

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO CCI PARADOX MIDSTREAM, LLC, FOR THE 6-5/8" NATURAL GAS PIPELINE-RED PEPPER TIE-IN PIPELINE LOCATED ON NAVAJO NATION TRUST LANDS IN RED MESA CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, UTAH)

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 CCI Paradox Midstream, LLC., 2200 Atlantic Street, Suite 800, Stamford, CT, has submitted a right-of-way (ROW) application for 6-5/8" Natural Gas Pipeline-Red Pepper Tie-in Pipeline on, over and across Navajo Nation Trust Lands in Red Mesa Chapter vicinity, Navajo Nation (San Juan County, Utah). The application request is attached hereto and incorporated herein as **Exhibit "A."**

B. The proposed right-of-way is 1587.00 feet long, 30 feet wide, consisting of 1.09 acres, more or less, located in Section 6, Township 41 South, Range 24 East, SLB&M, San Juan County, Utah. Maps are attached hereto and incorporated herein as **Exhibit "B."**

C. The Project Review Section with the Navajo Land Department has determined that there are two affected land users. Both land users have consented to the use of the land. The Project Review Section memorandum dated June 14, 2016, and the signed consent forms are attached hereto as **Exhibit "C."**

D. The environmental and archaeological studies has been completed and attached hereto and made a part hereof.

Section Three. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to CCI Paradox Midstream, LLC., for 6-5/8" Natural Gas Pipeline-Red Pepper Tie-Line Pipeline on, over and across Navajo Nation Trust Lands in Red Mesa Chapter vicinity, Navajo Nation (San Juan County, Utah). The location is more particularly described on the survey map attached hereto as **Exhibit "B."**

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit "D."**

C. The Resources and Development 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 foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Peabody Mine Human Resources Conference Room, Black Mesa (Navajo Nation) Arizona, at which quorum was present and the same was passed by a vote of 4 in favor, 0 opposed, 1 abstained this 20th day of December, 2016.



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

Motion: Honorable Walter Phelps
Second: Honorable Benjamin Bennett

Document No. 006660Date Issued: 09/02/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: CCI Paradox ROW Red Pepper Gas Pipeline Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928/871-6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<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: 02 Sept. 16 ☒ ☐
 2. F&W _____ Date: 10/12/16 ☒ ☐
 3. HPD _____ Date: 10/12/16 ☒ ☐
 4. Minerals _____ Date: 10/12/16 ☒ ☐
 5. NNEPA _____ Date: 10/12/16 ☒ ☐
 6. DNR _____ Date: 10/12/2016 ☒ ☐
 7. DOJ _____ Date: 10/12/16 ☒ ☐
 8. OPVP _____ Date: 10-17-16 ☒ ☐

☐ OTHER:

1. _____ Date: _____ ☐ ☐
 2. _____ Date: _____ ☐ ☐
 3. _____ Date: _____ ☐ ☐
 4. _____ Date: _____ ☐ ☐
 5. _____ Date: _____ ☐ ☐

RUSH



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
10/12/16 308
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 006660
SAS #:
UNIT: Nru

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST: 10/2/2016 ENTITY/DIVISION: DNR
CONTACT NAME: Kayla Bia / Elwina Yazio DEPARTMENT: Navajo Land Dept.
PHONE NUMBER: X0447 E-MAIL: kb1a@frontier.com
TITLE OF DOCUMENT: Right-of-Way for CC1 Paradox Red Pepper Gas Pipeline.

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 10.12.16 REVIEWING ATTORNEY/ADVOCATE: Sage 10/21/16
DATE/TIME OUT OF UNIT: 10.12.16 @ 8am

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient

REVIEWED BY: (PRINT) Sue Garland	DATE / TIME 10.12.16 4:50	SURNAMED BY: (PRINT) Veronica Blum	DATE / TIME 10.12.16 4:54pm
DOJ Secretary Called: Kayla Bia		for Document Pick Up on 10.12.16 at 4:50 By: R	
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDOJ/DRRF-July 2013

COMPLETED



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT CCI Paradox Midstream LLC, 2200 Atlantic Street, Suite 800, Stamford, CT of this 8th day of August, 2016, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a 5 (five) year Right-of-Way for the following purposes and reasons:

Construction, operation and maintenance of 6-5/8" O.D. welded steel natural gas pipeline (Red Pepper Tie-in Pipeline)

Across the following described **Navajo Tribal Trust Lands** (easement description):

Township 41 South, Range 24 East, SLB&M, San Juan County, UT

<u>Section</u>	<u>Length</u>	<u>Acres</u>
6	1587.00'	1.09

Said right-of-way across Tribal Trust Lands to be 1,587.00 feet in length, 30 feet wide, and 1.09 acres in area for a 20-year right-of-way term; as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

DATE 08-08-16 APPLICANT 

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.

Project Fact Sheet

Company: CCI Paradox Midstream LLC
2200 Atlantic Street, Suite 800
Stamford, CT

Project: **Red Pepper Tie-in Pipeline**

Purpose: To inter-connect existing natural gas pipelines

Surface: Navajo Tribal Trust

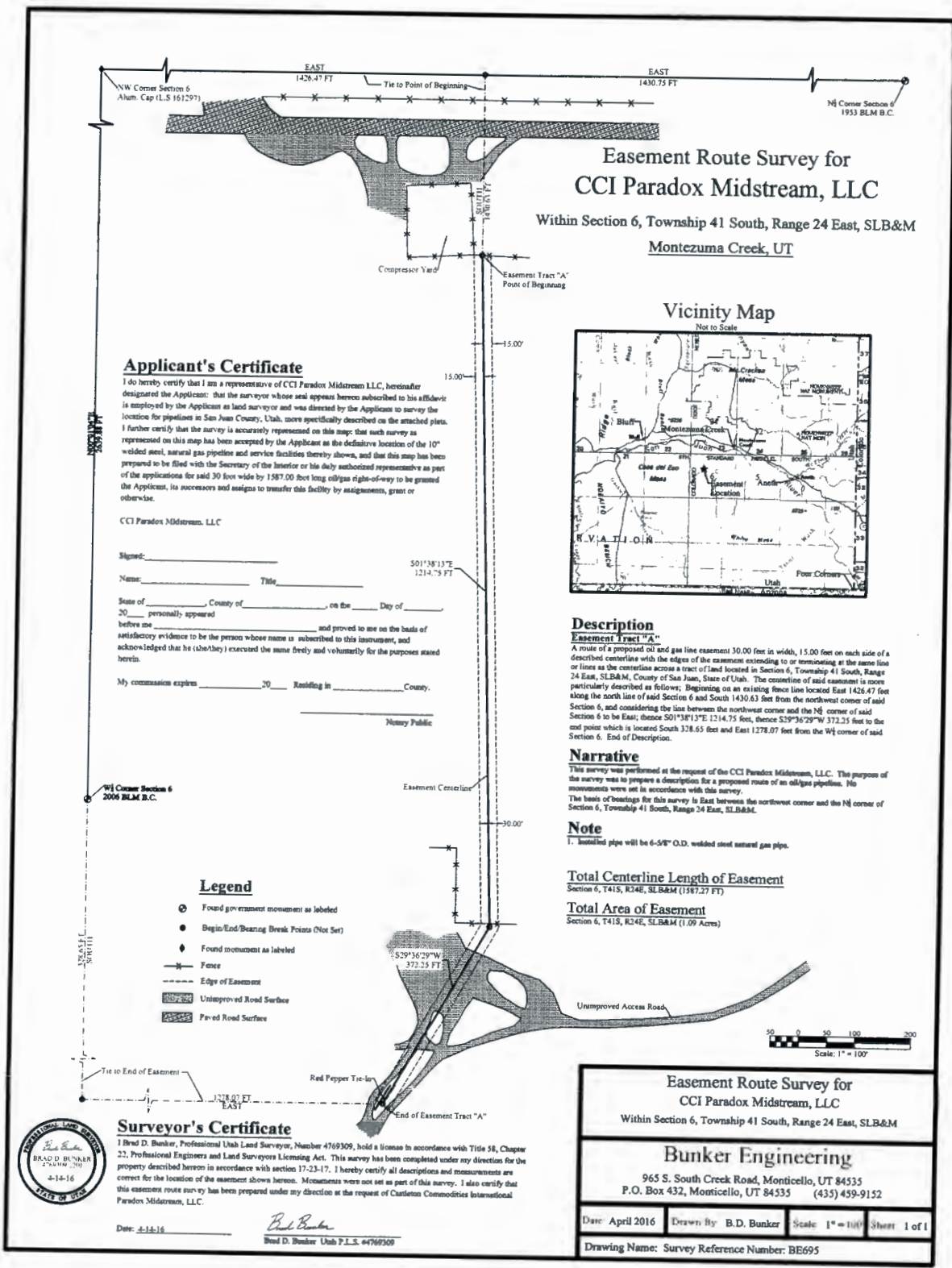
Tribal Location: Montezuma Creek
Section 6, T. 41 S, R. 24 E.; all SLB&M, San Juan County, UT

Line Length: 1,587.00 feet

Right-of-Way Width: 30 feet

Total acreage 1.09 acres

Agent : Permits West, Inc.
37 Verano Loop
Santa Fe, NM 87508
505/466-8120
Fax: 505/466-9682



Easement Route Survey for CCI Paradox Midstream, LLC

Within Section 6, Township 41 South, Range 24 East, SLB&M
Montezuma Creek, UT



Applicant's Certificate

I do hereby certify that I am a representative of CCI Paradox Midstream LLC, hereinafter designated the Applicant: that the surveyor whose seal appears hereon subscribed to his affidavit is employed by the Applicant as land surveyor and was directed by the Applicant to survey the location for pipelines in San Juan County, Utah, more specifically described on the attached plan. I further certify that the survey is accurately represented on this map that such survey as represented on this map has been accepted by the Applicant as the definitive location of the 10" welded steel, natural gas pipeline and service facilities thereby shown, and that this map has been prepared to be filed with the Secretary of the Interior or his duly authorized representative as part of the application for said 30 foot wide by 1587.00 foot long oil/gas right-of-way to be granted the Applicant, its successors and assigns to transfer this facility by assignments, grant or otherwise.

CCI Paradox Midstream, LLC

Signed: _____
 Name: _____ Title: _____
 State of _____ County of _____ on the _____ Day of _____
 20____ personally appeared _____ and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he (she/they) executed the same freely and voluntarily for the purposes stated herein.
 My commission expires _____ 20____ Residing in _____ County.
 Notary Public

Description

Easement Tract "A"
 A route of a proposed oil and gas line easement 30.00 feet in width, 15.00 feet on each side of a described centerline with the edges of the easement extending to and terminating at the same line or lines as the centerline across a tract of land located in Sections 6, Township 41 South, Range 24 East, SLB&M, County of San Juan, State of Utah. The centerline of said easement is more particularly described as follows: Beginning on an existing fence line located East 1426.47 feet along the north line of said Section 6 and South 1430.63 feet from the northwest corner of said Section 6 to be East; thence S01°38'13"E 1214.75 feet, thence S39°36'29"W 372.25 feet to the mid point which is located South 328.65 feet and East 1278.07 feet from the NW corner of said Section 6. End of Description.

Narrative

This survey was performed at the request of the CCI Paradox Midstream, LLC. The purpose of the survey was to prepare a description for a proposed route of an oil/gas pipeline. No monuments were set in accordance with this survey.
 The base of bearings for this survey is East between the northwest corner and the NE corner of Section 6, Township 41 South, Range 24 East, SLB&M.

Note

1. Installed pipe will be 6-5/8" O.D. welded steel natural gas pipe.

Total Centerline Length of Easement
 Section 6, T41S, R24E, SLB&M (1587.27 FT)

Total Area of Easement
 Section 6, T41S, R24E, SLB&M (1.09 Acres)

Legend

- Found government monument as labeled
- Begin/End/Bearing Break Points (Not Set)
- ◆ Found monument as labeled
- Fence
- - - Edge of Easement
- Unimproved Road Surface
- Paved Road Surface

Surveyor's Certificate

I Brad D. Bunker, Professional Utah Land Surveyor, Number 4769309, hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. This survey has been completed under my direction for the property described herein in accordance with section 17-23-17. I hereby certify all descriptions and measurements are correct for the location of the easement shown herein. Monuments were not set as part of this survey. I also certify that this easement route survey has been prepared under my direction at the request of Cardston Commodities International Paradox Midstream, LLC.

