent habitat. General habitat and existing conditions were evaluated. A 0.5-mile radius around the project area was surveyed with binoculars, and in some areas on foot, for

structures or land formations that would support raptor nests and other unique habitat elements that would benefit T&E species and wildlife in general.

3.0 DESCRIPTION OF EXISTING HABITAT

The power line originates at the existing power pole #30006 which is situated in a pinyon-juniper woodland from there it descends along a gentle gradient, ultimately transitioning into a sagebrush flat, where the Cunejo home is located. Topographic features within the project area include a substantial ephemeral drain and a sandstone hogback with exposed sandstone, cliff faces, alcoves, hoodoos, and scattered ponderosa. The vegetation type is represented by pinyon (*Pinus edulis*)-juniper (*Juniperus sp.*) woodland and desert scrub. Dominant plants other than trees include snakeweed (*Gutierrezia sarothrae*), Sage (*Artemisia sp.*), galleta grass (*Hilaria jamesii*), indian rice grass (*Oryzopsis hymenoides*), cliffrose (*Purshia stansburiana*) four-wing saltbush (*Atriplex canescens*), blue grama (*Bouteloua gracilis*), and prickly pear (*Opuntia sp.*).

Existing disturbances within the project area include grazing animals, scattered home sites and associated outbuildings, dirt roads, fences, pastures, and power lines.

During the survey, it appeared that no one was residing at the Eunice Cunejo residence.

Elevation within the project area ranges from 6825 to 6865 feet. Common wildlife occurring in the area are represented by species such as coyote (*Canis latrans*), desert cottontail (*Sylvilagus auduboni*), common raven (*Corvus corax*), and western scrub jay (*Apelocoma californica*).

4.0 THREATENED, ENDANGERED, AND SPECIAL STATUS WILDLIFE SPECIES

According to the September 15, 2014 correspondence from the Navajo Natural Heritage Program, the species indicated in Table 1 have the potential to occur in or near the project area.

Table 1. T&E Species with Potential to occur in the Project Area.

Species	Status*	Habitat	Presence**
Golden eagle <i>Aquila chrysaetos</i>	NESL Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs typically > 30 meters in height.	NP. May occur as transient. No nest habitat within 1 mile.
Burrowing owl <i>Athene cunicularia</i>	NESL Group 4, MBTA	Disturbed grasslands and shrublands; often associated with prairie dog colonies.	NP. No nest habitat within 1 mile.
Mountain plover <i>Charadrius montanus</i>	NESL Group 4, MBTA	Disturbed grasslands, semi-desert or badland areas with sparse vegetation and barren areas.	NP. Terrain too hilly and forested.
Southwestern willow	NESL	Dense cottonwood-willow	NP. No wetlands or

flycatcher <i>Empidonax traillii</i> <i>extimus</i>	Group 2, MBTA; E	or tamarisk-Russian olive habitats along streams and rivers, wetlands and marshes	riparian areas.
Peregrine falcon <i>Falco peregrinus</i>	NESL Group 4 MBTA	Open landscapes with cliffs; along coasts, lakes, and rivers (CLO, 2014).	NP. No suitable nesting habitat within 1 mile, may occur as transient.
Mexican spotted owl <i>Strix occidentalis</i> <i>lucida</i>	NESL Group 3 MBTA T	In New Mexico, steep, forested, canyon habitats, often with riparian component.	NP. No suitable habitat within 1 mile.
Black-footed ferret <i>Mustela nigripes</i>	NESL Group 2 E	Grassland habitat with large (>than 80 hectares), active prairie- dog colonies (NNHP, 2014)	NP. No suitable habitat within 1 mile
Northern leopard frog <i>Lithobates pipiens</i>	NESL Group 2	Variety of aquatic habitats with slow moving or still water (USFWS, 2014).	NP. No permanent water.

Status*

Federal Status: E = Endangered; T = Threatened; C = Candidate; EPA = Eagle Protection Act; MBTA = Migratory Bird Treaty Act

Tribal Status: NESL = Navajo Endangered Species List Group 1-4 (NNHP, 2008)

Presence**

K = Known, documented observation within project area.

S = Habitat suitable and species suspected to occur within or near the project area.

NS = Habitat suitable but species is not suspected to occur within the project area.