Date: 4-14-16

Brad Bunker
 Brad D. Bunker Utah F.L.S. #4769309

**Easement Route Survey for
CCI Paradox Midstream, LLC**

Within Section 6, Township 41 South, Range 24 East, SLB&M

Bunker Engineering

965 S. South Creek Road, Monticello, UT 84535
 P.O. Box 432, Monticello, UT 84535 (435) 459-9152

Date: April 2016	Drawn By: B.D. Bunker	Scale: 1" = 100'	Sheet: 1 of 1
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Drawing Name: Survey Reference Number: BE695

H. C. ROBERTSON
1953 FEB. M.F.C.

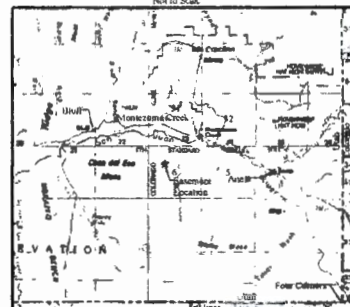
**Easement Route Survey for
CCI Paradox Midstream, LLC**

Within Section 6, Township 41 South, Range 24 East, S1.B&M

Montezuma Creek, UT

Vicinity Map

Not to Scale



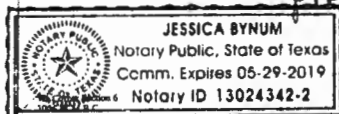
Applicant's Certificate

[illegible]

Signed: Craig J. Harris President
 State of Texas County of Harris on the 13th day of August

with the person(s) who provided the information, and provided to me on the basis of a statement(s) executed by the person who made a statement in this statement, and advised me that he/she obtained the same freely and voluntarily for the purpose stated herein.

Sub: Arithmetic Date: May 29, 1949 G. No.: Hams P. No.: 1
Veronica Baym



Description

Exemption Trust "A"

A portion of a proposed road will connect Section 13 to a 1/4 mile, 15-foot wide road side of a described easement with the edges of the easements extending to or terminating at the same line, or lines, as the centerline across a tract of land located in Section 6, Township 41 North, Range 24 East of 10th M. Center of San Juan Co., Utah. The centerline of said easements is more particularly described as follows: Beginning on an existing corner line located 471.142647 feet along the north line of said Section 6 and Section 1403-63 feet from the northwest corner of said Section 6; and considering the line hereafter the northeast corner and the 1/4 corner of said Section 6 to be said corner 501°18'11" 1214.75 feet, thence S89°54'49" W 372.25 feet to the first point which is located South 128°65' east and East 1278.17 feet from the NW corner of said Section 6. End of Description.

Narrative

The survey was performed at the request of the U.S. Parades Museum, I.L.A. The purpose of the survey was to prepare a description for a proposed route of an oblique pipeline. No measurements were set in accordance with this survey.

The limits of housing for this survey is East between the northwest corner and the NE corner of Section 6, Township 41 South, Range 24 East, SD.BM.4d

Note

¹ Installed paper with the 6-5/8" O.D. welded steel material gas pipe.































Total Centerline Length of Easement

Solution 6. T41S, R24F., SLJBM (1987 27 F.)

Total Area of Easement

System A T214 K241-9 HAM (1.0% Acres)

Legend

-  Found point symbol as labeled
-  Highly influential point (check)
-  Point symbol as labeled
-  Point
-  Highly influential point
-  Point
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-  Point

Surveyor's Certificate

"And I declare 'MONUMENTS,' an Land Survey, Number 47699, hold a license in accordance with Title 98, Chapter 12 Professional Engineers and Land Surveyors Licensing Act. My survey has been completed under my direction for the property as a critical element in accordance with section 17-23-11. I hereby certify all descriptions and measurements are correct for the location of the easement shown herein. MONUMENTS were not on as part of this survey. I also certify that this easement plan survey has been prepared under my direction in the name of Carlson Comprehensive International, Inc., Madison, WI."

Doc 4-14-16

Ed Barker
Ed O. Barker, Utah P.L.S. #4768300

Easement Route Survey for CCI Paradox Midstream, LLC

Within Section 6, Township 41 South, Range 24 East, S1B&M

Bunker Engineering

965 S. South Creek Road, Monticello, UT 84535
P.O. Box 432, Monticello, UT 84535 (435) 459-9152

Date April 2016 Drawn By B.D. Bunker Scale 1" = 100' Sheet 1 of 1

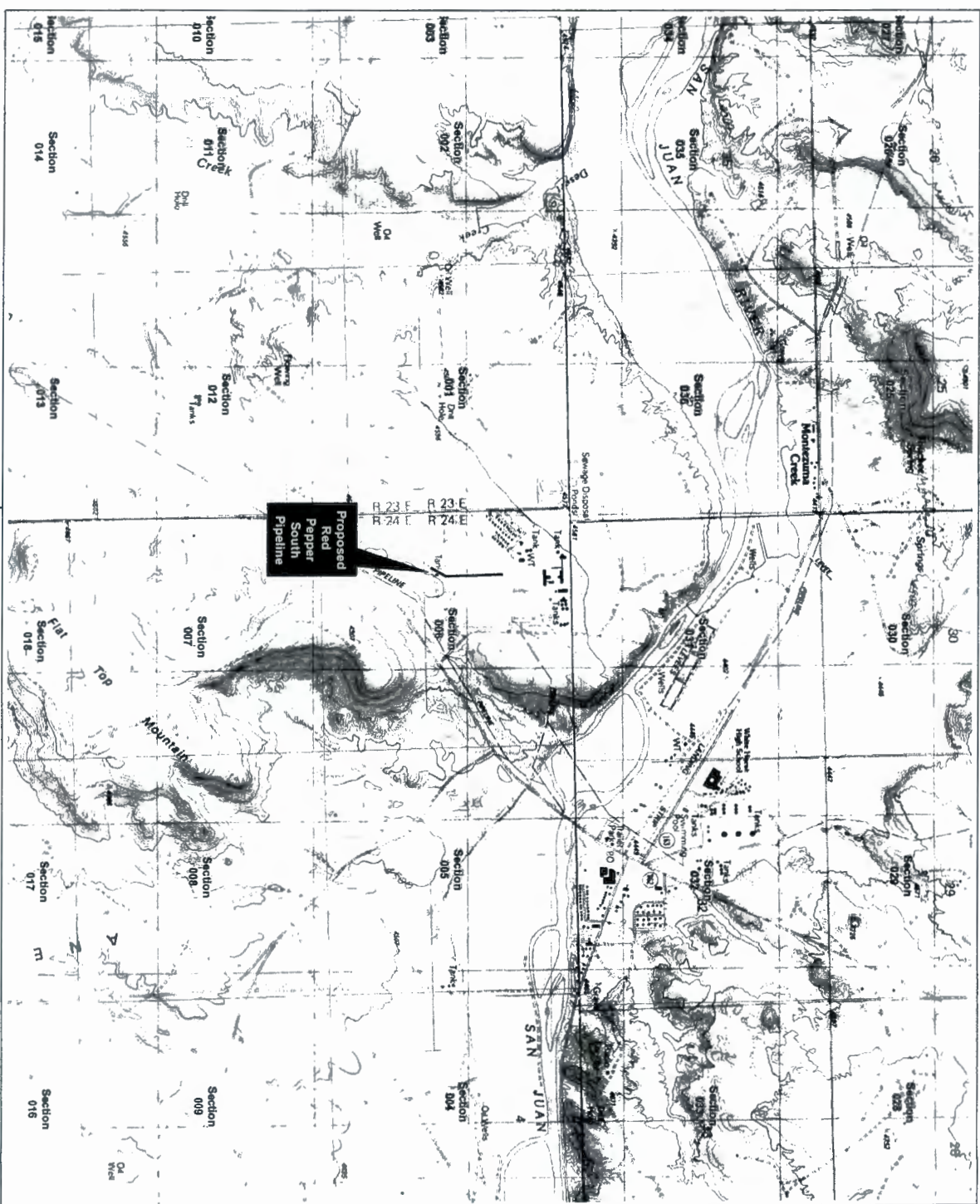
Drawing Name Survey Reference Number BE695



Elkhorn South Pipeline T&E Inspection Map

Sec. 6, T.41S, R.24E
Montezuma Creek
Navajo Indian Reservation
San Juan County, Utah

USGS Quad(s): Montezuma Creek

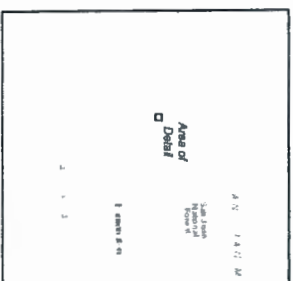


Project Area

NAD 1983 Utah State Plane
South Feet

PERMITS NEST

Prepared by Permits West, Inc., May 12, 2016
for CCI Paradox Midstream LLC



Appendix 1-1




THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

Utah Land Office/Navajo Land Dept./DNR
Post Office Box 410
Montezuma Creek, Utah 84534

MEMORANDUM

To: Ms. Elcrina Yazzie, Program Manager
Project Review Section/Navajo Land Department
Division of Natural Resources

From: 
Belinda Chee, Senior Right-of-Way Agent
Utah Land Office/Navajo Land Department

Date: June 14, 2016

Subject: Field Clearance for Castleton Commodities International



Pursuant to the Field Clearance request, the Utah Land Office has completed the below cited Field Clearance with Mr. Bruce H. Benally, Grazing Committee Member of Red Mesa Chapter, and two (2) grazing permittee holders. Thus, forward the proposed project for approval. The proposed projects are described below:

Red Pepper South Natural Gas Pipeline, distance of 1,587.27 foot length x 30 foot width/1.09 acres in Section 6, T41S, R24E, Red Mesa Chapter, San Juan County, Utah.

Per verbal agreement Mr. Howard Draper, our office will be emailing to you only the copies of this Field Clearance and the original documents will be kept and filed at our office until Project Review Section acquires a secured filing data. For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at belchee@frontier.com. And if you should have any questions to the company you may call Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120 or email at brian@permitswest.com. Thank you.

Attachments

XC:
Brian Wood & Jeanette Reisenburg/Permits West, Inc.
Todd Westcott, Operations Manager/CCI
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NN
Navajo Nation EPA/NN
Bertha Spence, Real Estates/BIA
File, Utah Land Office/NLD/DNR/NN

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. If necessary, use the back of this form for completion.)

Project Identification:

Applicant: Castleton Commodities International, PO Box 215, 7 Rankine Road, La Sal, Utah 84530

Identification:

Purpose: Red Pepper South Natural Gas Pipeline.

Location (Legal Description): In Section 6, T41S, R24E, Red Mesa Chapter, San Juan County, Utah.

Amount of land affected: 1,587.27 foot length x 30 foot width/1.09 acres

Land status: Trust Fee Other

1. List of land use/grazing permittee whose land use rights will be affected project:

<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a. Arlene S. Begay		Grazing Rights
c. Carmelita J. Whitney		Grazing Rights

2. Are all land users in the above list no. 4 with claims to the affected lands shown in the Branch of Land Operations records? Yes No
3. Have the Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirms the list no. 4 by signing acknowledgement form 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 no. 4 includes all land users who have rights in the affected lands.

6/13/2016
Date

Bruce H. Benally
Bruce H. Benally, Grazing Committee Member
Red Mesa Chapter

09
District

4. Are any damages expected to individual improvements? Yes No

If yes, contact the Director of Navajo Land Administration because special arrangements will have to be made to compensate for these damages.

If no give full explanations why:

No damages are expected to individual improvement. Nominal surface/grazing damages are expected on the projects. Surface damage compensation will be paid out to the affected grazing permittees. And the disturbed grazing area will be reclaimed/reseed per Bureau of Indian Affairs regulations after the completion of the project.



EXHIBIT

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS CCI PARADOX MIDSTREAM, LLC (GRANTEE) (6-5/8" Natural Gas Pipeline – Red Pepper Tie-in Right-Of-Way)

1. The term of the right-of-way shall be for five (5) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.
2. Consideration for the right-of-way is assessed at \$16,000.00 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 ten (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 constructing, operating, and maintaining the 6-5/8" natural gas pipeline. 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 at 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 archeological 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, land users, and occupants, against any liability for loss of life, personal injury, and property damages arising from the development, use, or occupancy or use of 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 at 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 in part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or 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;
 - 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; and
 - 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 site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

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 judgements 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-way do not unreasonably interfere with the Grantee's use of the right-of-way.

PERMITS WEST, INC.
PROVIDING PERMITS for LAND USERS
37 Verano Loop, Santa Fe, New Mexico 87508 (505) 466-8120



August 8, 2016

Howard Draper
Project Review Office
Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

Dear Howard:

On behalf of CCI Paradox Midstream LLC, I am submitting a Right-of-Way application for the proposed Red Pepper South 6-5/8 inch O. D. natural gas pipeline in the Red Mesa Chapter on Navajo Nation Tribal Trust land in San Juan County, UT. The application packet includes:

Right of Way Application
Project Fact Sheet
Plat
Environmental Assessment
Archeology Report
\$500 Check Application Fee
Field Clearance

Please let me know if you have any questions.