NP = Habitat not present and species unlikely to occur within the project area.

5.0 RESULTS

No federal or Navajo listed threatened or endangered species, or their habitats, were observed during the August 28, 2014 wildlife surveys. There is a potential for golden eagles and peregrine falcons to pass through the project area, but no suitable nest habitat for these species are located within 1.0 miles of the project area.

Migratory Birds:

Migratory birds are protected under the Migratory Bird Treaty Act. Birds protected under the Act include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows and others, including their body parts (feathers, plumes etc.), nests, and eggs. The Act protects migratory birds from a "take". Take is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities". A "take" does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Several migratory bird species were observed during the survey, and one migratory bird nest was observed during the survey. The nest was a red-tailed hawk (*Buteo jamacensis*) nest and had been used during 2014. In fact, a pair of red-tailed hawks was observed during the survey and are likely resident breeders in the

project area. The nest is located approximately 200 meters south of the proposed power line ROW.

Several other species of migratory birds were also observed during the survey and are likely breeders in the project area. These species are listed in Section 6.0.

6.0 SPECIES OBSERVED DURING THE SURVEY

The project area offers a variety of habitat features that are attractive to wildlife. These features include forage and cover species such as pinyon pine, winterfat (*Krascheninnikovia lanata*), and mountain mahogany (*Cercocarpus montanus*), as well as a variety of healthy grasses and forbs. In addition, the nearby hogback formation provides cover and nest sites in the form of alcoves, caves, and ledges. The wash traversing the project area is an active wildlife corridor, as indicated by numerous tracks observed there during the survey. Formations in the wash hold water during precipitation events, providing a temporary source of water for wildlife. Finally, the relatively remote location and lack of human activity of the project area provides conditions suitable for uninterrupted wildlife movement patterns, including breeding and foraging.

The following species were identified during the August 28, 2014 survey by direct observation of individuals, tracks, droppings or scat, or other sign.

Avian species observed:

Turkey vulture	<i>Cathartes aura</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
Unk. flycatcher	<i>Empidonax sp.</i>
Western scrub jay	<i>Apelocoma californica</i>
Pinyon jay	<i>Gymnorhinus cyanocephalis</i>
Juniper titmouse	<i>Baeolophus ridgewayi</i>
Blue-gray gnatcatcher	<i>Poliopitila caerulea</i>
Rock wren	<i>Salpinctes obsoletus</i>
Chipping sparrow	<i>Spizella passerine</i>
Western tanager	<i>Piranga ludoviciana</i>
House finch	<i>Carpodacus mexicanus</i>
Lesser goldfinch	<i>Carduelis psaltria</i>

Mammalian species observed:

Domestic cattle	<i>Bos taurus</i>
Domestic horse	<i>Equus ferus caballus</i>
Mule deer	<i>Odocoileus hemionus</i>
Coyote	<i>Canis latrans</i>

7.0 RECOMMENDATIONS

It is recommended that the power line be built according to the guidelines in *Suggested Practices for Protecting Avian Species on Power Lines: State of the Art in 2006*, (APLIC) or the Navajo Nation Raptor Electrocuting Prevention Regulations (NNHP-NNDFW, 2008) in order to protect avian species perching on the power line structures or conductors from electrocution and not violate any federal laws that protect migratory birds. This is especially important due to the project area being within the territory of nesting red-tailed hawks. Furthermore, in order to avoid impacts to nesting migratory birds, in particular red-tailed hawks, it is recommended that construction and installation of the power line be completed prior to March 1, 2015.

Additional recommendations include avoiding tree and shrub removal, and vegetation damage, as much as possible, cleaning up and removing any spills and/or trash from construction, and using only authorized ROW and roads for construction and installation.