Sincerely,

Brian Wood

ENVIRONMENTAL ASSESSMENT

ON BEHALF OF:



**CCI PARADOX MIDSTREAM LLC
811 MAIN ST, SUITE 3500
HOUSTON, TX 77002**

FOR

**RED PEPPER SOUTH PIPELINE RIGHT-OF-WAY GRANT
BUREAU OF INDIAN AFFAIRS
SHIPROCK AGENCY**

**NAVAJO TRIBAL TRUST LAND AND
NAVAJO INDIAN ALLOTMENT 633380
SAN JUAN COUNTY, UTAH**

MAY 25, 2016

PREPARED BY:



TABLE OF CONTENTS

1. Introduction.....	1
1.1 Purpose and Need	1
1.2 Conformance with Applicable Land Use Plan.....	1
1.3 Federal, State, or Local Permits, Licenses, or Other Consultation Requirements.....	1
2. Alternatives Including the Proposed Action.....	2
2.1 Alternative A - No Action.....	2
2.2 Alternative B - Proposed Action.....	2
2.3 Alternatives Considered But Not Analyzed In Detail.....	3
3. Description of Affected Environment.....	4
3.1 General Topography/Surface Geology	4
3.2 Air Quality	5
3.3 Water Quality: Surface and Groundwater.....	6
3.4 Soils.....	8
3.5 Hazardous or Solid Waste Materials.....	8
3.6 Land Use	9
3.7 Vegetation, Forestry.....	9
3.8 Invasive, Non-native Species.....	10
3.9 Wildlife	10
3.10 Threatened, Endangered and Special Status Species	11
3.11 Visual Resources.....	12
3.12 Cultural or Historical Values	12
3.13 Environmental Justice.....	13
3.14 Public Health and Safety.....	13
3.15 Cumulative Effects.....	14
4. Consultation/Coordination.....	14
5. References.....	15
6. Appendices.....	15

1. INTRODUCTION

Castleton Commodities International, LLC (CCI) has filed an application with the Bureau of Indian Affairs (BIA), pursuant to the terms and provisions of U.S.C. Chapter 8: Rights of Way Through Indian Lands, Section 323, and to the regulations of the Department of the Interior contained in Title 25, Code of Federal Regulations Part 169, for the grant of right-of-way (ROW) to construct and maintain a natural gas pipeline across Navajo Tribal Trust lands. The project area is located in Section 6, T. 41 S., R. 24 E., approximately 1.4 miles southwest of the town of Montezuma Creek, San Juan County, Utah.

The pipeline ROW will be 1587.27 feet long within a 30-foot corridor and will make use of 1.09 acres (Proposed Action). This Environmental Assessment (EA) will evaluate the Proposed Action with regards to potential impacts to the surrounding environment.

1.1 PURPOSE AND NEED

The purpose of the Proposed Action is to allow CCI to expand the transport natural gas from the old Elkhorn gas plant near Montezuma Creek, Utah, south to Kirtland, NM for gathering, separating, and subsequent distribution purposes.

The Proposed Action will help meet the public's need for natural gas resources and bolster the local economy in southeastern Utah and northwestern New Mexico.

1.2 CONFORMANCE WITH APPLICABLE LAND USE PLAN

This EA addresses the resources and impacts on a site-specific basis as required by the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.). The proposed project will not be in conflict with any local, county, or state plans.

1.3 FEDERAL, STATE, OR LOCAL PERMITS, LICENSES, OR OTHER CONSULTATION REQUIREMENTS

The Federal Water Pollution Control Act (Clean Water Act) has been amended to provide that certain storm water discharges from field activities or operation, including construction, associated with oil and gas exploration, production, processing, or treatment operation or transmission facilities are exempt from Nation Pollutant Discharge Elimination System (NPDES) permit requirements. The action encourages voluntary application of best management practices (BMPs) for oil and gas field activities and operation to minimize the discharge of pollutants in storm water runoff and to protect water quality (FR 06-12-06, V. 71, No. 112). This action applies to all states, federal lands, and Tribal and Indian lands, regardless of whether the US Environmental Protection Agency (USEPA) or a state is the NPDES-permitting authority. States have the authority to regulate any discharges, pursuant to state law, through a non-NPDES permit program.

Compliance with Section 106 responsibilities of the National Historic Preservation Act are adhered to by following the BLM – New Mexico SHPO protocol agreement, which is authorized by the National Programmatic Agreement between the BLM, the *Advisory Council on Historic Preservation*, and the *National Conference of State Historic Preservation Officers*, and other applicable BLM handbooks.

The Navajo Nation Fish and Wildlife Department (NNFWD) Natural Heritage Program and the U.S. Fish and Wildlife Information, Planning, and Conservation System (IPaC) website have been consulted with respect to listed species and/or species of concern that are known to occur or that have the potential to occur within the area of the Proposed Action. Listed species and species of concern will be evaluated in Section 3.0 of this document

Additionally, CCI is required to:

- Comply with all applicable federal, state and local laws and regulations.
- Obtain the necessary permits and/or ROW agreements for the installation of the pipeline.

2. ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 ALTERNATIVE A - NO ACTION

The BLM NEPA Handbook (H-1790-1) states that for EAs on externally initiated proposed actions, the No Action Alternative generally means that the proposed activity will not take place. This option is provided in 43 CFR 3162.3-2 (h) (2). This alternative would deny the approval of the ROW necessary to construct the Proposed Action on Navajo Tribal Trust surface, and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

For this EA, the No Action Alternative is presented for baseline analysis of resource impacts.

2.2 ALTERNATIVE B - PROPOSED ACTION

The Proposed Action involves issuing a new ROW to construct a new natural gas pipeline. The Proposed Action will be located as shown on the location map in Appendix 1.

The Proposed Action is located approximately 1.4 miles southwest of the town of Montezuma Creek, Utah, as shown on the location map in Appendix 1. The Proposed Action is on Navajo Tribal Trust land in Section 6, Township 41 South, Range 24 East, in San Juan County. The proposed project involves a new, buried, steel, natural gas pipeline with a 10-in. outside diameter that will be 1587.27 feet (0.3 miles) long.

The pipeline begins at a fence line at a compressor yard at the old Elkhorn gas plant near Montezuma Creek, UT and heads south along the east side of an existing pipeline corridor. It turns southwest for a short distance to end at a valve at a mostly barren well pad.

Construction will be conducted by up to six workers using up to four vehicles. All work will

be performed during daylight hours and will take approximately one month to complete. Specialty equipment required to complete construction of the pipeline will be completely contained on the service vehicles or machinery. The project will be constructed using a backhoe to dig and backfill the trench, a welding truck to join pipe segments, a semi-truck to haul pipe to the site, and a service truck with construction equipment required to complete construction.

The pipeline will be buried at least 48 inches deep. The backhoe will dig a trench approximately 36 inches wide to contain the pipeline. Spoils from the trench will be placed immediately next to the trench along the alignment. The top six inches of soil material will be stripped and stockpiled separately from material removed from the trench within the ROW construction area. The stockpiled soil will be free of brush, tree limbs, trunks, and roots. The stockpiled soil material will be spread on the reclaimed areas prior to re-seeding. Spreading shall not be done when the ground or topsoil is frozen or wet.

Construction will only be performed 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. Ruts deeper than four inches will be raked flat. Maintenance and repair will be conducted as required using existing roads or the project ROW. No new roads will be built as part of the Proposed Action. Any disturbance outside of the ROW will require additional Navajo approval.

If noxious weeds establish within the ROW, CCI will contact the Navajo Nation Environmental Protection Agency (EPA) Pesticides Program, Glenna Lee, Program Manager (928) 871-7815 for list of approved herbicides and applicators. It will be CCI's responsibility to monitor, control, and eradicate all invasive, non-native plant species within the proposed project area, throughout the life of the ROW term of 20 years.

Disturbed areas will be restored as closely as possible to their original condition upon completion of construction. Reclamation measures will include ripping compacted and disturbed areas at least 12 inches deep on 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 EPA requirements.

2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

One alternative that was considered is running the pipeline from the old Elkhorn gas plant northeast across the San Juan River to connect to an existing pipeline network in that location. This alternative was rejected due to the longer distance and consequently greater land disturbance it would have caused.

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

1. On-site inspections;
2. Cultural Resources Inventory;
3. Threatened, Endangered, and Special Status Species Surveys of the location of the Proposed Action; and
4. review of NNFWD species of concern known to occur or with the potential to occur on the Montezuma Creek, UT and McCracken Spring, UT 7.5-minute quadrangles.

No additional alternatives for the Proposed Action 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 GENERAL TOPOGRAPHY/SURFACE GEOLOGY

The Proposed Action is located within the Colorado Plateau physiographic region in southeastern Utah. Topography in the area includes mesas, escarpments, outcroppings, badlands, dry washes and rocky canyons, and the San Juan River corridor. The Proposed Action generally runs north and south in its alignment and spans the San Juan River valley and adjacent mesas and badlands north and south of the valley corridor. Surface geology includes surficial eolian deposits on the mesas, Dakota and Cedar Mountain formations within canyons and outcroppings, Morrison Formation in badland areas, and surficial alluvium and colluvium in the San Juan River and Montezuma Creek Corridors. (Utah Geological Survey 2015)

3.1.1 Direct and Indirect Effects

1. There will be a direct impact to existing topographical features from construction of the new gas pipeline.
2. Construction of the project will indirectly impact surface geology by disturbing the soil causing a loss of soil and seed banks.

3.1.2 Mitigation

1. Surface disturbance and vehicular traffic will be limited to approved locations within the ROW during maintenance and repair activities. Any new disturbance outside of the ROW will require additional approval from the Navajo Nation.
2. Disturbed areas created during regular maintenance activities will be reclaimed. Reseeding and mulching would help prevent soil loss and reduce the effects of seed bank disturbance/loss. Successful reclamation will take two to three years.

3.2 AIR QUALITY

The proposed project is located in San Juan County, Utah on Navajo Nation Tribal Trust land. New information about greenhouse gases (GHGs), and their effects on national and global climate conditions has emerged. On-going scientific research has identified the potential impacts of GHG emissions such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), water vapor, and several trace gases on global 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 increase measurably, and may contribute to overall climatic changes, typically referred to as global warming.

In addition, on October 17, 2006, the US Environmental Protection Agency (USEPA) issued a final ruling on the lowering of the National Ambient Air Quality Standard (NAAQS) for particulate matter ranging from 2.5 micron or smaller particle size. This ruling became effective on December 18, 2006, stating that the 24-hour standard for PM_{2.5} was lowered to 35µg/m³ from the previous standard of 65µg/m³. This revised PM_{2.5} daily NAAQS was promulgated to better protect the public from short-term particle exposure.

The project area lies within the Four Corners Interstate Air Quality Control Region. At the present time, the project area is in attainment for all state and national ambient air quality standards as defined in the Clean Air Act of 1972, (as amended). The USEPA, Region IX, and the Navajo Nation EPA Air Quality Control Program (NNAQCP) are responsible for administering air quality regulations on Navajo Tribal Trust Lands in Utah. The NNAQCP is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA), as described in Title 4, Chapter 11, Sec. 1101-1162 of the NAPPCA and encompassing the area defined in 7 NN Sec. 254.

Air quality is classified into one of four categories (I, IA II, or III) for each type of emission. These categories are:

- | | |
|-----|---|
| I | Significant violation of federal standard from several sources exist for part of the region; special emission controls needed |
| IA | Significant violation of federal standard from a single source (coal fired power plant) exist for part of the region |
| II | Better air quality |
| III | Best air quality |

San Juan County is in the Class II category, which addresses prevention of significant deterioration of air quality. Air quality parameters range from Class IA for sulfur oxides and particulates to Class III for nitrogen dioxide, carbon monoxide, and photo chemical oxidants.

These categories indicate air quality is good to very good, with some deterioration allowed.

The closest Class I area is Mesa Verde National Park, 40 miles east. No deterioration is allowed in a Class I area. Overall air quality is good. Nitrogen dioxide, carbon monoxide, and photochemical oxidants are rated best. Violations of particulate and sulfur oxide levels occur south of the state line due to coal fired power plants in Arizona and New Mexico.

3.2.1 Direct and Indirect Effects to Air Quality

1. A temporary and minor direct impact to air quality will result from exhaust emissions and dust pollution. Air pollution from motorized equipment and dust dissemination will discontinue at the completion of the project.
2. Limited impacts to air quality could come from regular maintenance activities of the pipeline including blowing dust, traffic dust, and/or vehicle emissions.

3.2.2 Mitigation

1. CCI will apply water for dust control if necessary.
2. Surface disturbance and vehicular traffic would be limited to the approved locations (ROW and existing roads) to reduce air born dust.
3. Vehicles will be turned off when not in use.
4. CCI will comply with the USEPA's Clean Air Act and all applicable tribal, state, and local regulations.

3.3 Water Quality: Surface and Groundwater

The hydrologic setting of the area is characterized by the San Juan River Basin. The San Juan River is a significant tributary of the Colorado River and has its source along the southern slopes of the San Juan Mountains. The average flow of the San Juan River at Bluff, Utah is about 2,200 cubic feet per second. The San Juan River drains about 24,600 square miles and the majority of its reach is within San Juan County, UT, and San Juan County, NM. It is the only significant source of freshwater in this arid region. Precipitation events provide some surface and subsurface flow into the San Juan; however, most runoff in ephemeral flows is lost to evapotranspiration.