8.0 REFERENCES

- Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA.
- Cornell Lab of Ornithology (CLO) *All About Birds*. Web. September 2014. Accessed at: http://www.allaboutbirds.org/guide/PEREGRINE_FALCON/lifehistory
- Detsoi, Sonya. September 2014. Navajo Endangered Species List (NESL) information for Sections 20, 21, and 29, T. 15 North, R. 17 West, McKinley County, New Mexico. *Correspondence with Permits West Inc.* Navajo Department of Fish and Wildlife, Navajo Natural Heritage Program. P. O. Box 1480, Window Rock, AZ.
- Navajo Natural Heritage Program-Navajo Fish and Wildlife Department (NNHP-NNDFW). 2008. Navajo Nation Division of Natural Resources Department of Fish and Wildlife Endangered Species List, September 10, 2008. P.O. Box 1480, Window Rock, Arizona, 86515.
- Navajo Natural Heritage Program-Navajo Fish and Wildlife Department (NNHP-NNDFW). *Raptor Electrocuting Prevention Regulations*. RCS43-08. September 10, 2008. NNHP-NNDFW P.O. Box 1480, Window Rock, Arizona, 86515.
- Navajo Natural Heritage Program (NNHP). Species Account for Black-footed ferret (*Mustela nigripes*). Web. September 2014. Accessed at: <http://www.nndfw.org/nnhp/Animals/muni.pdf>
- Navajo Natural Heritage Program (NNHP). Species Account for Peregrine falcon (*Falcon peregrinus*). Web. September 2014. Accessed at: <http://www.nndfw.org/nnhp/Animals/muni.pdf>
- U. S. Fish and Wildlife Service Nevada Fish and Wildlife Office. Web. September 2014. Accessed at: http://www.fws.gov/nevada/nv_species/nleopard_frog.html.

Signature of Author:



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PROVIDING PERMITS for LAND USERS

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Continental Divide Electric Cooperative, Inc.

Proposed Eunice Cunejo Electric Line

SE/4 Section 20, SW/4 Section 21, NW/4 Section 29, T. 15 N., R. 17 W. (Gallup East, NM, USGS quad)

McKinley County, New Mexico

Plant Survey Report

Prepared by Robyn W. Tierney, Permits West, Inc., Santa Fe, New Mexico

September 8, 2014

This report discusses the potential for disturbance to Navajo Natural Heritage Program (NNHP) plant species of concern that have the potential to occur within the project area located on the Gallup East, NM, 7.5 minute quadrangle. The potential for disturbance to Zuni fleabane (*Erigeron rhizomatous*) listed as Group 2 by the NNHP (2008) and Threatened by the U.S. Fish and Wildlife Service (IPaC 2014) was evaluated. The potential for disturbance to Naturita milkvetch (*Astragalus naturitensis*), Acoma fleabane (*Erigeron acomanus*) and Navajo bladderpod (*Lesquerella navajoensis*); listed as NESL Group 3 (NNHP 2008), was also evaluated.

The potential presence/absence of Parish's alkali grass (*Puccinellia parishii*) and its habitats of wetlands or seasonally wet areas containing white alkaline conditions (Detsoi, 2014), yellow lady's slippers (*Cypripedium parviflorum* var. *pubescens*), and Sivinski's fleabane (*Erigeron sivinskii*) in NESL Group 4 was also evaluated; though that the Navajo Natural Heritage Program (NNHP) currently does not have sufficient information to support these species being listed as endangered, but has reason to consider them in most undertakings (NNHP, 2008). Zuni milkvetch (*Astragalus missouriensis* var. *accumbens*), listed as a sensitive species by the NNHP (2008) and rare in the New Mexico Rare Plant Technical Council's database (NMRPTC 1999, updated 2014) has been found east of the project area near Fort Wingate (Hazleton pers. comm. September 8, 2014), and the potential for it and its habitat in the area was also evaluated in this survey.

Project Description

The proposed project consists of constructing a single phase overhead power line from an existing home's power line at UTM coordinates 713683E, 3931968N to Eunice Cunejo's home at UTM coordinates 712831E, 3931818N. The proposed power line corridor (with guy wires) measures 1830.02 feet in length, is 20-feet wide and encompasses 0.854 acres. The power line begins at an existing residence's power line in the SW/4 of Section 21, T. 15 N., R. 17 W. and extends west into the SE/4 of

Appendix 4-1

Section 20, T. 15 N., R. 17 W., then west-southwest to its terminus at the Eunice Cunejo home in the NE/4 of Section 29, T. 15 N., R. 17 W.

The proposed power line is located on Navajo Nation Tribal Trust lands in Sections 21 and 29, and on Navajo Indian Allotment 40918 in Section 20, approximately three miles east of Gallup and four miles south of Rehoboth, McKinley County, New Mexico.