Water quality in the San Juan River is generally good, however recent toxic spills from mine waste into the Animas River (a major tributary of the San Juan in southwestern Colorado) have impacted water quality in the San Juan River in the short-term and will likely have some long-term affects, the extent of which is yet to be determined. Contaminants in surface water flows in the vicinity of the project area would likely come primarily from oil and gas operations, illegal dumping, and livestock. Unstable and bare soils along with sparse

vegetation results in flood events contributing large amounts of sediment to ephemeral and perennial channels.

Average annual precipitation in the project areas is 8.04 inches (WRCC 2015).

The water zones in the area are those found in the Glen Canyon group of sandstones. Ground water in the Glen Canyon aquifer generally flows from recharge areas toward the Colorado River and its main tributaries (in the project vicinity this is generally northward). Depth to the top of the aquifer is 2000 feet or less. Ground water quality (dissolved solids concentration) where the Glen Canyon aquifer is less than 2000 feet below land surface is generally less than 1,000 milligrams per liter. However in large areas where the aquifer is deeply buried, the dissolved solids concentration exceeds 35,000 milligrams per liter. Within the project area water in the Glen Canyon aquifer is highly mineralized. Analysis of the water chemistry indicates that the source of the mineralized water is likely deeper strata which contain substantial deposits of evaporate minerals, particularly salt. The water quality in the aquifer might have been caused by upward movement of saline water through unplugged or poorly plugged oil-test holes or leaking water injection wells, which are used to dispose of saline water that is produced with oil and gas (USGS 1995).

There are 21 shallow water wells primarily purposed for oil and gas development and irrigation located within an approximately one-mile radius of the Proposed Action (UTDWR 2015).

The Federal Emergency Management Agency (FEMA) has not completed a study to determine flood hazard at the Proposed Action location. Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain. Because the project is 0.64 miles from the San Juan River at the beginning of the pipeline, no impacts on floodplains are anticipated.

3.3.1 Direct and Indirect Effects to Water Quality

If there were a leak in the pipeline, contaminants could enter the San Juan River water system by migrating into ground water or by being carried, via surface runoff, into local waterways and the San Juan River.

3.3.2 Mitigation

Potential environmental contaminants accidentally released from the pipeline will be properly contained and spilled contaminants will be cleaned up immediately after the spill to prevent run-off of contaminants into surface hydrology or infiltration into groundwater. Clean-up methods will follow current USEPA guidelines and BMPs.

3.4 SOILS

The soils in the San Juan Basin were formed primarily in two kinds of parent material: alluvial sediment and sedimentary rock. The alluvial sediment is material that was deposited in river valleys and on mesas, plateaus, and ancient river terraces. The material has been mixed and sorted in transport and has a wide range in mineralogy and particle size. Sedimentary parent material consists mainly of sandstone and shale bedrock. These shale and resistant sandstone beds form prominent structural benches, buttes, and mesas bounded by cliffs.

The project area is in the Aneth-Sheppard association, rolling soil unit. This unit consists of aeolian deposits derived from sandstone with a soil texture of loamy fine sand (USDA NRCS 2016). The underlying bedrock is the Morrison Formation (Hintze 1980).

3.4.1 Direct and Indirect Effects to Soils – Hydrology - Watershed

1. Soils will be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.
2. Due to wind and water, the soils will be subject to an undetermined amount of erosion until vegetation is established.

3.4.2 Mitigation

1. Successful reclamation of the Proposed Action outlined in Section 2.2 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.
2. Use of BMPs as outlined in Section 2.2 will reduce impacts to soils.

3.5 HAZARDOUS OR SOLID WASTE MATERIALS

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, damaged pipeline fittings, scrap lumber, 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.

3.5.1 Direct and Indirect Effects to Soils – Hydrology - Watershed

Trash and unwanted materials will be generated by construction.

3.5.2 Mitigation

All trash will be placed in a portable trash cage 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 reservation.

3.6 LAND USE

The Proposed Action is located on Navajo Tribal Trust land. Current land uses in the area are livestock grazing, oil and gas development, fishing, and recreation. Disturbances in the project area include fence lines, existing pipelines, a dirt road, and mechanically cleared and equine-grazed areas.

3.6.1 Direct and Indirect Effects to Land Use

1. The Proposed Action will affect 1.09 acres of Navajo Tribal Trust lands.
2. Short-term impacts will come from land clearing and trenching for pipeline placement.

3.6.2 Mitigation

1. Reclamation of the Proposed Action as stated in Section 2.2 will replace, and may even enhance, vegetative cover along the ROW. Successful reclamation is expected to take two to three years.
2. If grazing permits are identified in the project area, the permittees will be contacted to gain written permission for CCI's proposed use of the land as part of this project.

3.7 VEGETATION, FORESTRY

The landscape in the area is a gently rolling plain of semi-stabilized sand dunes. The dominant plants in the area are western tansymustard (*Descurainia pinnata*), wooly plantain (*Plantago patagonica*), and Russian thistle (*Salsola tragus*), with occasional areas of Cutler's ephedra (*Ephedra viridis* var. *viscida*). The Russian thistle decreases as the line heads south.

3.7.1 Direct and Indirect Effects to Vegetation and Forestry

Vegetation will be cleared for pipeline construction and will disturb plant communities and habitats on 1.09 acres of Navajo Tribal Trust lands.

3.7.2 Mitigation

Reclamation, as outlined in Section 2.2 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.

3.8 INVASIVE, NON-NATIVE SPECIES

The BIA lists three species of noxious weeds as potential invaders and fourteen species as new invaders on the Navajo Reservation (OSM 1999). There are no listed noxious weeds in the project area.

3.8.1 Direct and Indirect Effects

Noxious weeds may establish in disturbed portions of the Proposed Action area.

3.8.2 Mitigation

1. Any disturbed areas will be seeded with an approved seed mix.
2. CCI 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, CCI will contact the Navajo Nation EPA Pesticides Program, Glenna Lee, Program Manager (928) 871-7815 for a list of approved herbicides and applicators.

3.9 WILDLIFE

Wildlife occurring in the area is typical of arid grasslands and shrublands and degraded riparian corridors of the Great Basin Desert. This includes passerines such as horned larks (*Eremophila alpestris*) and black-throated sparrows (*Ampisiza bilineata*), as well as black-tailed jackrabbits (*Lepus californicus*.), kangaroo rats (*Dipodomys spp.*), and whiptail lizards (*Aspidoscelis spp.*).

See Appendix 3 for a complete inventory of wildlife species observed in the project area.

3.9.1 Direct and Indirect Effects to Wildlife

The wildlife that uses the site may die or 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.

3.9.2 Mitigation

1. Reclamation of the Proposed Action, as outlined in Section 2.2, 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.
2. Vehicles will be restricted to existing roads and the ROW to reduce impacts to ground dwelling wildlife at the project site.

3.10 THREATENED, ENDANGERED AND SPECIAL STATUS SPECIES

Navajo Department of Fish and Wildlife's Natural Heritage Program (NNHP) lists 15 species with the potential to occur in the project area: northern leopard frog (*Rana pipiens*), American dipper (*Cinclus mexicanus*), bald eagle (*Haliaeetus leucocephalus*), ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinnus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Colorado pikeminnow (*Ptychocheilus lucius*), mottled sculpin (*Cottus bairdii*), razorback sucker (*Xyrauchen texanus*), and roundtailed chub (*Gila robusta*), Cronquist's milkvetch (*Astragalus cronquistii*), Navajo sedge (*Carex specuicola*), sand lily (*Eremocrinum albomarginatum*), and Bluff phacelia (*Phacelia indecora*) [Appendices 3 and 4]. Three of these species, the southwestern willow flycatcher, the Colorado pikeminnow, and the razorback sucker, are also federally listed as endangered under the Endangered Species Act (ESA). A single Sand lily plant is the only listed species that was detected in the project area during the survey. This species is an NNHP "Sensitive" species and is located on the edge of the existing pipeline corridor. See Appendices 3 and 4 for further details about threatened, endangered, or special status species in the project area.

3.10.1 Direct and Indirect Effects to Threatened, Endangered, and Special Status Species

1. During construction, 1.09 acres of Navajo Tribal Trust land will be disturbed. Habitat around the pipeline installation will be most vulnerable to being destroyed by vegetation removal, ground disturbance, and construction vehicles crushing the vegetation. Habitat will be temporarily lost where the ground is disturbed until the vegetation communities reestablish over a period of several years. Vegetation that is crushed or buried during construction will be temporarily degraded or lost until reestablishment. Dust from pipeline-related vehicle traffic may periodically coat nearby vegetation, reducing its viability.
2. Wildlife currently using the site may be displaced and/or may die during the construction of the Proposed Action. Activity and noise from construction activities could impact birds attempting to nest forage, or migrate in the area. All raptors are at risk from habitat loss, fragmentation and/or environmental

pollutants, as well as other factors.

3.10.2 Mitigation

Use of BMPs, as outlined in Section 2.2, will reduce impacts to listed species.

3.11 VISUAL RESOURCES

Visual resources are not currently inventoried or managed by the Navajo Nation. However, the BLM has developed a Visual Resource Management (VRM) classification system designed to maintain or enhance visual qualities and describe different degrees of modification to the landscape. There are four VRM classes (Classes I through IV), which identify suggested degrees of allowed human modification to a landscape. Class I allows the least modification and Class IV allows the most (USDI BLM 2003).

The closest area to the Proposed Action that is inventoried by the BLM Monticello Field Office (MFO) is the land along US 162 that is east of US 191. The BLM MFO Record of Decision and Approved Resource Management Plan designates this area as Class III (2008).

Class III areas must partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. (USDI BLM 2003)

3.11.1 Direct and Indirect Effects to Visual Resources

Short-term impacts to visual resources will come from dust, truck traffic, and placement of heavy equipment during construction.

3.11.2 Mitigation

Short-term impacts to visual resources from construction will cease after approximately one month.

3.12 CULTURAL OR HISTORICAL VALUES

Complete Archaeological Service Associates conducted a Class III Cultural Resources Survey of the Proposed Action area on April 28, 2016. The report made a determination of "no historic properties affected". The Cultural Resources Compliance Form is attached as Appendix 5.

3.12.1 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.

3.12.2 Mitigation

If, during construction or regular maintenance of the pipeline, any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by CCI or any person working on their behalf, were discovered, it would be immediately reported to the Navajo Nation Historic Preservation Department (NNHPD) at (928) 871-7148 and/or the BLM Monticello Field Office Archaeologist.

3.13 ENVIRONMENTAL JUSTICE

Executive Order 12898 requires federal agencies to assess projects to ensure there are no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations (1994). Minorities comprise the majority of the population residing in San Juan County (San Juan County Utah 2016).

3.13.1 Direct and Indirect Effects to Environmental Justice

Negative direct effects to minority or low-income populations include a slight increase in activity and noise disturbance during construction activities.

3.13.2 Mitigation

Short-term impacts from increased activity and noise disturbance will cease after approximately one month.

3.14 PUBLIC HEALTH AND SAFETY

Aside from the employees of the old Elkhorn gas plant where the northern end of the pipeline will connect, the closest resident in the project area is approximately 0.84 miles west of the proposed pipeline's northern end. During construction, CCI employees are the most likely persons to be in the immediate vicinity of the Proposed Action.

3.14.1 Direct and Indirect Effects to Public Safety

Risks to the public associated with the construction of a pipeline include wildfire, increased traffic on public roads, fire and explosion, spills of vehicular fluids or water, and potential air (dust and vehicle exhaust) emissions exposure.

3.14.1 Mitigation

1. Only approved areas will be used during construction to minimize hazards to workers and the general public.
2. All applicable laws, regulations, and policies will be followed during construction and maintenance activities, or while responding to any emergency.

3.15 CUMULATIVE EFFECTS

The Proposed Action will affect 1.09 acres on Navajo Tribal Trust lands. Reasonably foreseeable future development may include development of new oil wells, water injection wells, power lines, and associated facilities on public and Tribal lands in the region. These activities are currently at a lull due to low oil and gas prices. However it is expected that these developments will continue to occur in the vicinity of the Proposed Action area contributing to the overall impacts from past and present projects.

4. CONSULTATION/COORDINATION

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

Table 4.1 Interdisciplinary Project Team

On-site Inspection			
Name	Title	Organization	Date of Onsite
Mary Errickson	Archaeologist	Complete Archaeological Service Assoc.	April 28, 2016
Brad D. Bunker	Surveyor	Bunker Engineering	April 2016
Liz Berdugo	Consultant, Author	Permits West, Inc.	n/a
Mike Deutsch	Project Manager	Permits West, Inc.	April 20, 2016
Charles Black	Wildlife Biologist	Permits West, Inc.	April 2, 2016
Marian Rohman	Botanist	Permits West, Inc.	April 27, 2016

Contact Information:

Permits West, Inc.
37 Verano Loop
Santa Fe, NM87508
505-466-8120
FAX: 505-466-9682

CCI Paradox Midstream, LLC
2200 Atlantic Street, Suite 800
Stamford, Connecticut 06902

5. REFERENCES

- Executive Order 12898, 59 *Federal Register*, 11 Feb. 1994.
- Hintze, Lehi F., compiler. Geologic Map of Utah. Utah Geological and Mineral Survey. Salt Lake City, Utah; 1980.
- “San Juan County Utah.” *Wikipedia: The Free Encyclopedia*. Wikimedia Foundation, Inc., 18 Mar. 2016. Web. 25 May 2016.
- U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. 2015. Web. 2016. <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>
- U.S. Department of the Interior. Bureau of Land Management, Farmington Field Office. *Farmington Proposed Resource Management Plan and Final Environmental Impact Statement*. Farmington, NM; Mar. 2003.
- . Bureau of Land Management, Monticello Field Office. *Monticello Field Office Record of Decision and Approved Resource Management Plan*. Monticello, UT; Nov 2008.
- . Office of Surface Mining. *A Guide to Noxious Weeds of the Navajo Reservation*. 1999.
- U. S. Geological Survey. *Ground Water Atlas of the United States, Arizona, Colorado, New Mexico, Utah (HA 730-C)*. 1995. Web. <http://pubs.usgs.gov/ha/ha730/ch_c/C-text8.html. August 2015>
- [UTDWR] Utah Division of Water Rights. *Well Log Search*. 2013. Web. 23 May 2016. <<http://maps.waterrights.utah.gov/EsriMap/map.asp>>
- Utah Geological Survey. Web. 11 Aug. 2015. <<http://geology.utah.gov/apps/intgeomap/>>
- Western Regional Climate Center (WRCC). *Aneth Plant, UT (420157) Period of Record Monthly Climate Summary; Period of Record: 08/01/1959 to 12/31/2005*. 2016. Web. 20 May 2016. < <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?utanet>>

6. APPENDICES

1. Project Location Map
2. Navajo Endangered Species List (NESL) response
3. Plant Survey Report
4. Threatened, Endangered, And Special Status Wildlife Species Report
5. Cultural Resources Compliance Form (CRCF)
6. Biological Resources Compliance Form (BRCF)



Elkhorn South Pipeline T&E Inspection Map

Sec. 6, T41S, R.24E
Montezuma Creek
Navajo Indian Reservation
San Juan County, Utah
USGS Quad(s): Montezuma Creek

— Project Area



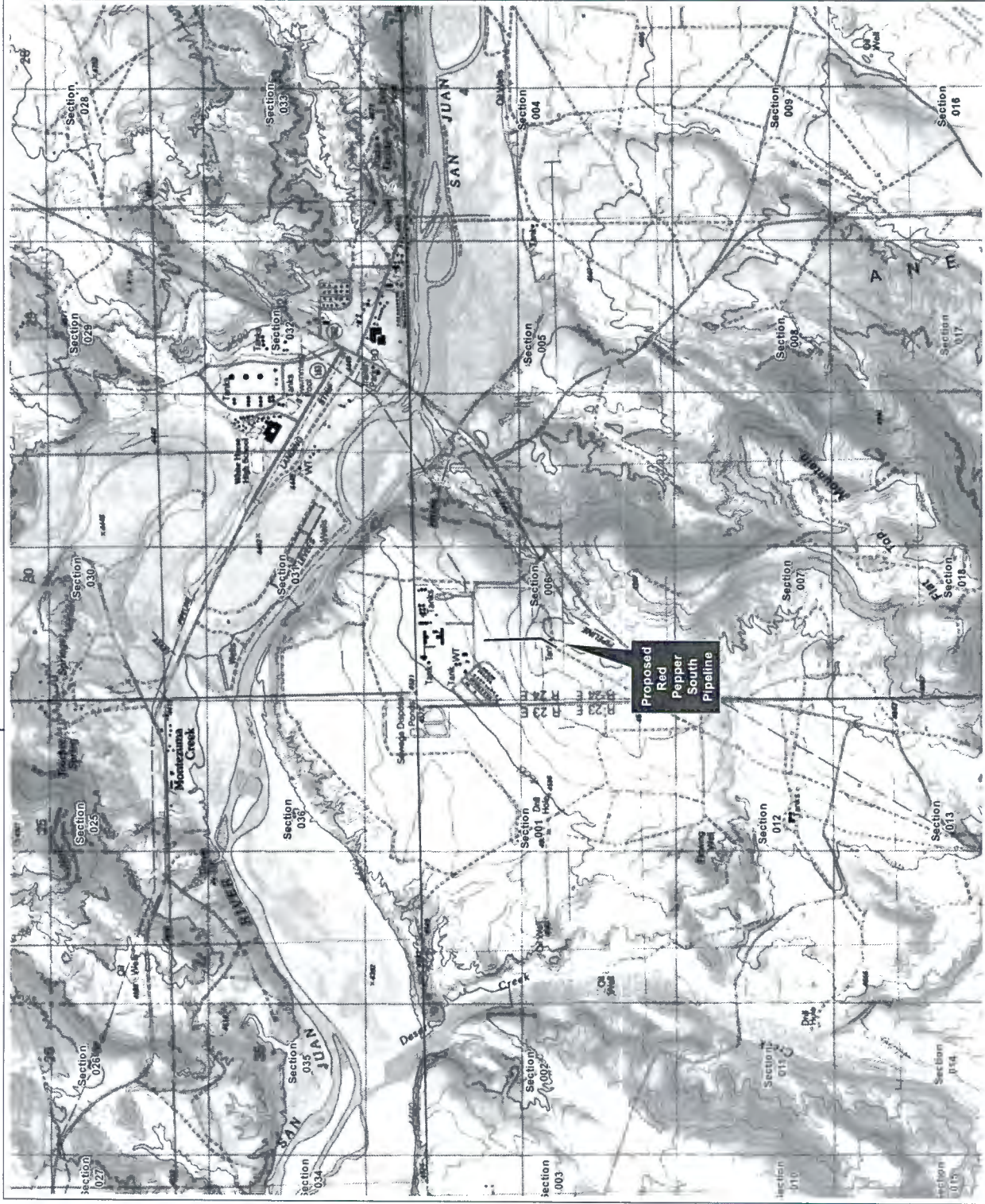
NAD 1983 Utah State Plane
South Feet



Prepared by Permits West, Inc. May 12, 2016
for CGI Paradox Midstream LLC

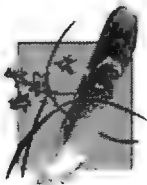


Appendix 1-1



109 3333' W

109 3333' W



NNHP

Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

<http://nnhp.nndfw.org>

16perm103

25-March-2016

Mike Deutsch - Project Director
Permits West, Inc
37 Verano Loop
Santa Fe, NM 87508

SUBJECT: CCI Elkhorn Pipeline

Mike Deutsch,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists "species of concern" known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no "species of concern" within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

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 legally protected species, the following tribal and federal statuses are indicated: 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, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of

Page 1 of 7

these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species *(NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)*

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3

ASCR = Astragalus cronquistii / Cronquist Milk-vetch NESL G3

EMTRES = Empidonax traillii extimus / Southwestern Willow Flycatcher NESL G2 FE

2. Potential Species

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3

ASCR = Astragalus cronquistii / Cronquist Milk-vetch NESL G3

BURE = Buteo regalis / Ferruginous Hawk NESL G3

CIME = Cinclus mexicanus / American Dipper NESL G3

COBA = Cottus bairdi / Mottled Sculpin NESL G4

EMTRES = Empidonax traillii extimus / Southwestern Willow Flycatcher NESL G2 FE

FAPE = Falco peregrinus / Peregrine Falcon NESL G4

GIRO = Gila robusta / Roundtail Chub NESL G2

HALE = Haliaeetus leucocephalus / Bald Eagle NESL G2

LIPI = Lithobates pipiens / Northern Leopard Frog NESL G2

PHIN = Phacelia indecora / Drab Phacelia NESL G4

PTLU = Ptchocheilus lucius / Colorado Pikeminnow NESL G2

XYTE = Xyrauchen texanus / Razorback Sucker NESL G2 FE

3. Quadrangles (7.5 Minute)

Quadrangles

Montezuma Creek (37109-C3) / UT

4. Project Summary *(EO1 Mile/EO 3 Miles=elements occurring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)*

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
------	-------	-------	------	-----	------	-------

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
CCI Elkhorn Pipe	AQCH, EMTrex	AQCH, ASCR, EMTrex	Montezuma Creek (37109-C3) / UT	None	XYTE, LIPI, PTLU, HALE, GIRO, FAPE, EMTrex, COBA, CIME, BURE, AQCH, PHIN, ASCR	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

- A. Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation. The following is a brief summary of six (6) wildlife areas:
1. **Highly Sensitive Area** – recommended no development with few exceptions.
 2. **Moderately Sensitive Area** – moderate restrictions on development to avoid sensitive species/habitats.
 3. **Less Sensitive Area** – fewest restrictions on development.
 4. **Community Development Area** – areas in and around towns with few or no restrictions on development.
 5. **Biological Preserve** – no development unless compatible with the purpose of this area.
 6. **Recreation Area** – no development unless compatible with the purpose of this area.
- None** - outside the boundaries of the Navajo Nation
This is not intended to be a full description of the RCP please refer to the our website for additional information at <http://www.nndfw.org/clup.htm>.
- B. Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
- o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
 - o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
 - o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.
- C. Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.
- D. Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

- E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.
- F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.
- G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for *Ptychocheilus lucius* (Colorado pikeminnow) and *Xyrauchen texanus* (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.
- H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for *Gila cypha* (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

- I. **Wetlands** – In Arizona and New Mexico, 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 Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP 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. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. 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. For more information contact the Navajo Environmental Protection Agency's Water Quality Program.
- J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW'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 necessary. 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 NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.
- K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: *Carex specuicola* (Navajo Sedge), *Cirsium rydbergii* (Rydberg's Thistle), *Primula specuicola* (Cave Primrose), *Platanthera zothecina* (Alcove Bog Orchid), *Puccinellia parishii* (Parish Alkali Grass), *Zigadenus vaginatus* (Alcove Death Camas), *Perityle specuicola* (Alcove Rock Daisy), *Symphotrichum welshii* (Welsh's American-aster), *Coccyzus americanus* (Yellow-billed Cuckoo), *Empidonax traillii extimus* (Southwestern Willow Flycatcher), *Rana pipiens* (Northern Leopard Frog), *Gila cypha* (Humpback Chub), *Gila robusta* (Roundtail Chub), *Ptychocheilus lucius* (Colorado Pikeminnow), *Xyrauchen texanus* (Razorback Sucker), *Cinclus mexicanus* (American Dipper), *Speyeria nokomis* (Western Seep Fritillary), *Aechmophorus clarkia* (Clark's Grebe), *Ceryle alcyon* (Belted Kingfisher), *Dendroica petechia* (Yellow Warbler), *Porzana carolina* (Sora), *Catostomus discobolus* (Bluehead Sucker), *Cottus bairdi* (Mottled Sculpin), *Oxyloma kanabense* (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager

Sam Diswood

928.871.7062

sdiswood@nndfw.org

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Botanist

Vacant

Biological Reviewer

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GIS Supervisor

Dexter D Prall

928.645.2898

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Wildlife Tech

Sonja Detsoi

928.871.6472

sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:

<http://nnhp.nndfw.org/endangered.htm>

Species Accounts:

http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application

http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List

http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports

http://nnhp.nndfw.org/docs_reps.htm

Consultant List

(Coming Soon)

Dexter D Prall

Digitally signed by Dexter D Prall
DN: cn=Dexter D Prall, o=Navajo Nation
Department of Fish and Wildlife,
ou=Navajo Natural Heritage Program,
email=prall@nndfw.org, c=US
Date: 2016.03.25 09:55:34 -07'00'

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife

**CASTLETON COMMODITIES INTERNATIONAL
PARADOX MIDSTREAM, LLC**

RED PEPPER SOUTH PIPELINE

Section 6, T. 41 S., R. 24 E.

San Juan County, Utah

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman April 27, 2016

This report discusses the potential for disturbance to plant species of concern listed by the Navajo Natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (USFWS) that have the potential to occur in the project area. The NNHP has identified Cronquist's milkvetch (*Astragalus cronquistii*) as a species known to occur in proximity to the project area and Bluff phacelia (*Phacelia indecora*) as a species that is potentially in proximity to the project area (Prall 2016). Sand lily (*Eremocrinum albomarginatum*) will also be discussed. The potential for disturbance to species listed by the USFWS for the project area will also be addressed. The only USFWS-listed species with the potential to occur in the project area is Navajo sedge (*Carex specuicola*) (IPaC 2016).

Cronquist's milkvetch is listed in Group 3 on the Navajo Endangered Species List (NESL), indicating that its prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future. Bluff phacelia is in Group 4. Group 4 species do not have sufficient information to support their being listed as endangered, but there is reason to consider them (NNHP 2008a). Sand lily is listed as sensitive by the NNHP (NNHP 2008b), indicating that it should be noted and reported, but is not protected (Roth 2008). Navajo sedge is listed as threatened by the USFWS (IPaC 2016). Threatened species are likely to become endangered within the foreseeable future throughout all or a significant portion of their range (USFWS 2015).