The proposed project is located on the east side of the Gallup hogback or Nutria Monocline, in a piñon-juniper woodland area dominated by big sage (*Artemesia tridentata*), large old-growth piñon pine (*Pinus edulis*), one-seed juniper (*Juniperus monosperma*), blue grama (*Bouteloua gracilis*), and galleta (*Pleuraphis jamesii*). The middle third of the project corridor intercepts an exposed weathered outcrop of soft grey sandstone-shale and parallels a series of northeast-southwest-trending narrow, incised sandstone channels which support mountain mahogany (*Cercocarpus montanus*) and cliffrose (*Purshia stansburiana*) on their side slopes.

Most of the soils in the project area consist of deep eolian deposits on sandstone, with clay-loam around the Eunice Cunejo home and species such as bur ragweed (*Ambrosia acanthicarpa*), common purslane (*Portulaca oleracea*) and cocklebur (*Xanthium strumarium*) evidencing past grazing and farming practices

Soils in the eastern and western-most thirds of the proposed line are composed of the Buckle-Gapmesa-Barboncito complex (1 to 6 percent slopes). This complex consists of eolian deposits over fan and slope alluvium derived from Dakota and Gallup sandstones and Mancos shale. The soil texture ranges from calcic and gypsic fine sandy loam and loam, to sandy clay loam and clay (NRCS 2014).

The Eagleeye-Atchee-Rock outcrop complex (2 to 35 percent slopes) is associated with the weathered rock outcrop found in the middle third of the proposed line. The complex consists of slope alluvium derived from sedimentary rock over weathered Dakota and Gallup sandstones and Mancos shale residuum (Dane and Bachman 1957, NMBMGR 2003) with soil textures of fine sandy loam, gravelly clay loam, to extremely channery¹ sandy clay loam (NRCS 2014).

The elevation of the project area ranges from approximately 6870 feet at the east end and 6813 feet at the west end. The project corridor is located in Area 3 – Low Sensitivity Wildlife Resources and has a low, fragmented concentration of species of concern (Detsoi 2014). Disturbances in the project area include: an existing home with outbuildings and a power line at the east end of the proposed power line; dirt roads, and an abandoned rock structure located immediately south and adjacent to the proposed line near the Eunice Cunejo home, a large dry land farm field west of the home, other disturbances, and grazing by horses and cattle. Many of the large piñon trees have been browsed by livestock and wildlife or pruned for firewood.

¹ A channery soil consists by volume of more than 15 percent thin, flat fragments of sandstone, shale, slate, limestone, or schist as much as 6 inches along the longest axis.

Appendix 4-2

METHODOLOGY

Prior to the survey, a data request was made to the Navajo Natural Heritage Program (NNHP) for Navajo Nation endangered species known to occur, or with the potential to occur, on the 7.5-Minute *Gallup East*, NM Quadrangle. A reply (Detsoi 2014) to the request was received on September 15, 2014.

The proposed Eunice Cunejo power line was surveyed on August 28, 2014, by botanist Robyn Tierney. Weather during the survey was sunny, with high temperatures in the low 70's F. Sensitive plant species listed by the Navajo Natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (IPAC 2014) and those identified in Table 1 were the focus of the survey, although all species encountered were examined (NNHP 2008). The pedestrian survey was conducted as a zigzag transect along each side of the centerline, covering both the 20-foot width of the corridor and a buffer zone of 200 feet on each side of the proposed line. The purpose of the survey was to inspect for and identify species of concern. All plants observed in the project area were identified in order to provide a more complete description of the project area environment. A list of the plants observed in the project area is included at the end of this report.

SURVEY RESULTS

Species of Interest to the Navajo Natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (USFWS): This report discusses the potential for disturbance to the plant species of concern identified by the NNHP and the USFWS as having the potential to occur in the project area (Detsoi 2014, IPaC 2014). Details of the status, habitat, and the potential to occur in the project area for each of these species are presented in the following table. Zuni milkvetch (*Astragalus missouriensis* var. *accumbens*) has been found east of the project area near Fort Wingate (Hazleton pers. comm. September 8, 2014), and an evaluation of the potential for its presence/absence is included below.

Table 1. Status, habitat, and potential to occur in the project project area.

SPECIES STATUS	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA*
<i>Astragalus missouriensis</i> var. <i>accumbens</i> Zuni milkvetch	Gravelly clay banks and knolls, in dry, alkaline soils derived from sandstone, in piñon-juniper woodlands; (6,200-7,900 ft).	No appropriate habitat: there are no gravelly clay banks and knolls of dry, alkaline sandstone-derived soils in the project area. (NP)
<i>Astragalus naturitensis</i> Naturita milkvetch NESL Group 3	Sand filled pockets of sandstone slickrock and rimrock pavement along canyons in the pinion juniper zone (NNHP). Sandstone ledges and rimrock along canyons in piñon-juniper woodland; 5,400-6,200 ft. (NMRPTC 1999, Roth 2001).	No appropriate habitat: there are no barren detrital clay hillsides with soils derived from Chinle or Baca shale formations in the project area. (NP)

Appendix 4-3

<i>Cypripedium parviflorum</i> var. <i>pubescens</i> Yellow Lady's Slipper NESL Group 4	In moderate shade along streambanks, mountain meadows and mesic places in Ponderosa pine, mixed conifer and aspen forest communities. On the Navajo Nation known from above 7000 ft.	No appropriate habitat: there are no streambanks, mountain meadows, and mesic places in Ponderosa pine, mixed conifer and aspen forest communities within the project area. (NP)
<i>Erigeron acomanus</i> Acoma fleabane NESL Group 3	Species is a narrow substrate endemic found on sandy slopes and benches beneath sandstone cliffs of the Entrada Sandstone Formation in piñon-juniper woodland; 6,900-7,100 ft. (NMRPTC 1999).	No appropriate habitat: there are no sandy slopes or benches beneath Entrada Sandstone Formation cliffs in the project area. (NP)
<i>Erigeron rhizomatus</i> Zuni fleabane USFWS Threatened NESL Group 2	Species is found on nearly barren detrital clay hillsides with soils derived from shales of the Chinle or Baca formations (often seleniferous); most often on north or east-facing slopes in open piñon-juniper woodlands at 7,300-8,000 ft. (NMRPTC 1999, Sivinski and Lightfoot Sivinski and Tonne 1991, Sivinski and Tonne 2004, USFWS 2007, Knight 1988, Christie 2004).	No appropriate habitat: there are no barren detrital clay hillsides with soils derived from Chinle or Baca shale formations in the project area. (NP)
<i>Erigeron sivinskii</i> Sivinski's fleabane NESL Group 4	Chinle shale in piñon-juniper woodland and Great Basin desert scrub; 6,100-7,400 ft. (NMRPTC 1999).	No appropriate habitat: there is no Chinle shale formation in the project area. (NP)
<i>Lesquerella navajoensis</i> Navajo bladderpod NESL Group 3	Mesa rims of Todilto limestone in sparse piñon-juniper woodland; 7,200-7,600 ft. (NMRPTC 1999).	No appropriate habitat: there are no mesa rims of Todilto limestone in the project area. The project area is below the known elevation range of the species. (NP)
<i>Mentzelia filifolia</i> Threadleaf blazingstar	Road cuts and shale slopes of the upper Chinle Formation in piñon-juniper woodland at 6,400-7,500 ft. elevation.	No appropriate habitat: there is no upper Chinle Formation in the project area. (NP)
<i>Muhlenbergia arsenei</i> Navajo muhly	On limestone rock outcrops in piñon-juniper woodland; 4,600-6,500 ft. (NMRPTC 1999).	No appropriate habitat: there are no limestone rock outcrops in the project area. (NP)

Appendix 4-4

<i>Puccinellia parishii</i> Parish's alkali grass NESL Group 4	The species requires continuously damp soils during its late winter to spring growing period and is found near white-crusts alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes at 2,600-7,200 ft. range-wide (Detsoi 2014; NMRPTC 1999).	No appropriate habitat: there are no white-crusts alkaline springs, seeps, or seasonally wet areas in the project area. (NP)
<i>Senecio cliffordii</i> Clifford's groundsel	Limy mudstones or sandy soils in piñon-juniper woodland up to mixed conifer forest; 7,380-7,700 ft. (NMRPTC 1999).	No appropriate habitat: there are no limy mudstones or sandy soils in the project area. The project area is below the known elevation range of the species. (NP)

Status USFWS – U.S Fish and Wildlife Service (ECOS, 2014)

Endangered – An animal or plant species in danger of extinction throughout all or a significant portion of its range.