Cronquist's milkvetch is a medium-sized plant that closely resembles the more common Hopi milkvetch (*Astragalus fucatus*) vegetatively. It has pink-purple flowers with a pale keel and wing that are dispersed along the flowering stalk when blooming. The pods are uniformly green, narrow, and drooping, with a pronounced furrow separating the pod into two locules. The leaves have sheathing but not truly connate stipules. It grows in sandy clay soils, usually near outcrops of sandstone and exposed shale. Hopi milkvetch has uniformly pink flowers that are clustered near the top of the flowering stalk when first blooming. The stalk elongates as the flowers wilt and go to fruit. The pods are highly mottled, inflated, and unilocular. The leaves have minimally connate stipules. It grows in sandy soils (UNPS 2003-2016; Roth 2001a; personal observation). On the Navajo Nation, Cronquist's milkvetch flowers from late April to June and

grows at elevations of 4600 to 5800 feet (Roth 2001a; personal observation).

Bluff phacelia is a small annual measuring 3-14 cm tall with erect to spreading glandular stems. The flower is narrowly campanulate with pubescent lobes and is pale blue with a pale yellow tube streaked with blue lines. It flowers in May. It grows in salt desert scrub communities at elevations of 3600 to 4500 feet and is not yet known from the Navajo Nation (Roth 2001c).

Sand lily is a small perennial herb with linear basal leaves. There is a single stalk of white flowers 15-30 cm long. Each flower has six petals with three green veins. It flowers from mid-April to mid-June and occurs in deep sandy places, especially on sand dunes, at an elevation of 4000 to 5455 feet (Heil et al 2013).

Navajo sedge is a perennial grass-like plant with leaves that are one to three mm wide and dried persistent leaf bases. The flowers are inconspicuous with the female flowers located above the males in two to four short spikelets clustered at the end of a long thin stalk. The perigynia are strongly flattened with broad hyaline margins on the pistillate scales. Navajo sedge is unusual in having both lenticular and trigonous achenes. Flowering and fruit set occur from spring to summer, but most of the reproduction appears to be vegetative. The plants are typically found in seeps and hanging gardens on vertical sandstone cliffs and in alcoves from 4600 to 7200 feet (Roth 2001b).

PROJECT DESCRIPTION

The proposed project consists of the construction of an oil and gas pipeline. The pipeline measures 1587.27 feet in length within a 30-foot corridor. The total land use for the proposed pipeline is 1.09 acres. The project area is located in Section 6, T. 41 S., R. 24 E., 1.32 to 1.48 miles southwest of the town of Montezuma Creek, San Juan County, Utah, on Navajo Tribal Trust land.

The pipeline begins at a fence line at a compressor yard at the Elkhorn Station and heads south along the east side of an existing pipeline corridor. It turns southwest for a short distance to end at a valve at a mostly barren well pad. The landscape in the area is a gently rolling plain of semi-stabilized sand dunes. The dominant plants in the area are western tansymustard (*Descurainia pinnata*), wooly plantain (*Plantago patagonica*), and Russian thistle (*Salsola tragus*), with occasional areas of Cutler's ephedra (*Ephedra viridis* var. *viscida*). The Russian thistle decreases as the line heads south.

The project area is in the Aneth-Sheppard association, rolling soil unit. This unit consists of aeolian deposits derived from sandstone with a soil texture of loamy fine sand (NRCS 2016). The underlying bedrock is the Morrison Formation (Hintze 1980). The elevation of the project area is approximately 4635 to 4700 feet. Disturbances in the project area include fence lines, existing pipelines, a dirt road, mechanically cleared areas, and grazing by horses.

METHODOLOGY

The project area was surveyed on April 26, 2016, by botanist Marian Rohman. The survey was accomplished by walking a zigzag transect along each side of the centerline, covering the 30-foot width of the corridor and a buffer zone of 200 feet on each side. The emphasis of the survey was to inspect for the identified species of concern; however, all plants were identified in order to provide a more complete description of the 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 and the U.S. Fish and Wildlife Service: The NNHP has identified Cronquist's milkvetch as a species known to occur in the proximity of the project area and Bluff phacelia as a species that is potentially in the proximity of the project area (Prall 2016). The table below will also discuss Sand lily. The only USFWS-listed species with the potential to occur in the project area is Navajo sedge (IPaC 2016).

SPECIES STATUS*	HABITAT	POTENTIAL TO OCCUR IN PROJECT AREA**
<i>Astragalus cronquistii</i> Cronquist's milkvetch NESL Group 3	Salt desert shrub and blackbrush communities on sandy or gravelly soils derived from the Cutler, Morrison, and Bluff Sandstone Formations between 4600 and 5800 ft; flowers from late April to June (Roth 2001a; UNPS 2003-2016; personal observation)	No appropriate habitat: there are no salt desert shrub or blackbrush communities in the project area. (NP)
<i>Carex specuicola</i> Navajo sedge USFWS Threatened NESL Group 3	Restricted to seeps and hanging gardens on vertical sandstone cliffs and in alcoves between 4600 and 7200 ft; Flowering/fruiting period is from spring to summer (Roth 2001b)	No appropriate habitat: there are no seeps or hanging gardens in the project area. (NP)
<i>Eremocrinum albomarginatum</i> Sand lily NNHP Sensitive	In deep sandy places, especially on sand dunes between 4000 and 5455 ft; flowers from mid-April to mid-June (Heil et al 2013)	Appropriate habitat: one plant of this species was seen. (K) (see below)

<i>Phacelia indecora</i> Bluff phacelia NESL Group 4	In salt desert scrub communities at 3600 to 4500 ft; flowers in May, fruits into June; not yet known from the Navajo Nation (Roth 2001c).	No appropriate habitat: there is no salt desert scrub community in the project area. The project area is higher than the known elevation for the species. (NP)
--	---	---

* Status

USFWS – U.S Fish and Wildlife Service (USFWS 2015)

Threatened – A species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

NESL – Navajo Endangered Species List (NNHP 2008a)

Group 3 – A species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future.

Group 4 – A species or subspecies where there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it.

Navajo Sensitive Species List (NNHP 2008b)

Sensitive - A species that should be noted and reported, but is not yet protected (Roth 2008).

** 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

Sand lily occurs as a single plant on the edge of the existing pipeline corridor at N37.252981/W109.333947.

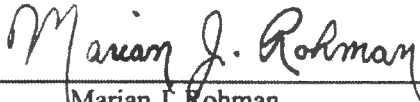
Noxious weeds: The Bureau of Indian Affairs lists three species of noxious weeds as potential invaders and fourteen species as new invaders on the Navajo Reservation (OSM 1999). There are no listed noxious weeds in the project area.

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.

Signature of Author:

April 27, 2016


Marian J. Rohman

REFERENCES

- Heil, Kenneth D., Steve L. O'Kane, Jr., Linda Mary Reeves, Arnold Clifford. 2013. *Flora of the Four Corners Region: Vascular Plants of the San Juan River Drainage, Arizona, Colorado, New Mexico, and Utah*. Missouri Botanical Garden Press, St. Louis, Missouri.
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Welsh, S. L., N. D. Atwood, S. Goodrich, and L. C. Higgins. 2003. *A Utah Flora*. Third Edition, revised. Print Services, Brigham Young University, Provo, Utah.

PLANTS OF THE RED PEPPER SOUTH PIPELINE

Scientific names according to Heil et al, 2013

Identifications based on Heil et al, 2013 and Welsh et al, 2003

Shrubs and Subshrubs

<i>Atriplex canescens</i>	Four-wing saltbush
<i>Ephedra viridis</i> var. <i>viscida</i>	Cutler's ephedra
<i>Ericameria nauseosa</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Yucca baileyi</i>	Bailey's narrowleaf yucca

Cacti

<i>Opuntia polyacantha</i>	Starvation pricklypear
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Grasses and Grass-like Plants

<i>Achnatherum hymenoides</i>	Indian ricegrass
<i>Bromus tectorum</i>	Cheatgrass
<i>Sporobolus cryptandrus</i>	Sand dropseed
<i>Vulpia octoflora</i>	Six-weeks fescue

Forbs

<i>Abronia fragrans</i>	Fragrant sand-verbena
<i>Allium macropetalum</i>	San Juan onion
<i>Astragalus amphioxys</i>	Crescent milkvetch
<i>Astragalus fucatus</i>	Hopi milkvetch
<i>Astragalus mollisimus</i>	Wooly locoweed
<i>Chaetopappa ericoides</i>	Sand aster
<i>Cryptantha crassiseppala</i> var. <i>elachantha</i>	Thick-sepal cat's-eye
<i>Descurainia pinnata</i>	Western tansymustard
<i>Dieteria canescens</i>	Gray tansyaster
<i>Eremocrinum albomarginatum</i>	Sand lily
<i>Eriogonum inflatum</i>	Desert trumpet
<i>Erodium cicutarium</i>	Filaree
<i>Lepidium lasiocarpum</i> var. <i>lasiocarpum</i>	Hairy-pod pepperwort
<i>Lupinus pusillus</i>	Dwarf lupine

Lygodesmia grandiflora
Mentzelia multiflora
Oenothera albicaulis
Plantago patagonica
Rumex hymenosepalus
Salsola tragus
Sphaeralcea coccinea
Streptanthella longirostris
Tribulus terrestris

Rush pink
Desert blazingstar
Whitestem evening primrose
Wooly plantain
Sand dock
Russian-thistle
Scarlet globemallow
Longbeak fiddle-mustard
Goathead

**THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR CCI's PROPOSED RED PEPPER SOUTH PIPELINE
SAN JUAN COUNTY, UTAH**

1.0 Introduction

Threatened, endangered and special status wildlife species surveys were conducted at the proposed CCI Red Pepper South Pipeline. The project area is located in Section 6 of Township 41 S, Range 24 E. The site is located about one mile south of the small Navajo Community of Montezuma Creek. The project is on Navajo Tribal Trust lands.

2.0 Methods

On April 2, 2016, Wildlife Biologist Charles Black conducted a pedestrian survey of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during the survey was overcast and breezy with daytime highs near 55° F. Habitat and existing conditions were evaluated. A half-mile radius around the project area was surveyed for raptor nests. An additional one-mile line-of-sight survey was conducted from the project area for raptor nests. The surveyors used 10 x 40 and 8 x 40 binoculars.

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 Montezuma Creek, UT Quadrangle. The request reply was received on March 25, 2016.

3.0 Description of Existing Habitat

CCI is proposing the construction of a pipeline. This pipeline is 1587.27 feet in length and runs from a compressor yard southward to a pipeline tie-in.

The project area is located south of the town of Montezuma Creek in San Juan County, Utah. Terrain within the project area is basically flat.

Vegetation throughout the project area is dominated by arid shrubland with a high percentage of bare ground. Grass cover is very sparse. Dominant shrubs include shadscale (*Atriplex confertifolia*), blackbrush (*Coleogyne spp.*), and rabbitbrush (*Chrysothamnus spp.*).

Wildlife occurring in the area is typical of arid grasslands and shrublands and degraded riparian corridors of the Great Basin Desert. This includes passerines such as horned larks (*Eremophila alpestris*) and black-throated sparrows (*Ampisiza bilineata*), as well as black-tailed jackrabbits (*Lepus californicus.*), kangaroo rats (*Dipodomys spp.*), and whiptail lizards (*Aspidoscelis spp.*).

4.0 Threatened, Endangered, and Special Status Wildlife Species

According to the March 25, 2016 correspondence from the NNHP, the species in the following table have the potential to occur on the 7.5-minute Montezuma Creek, UT Quadrangles. Note that no legal protection is afforded to species with only Endangered Species Act (ESA) candidate status or Navajo Endangered Species List (NESL) Group 4 status.

Species	Status*	Habitat	Potential to Occur in Project Area**
Amphibians			
Northern leopard frog <i>Rana pipiens</i>	NESL - G2	Wetlands with permanent water and aquatic vegetation	NP
Birds			
American dipper <i>Cinclus mexicanus</i>	NESL - G3, MBTA	Found along swift-flowing, free-stone streams and rivers in montane areas	NP
Bald Eagle <i>Haliaeetus leucocephalus</i>	NSSL, MBTA, EPA, ESA - T	Winters along lakes and rivers with large trees	NP
Ferruginous hawk <i>Buteo regalis</i>	NESL - G3, MBTA	Open grasslands and deserts; typically nests atop rocky pinnacles, small buttes, and cliffs	NP
Golden eagle <i>Aquila chrysaetos</i>	NESL - G3, MBTA, EPA	A wide variety of open habitats; typically nests in steep cliffs > 30 m in height	See discussion below
Peregrine falcon <i>Falco peregrinnus</i>	NESL - G4, MBTA	Nests in sheer cliff faces typically > 30 m in height, usually near water or mesic canyons; in migration, occurs in a variety of lowland, wetland habitats	See discussion below
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	NESL - G2, MBTA, ESA - E	Cottonwood-willow habitats within perennial riparian areas	NP
Fish			
Colorado pikeminnow <i>Ptychocheilus lucius</i>	NESL - G2, ESA - E	Turbid, deep, strong-flowing currents in large rivers	NP
Mottled sculpin <i>Cottus bairdii</i>	NESL - G4	Bottom dwelling; lives beneath rocks in cool streams and occasionally lakes	NP
Razorback sucker <i>Xyrauchen texanus</i>	NESL - G2, ESA - E	Strong currents and backwaters of large rivers	NP
Roundtail chub <i>Gila robusta</i>	NESL - G2	Pools and rapids of moderate to large rivers	NP

Status*

Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Eagle Protection Act (EPA)

E – Endangered; T – Threatened; C – Candidate

Navajo Endangered Species List (NESL)

Group 2 (G2) – Endangered: A species or subspecies whose prospects of survival or recruitment are in jeopardy

Group 3 (G3) – A species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future

Group 4 (G4) – A species or subspecies where there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it

Navajo Sensitive Species List (NSSL)

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

5.0 Results

No Navajo Nation endangered or threatened species were observed during the April 2, 2016 wildlife survey.

Golden Eagle

The area offers potential foraging habitat for the golden eagle. This raptor requires steep cliffs that are typically greater than 30 m in height (Mikesic, D. G. and Nystedt, J. R. 2005). No active eagle nests were observed during the survey. Golden eagles occasionally forage in the project area. This species should not be adversely impacted by the proposed project.

Peregrine Falcon

The area offers potential foraging and migrational habitat for the peregrine falcon. This raptor requires steep cliffs that are typically greater than 30 m in height (Mikesic, D. G. and Nystedt, J. R. 2005). No active raptor nests were observed during the survey. Peregrine falcons could occasionally occur in the project area during migration. This species should not be adversely impacted by the proposed project.

Migratory Birds

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA). 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.

Six bird species observed during the wildlife surveys are protected under the MBTA (see the species list in Section 6.0, below). However, this species should not be adversely impacted by the proposed project.

6.0 Species Observed During the Survey

Avian species observed:

American kestrel (*Falco sparverius*)
Common raven (*Corvus corax*)
House finch (*Carpododus mexicanus*)
Mourning dove (*Zeida macroura*)
Red-tailed hawk (*Buteo jamaicensis*)
Say's phoebe (*Sayornis saya*)

Mammalian species observed:

Antelope ground squirrel (*Ammospermophilus leucurus*)
Black-tailed jackrabbit (*Lepus californicus*)
Coyote (*Canis latrans*)
Desert cottontail (*Sylvilagus audubonii*)

Mammalian observations are generally from tracks, scat, and other sign.

7.0 Recommendations

There are no recommendations for the proposed project.

8.0 References

- Mikesic, D. G. and J. R. Nystedt. 2001. Species Accounts for *Aquila chryaetos*.
Updated 15 February 2005. Navajo Natural Heritage Program. P. O. Box
1480. Window Rock, Arizona 86515.
- Mikesic, D. G. and J. R. Nystedt. 2001. Species Accounts for *Falco peregrinnus*.
Updated 15 February 2005. Navajo Natural Heritage Program. P. O. Box
1480. Window Rock, Arizona 86515.

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.: Red Pepper South Pipeline

DESCRIPTION: CCI proposes to construct, operate, and maintain a natural gas pipeline. The pipeline would transport natural gas from the old Elkhorn gas plant to Kirtland, NM for gathering, separating, and distribution. The pipeline would be approximately 1,587.27 ft. in length with a 30-ft. wide corridor totaling 1.09 acres.

LOCATION: Section 06, T41S, R24E, Montezuma Creek, San Juan County, New Mexico

REPRESENTATIVE: Mike Deutsch, Permits West, Inc. for CCI Paradox Midstream LLC

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EA-Red Pepper South Pipeline ROW Grant/25 MAY 2016/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

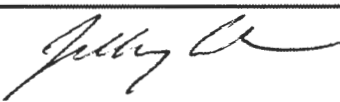
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/17 JUN 2016

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date <u>6/17/16</u>
--	--	----------------------------

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

Representative's signature

Date

THE NAVAJO NATION



RUSSELL BEGAYE 11 11 11
JONATHAN NEZ 11 11 11

MEMORANDUM

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

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

DATE : June 17, 2016

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel Friday, June 17, 2016. Therefore, I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 12:00 pm on Friday, June 17, 2016. This delegation shall end at 5:00 p.m. on Friday, June 17, 2016.

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:

[Signature]
Jeffery Cole, Wildlife Manager
Department of Fish & Wildlife



THE NAVAJO NATION
Historic Preservation Department
PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

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

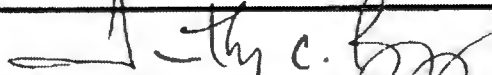
Project Information:	
DATE	4/27/16
RESEARCHER & COMPANY	Mary Errickson CASA
PROJECT NAME	CCI's Red Pepper South Pipeline
PROJECT/PERMIT NUMBER	CASA 16 23
PROJECT LOCATION	Red Mesa, UT

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

Adverse effect search of TCP records at NNHPD on the above date indicates the following:

<input 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 checked="" type="checkbox"/>	Project may proceed with the following stipulations: Note TCP# 343 in report & findings
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

NNHPD/TCP Program Reviewer:		Date: 4/27/16
-----------------------------	---	---------------

****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.

Cultural Resource Inventory

**Castleton Commodities International Paradox Midstream LLC's
Red Pepper South Pipeline
Ratherford Unit
San Juan County, Utah**

Prepared by:

**Mary Errickson
Complete Archaeological Service Associates
P.O. Box 1777
Cortez, Colorado 81321**

CASA 16-23

**Attachment A
TCP Record Search**

Prepared for:

**Permits West, Agent for
Castleton Commodities International Paradox Midstream LLC
37 Verano Loop,
Santa Fe, NM 87508**

Submitted to:

**Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515**

**Permit:
NNCRIP B16392**

May 13, 2016

REFERENCES

Hurst, Winston

- 1992 Previous Archaeological Research and Regional Prehistory. In *Cultural Resource Inventory and Evaluative Testing Along ST-262, Utah-Colorado State Line to Montezuma Creek, Navajo Nation Lands, San Juan County, Utah*. UDOT Project Nos. STP-0262(1) 23 and STP-0262 (1)31. Abajo Archaeology, Bluff.

King, Beth E.

- 1995 Historical Review. In *Archaeological Inventory and Ethnographic Assessment Along Navajo Routes 35(10), 351(1), and 5037, Rock Point to Red Mesa and Immanuel Mission Spur Road, Apache County, Arizona, Volume I*. Cultural Resources Report 5047-01-9421. PIH Associates, Salt Lake City.

McPherson, Robert B.

- 1992a Sacred Land, Sacred View. Brigham Young University, Salt Lake.

- 1992b History of the Montezuma Creek-Aneth Region. In *Cultural Resource Inventory and Evaluative Testing Along ST-262, Utah-Colorado State Line to Montezuma Creek, Navajo Nation Lands, San Juan County, Utah*. UDOT Project Nos. STP-0262(1) 23 and STP-0262 (1)31. Abajo Archaeology, Bluff.

Tipps, Betsy L.

- 1995 *Archaeological Inventory and Ethnographic Assessment Along Navajo Routes 35(10), 351(1), and 5037, Rock Point to Red Mesa and Immanuel Mission Spur Road, Apache County, Arizona, Volume I*. Cultural Resources Report 5047-01-9421. PIH Associates, Salt Lake City.

14b. Existing Data Review. Record searches were conducted at the offices of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock on April 27, 2016. Three previously recorded sites are located within approximately 200 m of the project area. These sites were recorded during CASA's block inventory of the Rutherford Unit in 1997 (HPD 97-079). UT-C-43-137 is a Navajo, 1950s-70s habitation. UT-C-43-154 is a Navajo, 1960s-80s habitation. UT-C-43-155 is a Navajo, 20th century structure, possibly a habitation.

One Traditional Cultural Property (TCP), *Tooh / San Juan River* (No. 343) is located near the project area. The TCP Department has determined that there will be no adverse impacts to this TCP as a result of this undertaking (Attachment A). Interviews were conducted with Marilyn Holly, Red Mesa Chapter Coordinator, and local residents James Yellowman, Cornelia Yellowman, and Carmelita Wheatley concerning TCPs, graves, or other areas of concern. The interviewees stated that there were no TCPs or graves within or near the project area.

Hurst (1992) provides a detailed review and discussion concerning the previous research and culture history of the Montezuma Creek - Aneth areas. Background information on the culture history of the area can also be found in Lipps (1995), Hurst (1992), McPherson (1992a), and King (1995). During 1996 and 1997, CASA conducted several staged block inventories of the Rutherford Unit in order to plan for increased development activities. Components dating to the late Archaic, BMII-PIII, and post A.D. 1800 periods were identified. Occupations ranging from the Early Archaic through Protohistoric period are well documented along the middle San Juan River, while evidence of Paleo-indian and Ute occupations is present but scant. Euro-american occupation of the area began in the 1870s with the establishment of trading posts, missions, and ranches in the vicinity of Aneth. The history of the middle San Juan River between the 1880s and the present is discussed in McPherson (1992b).

14c. Area environmental and cultural setting. The pipeline commences near the Resolute AGP compressor station within the Elkhorn Plant. It continues 1214.75 feet southward and slightly uphill across a sandy and gravelly mesa top within the fenced Elkhorn Plant property. It bends southwestward as it crosses the southern boundary fence of the Elkhorn Plant and continues 372.25 feet through a tank battery to its tie-in with the Red Pepper Pipeline.

The project area is located within the Blanding Basin, a physiographic subdivision of the Paradox Basin of the Colorado Plateau. The geology of the area is dominated by exposed sedimentary beds of the Jurassic Morrison Formation and Quaternary (Holocene) silts, sands, and gravels. The Morrison Formation comprises the walls of the San Juan River Canyon and the uplands to the north and east of the river. The terraces bordering the river valley are covered with sands and river-deposited gravels ranging in size from pebbles to boulders. Upland from the terraces, landforms include mesas, canyons, valleys, badlands, and broad, dune-mantled benches. Silts and clays are found in alluvial settings along drainages.

A desert grassland vegetation community covers the project area. This community occurs where there are thick deposits of aeolian sand, usually on active or semi-active dune surfaces. The plant species commonly present are snakeweed, rabbitbrush, narrow leaf yucca, mormon tea, Indian ricegrass, cheatgrass, and other grasses. Elevation of the project area climbs from approximately 4630 feet at the BOL to 4690 at the EOL.

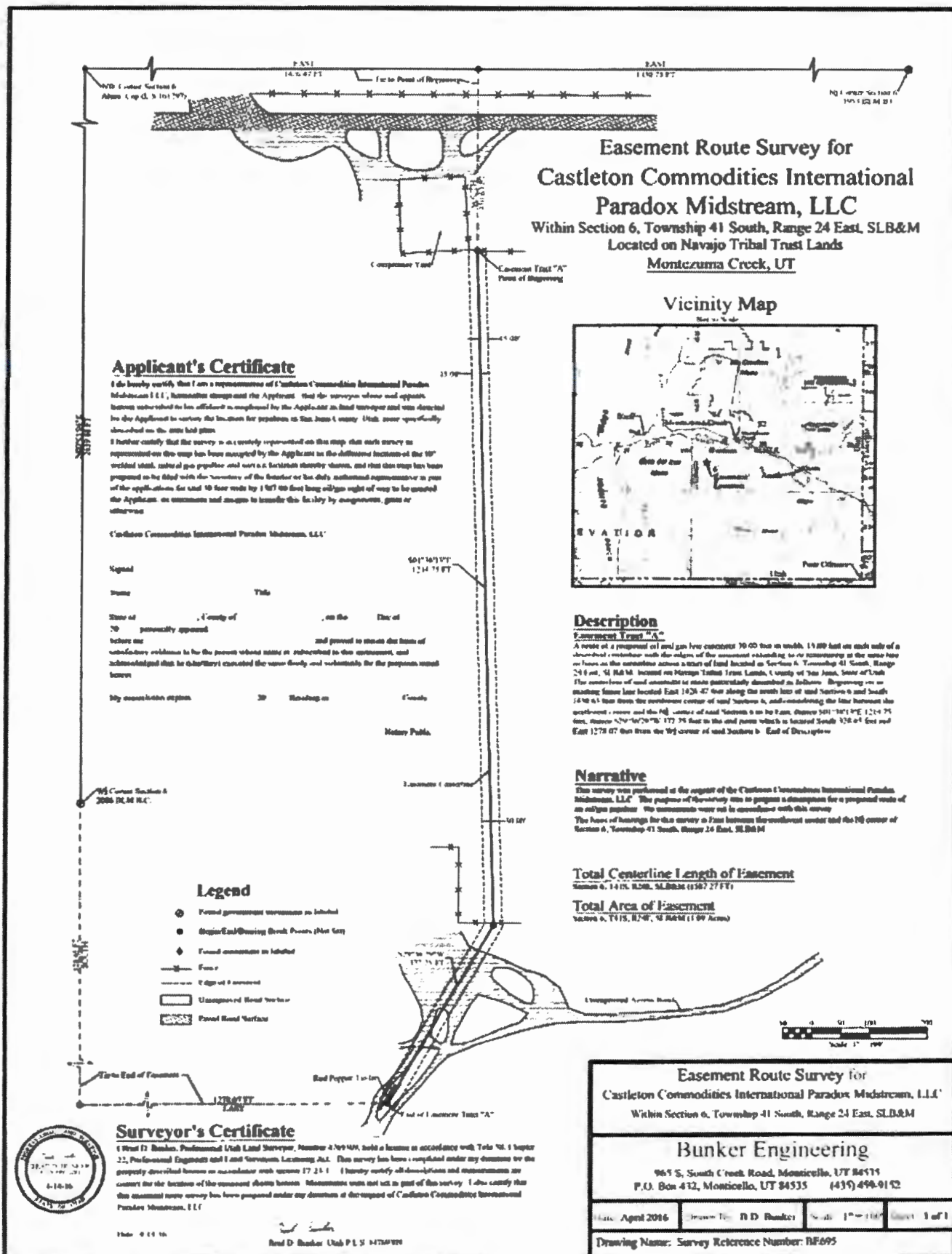


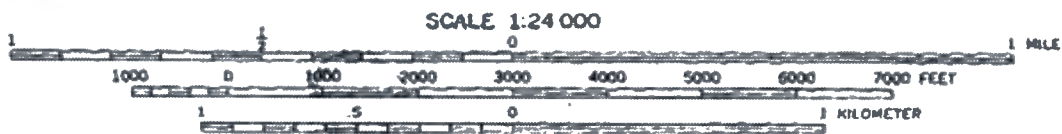
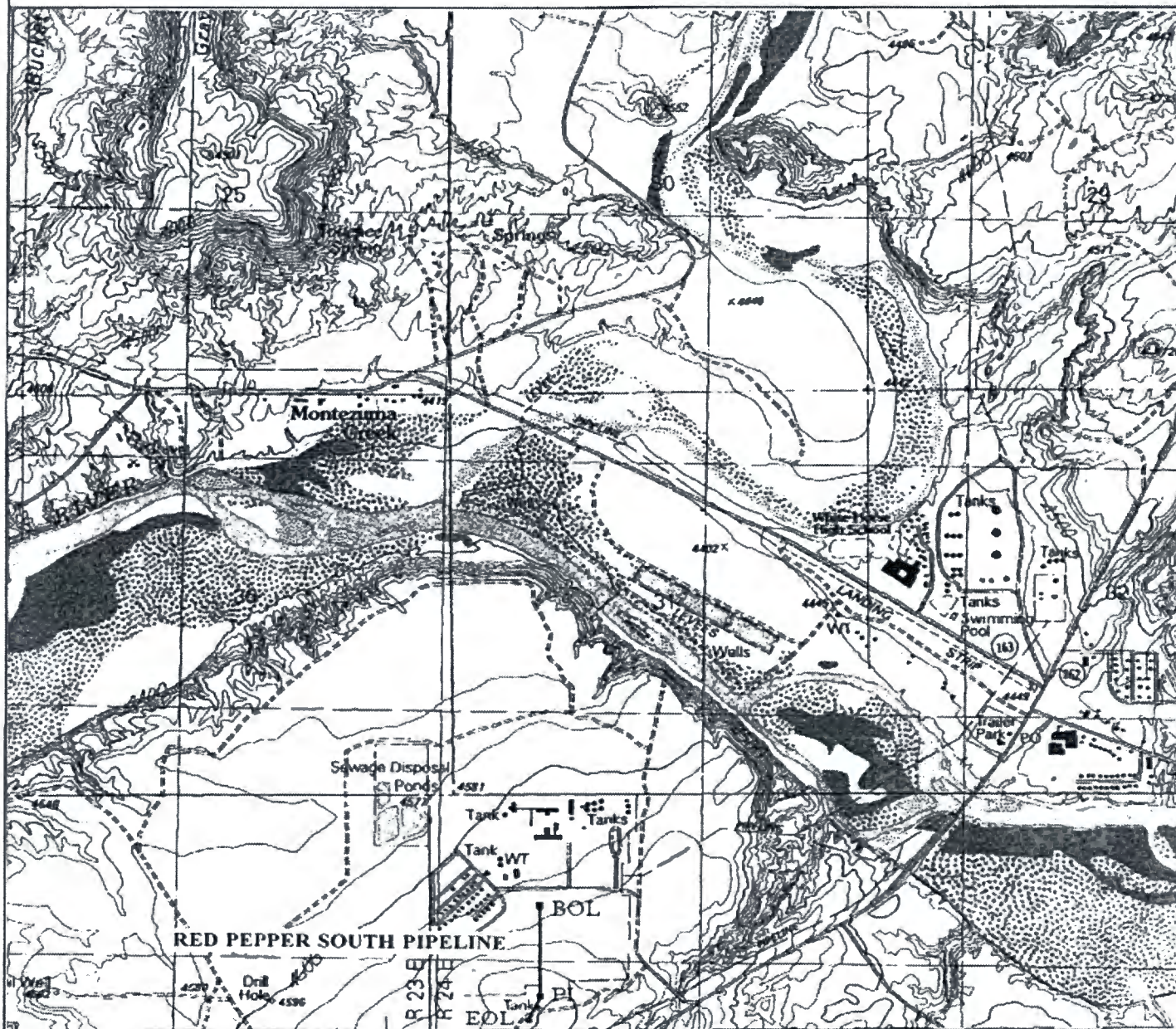
Figure 3. Plat map, Red Pepper South pipeline.



MONTEZUMA CREEK, UTAH

PROVISIONAL EDITION 1989

37109-C3-TF-024



CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 10-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

Figure 2. Location map, Red Pepper South Pipeline.

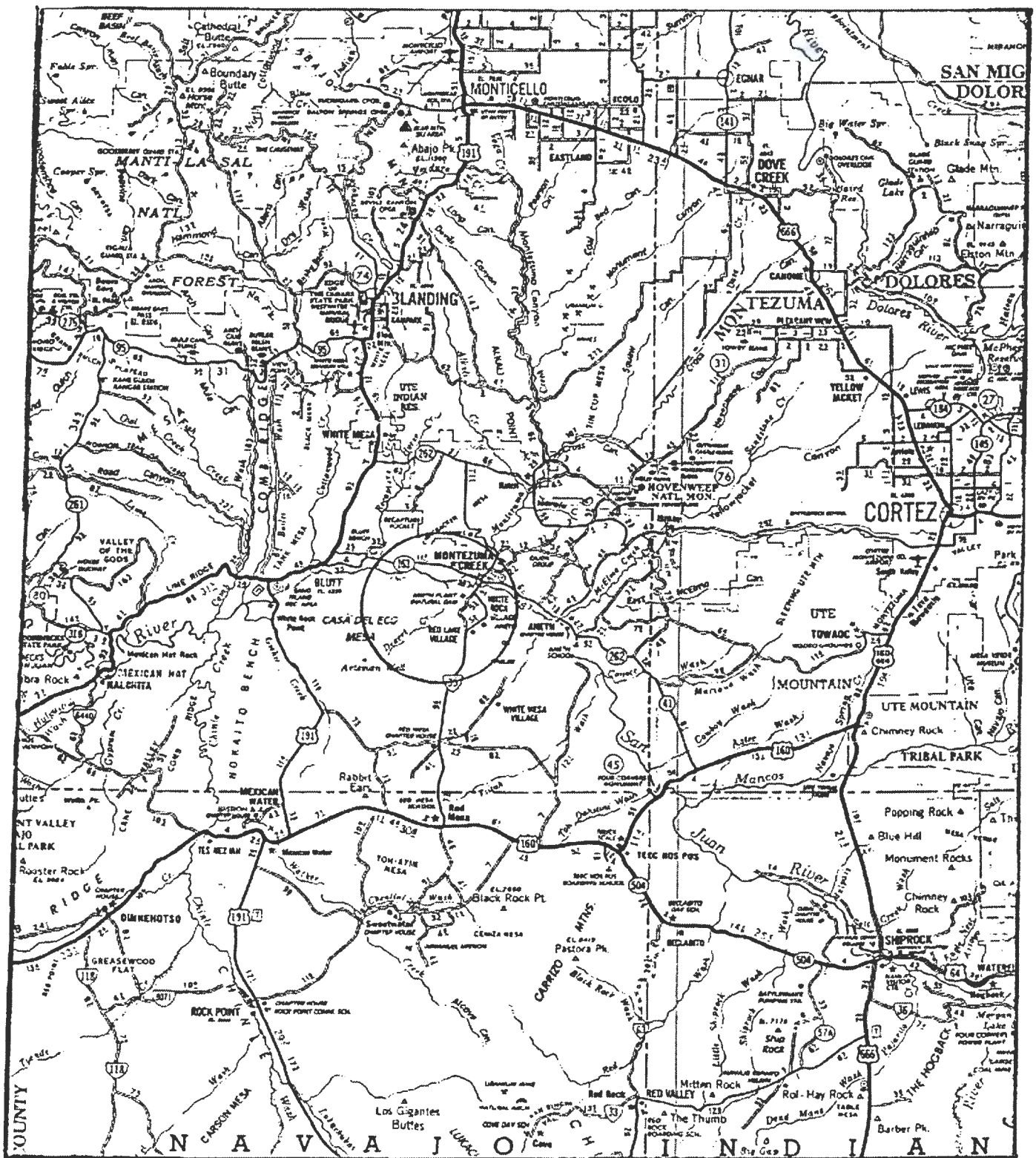


Figure 1. Location map, general project area in southeastern Utah.

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: Cultural Resource Inventory, Castleton Commodities International Paradox Midstream LLC's Red Pepper South Pipeline, Ratherford Unit, San Juan County, Utah		5. FIELDWORK DATES 04/28/16
Author(s): Mary Errickson		6. REPORT DATE May 13, 2016
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Mary Errickson Org. Name: Complete Archaeological Service Associates Org. Address: P.O. Box 1777, Cortez CO 81321 Phone: (970) 565-9229		8. PERMIT NO. B16392
		9. CONSULTANT REPORT NO. CASA 16-23
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Brian Wood, agent for CCI Org. Name: Permits West Org. Address: 37 Verano Loop, Santa Fe, NM 87508 Phone: 505-466-8120		11. SPONSOR PROJECT NO n/a
		12. AREA OF EFFECT: 1.09 ac AREA SURVEYED: 3.63 ac
13. LOCATION (MAP ATTACHED):		
a. Chapter: Red Mesa	c. Land Status: Tribal Trust	
b. Agency: Shiprock	f. UTM Center: BOL: Zone 12, 648326mE/4124430mN PI: Zone 12, 648331mE / 4124063mN EOL: Zone 12, 648289mE / 4123962mN	
c. County: San Juan	g. Area: T 41S, R 24E, Section 6, portions of the S 1/2 of the NW 1/4 and the NW 1/4, NE 1/4, SW 1/4, SLPM	
d. State: Utah	h. 7.5' Map Name(s): Montezuma Creek, Utah 1989	
	i. Lead Agency: BIA/NR	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //		
a. Description of Undertaking: Castleton Commodities International Paradox Midstream, LLC (CCI) proposes to construct 1587.27 feet of underground gas pipeline in the Ratherford Unit in Montezuma Creek, Utah (Fig 1-3). The pipeline will be constructed within a 30 foot-wide ROW. Total area of effect for the project is 1.09 ac. Ground disturbance will be intensive and extensive using heavy machinery for blading and trenching to install the pipeline.		
b. Existing Data Review: 04/27/16 at NNHPD in Window Rock, see continuation sheet		
c. Area Environmental & Cultural Setting: see continuation sheet		
d. Field Methods: A Class III inventory was conducted by Mary Errickson walking zig-zag transects spaced no more than 15 m apart. A 100 foot-wide corridor (3.63 ac) was inventoried for a 30 foot-wide ROW (1.09 ac) along 1587.27 feet of pipeline.		
15. CULTURAL RESOURCE FINDINGS:		
a. Location/Identification of Each Resource: none		
b. Evaluation of Significance of Each Resource (above): n/a		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of "no historic properties affected" is recommended with no stipulations for Castleton Commodities International Paradox Midstream, LLC's proposed Red Pepper South Pipeline in the Ratherford Unit.		
17. CERTIFICATION:	SIGNATURE: <u>Mary Errickson</u> General Charge Name: <u>Mary Errickson</u> SIGNATURE: <u>Mary Errickson</u> Direct Charge Name: <u>Mary Errickson</u>	DATE: 05/13/16 DATE: 05/13/16