Threatened – An animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

NESL – Navajo Endangered Species List (NNHP, 2008)

Group 2 (G2) and Group 3 (G3) – Endangered: A species or subspecies whose prospects of survival or recruitment within the Navajo Nation are in jeopardy or are likely within the foreseeable future to become so.

Group 4 – Any species or subspecies for which the Navajo Nation Department of Fish and Wildlife (NNDFWL) does not currently have sufficient information to support their being listed in G2 or G3 but has reason to consider them.

Potential to Occur

K – Known, documented observation within project area.

S – Habitat suitable and species suspected to occur within the project area.

NS – Habitat suitable but species is not suspected to occur within the project area.

NP – Habitat not present and species unlikely to occur within the project area

NMRPTC - New Mexico Rare Plant Technical Council (NMRPTC 1999, updated 2014)

Although no wetlands were observed during the survey, the project area was evaluated for wetland conditions containing the white alkaline crusts that favor Parish's alkali grass (Detsoi, 2014). No such conditions were observed in the project area.

No noxious plants identified by the Bureau of Indian Affairs Navajo Area (OSM 1999), nor the State of New Mexico (Gonzales 2009) were observed in the project area.

No sensitive species were observed.

Plant species that were observed are listed in Table 2.

Appendix 4-5

DISCUSSION

No plant species of concern to the Navajo Natural Heritage Program or the U.S. Fish and Wildlife Service will be impacted by the proposed project.

Robyn W. Tierney

Signature of Author: _____
Robyn W. Tierney

September 8, 2014

Table 2. Plants observed in the vicinity of the proposed Eunice Cunejo powerline project

Scientific names according to USDA Plants Database. Identifications based on Ivey 2008, Heil et al, 2013, and Weber and Wittman 2012.

Trees

<i>Juniperus monosperma</i>	One-seed juniper
<i>Pinus edulis</i>	Piñon pine

Shrubs and Subshrubs

<i>Artemisia tridentata</i>	Big sage
<i>Artemisia frigida</i>	Fringed sage
<i>Atriplex canescens</i>	Fourwing saltbush
<i>Cercocarpus montanus</i>	Curl leaf mahogany
<i>Chrysothamnus Greenei</i>	Greene's rabbitbrush
<i>Ericameria nauseosa</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Krascheninnikovia lanata</i>	Winterfat
<i>Purshia stansburiana</i>	Cliff rose

Xanthisma spinulosum

Spiny goldenweed

Yucca baccata.

Banana yucca

Cacti

Cylindropuntia whipplei

Whipple cholla

Opuntia polyacantha

Starvation pricklypear

Grasses and Grass-like Plants

Achnatherum hymenoides

Indian ricegrass

Aristida purpurea

Purple threeawn

Bouteloua gracilis

Blue grama

Elymus elymoides

Bottlebrush squirreltail

Hesperostipa neomexicana

New Mexico feathergrass

Munroa squarrosa

False buffalograss

Muhlenbergia wrightii

Spike muhly

Pascopyrum smithii

Pubescent wheatgrass

Pleuraphis jamesii

Galleta

Poa fendleriana

Muttongrass

Sporobolus airoides

Alkali sacaton

Sporobolus cryptandrus

Sand dropseed

Forbs

Ambrosia acanthicarpa

Bur ragweed

Artemisia frigida

Fringed sagewort

Astragalus spp.

Milkvetch species²

Chamaesyce micromeris

Desert spurge

Dalea candida var. *oligophylla*

White prairie clover

² Unknown *Astragalus* species resembles Zuni milkvetch, but identification could not be confirmed due to lack of flowers and pods.

<i>Dimorphocarpa wislizeni</i>	Spectacle-pod
<i>Dysphania graveolens</i>	Fetid goosefoot
<i>Erigeron</i> sp.	Daisy fleabane
<i>Erodium cicutarium</i>	Filaree
<i>Heterotheca villosa</i>	Hairy goldenaster
<i>Mentzelia multiflora</i>	Desert blazingstar
<i>Oenothera albicaulis</i>	Whitestem evening primrose
<i>Portulaca oleracea</i>	Common purslane
<i>Salsola tragus</i>	Russian-thistle
<i>Thelesperma megapotamicum</i>	Greenthread
<i>Tradescantia occidentalis</i>	Prairie spiderwort
<i>Xanthium strumarium</i>	Common cocklebur

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Rec 9/26/15

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:
☒ LMAS

NNHPD NO.: HPD-15-003 - REVISED
OTHER PROJECT NO.: LMAS 1842

PROJECT TITLE: Cultural Resource Survey for the Eunice Cunejo (Allotment No. 40918 & Navajo Tribal Trust) Power Line Extension, McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Continental Divide Electric Coop, Inc., 200 E. High St., Grants, New Mexico 87020

PROJECT DESCRIPTION: The undertaking consists of constructing an overhead powerline extension to the Eunice Cunejo residence. Five power poles and associated anchor point for guy wires will be installed for 1,730.02-ft. within a 20-ft wide right-of-way, including the anchor points for guy wires which totals 1,830.02-ft long. The area of effect is 0.854-acre. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Indian Allotment No. 40918 & Navajo Tribal Trust
CHAPTER:	Church Rock
LOCATION:	T. 15 N, R. 17 W - Sec. 20, 21 & 29; Gallup East Quadrangle, McKinley County, New Mexico NMPM

PROJECT ARCHAEOLOGIST:	Douglas Boggess
NAVAJO ANTIQUITIES PERMIT NO.:	BT4386
DATE INSPECTED:	09/03/14
DATE OF REPORT:	02/12/14
TOTAL ACREAGE INSPECTED:	5.02 - ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-Q-30-53); (1) Isolated Occurrence (IO); (2) In-Use Sites (IUS);
LIST OF ELIGIBLE PROPERTIES:	(1) Site (NM-Q-30-53)
LIST OF NON-ELIGIBLE PROPERTIES:	(1) IO; (2) IUS
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:

Site NM-Q-30-53:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing roadway.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-around.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Bille
FINALIZED: April 15, 2015 - Revised

Notification to Proceed Recommended
Conditions:

☒ Yes ☐ No
☒ Yes ☐ No

Tamara Bille 4/15/15
 The Navajo Nation
 Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No

[Signature] 4.24.15
 Acting BIA - Navajo Regional Office

Date

TLN 4.24.15 **Appendix 5-1**

**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.: Eunice Cunejo Power Line

DESCRIPTION: CDEC proposes to construct, operate, and maintain a 14.4/24.9kV single-phase overhead distribution power line to serve the Eunice Cunejo residence. The power line extension would be a total of 1,830.02 ft. in length with a 20-ft. wide corridor (including 100 ft. of guys and anchors), consisting of 0.854± acre. The proposed action is located on Navajo Indian Allotment #40918 in Section 20 and NN Tribal Trust lands in Sections 21 & 29.

LOCATION: Sections 20, 21, & 29, T15N, R17W, Church Rock Chapter, Rehoboth, McKinley County, NM

REPRESENTATIVE: Jim Behnken, JGB Consulting for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EA-Eunice Cunejo Power Line, Appendices 3 & 4/MAR 2015/Permits West, Inc. & JGB Consulting

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: [1] The NNDFW highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard. All guy wires will be marked with highly visual daytime markers to prevent collisions.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 APR 2015; amended on 03 JUN 2015

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval		6/3/15
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife		

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Page 1 of 2

NNDFW-B.R.C.F.: FORM REVISED 12 NOV 2009

Appendix 6-1

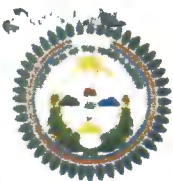
☐ None (with memo)

*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

Jim Behnken

Date *6/3/15*



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

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

DATE : June 3, 2015

SUBJECT: DELEGATION OF AUTHORITY

I will be on travel on Wednesday, June 3, 2015. Therefore, I am delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Wednesday, June 3, 2015. This delegation shall end at 5:00 p.m. on Wednesday, June 3, 2015.

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

ACKNOWLEDGEMENT:

David Mikesic
David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES