

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0081-19

**DATE:** March 26, 2019

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE RED WILLOW POWERLINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

**PURPOSE:** Approving the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the Red Willow Powerline Project on Navajo Nation Trust Lands in Mariano Lake Chapter, McKinley County, New Mexico. There are requests to waive compensation to the Navajo Nation; to waive the requirement for a bond, insurance, or alternative form of security; and to increase the duration of the right-of-way from 20 years to 50 years.

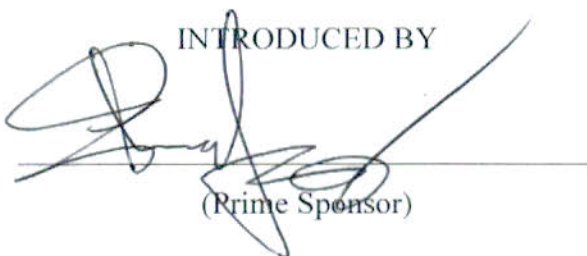
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:                       
Website Posting Time/Date: 4/4/19 4:20pm  
Posting End Date: 04.09.19  
Eligible for Action: 04.10.19

PROPOSED STANDING COMMITTEE RESOLUTION

24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0081-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC  
COOPERATIVE, INC., FOR THE RED WILLOW POWERLINE PROJECT  
LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE  
CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

BE IT ENACTED:

**Section One. Authority**

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

**Section Two. Findings**

A. The Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020, has submitted a right-of-way application for Red Willow Powerline Project on, over and across Navajo Nation Trust Lands in Mariano

1 Lake Chapter vicinity, McKinley County, New Mexico. The application request  
2 is attached hereto and incorporated herein as **Exhibit C**.

3 B. The proposed right-of-way is described in map and description attached hereto  
4 and incorporated herein as **Exhibit B**.

5 C. The Land Board Member of District Number 16 has stated that there are no  
6 authorized permittees within the proposed project area. The Land Board Member  
7 February 7, 2019 memorandum is attached as **Exhibit D**.

8 D. A waiver of compensation is requested; **Exhibit A**, the terms and conditions  
9 states that the compensation for a twenty year right-of-way is \$288,917.29.

10 E. A request is made for a grant of a fifty-year right-of-way.

11 F. The Resources and Development Committee, through resolution number RDCD-  
12 97-18, **Exhibit E**, limited the amount of a waiver of consideration to no more than  
13 50% that will be allowed for utility companies requesting a waiver of  
14 consideration.

15 G. 25 CFR § 169.110 addresses how much monetary compensation must be paid for  
16 a right-of-way over or across tribal land. It states: *(a) A right-of-way over or*  
17 *across tribal land may allow for any payment amount negotiated by the tribe, and*  
18 *we will defer to the tribe and not require a valuation if the tribe submits a tribal*  
19 *authorization expressly stating that it:*

20 *(1) Has agreed upon compensation satisfactory to the tribe;*

21 *(2) Waives valuation; and*

22 *(3) Has determined that accepting such agreed-upon compensation and waiving*  
23 *valuation is in its best interest.*

24 *(b) The tribe may request, in writing, that we determine fair market value, in*  
25 *which case we will use a valuation in accordance with § 169.114. After providing*  
26 *the tribe with the fair market value, we will defer to a tribe's decision to allow for*  
27 *any compensation negotiated by the tribe.*

28 *(c) If the conditions in paragraph (a) or (b) of this section are not met, we will*  
29 *require that the grantee pay fair market value based on a valuation in accordance*  
30 *with § 169.114.*



1 H. A waiver of the bond, insurance, or alternative form of security on the part of  
2 Continental Divide Electric Cooperative, Inc. is requested.

3 I. 25 CFR § 169.103 states: *(a) You must include payment of bonds, insurance, or*  
4 *alternative forms of security with your application for a right-of-way in amounts*  
5 *that cover:*

6 *(1) The highest annual rental specified in the grant, unless compensation is a one-*  
7 *time payment;*

8 *(2) The estimated damages resulting from the construction of any permanent*  
9 *improvements;*

10 *(3) The estimated damages and remediation costs from any potential release of*  
11 *contaminants, explosives, hazardous material or waste;*

12 *(4) The operation and maintenance charges for any land located within an*  
13 *irrigation project;*

14 *(5) The restoration of the premises to their condition at the start of the right-of-*  
15 *way or reclamation to some other specified condition if agreed to by the*  
16 *landowners.*

17 \* \* \* \*

18 *(f) We may waive the requirement for a bond, insurance, or alternative form of*  
19 *security:*

20 \* \* \* \*

21 *(2) For tribal land, deferring, to the maximum extent possible, to the tribe's*  
22 *determination that a waiver of a bond, insurance or alternative form of security is*  
23 *in its best interest.*

24 J. The environmental studies and archaeological clearances are attached as **Exhibit**  
25 **F**, including the Environmental Assessment dated May 2018, Biological  
26 Evaluation dated October 2017, Finding of No Significant Impact, Biological  
27 Resources Compliance Form, Cultural Resources Compliance Form, and the  
28 Archaeological Inventory Report.

29 K. The application for the Right-of-Way as submitted by the Continental Divide  
30 Electric Cooperative, Inc., has been reviewed by the Fish and Wildlife; Historic  
Preservation; Minerals; Navajo Nation Environmental Protection; Division of



1 Natural Resources and the Department of Justice and “Approved” or found  
2 “Sufficient.”. See documents included in Executive Official Review Document  
3 No. 010751, **Exhibit G**.

4  
5 **Section Three. Approval**

- 6 A. The Resources and Development Committee of the Navajo Nation Council hereby  
7 approves the Grant of Right-of-Way to Continental Divide Electric Cooperative,  
8 Inc. for the Red Willow Powerline Project on Navajo Nation Trust Lands in  
9 Mariano Lake Chapter, McKinley County, New Mexico. The location is more  
10 particularly described on the survey map attached hereto as **Exhibit B**.
- 11 B. The Resources and Development Committee of the Navajo Nation Council hereby  
12 approves the right-of-way subject to, but not limited to, the following terms and  
13 conditions incorporated herein and attached as **Exhibit A**.
- 14 C. The Resources and Development Committee of the Navajo Nation Council hereby  
15 authorizes the President of the Navajo Nation to execute any and all documents  
16 necessary to affect the intent and purpose of this resolution.
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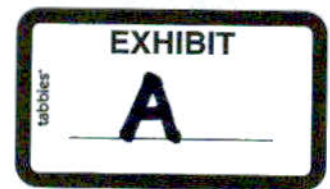


EXHIBIT " \_ "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

CONTINENTAL DIVIDE ELECTRICAL COOPERATIVE, INC. (GRANTEE)

1. The term of the right-of-way shall be for twenty ( 20 ) years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ 288,917.29 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 10 days of approval of and consent to the grant of the right-of-way by the Navajo Nation.  
  
If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, operation, and maintenance of a 14.4 kV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.



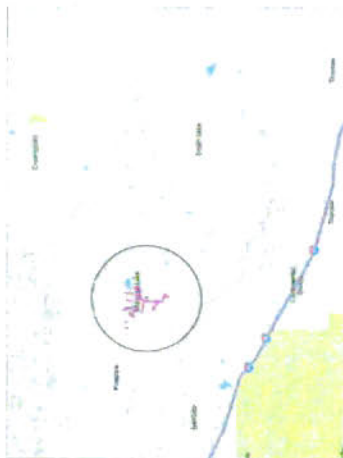
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim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



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

## T16N, R14W, SECTIONS 27, 28, 29, 30, 31, 32, 33, AND 34

Year	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1976	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100



the authors, a detailed list of the 1000 most cited articles in the field of ergonomics was compiled by the authors, and the most cited articles were identified. The authors then identified the most cited articles in the field of ergonomics, and the most cited articles in the field of ergonomics.

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**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "A"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "A", located within section 30, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Indian Allotment 1340, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 74202, located in SW¼ section 30, T16N, R14W, NMPM, said parcel being IA 1340, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM bears N27°46'55"E a distance of 9,108.24 feet,

Thence S03°07'49"W a distance of 31.64 feet to P.I. Station 0+31.64,

Thence S15°18'23"W a distance of 546.30 feet to P.I. Station 5+77.94,

Thence S18°48'38"W a distance of 72.84 feet to P.O.T. Station 6+50.78, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S18°48'38"W a distance of 323.63 feet to E.O.P. Station 9+74.41, the terminus for the above described centerline for Line "A", from which point the set Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E 2574579.63, Latitude 35°35'35", Longitude -108°19'58", bears N75°41'05"E a distance of 10,742.10 feet.

The above described right-of-way easement contains 0.45 acres, more or less, in area. The right-of-way easement is 0.18 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "B"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "B", located within section 30, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Indian Allotment 1357, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 74208, located in SE¼ section 30, T16N, R14W, NMPM, said parcel being IA 1357, and from which point the set Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E 2574579.63, Latitude 35°35'35", Longitude -108°19'58", bears N74°36'07"E a distance of 8,515.49 feet.

Thence N08°21'12"E a distance of 32.67 feet to P.O.T. Station 0+32.67, at which point the centerline of the easement crosses a fence line,

Thence continuing N08°21'12"E a distance of 73.40 feet to P.O.T. Station 1+06.07, at which point the centerline of the easement crosses BIA Route 49 at calculated mile post 10.49 and calculated highway station 741+87.92,

Thence continuing N08°21'12"E a distance of 75.21 feet to P.O.T. Station 1+81.28, at which point the centerline of the easement crosses a fence line,

Thence continuing N08°21'12"E a distance of 328.75 feet to P.O.T. Station 5+10.03, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N08°21'12"E a distance of 125.91 feet to P.O.T. Station 6+35.94, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N08°21'12"E a distance of 27.72 feet to E.O.P. Station 6+63.66, the terminus for the above described centerline for Line "B", from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM bears N15°38'50"E a distance of 8,246.07 feet,

The above described right-of-way easement contains 0.30 acres, more or less, in area. The right-of-way easement is 0.13 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "C"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "C", located within sections 29, 30, 31, and 32 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 24216, located in section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM bears N02°46'13"W a distance of 9,395.64 feet,

Thence S27°24'29"W a distance of 482.19 feet to P.O.T. Station 4+82.19, at which point the centerline of the easement crosses a fence line,

Thence continuing S27°24'29"W a distance of 185.93 feet to P.O.T. Station 6+68.12, at which point the centerline of the easement crosses a fence line,

Thence continuing S27°24'29"W a distance of 18.89 feet to P.O.T. Station 6+87.01, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S27°24'29"W a distance of 374.39 feet to P.O.T. Station 10+61.40, at which point the centerline of the easement crosses a PNM 115kV Transmission Line,

Thence continuing S27°24'29"W a distance of 99.79 feet to P.O.T. Station 11+61.19, at which point the centerline of the easement crosses a fence line,

Thence continuing S27°24'29"W a distance of 8.60 feet to P.O.T. Station 11+69.79, at which point the centerline of the easement enters SE¼ section 30, T16N, R14W, NMPM, said parcel being IA 1357, from which point a steel rod marking the southeast corner of section 30, T16N, R14W, NMPM bears S00°27'50"W a distance of 174.37 feet,

Thence continuing S27°24'29"W a distance of 195.82 feet to P.O.T. Station 13+65.61, at which point the centerline of the easement enters section 31, T16N, R14W, NMPM, from which point a steel rod marking the southeast corner of section 30, T16N, R14W, NMPM bears S89°39'34"E a distance of 88.73 feet,

Thence continuing S27°24'29"W a distance of 224.56 feet to P.I. Station 15+90.17, said point being B.O.P. Station 0+00 for Tap "C-1",

Thence S85°58'23"E a distance of 193.78 feet to P.O.T. Station 17+83.95, at which point the centerline of the easement enters NW¼ section 32, T16N, R14W, NMPM, at a fence line, said parcel being Indian Allotment 1329, and from which point a steel rod marking the southeast corner of section 30, T16N, R14W, NMPM bears N00°19'31"W a distance of 212.44 feet,

Thence continuing S85°58'23"E a distance of 1,582.51 feet to P.O.T. Station 33+66.46, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S85°58'23"E a distance of 42.75 feet to P.I. Station 34+09.21, said point being B.O.P. Station 0+00 for Tap "C-2",

Thence S37°51'11"E a distance of 169.56 feet to P.O.T. Station 35+78.77, at which point the centerline of the easement crosses a fence line,

Thence continuing S37°51'11"E a distance of 1,226.86 feet to P.I. Station 48+05.63,

Thence N64°43'40"E a distance of 185.00 feet to P.O.T. Station 49+90.63, at which point the centerline of the easement enters NE¼ section 32, T16N, R14W, NMPM, at a fence line, said parcel being Indian Allotment 1330, and from which point a number 5 rebar with yellow plastic cap PS 10855 marking the northeast corner of section 32, T16N, R14W, NMPM bears N63°24'08"E a distance of 2,946.87 feet,

Thence continuing N64°43'40"E a distance of 97.79 feet to P.O.T. Station 50+88.42, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N64°43'40"E a distance of 163.65 feet to E.O.P. Station 52+52.07, the terminus for the above described centerline for Line "C".

The above described right-of-way easement contains 2.41 acres, more or less, in area. The right-of-way easement is 0.99 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "C-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "C-1", located within section 31, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 15+90.17 of Line "C" said point being B.O.P. Station 0+00 for Tap "C-1", located in section 31, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S27°24'29"W a distance of 381.13 feet to E.O.P. Station 3+81.13, the terminus for the above described centerline for Tap "C-1".

The above described right-of-way easement contains 0.18 acres, more or less, in area. The right-of-way easement is 0.07 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "C-2"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "C-2", located within sections 29 and 32, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 34+09.21 of Line "C" said point being B.O.P. Station 0+00 for Tap "C-2", located in NW¼ section 32, T16N, R14W, NMPM, said parcel being IA 1329,

Thence N07°06'47"E a distance of 37.51 feet to P.O.T. Station 0+37.51, at which point the centerline of the easement crosses a fence line,

Thence continuing N07°06'47"E a distance of 155.83 feet to P.O.T. Station 1+93.34, at which point the centerline of the easement crosses a fence line,

Thence continuing N07°06'47"E a distance of 4.63 feet to P.O.T. Station 1+97.97, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N07°06'47"E a distance of 9.04 feet to P.O.T. Station 2+07.01, at which point the centerline of the easement crosses a PNM 115kV Transmission Line,

Thence continuing N07°06'47"E a distance of 111.69 feet to P.O.T. Station 3+18.70, at which point the centerline of the easement enters section 29, T16N, R14W, NMPM, at a fence line, said parcel being Navajo Tribal Trust Lands, and from which point a number 5 rebar with yellow plastic cap PS 10855 marking the southeast corner of section 29, T16N, R14W, NMPM bears S89°40'34"E a distance of 3,619.79 feet,

Thence continuing N07°06'47"E a distance of 291.59 feet to E.O.P. Station 6+10.29, the terminus for the above described centerline for Tap "C-2", from which point the set Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E 2574579.63, Latitude 35°35'35", Longitude -108°19'58", bears N47°02'36"E a distance of 5,844.10 feet.

The above described right-of-way easement contains 0.28 acres, more or less, in area. The right-of-way easement is 0.12 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "D"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "D", located within section 29, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 74217, located in section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM bears N05°06'35"W a distance of 9,498.45 feet,

Thence S06°56'39"E a distance of 504.82 feet to E.O.P. Station 5+04.82, the terminus for the above described centerline for Line "D", from which point the set Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E 2574579.63, Latitude 35°35'35", Longitude -108°19'58", bears N53°57'21"E a distance of 6,161.99 feet.

The above described right-of-way easement contains 0.23 acres, more or less, in area. The right-of-way easement is 0.10 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "E"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "E", located within section 29, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 63807, located in section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N62°04'38"E a distance of 8,998.35 feet,

Thence N12°40'38"E a distance of 747.19 feet to P.O.T. Station 7+47.19, said point being B.O.P. Station 0+00 for Tap "E-1",

Thence continuing N12°40'38"E a distance of 189.53 feet to P.O.T. Station 9+36.72, at which point the centerline of the easement crosses a fence line,

Thence continuing N12°40'38"E a distance of 166.73 feet to P.I. Station 11+03.45,

Thence N33°56'10"W a distance of 33.20 feet to P.I. Station 11+36.65,

Thence N34°37'03"W a distance of 75.56 feet to P.O.T. Station 12+12.21, at which point the centerline of the easement crosses a fence line,

Thence N34°37'03"W a distance of 1,272.55 feet to E.O.P. Station 24+84.76, the terminus for the above described centerline for Line "E", from which point the set Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E 2574579.63, Latitude 35°35'35", Longitude -108°19'58", bears N74°52'14"E a distance of 4,048.10 feet.

The above described right-of-way easement contains 1.14 acres, more or less, in area. The right-of-way easement is 0.47 miles in length.

**RIGHT OF WAY EASEMENT FOR**

**CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "E-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "E-1", located within section 29, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 7+47.19 of Line "E", said point being B.O.P. Station 0+00 for Tap "E-1", located in section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N79°06'47"W a distance of 80.86 feet to P.O.T. Station 0+80.86, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N79°06'47"W a distance of 743.44 feet to E.O.P. Station 8+24.30, the terminus for the above described centerline for Tap "E-1".

The above described right-of-way easement contains 0.38 acres, more or less, in area.  
The right-of-way easement is 0.16 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "F"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "F", located within section 29, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 63807, located in section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N62°04'38"E a distance of 8,998.35 feet,

Thence S24°26'53"W a distance of 77.47 feet to P.O.T. Station 0+77.47, at which point the centerline of the easement crosses a fence line,

Thence continuing S24°26'53"W a distance of 74.54 feet to P.O.T. Station 1+52.01, at which point the centerline of the easement crosses BIA Route 49 at calculated mile post 11.42 and calculated highway station 692+79.76,

Thence continuing S24°26'53"W a distance of 74.35 feet to P.O.T. Station 2+26.36, at which point the centerline of the easement crosses a fence line,

Thence continuing S24°26'53"W a distance of 1.04 feet to P.I. Station 2+27.40,

Thence S25°03'09"W a distance of 137.52 feet to P.O.T. Station 3+64.92, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S25°03'09"W a distance of 67.65 feet to P.I. Station 4+32.57,

Thence S49°04'45"E a distance of 21.51 feet to P.O.T. Station 4+54.08, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S49°04'45"E a distance of 372.37 feet to P.I. Station 8+26.45,

Thence S83°10'23"E a distance of 761.19 feet to P.O.T. Station 15+87.64, at which point the centerline of the easement crosses a fence line,



Thence continuing S83°10'23"E a distance of 92.43 feet to E.O.P. Station 16+80.07, the terminus for the above described centerline for Line "F", from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N54°35'40"E a distance of 8,571.70 feet,

The above described right-of-way easement contains 0.77 acres, more or less, in area.  
The right-of-way easement is 0.32 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "G"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "G", located within section 28, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 74230, located in SW¼ section 28, T16N, R14W, NMPM, said parcel being IA 1328, and from which point a number 5 rebar with yellow plastic cap PS 10855 marking the southeast corner of section 29, T16N, R14W, NMPM bears S06°46'39"W a distance of 480.06 feet,

Thence N04°33'56"E a distance of 1,843.97 feet to E.O.P. Station 18+43.97, the terminus for the above described centerline for Line "G", from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N60°04'38"E a distance of 5,855.84 feet,

The above described right-of-way easement contains 0.85 acres, more or less, in area. The right-of-way easement is 0.35 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "H"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "H", located within section 28, Township 16 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 74238, located in SE¼ section 28, T16N, R14W, NMPM, said parcel being IA 1326, and from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N24°57'52"E a distance of 5,733.98 feet,

Thence N01°42'43"W a distance of 2,580.48 feet to P.O.T. Station 25+80.48, at which point the centerline of the easement enters NE¼ section 28, T16N, R14W, NMPM, said parcel being IA 1325, from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N43°38'11"E a distance of 3,618.63 feet,

Thence continuing N01°42'43"W a distance of 187.57 feet to P.O.T. Station 27+68.05, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N01°42'43"W a distance of 44.05 feet to E.O.P. Station 28+12.10, the terminus for the above described centerline for Line "H", from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N46°21'58"E a distance of 3,459.77 feet,

The above described right-of-way easement contains 1.29 acres, more or less, in area. The right-of-way easement is 0.53 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "I"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "I", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41913, located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N02°58'10"E a distance of 5,972.96 feet,

Thence N57°09'35"W a distance of 438.94 feet to E.O.P. Station 4+38.94, the terminus for the above described centerline for Line "I".

The above described right-of-way easement contains 0.20 acres, more or less, in area. The right-of-way easement is 0.08 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "J"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "J", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41913, located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N02°58'10"E a distance of 5,972.96 feet,

Thence S83°27'18"W a distance of 310.71 feet to E.O.P. Station 3+10.71, the terminus for the above described centerline for Line "J".

The above described right-of-way easement contains 0.14 acres, more or less, in area. The right-of-way easement is 0.06 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "K"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "K", located within sections 33 and 34, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41913, located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the northeast corner of section 28, T16N, R14W, NMPM bears N02°58'10"E a distance of 5,972.96 feet,

Thence S56°41'14"E a distance of 154.97 feet to P.O.T. Station 1+54.97, at which point the centerline of the easement crosses a fence line,

Thence continuing S56°41'14"E a distance of 133.68 feet to P.O.T. Station 2+88.65, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S56°41'14"E a distance of 27.32 feet to P.O.T. Station 3+15.97, at which point the centerline of the easement enters W½ section 34, said parcel being IA 1331, and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S49°32'34"E a distance of 6,865.18 feet,

Thence continuing S56°41'14"E a distance of 68.87 feet to E.O.P. Station 3+84.84, the terminus for the above described centerline for Line "K".

The above described right-of-way easement contains 0.18 acres, more or less, in area. The right-of-way easement is 0.07 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "L"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "L", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41519, located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S52°48'42"E a distance of 7,016.75 feet,

Thence S81°14'36"W a distance of 478.84 feet to P.I. Station 4+78.84, said point being B.O.P. Station 0+00 for Tap "L-1",

Thence N30°20'25"W a distance of 187.39 feet to E.O.P. Station 6+66.23, the terminus for the above described centerline for Line "L".

The above described right-of-way easement contains 0.31 acres, more or less, in area. The right-of-way easement is 0.13 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "L-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "L-1", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 4+78.84 of Line "L", said point being B.O.P. Station 0+00 for Tap "L-1", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S38°49'14"W a distance of 130.19 feet to E.O.P. Station 1+30.19, the terminus for the above described centerline for Tap "L-1".

The above described right-of-way easement contains 0.06 acres, more or less, in area. The right-of-way easement is 0.02 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "M"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "M", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41086 located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S55°43'40"E a distance of 6,881.39 feet,

Thence S89°49'30"W a distance of 913.35 feet to P.I. Station 9+13.35,

Thence N75°54'47"W a distance of 94.80 feet to P.O.T. Station 10+08.15, at which point the centerline of the easement crosses a fence line,

Thence continuing N75°54'47"W a distance of 338.37 feet to P.O.T. Station 13+46.52, at which point the centerline of the easement crosses a fence line,

Thence continuing N75°54'47"W a distance of 232.47 feet to E.O.P. Station 15+78.99, the terminus for the above described centerline for Line "M".

The above described right-of-way easement contains 0.72 acres, more or less, in area. The right-of-way easement is 0.30 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "N"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "N", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41086 located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S55°43'40"E a distance of 6,881.39 feet,

Thence S22°19'28"E a distance of 450.36 feet to P.O.T. Station 4+50.36, said point being B.O.P. Station 0+00 for Taps "N-1" and "N-2",

Thence continuing S22°19'28"E a distance of 115.22 feet to P.O.T. Station 5+65.58, at which point the centerline of the easement crosses a fence line,

Thence continuing S22°19'28"E a distance of 154.04 feet to P.O.T. Station 7+19.62, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S22°19'28"E a distance of 45.37 feet to P.O.T. Station 7+64.99, at which point the centerline of the easement crosses a fence line,

Thence continuing S22°19'28"E a distance of 133.04 feet to E.O.P. Station 8+98.03, the terminus for the above described centerline for Line "N".

The above described right-of-way easement contains 0.41 acres, more or less, in area. The right-of-way easement is 0.17 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "N-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "N-1", located within sections 33 and 34, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 4+50.36 of Line "N", said point being B.O.P. Station 0+00, for Tap "N-1", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N75°33'53"E a distance of 130.89 feet to P.O.T. Station 1+30.89, at which point the centerline of the easement crosses a fence line,

Thence continuing N75°33'53"E a distance of 128.86 feet to P.O.T. Station 2+59.75, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N75°33'53"E a distance of 29.50 feet to P.O.T. Station 2+89.25, at which point the centerline of the easement enters section 34, T16N, R14W, NMPM, said parcel being IA 1331 and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S56°00'20"E a distance of 6,314.62 feet,

Thence continuing N75°33'53"E a distance of 305.18 feet to E.O.P. Station 5+94.43, the terminus for the above described centerline for Tap "N-1".

The above described right-of-way easement contains 0.27 acres, more or less, in area. The right-of-way easement is 0.11 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "N-2"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "N-2", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 4+50.36 of Line "N", said point being B.O.P. Station 0+00, for Tap "N-2", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S75°33'53"W a distance of 380.17 feet to P.O.T. Station 3+80.17, at which point the centerline of the easement crosses a fence line,

Thence continuing S75°33'53"W a distance of 8.61 feet to P.I. Station 3+88.78,

Thence N88°20'07"W a distance of 449.21 feet to E.O.P. Station 8+37.99, the terminus for the above described centerline for Tap "N-2".

The above described right-of-way easement contains 0.38 acres, more or less, in area. The right-of-way easement is 0.16 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
LINE "O"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Line "O", located within sections 32 and 33, Township 16 North, Range 14 West, sections 4, 5, and 9, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 14117 located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found number 5 rebar with plastic cap "PS 10855" marking the northwest corner of section 33, T16N, R14W, NMPM, bears N68°55'33"W a distance of 3,057.89 feet,

Thence S08°15'28"E a distance of 170.18 feet to P.O.T. Station 1+70.18, at which point the centerline of the easement crosses a fence line,

Thence continuing S08°15'28"E a distance of 155.75 feet to P.I. Station 3+25.93,

Thence S03°25'01"E a distance of 240.47 feet to P.O.T. Station 5+66.40, at which point the centerline of the easement crosses a fence line,

Thence continuing S03°25'01"E a distance of 195.11 feet to P.O.T. Station 7+61.51, at which point the centerline of the easement crosses BIA Route 7111,

Thence continuing S03°25'01"E a distance of 50.66 feet to P.O.T. Station 8+12.17, at which point the centerline of the easement crosses a PNM 115kV Transmission Line,

Thence continuing S03°25'01"E a distance of 51.69 feet to P.I. Station 8+63.86, said point being B.O.P. Station 0+00 for Tap "O-1",

Thence S62°06'46"W a distance of 746.92 feet to P.O.T. Station 16+10.78, said point being B.O.P. Station 0+00 for Tap "O-2",

Thence continuing S62°06'46"W a distance of 106.39 feet to P.O.T. Station 17+17.17, said point being B.O.P. Station 0+00 for Tap "O-3",

Thence continuing S62°06'46"W a distance of 51.52 feet to P.O.T. Station 17+68.69, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S62°06'46"W a distance of 377.73 feet to P.I. Station 21+46.42,

Thence N88°14'38"W a distance of 171.78 feet to P.O.T. Station 23+18.20, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N88°14'38"W a distance of 148.22 feet to P.O.T. Station 24+66.42, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N88°14'38"W a distance of 246.77 feet to P.I. Station 27+13.19, said point being B.O.P. Station 0+00 for Tap "O-4",

Thence S39°39'31"W a distance of 1,593.20 feet to P.O.T. Station 43+06.39, said point being B.O.P. Station 0+00 for Tap "O-5", from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S81°10'49"E a distance of 10,364.16 feet,

Thence continuing S39°39'31"W a distance of 313.76 feet to P.O.T. Station 46+20.15, at which point the centerline of the easement crosses a fence line,

Thence continuing S39°39'31"W a distance of 12.07 feet to P.I. Station 46+32.22,

Thence S02°59'38"W a distance of 346.45 feet to P.O.T. Station 49+78.67, at which point the centerline of the easement enters SE¼ section 32, T16N, R14W, NMPM, said parcel being IA 1335 and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S84°35'05"E a distance of 10,514.59 feet,

Thence continuing S02°59'38"W a distance of 618.47 feet to P.I. Station 55+97.14, said point being B.O.P. Station 0+00 for Tap "O-6",

Thence S00°17'55"W a distance of 182.37 feet to P.O.T. Station 57+79.51, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S00°17'55"W a distance of 36.18 feet to P.O.T. Station 58+15.69, at which point the centerline of the easement crosses a fence line,

Thence continuing S00°17'55"W a distance of 58.38 feet to P.O.T. Station 58+74.07, at which point the centerline of the easement enters section 5, T15N, R14W, NMPM, and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM bears S89°28'01"E a distance of 10,494.26 feet,



Thence continuing S00°17'55"W a distance of 2,866.88 feet to P.I. Station 87+40.95, said point being B.O.P. Station 0+00 for Tap "O-7", from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears S78°04'18"E a distance of 10,773.19 feet,

Thence S00°16'11"E a distance of 2,161.38 feet to P.I. Station 109+02.33,

Thence S55°16'36"E a distance of 0.69 feet to P.O.T. Station 109+03.02, at which point the centerline of the easement enters SW¼ section 4, T15N, R14W, NMPM, said parcel being IA 1252, and from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears S89°38'48"E a distance of 10,530.03 feet,

Thence continuing S55°16'36"E a distance of 100.25 feet to P.O.T. Station 110+03.27, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S55°16'36"E a distance of 31.59 feet to P.O.T. Station 110+34.86, at which point the centerline of the easement enters section 9, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, and from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears N89°56'39"E a distance of 10,421.47 feet,

Thence continuing S55°16'36"E a distance of 62.56 feet to P.O.T. Station 110+97.42, at which point the centerline of the easement crosses a fence line,

Thence continuing S55°16'36"E a distance of 489.65 feet to P.O.T. Station 115+87.07, at which point the centerline of the easement crosses a fence line,

Thence continuing S55°16'36"E a distance of 72.34 feet to P.O.T. Station 116+59.41, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S55°16'36"E a distance of 339.87 feet to P.O.T. Station 119+99.28, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S55°16'36"E a distance of 42.86 feet to P.O.T. Station 120+42.14, at which point the centerline of the easement crosses a fence line,

Thence continuing S55°16'36"E a distance of 48.57 feet to P.O.T. Station 120+90.71, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S55°16'36"E a distance of 763.05 feet to P.O.T. Station 128+53.76, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S55°16'36"E a distance of 74.73 feet to P.I. Station 129+28.49, said point being B.O.P. Station 0+00 for Taps "O-8" and "O-9",



Thence S72°40'30"E a distance of 395.06 feet to P.O.T. Station 133+23.55, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S72°40'30"E a distance of 99.02 feet to P.I. Station 134+22.57,

Thence N74°21'44"E a distance of 791.64 feet to P.O.T. Station 142+14.21, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N74°21'44"E a distance of 27.35 feet to E.O.P. Station 142+41.56, the terminus for the above described centerline for Line "O", and from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears N82°23'47"E a distance of 7,672.18 feet.

The above described right-of-way easement contains 6.54 acres, more or less, in area. The right-of-way easement is 2.70 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-1", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 8+63.86 of Line "O", said point being B.O.P. Station 0+00, for Tap "O-1", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, from which point the found rebar with plastic cap PS 10855 marking the northwest corner of section 33, T16N, R14W, NMPM, bears N56°15'09"W a distance of 3,526.48 feet,

Thence S28°03'37"W a distance of 318.17 feet to P.O.T. Station 3+18.17, at which point the centerline of the easement crosses a fence line,

Thence continuing S28°03'37"W a distance of 43.58 feet to P.I. Station 3+61.75,

Thence S73°36'19"E a distance of 138.04 feet to P.O.T. Station 4+99.79, at which point the centerline of the easement crosses a fence line,

Thence continuing S73°36'19"E a distance of 203.71 feet to P.O.T. Station 7+03.50, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S73°36'19"E a distance of 259.97 feet to P.O.T. Station 9+63.47, at which point the centerline of the easement crosses a fence line,

Thence continuing S73°36'19"E a distance of 35.75 feet to P.O.T. Station 9+99.22, at which point the centerline of the easement crosses a fence line,

Thence continuing S73°36'19"E a distance of 40.13 feet to P.I. Station 10+39.35,

Thence S86°00'21"E a distance of 114.33 feet to P.O.T. Station 11+53.68, said point being B.O.P. Station 0+00 for Tap "O-1a",

Thence continuing S86°00'21"E a distance of 431.18 feet to P.O.T. Station 15+84.86, at which point the centerline of the easement crosses a fence line,

Thence continuing S86°00'21"E a distance of 3.67 feet to E.O.P. Station 15+88.53, the terminus for the above described centerline for Tap "O-1".

The above described right-of-way easement contains 0.73 acres, more or less, in area. The right-of-way easement is 0.30 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-1a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-1a", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 11+53.68 of Tap "O-1", said point being B.O.P. Station 0+00, for Tap "O-1a", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N05°05'30"E a distance of 7.46 feet to P.O.T. Station 0+07.46, at which point the centerline of the easement crosses a fence line,

Thence continuing N05°05'30"E a distance of 192.95 feet to E.O.P. Station 2+00.41, the terminus for the above described centerline for Tap "O-1a".

The above described right-of-way easement contains 0.09 acres, more or less, in area. The right-of-way easement is 0.04 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-2"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-2", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 16+10.78 of Line "O", said point being B.O.P. Station 0+00, for Tap "O-2", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N05°46'22"W a distance of 193.10 feet to P.O.T. Station 1+93.10, at which point the centerline of the easement crosses BIA Route 7111,

Thence continuing N05°46'22"W a distance of 148.10 feet to P.O.T. Station 3+41.20, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N05°46'22"W a distance of 285.10 feet to P.O.T. Station 6+26.30, at which point the centerline of the easement crosses a PNM 115kV Transmission Line,

Thence continuing N05°46'22"W a distance of 63.43 feet to E.O.P. Station 6+89.73, the terminus for the above described centerline for Tap "O-2".

The above described right-of-way easement contains 0.32 acres, more or less, in area. The right-of-way easement is 0.13 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-3"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-3", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 17+17.17 of Line "O", said point being B.O.P. Station 0+00, for Tap "O-3", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S04°02'12"E a distance of 34.49 feet to P.O.T. Station 0+34.49, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S04°02'12"E a distance of 321.36 feet to P.I. Station 3+55.85,

Thence N87°23'38"W a distance of 230.80 feet to E.O.P. Station 5+86.65, the terminus for the above described centerline for Tap "O-3".

The above described right-of-way easement contains 0.27 acres, more or less, in area. The right-of-way easement is 0.11 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-4"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-4", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 27+13.19 of Line "O", said point being B.O.P. Station 0+00, for Tap "O-4", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N88°14'38"W a distance of 253.78 feet to P.I. Station 2+53.78,

Thence N23°59'04"W a distance of 14.22 feet to P.O.T. Station 2+68.00, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N23°59'04"W a distance of 88.09 feet to P.O.T. Station 3+56.09, at which point the centerline of the easement crosses BIA Route 7111,

Thence continuing N23°59'04"W a distance of 771.76 feet to P.O.T. Station 11+27.85, at which point the centerline of the easement crosses a fence line,

Thence continuing N23°59'04"W a distance of 10.49 feet to E.O.P. Station 11+38.34, the terminus for the above described centerline for Tap "O-4", and from which point the found rebar with yellow plastic cap PS 10855, marking the northeast corner of section 32, T16N, R14W, NMPM bears N19°43'54"W a distance of 1,833.29 feet.

The above described right-of-way easement contains 0.52 acres, more or less, in area. The right-of-way easement is 0.22 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-5"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-5", located within sections 32 and 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 43+06.39 of Line "O", said point being B.O.P. Station 0+00 for Tap "O-5", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM, bears S81°10'49"E a distance of 10,364.16 feet,

Thence N88°07'33"W a distance of 224.69 feet to P.O.T. Station 2+24.69, at which point the centerline of the easement enters SE¼ section 32, T16N, R14W, NMPM, said parcel being IA 1335, and from which point the found number 5 rebar with plastic cap PS 10855 marking the northeast corner of section 32, T16N, R14W, NMPM, bears N00°08'24"E a distance of 3,760.81 feet,

Thence continuing N88°07'33"W a distance of 439.15 feet to P.I. Station 6+63.84,

Thence N75°25'58"W a distance of 921.30 feet to P.I. Station 15+85.14,

Thence S82°38'28"W a distance of 24.35 feet to P.O.T. Station 16+09.49, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S82°38'28"W a distance of 241.21 feet to P.O.T. Station 18+50.70, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S82°38'28"W a distance of 113.72 feet to P.I. Station 19+64.42,

Thence N78°59'29"W a distance of 926.71 feet to P.O.T. Station 28+91.13, at which point the centerline of the easement enters SW¼ section 32, T16N, R14W, NMPM, said parcel being IA 1336, and from which point the found number 5 rebar with plastic cap PS 10855 marking the northeast corner of section 32, T16N, R14W, NMPM, bears N37°47'18"E a distance of 4,284.99 feet,



Thence continuing N78°59'29"W a distance of 182.91 feet to P.O.T. Station 30+74.04, said point being B.O.P. Station 0+00 for Tap "O-5a",

Thence continuing N78°59'29"W a distance of 183.43 feet to P.O.T. Station 32+57.47, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N78°59'29"W a distance of 128.14 feet to P.I. Station 33+85.61,

Thence S89°24'11"W a distance of 362.85 feet to P.O.T. Station 37+48.46, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S89°24'11"W a distance of 216.87 feet to P.I. Station 39+65.33,

Thence N02°30'29"W a distance of 147.75 feet to P.O.T. Station 41+13.08, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N02°30'29"W a distance of 154.76 feet to P.I. Station 42+67.84,

Thence N64°47'21"W a distance of 258.74 feet to P.O.T. Station 45+26.58, at which point the centerline of the easement crosses a fence line,

Thence continuing N64°47'21"W a distance of 72.16 feet to E.O.P. Station 45+98.74, the terminus for the above described centerline for Tap "O-5", and from which point the found steel rod marking the northwest corner of section 32, T16N, R14W, NMPM bears N23°53'38"W a distance of 3,156.07 feet.

The above described right-of-way easement contains 2.11 acres, more or less, in area. The right-of-way easement is 0.87 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-5a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-5a", located within section 32, Township 15 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 30+74.04 of Tap "O-5", said point being B.O.P. Station 0+00 for Tap "O-5a", located in SW¼ section 32, T16N, R14W, NMPM, said parcel being IA 1336,

Thence S45°41'51"W a distance of 224.19 feet to P.O.T. Station 2+24.19, at which point the centerline of the easement crosses a fence line,

Thence continuing S45°41'51"W a distance of 93.73 feet to E.O.P. Station 3+17.92, the terminus for the above described centerline for Tap "O-5a".

The above described right-of-way easement contains 0.15 acres, more or less, in area. The right-of-way easement is 0.06 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-6"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-6", located within sections 32 and 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 55+97.14 of Line "O", said point being B.O.P. Station 0+00 for Tap "O-6", located in SE¼ section 32, T16N, R14W, NMPM, said parcel being IA 1335,

Thence N73°34'45"E a distance of 32.13 feet to P.O.T. Station 0+32.13, at which point the centerline of the easement enters section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, and from which point the found number 5 rebar with plastic cap PS 10855 marking the northeast corner of section 32, T16N, R14W, NMPM, bears N00°08'24"E a distance of 4,973.53 feet,

Thence continuing N73°34'45"E a distance of 45.95 feet to P.O.T. Station 0+78.08, at which point the centerline of the easement crosses a fence line,

Thence continuing N73°34'45"E a distance of 556.85 feet to P.I. Station 6+34.93,

Thence S64°47'58"E a distance of 292.10 feet to P.O.T. Station 9+27.03, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S64°47'58"E a distance of 26.10 feet to P.O.T. Station 9+53.13, said point being B.O.P. Station 0+00 for Tap "O-6a",

Thence continuing S64°47'58"E a distance of 304.33 feet to P.O.T. Station 12+57.46, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S64°47'58"E a distance of 32.57 feet to P.I. Station 12+90.03,

Thence S85°25'48"E a distance of 412.53 feet to E.O.P. Station 17+02.56, the terminus for the above described centerline for Tap "O-6", from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM, bears S88°26'14"E a distance of 8,882.68 feet.

The above described right-of-way easement contains 0.78 acres, more or less, in area. The right-of-way easement is 0.32 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-6a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-6a", located within section 33, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 9+53.13 of Tap "O-6", said point being B.O.P. Station 0+00, for Tap "O-6a", located in section 33, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N43°08'18"E a distance of 87.92 feet to P.O.T. Station 0+87.92, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N43°08'18"E a distance of 621.37 feet to P.O.T. Station 7+09.29, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N43°08'18"E a distance of 37.96 feet to E.O.P. Station 7+47.25, the terminus for the above described centerline for Tap "O-6a".

The above described right-of-way easement contains 0.34 acres, more or less, in area. The right-of-way easement is 0.14 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-7"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-7", located within section 5, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 87+40.95 of Line "O", said point being B.O.P. Station 0+00 for Tap "O-7", located in section 5, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S53°47'24"W a distance of 40.85 feet to P.O.T. Station 0+40.85, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S53°47'24"W a distance of 937.09 feet to P.I. Station 9+77.94, said point being B.O.P. Station 0+00 for Tap "O-7a",

Thence N57°32'52"W a distance of 2,038.03 feet to P.O.T. Station 30+15.97, at which point the centerline of the easement crosses a fence line,

Thence continuing N57°32'52"W a distance of 70.14 feet to P.I. Station 30+86.11, said point being B.O.P. Station 0+00 for Tap "O-7b",

Thence N67°33'35"W a distance of 320.34 feet to P.O.T. Station 34+06.45, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N67°33'35"W a distance of 412.70 feet to P.O.T. Station 38+19.15, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N67°33'35"W a distance of 16.11 feet to E.O.P. Station 38+35.26, the terminus for the above described centerline for Tap "O-7", from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM, bears N82°01'37"E a distance of 13,911.25 feet.

The above described right-of-way easement contains 1.76 acres, more or less, in area. The right-of-way easement is 0.73 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-7a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-7a", located within section 5, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 9+77.94 of Tap "O-7", said point being B.O.P. Station 0+00 for Tap "O-7a", located in section 5, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S53°47'24"W a distance of 406.59 feet to E.O.P. Station 4+06.59, the terminus for the above described centerline for Tap "O-7a".

The above described right-of-way easement contains 0.19 acres, more or less, in area. The right-of-way easement is 0.08 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-7b"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-7b", located within section 5, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 30+86.11 of Tap "O-7", said point being B.O.P. Station 0+00 for Tap "O-7b", located in section 5, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N52°21'52"E a distance of 73.50 feet to P.O.T. Station 0+73.50, at which point the centerline of the easement crosses a fence line,

Thence continuing N52°21'52"E a distance of 509.72 feet to E.O.P. Station 5+83.22, the terminus for the above described centerline for Tap "O-7b".

The above described right-of-way easement contains 0.27 acres, more or less, in area. The right-of-way easement is 0.11 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-8"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-8", located within section 9, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 129+28.49 of Line "O", said point being B.O.P. Station 0+00 for Tap "O-8", located in section 9, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N00°18'45"W a distance of 59.99 feet to P.O.T. Station 0+59.99, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N00°18'45"W a distance of 410.68 feet to E.O.P. Station 4+70.67, the terminus for the above described centerline for Tap "O-8", from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears N86°00'45"E a distance of 8,889.15 feet.

The above described right-of-way easement contains 0.22 acres, more or less, in area. The right-of-way easement is 0.09 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
TAP "O-9"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Red Willow Power Line Project, Tap "O-9", located within section 9, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 129+28.49 of Line "O", said point being B.O.P. Station 0+00 for Tap "O-9", located in section 9, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S00°45'42"E a distance of 1,371.55 feet to E.O.P. Station 13+71.55, the terminus for the above described centerline for Tap "O-9", from which point the found original stone monument for the southeast corner of section 3, T15N, R14W, NMPM bears N74°27'33"E a distance of 9,182.55 feet.

The above described right-of-way easement contains 0.63 acres, more or less, in area. The right-of-way easement is 0.26 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
RED ROCK, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137**

**GUY EASEMENT DESCRIPTION**

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	0+31.64	N15°18'23"E	50'	20'	0.02
2	5+77.94	S72°56'29"E	50'	20'	0.02
3	9+74.41	S18°48'38"W	50'	20'	0.02
LINE B					
4	0+00.00	S08°21'12"W	50'	20'	0.02
5	6+63.66	N08°21'12"E	50'	20'	0.02
LINE C					
6	0+00.00	N27°24'29"E	50'	20'	0.02
7	15+90.17	N85°58'23"W	50'	20'	0.02
8	34+09.21	N28°05'13"E	50'	20'	0.02
9	48+05.63	S37°51'11"E	50'	20'	0.02
10	48+05.63	S64°43'40"W	50'	20'	0.02
11	52+52.07	N64°43'40"E	50'	20'	0.02
TAP C-1					
12	3+81.13	S27°24'29"W	50'	20'	0.02
TAP C-2					
13	0+00.00	S07°06'47"W	50'	20'	0.02
14	6+10.29	N07°06'47"E	50'	20'	0.02
LINE D					
15	0+00	N06°56'39"W	50'	20'	0.02
16	5+04.82	S06°56'39"E	50'	20'	0.02
LINE E					
17	11+03.45	N12°40'38"E	50'	20'	0.02
18	24+84.76	N34°37'03"W	50'	20'	0.02
TAP E-1					
19	0+00.00	S79°06'47"E	50'	20'	0.02
20	8+24.30	N79°06'47"W	50'	20'	0.02
LINE F					
21	4+32.57	S25°03'09"W	50'	20'	0.02
22	4+32.57	N49°04'45"W	50'	20'	0.02
23	8+26.45	S49°04'45"E	50'	20'	0.02
24	8+26.45	N83°10'23"W	50'	20'	0.02
25	16+80.07	S83°10'23"E	50'	20'	0.02
LINE G					
26	0+00.00	S04°33'56"W	50'	20'	0.02
27	18+43.97	N04°33'56"E	50'	20'	0.02

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE H					
28	0+00.00	S01°42'43"E	50'	20'	0.02
29	28+12.10	N01°42'43"W	50'	20'	0.02
LINE I					
30	4+38.94	N57°09'35"W	50'	20'	0.02
LINE J					
31	0+00.00	N83°27'18"E	50'	20'	0.02
32	3+10.71	S83°27'18"W	50'	20'	0.02
LINE K					
33	3+84.84	S56°41'14"E	50'	20'	0.02
LINE L					
34	0+00.00	N81°14'36"E	50'	20'	0.02
35	4+78.84	S81°14'36"W	50'	20'	0.02
36	4+78.84	S30°20'25"E	50'	20'	0.02
37	6+66.23	N30°20'25"W	50'	20'	0.02
TAP L-1					
38	1+30.19	S38°49'14"W	50'	20'	0.02
LINE M					
39	0+00.00	S89°49'30"E	50'	20'	0.02
40	9+13.35	S06°57'21"W	50'	20'	0.02
41	15+78.99	N75°54'47"W	50'	20'	0.02
LINE N					
42	0+00.00	N22°19'28"W	50'	20'	0.02
43	8+98.03	S22°19'28"E	50'	20'	0.02
TAP N-1					
44	5+94.43	N75°33'53"E	50'	20'	0.02
TAP N-2					
45	3+88.78	S75°33'53"W	50'	20'	0.02
46	3+88.78	S88°20'07"E	50'	20'	0.02
47	8+37.99	N88°20'07"W	50'	20'	0.02
LINE O					
48	0+00.00	N08°15'28"W	50'	20'	0.02
49	3+25.93	N84°09'45"E	50'	20'	0.02
50	8+63.86	S03°25'01"E	50'	20'	0.02
51	8+63.86	N62°06'46"E	50'	20'	0.02
52	21+46.42	S13°03'56"E	50'	20'	0.02
53	27+13.19	N39°39'31"E	50'	20'	0.02
54	46+32.22	N68°40'25"W	50'	20'	0.02
55	109+02.33	S62°13'37"W	50'	20'	0.02
56	134+22.57	S72°40'30"E	50'	20'	0.02
57	134+22.57	S74°21'44"W	50'	20'	0.02
58	142+41.56	N74°21'44"E	50'	20'	0.02



<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
TAP O-1					
59	0+00.00	N28°03'37"E	50'	20'	0.02
60	3+61.75	S28°03'37"W	50'	20'	0.02
61	3+61.75	N73°36'19"W	50'	20'	0.02
62	10+39.35	S73°36'19"E	50'	20'	0.02
63	10+39.35	N86°00'21"W	50'	20'	0.02
64	15+88.53	S86°00'21"E	50'	20'	0.02
TAP O-1a					
65	0+00.00	S05°05'30"W	50'	20'	0.02
66	2+00.41	N05°05'30"E	50'	20'	0.02
TAP O-2					
67	0+00.00	S05°46'22"E	50'	20'	0.02
68	6+89.73	N05°46'22"W	50'	20'	0.02
TAP O-3					
69	0+00.00	N04°02'12"W	50'	20'	0.02
70	3+55.85	S04°02'12"E	50'	20'	0.02
71	3+55.85	S87°23'38"E	50'	20'	0.02
72	5+86.65	N87°23'38"W	50'	20'	0.02
TAP O-4					
73	2+53.78	N88°14'38"W	50'	20'	0.02
74	2+53.78	S23°59'04"E	50'	20'	0.02
75	11+38.34	N23°59'04"W	50'	20'	0.02
TAP O-5					
76	0+00.00	S88°07'33"E	50'	20'	0.02
77	6+63.84	S08°13'15"W	50'	20'	0.02
78	15+85.14	N03°36'15"E	50'	20'	0.02
79	19+64.42	S01°49'29"W	50'	20'	0.02
80	33+85.61	N05°12'21"E	50'	20'	0.02
81	39+65.33	S89°24'11"W	50'	20'	0.02
82	39+65.33	S02°30'29"E	50'	20'	0.02
83	42+67.84	S64°47'21"E	50'	20'	0.02
84	42+67.84	N02°30'29"W	50'	20'	0.02
85	45+98.74	N64°47'21"W	50'	20'	0.02
TAP O-5a					
86	0+00.00	N45°41'51"E	50'	20'	0.02
87	3+17.92	S45°41'51"W	50'	20'	0.02
TAP O-6					
88	0+00.00	S73°34'45"W	50'	20'	0.02
89	6+34.93	N73°34'45"E	50'	20'	0.02
90	6+34.93	N64°47'58"W	50'	20'	0.02
91	12+90.03	S14°53'07"W	50'	20'	0.02
92	17+02.56	S85°25'48"E	50'	20'	0.02

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<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
TAP O-6a					
93	0+00.00	S43°08'18"W	50'	20'	0.02
94	7+47.25	N43°08'18"E	50'	20'	0.02
TAP O-7					
95	0+00.00	N53°47'24"E	50'	20'	0.02
96	9+77.94	S57°32'52"E	50'	20'	0.02
97	30+86.11	N27°26'47"E	50'	20'	0.02
98	38+35.26	N67°33'35"W	50'	20'	0.02
TAP O-7a					
99	4+06.59	S53°47'24"W	50'	20'	0.02
TAP O-7b					
100	0+00.00	S52°21'52"W	50'	20'	0.02
101	5+83.22	N52°21'52"E	50'	20'	0.02
TAP O-8					
102	4+70.67	N00°18'45"W	50'	20'	0.02
TAP O-9					
103	13+71.55	S00°45'42"E	<u>50'</u>	20'	<u>0.02</u>
TOTAL			5,150'		2.06

TOTAL 103 GUYS

103 Guys X 0.02 acres = 2.06 ACRES

### SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	974.41'	0.18	20'	0.45
LINE "B"	663.66'	0.13	20'	0.30
LINE "C"	5,252.07'	0.99	20'	2.41
TAP "C-1"	381.13'	0.07	20'	0.18
TAP "C-2"	610.29'	0.12	20'	0.28
LINE "D"	504.82	0.10	20'	0.23
LINE "E"	2,484.76'	0.47	20'	1.14
TAP "E-1"	824.30'	0.16	20'	0.38
LINE "F"	1,680.07'	0.32	20'	0.77
LINE "G"	1,843.97'	0.35	20'	0.85
LINE "H"	2,812.10'	0.53	20'	1.29
LINE "I"	438.94'	0.08	20'	0.20
LINE "J"	310.71'	0.06	20'	0.14
LINE "K"	384.84'	0.07	20'	0.18
LINE "L"	666.23'	0.13	20'	0.31
TAP "L-1"	130.19'	0.02	20'	0.06
LINE "M"	1,578.99'	0.30	20'	0.72
LINE "N"	898.03'	0.17	20'	0.41
TAP "N-1"	594.43'	0.11	20'	0.27
TAP "N-2"	837.99'	0.16	20'	0.38
LINE "O"	14,241.56'	2.70	20'	6.54
TAP "O-1"	1,588.53'	0.30	20'	0.73
TAP "O-1a"	200.41'	0.04	20'	0.09
TAP "O-2"	689.73'	0.13	20'	0.32
TAP "O-3"	586.65'	0.11	20'	0.27
TAP "O-4"	1,138.34'	0.22	20'	0.52
TAP "O-5"	4,598.74'	0.87	20'	2.11
TAP "O-5a"	317.92'	0.06	20'	0.15
TAP "O-6"	1,702.56'	0.32	20'	0.78
TAP "O-6a"	747.25'	0.14	20'	0.34
TAP "O-7"	3,835.26'	0.73	20'	1.76
TAP "O-7a"	406.59'	0.08	20'	0.19
TAP "O-7b"	583.22'	0.11	20'	0.27
TAP "O-8"	470.67'	0.09	20'	0.22
TAP "O-9"	1,371.55'	0.26	20'	0.63
SUBTOTAL	56,350.91'	10.68		25.87
GUY EASEMENTS	5,150.00'	0.97	20'	2.06
<b>TOTAL</b>	<b>61,500.91'</b>	<b>11.65</b>		<b>27.93</b>

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RIGHT OF WAY EASEMENT FOR  
CDEC'S RED WILLOW POWER LINE PROJECT  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 53137

SECTION SUMMARY

	<u>LAND STATUS</u>	<u>POWER LINE LENGTH</u>	<u>POWER LINE MILES</u>	<u>POWER LINE ACREAGE</u>	<u>GUY FOOTAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL FOOTAGE</u>	<u>TOTAL ACREAGE</u>
<b>T15N R14W</b>								
SW $\frac{1}{4}$ Sec. 4	IA1252	131.84'	0.30	0.06	0.00'	0.00	131.84'	0.06
Section 5	NTT	9,854.02'	1.87	4.52	400.00'	0.16	10,254.02'	4.68
Section 9	NTT	5,048.92'	0.96	2.32	250.00'	0.10	5,298.92'	2.42
<b>T16N R14W</b>								
SW $\frac{1}{4}$ Sec. 28	IA1328	1,843.97'	0.35	0.85	100.00'	0.04	1,943.97'	0.89
SE $\frac{1}{4}$ Sec. 28	IA1326	2,580.48'	0.49	1.18	50.00'	0.02	2,630.48'	1.20
NE $\frac{1}{4}$ Sec. 28	IA1325	231.62'	0.04	0.11	50.00'	0.02	281.62'	0.13
Section 29	NTT	6,955.33'	1.32	3.19	650.00'	0.26	7,605.33'	3.45
SW $\frac{1}{4}$ Sec. 30	IA1340	974.41'	0.18	0.45	150.00'	0.06	1,124.41'	0.51
SE $\frac{1}{4}$ Sec. 30	IA1357	859.48'	0.16	0.39	100.00'	0.04	959.48'	0.43
Section 31	NTT	799.47'	0.15	0.37	100.00'	0.04	899.47'	0.41
SW $\frac{1}{4}$ Sec. 32	IA1336	2,025.53'	0.38	0.93	400.00'	0.16	2,425.53'	1.09
NW $\frac{1}{4}$ Sec. 32	IA1329	3,525.38'	0.67	1.62	200.00'	0.08	3,772.38'	1.70
NE $\frac{1}{4}$ Sec. 32	IA1335	261.44'	0.05	0.12	50.00'	0.02	311.44'	0.14
SE $\frac{1}{4}$ Sec. 32	IA1330	3,593.97'	0.68	1.65	200.00'	0.08	3,793.97'	1.73
Section 33	NTT	17,291.00'	3.28	7.94	2,350.00'	0.94	19,641.00'	8.88
W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 34	IA1331	374.05'	0.07	0.17	100.00'	0.04	374.05'	0.21
<b>TOTAL</b>		<b>56,350.91'</b>	<b>10.68</b>	<b>25.87</b>	<b>5,150.00'</b>	<b>2.06</b>	<b>61,500.91'</b>	<b>27.93</b>



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

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

1. Application Name and Address: Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020
2. Allotment Number(s) affected by the right-of-way: \_\_\_\_\_
3. General location (easement location): Section 5 & 9, T15N, R14W, Section 29, 31, & 33 T16N, R14W, NMPM, McKinley County, New Mexico
4. Purpose: Construction, Operation, and Maintenance of Existing 14.4/24.9 kv Electrical Distribution Line for the Red Willow Power Line Project in Mariano Lake Chapter Area, WO#53137.
5. Term (Renewal, if applicable): 50 Years
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: Continental Divide Electric Cooperative Inc.

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

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



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

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

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

Applicant Point of Contact Information:

Name: Continental Divide Electric Cooperative, Inc.

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

State: Grants Zip: 87020

Phone: (505) 285-6656

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

Date: July 3, 2018

Applicant:  (Signature)

Debbie Olivar or Steve Morales (Print Name)







# CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

July 6, 2018

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

Re: Submitting ROW Package for the Mariano Lake Chapter – Red Willow Powerline Project WO#53137

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kV distribution overhead Power line for the Mariano Lake Chapter – Red Willow Powerline Project, WO#53137. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. \$500.00 Filing Fee, Check #137177
2. Permission to Survey from NLD
3. Right of way Application
4. Archaeological Report & Confidential Appendix A (Tap 0-4 Jischaa Site)
5. Cultural Resources Compliance Form
6. Environmental Report
7. FONSI
8. Biological Report
9. Biological Resources compliance Form
10. Field Clearance/Grazing for Sam Begay and Louise Davis
11. Legals
12. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 43,698.74' feet in length, 20' feet in width, and 19.84 acres.

**Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive consideration, bond, insurance or alternative form of security since only Navajos are being served off of this Electrical Line. We also ask that the term of right-of-way be granted for 50 years.** If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar  
Engineering/ROW  
Enclosures



**SMITH LAKE CHAPTER****The Navajo Nation**

P.O. Box 60 Smith Lake, New Mexico 87365 Phone: 505.786.2141 Fax: 505.786.2143 Email: smithlake@navajochapters.org

Russell Begaye, NN President

Jonathan Nez, NN Vice President

Edmund Yazzie, Council Delegate

February 7, 2018

All of the permittee in this affected area have submitted their grazing applications to BIA Range Program. However, as of January 2018 Range Program has not approved their grazing applications. Therefore, there are no authorized permittee in this area.

Due to unauthorized permittee, there are no interferences with the extension of the powerline project and therefore, I recommend approval of the electrical powerline project within the Red Willow Community.

Should you have any questions, feel free to contact me at 505-713-2315.

Edmund Henry, Jr.  
Land Board

HC 33 Box 10A  
Gallup NM 87301  
Phone 505/879-3918  
Email: lahenry08@yahoo.com

February 12, 2018

Ms. Elerina Yazzie  
General Land Development Department  
Division of Natural Resource  
Navajo Nation  
PO Box 2249  
Window Rock, AZ 86515

Dear Ms. Yazzie,

Continental Divide Electric-Coop of PO Box 1087 Grant, New Mexico 87002-1087 is submitting Field Clearance package for electrical Distribution Line Red Willow Powerline Project on Navajo Trust Land within: Sec.05; & SEC 09.15N; R14 PMNM, McKinley County, NM: Sec. 27,29,31,& 33, W1/2NW1/4, T16. N; R. 14W: PNNM, McKinley County, New Mexico

Edmund Henry, Land Board, verified there is no authorized permittee within the proposed project area see attached letter District #16 Land Board concurred

I have attached field clearance, land user consent and proposed map attached to the rights-of-way package.

Should you have any questions or addition information, please contact me at 505-879-3918

  
Lucinda Henry  
ROW Agent



## FIELD CLEARANCE CHECKLIST

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

1. Project Identification:

Continental Divide Electric Coop. Inc

Type of Project: Red Willow Powerline Project

Purpose: Rights-of-way to construction; operation; maintenance of 14.4K electrical  
Red Willow Powerline Project

Location: Sec.05; SEC 09.15N; R14 W, PNNM, McKinleyCounty,NM,Sec.27,29,31,33,W1/2NW1/4,  
T16.N; R. 14W; PNNM, McKinley County, NM.

Identification number(s): Reed Willow Powerline Line Project 53137

2. Amount of land affected: 44,341.95ft', 20.13 acres, 20' width

3. Land status: Trust XX Fee \_\_\_\_\_ Other \_\_\_\_\_

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

	Names	Census Number	Type of Land Use Right
1.	<u>NO AUTHORIZED PERMITTE</u>	_____	<u>Grazing</u>
2.	<u>NO AUTHORIZED PERMITTE</u>	_____	<u>Grazing</u>
3.	<u>NO AUTHORIZED PERMITTE</u>	_____	<u>Grazing</u>
4.	<u>NO AUTHORIZED PERMITTE</u>	_____	<u>Grazing</u>

\*\*See back for additional for more names

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list in Item 4 no authorized Permittee

6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

### ACKNOWLEDGEMENT

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

2/2/18  
Date

[Signature]  
Grazing Committee or Land Board Member

16  
District No.

(Waiver of compensation for damages



RDGD-97-18

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
23<sup>rd</sup> Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A  
LIMIT OF THE WAIVER OF RIGHT-OF-WAY CONSIDERATION OF UP TO FIFTY  
PERCENT (50%) OF THE ASSESSED CONSIDERATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 501 (B) (2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of 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 include, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Resources and Development Committee receives many requests from utility companies seeking one hundred percent (100%) waivers of payment of right-of-way consideration.
- B. Right-of-way consideration fees generate substantial income for the Navajo Nation which is used to fund Navajo Nation programs for the Navajo People. With the anticipated closure of the Navajo Generating Station, the Navajo Nation will more urgently rely upon funds raised from right-of-way consideration. Because of the obligation to fund Navajo Nation programs, it is in the best interest of the Navajo Nation to limit the waiver of right-of-way consideration.
- C. The Code of Federal Regulations (CFR) § 169.110 (a) (1)(2)(3) provides that the Navajo Nation may negotiate its right-of-way compensation, not require valuation of the right-of-way and authorize that it "[h]as determined that accepting such agreed-upon compensation and waiving valuation is in its best interest".

- D. The Navajo Nation has agreement to waive consideration with the United States Bureau of Reclamation for the Navajo-Gallup Water Supply project. Limiting the waiver of consideration will not apply to these type of agreements between the Navajo Nation and the federal government.

### SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby limits the waiver of utility right-of-way consideration to up fifty (50) percent of the total consideration except instances of pre-existing contracts and agreements stating otherwise.

### CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the Twin Arrows Navajo Casino & Resort, Leupp, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 17<sup>th</sup> day of December 2018.



Alton Joe Shepherd, Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Leonard Pete  
Second: Honorable Davis Filfred

Chairperson Alton Joe Shepherd not voting.



RED WILLOW POWER LINE ENVIRONMENTAL ASSESSMENT  
RIGHT OF WAY APPLICATION WO # 53137  
MARIANO LAKE, NEW MEXICO



PLS: NW/4 Section 9 Township 15 North Range 14 West, NMPM  
Lat. & Long.: 36° 33' 02.3" N 108° 19' 48.6" W NAd 83  
UTM: 742,073 m E 3,937,191 m N Zone 12  
Elevation 7,474' amsl

Prepared by

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.  
200 East High Street / P.O. Box 1087  
Grants, New Mexico 87020

DENALI ENVIRONMENTAL SERVICES  
P.O. Box 1127  
Fort Defiance, Arizona 86504  
denali1946@msn.com

May, 2018



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- Appendix A Real Estate Land Survey Plat
- Appendix B Mariano Lake Chapter Resolution
- Appendix C Cultural Resource Compliance Form
- Appendix D Biological Resource Compliance Form



## RED WILLOW POWER LINE ENVIRONMENTAL ASSESSMENT

### INTRODUCTION

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct the Red Willow Powerline Project generally south of Mariano Lake, New Mexico. The proposed main electrical line and scattered lines would provide service to existing home sites in the Mariano Lake Chapter. The proposed power line application would require a National Environmental Policy Act environmental assessment document to support the decision-making process. CDECI would make application for the new power line extension with the Eastern Navajo Agency, Bureau of Indian Affairs in Crownpoint, New Mexico.

### 1.0 DESCRIPTION OF THE PROPOSED ACTION AND PROJECT LOCATION

#### 1.1 Description of the Proposed Action

As depicted in Table 1 below, the Red Willow Power Line right of way width would be 20 feet wide, and combined length (power line & guy) at 61,500.91 feet, encompassing 27.93 total acres; total Indian allotted length at 17,802.17 feet, total Indian allotted acreage encompassing 8.09 acres, and total Navajo Tribal trust land length at 43,698.74 feet, total tribal trust acreage encompassing 19.84 acres, respectively.

Table 1. CDECI Red Willow Power Line Extensions on Navajo Trust and Allotted Lands.

Power Line Right of Way Dimensions and Acreage						
Public Land Survey	Land Status	PL Footage	PL Mileage	PL/Guy Total Footage	Width	Total Acreage
SW/4 S4 T15N R14W	IA 1252	131.84'	0.30	131.84'	20'	0.06
S5 T15N R14W	NTT	9,854.02'	1.87	10,254.02'	20'	4.68
S9 T15N R14W	NTT	5,048.92'	0.96	5,298.92'	20'	2.42
SW/4 S28 T16N R14W	IA 1328	1,843.97'	0.35	1,943.97'	20'	0.89
SE/4 S28 T16N R14W	IA 1326	2,580.48'	0.49	2,630.48'	20'	1.20
NE/4 S28 T16N R14W	IA 1325	231.62'	0.04	281.62'	20'	0.13
S29 T16N R14W	NTT	6,955.33'	1.32	7,605.33'	20'	3.45
SW/4 S30 T16N R14W	IA 1340	974.41'	0.18	1,124.41'	20'	0.51
SE/4 S30 T16N R14W	IA 1356	859.48'	0.16	959.48'	20'	0.43
S31 T16N R14W	NTT	799.47'	0.15	899.47'	20'	0.41
SW/4 S32 T16N R14W	IA 1336	2,025.53'	0.38	2,425.53'	20'	1.09
NW/4 S32 T16N R14W	IA 1329	3,525.38'	0.67	3,772.38'	20'	1.70
NE/4 S32 T16N R14W	IA 1335	261.44'	0.05	311.44'	20'	0.14
SE/4 S32 T16N R14W	IA 1330	3,593.97'	0.68	3,793.97'	20'	1.73
S33 T16N R14W	NTT	17,291.00'	3.28	19,641.00'	20'	8.88
W/2 NW/4 S34 T16N R14W	IA 1331	374.05'	0.07	374.05'	20'	0.21
Subtotal	IA	16,402.17	3.10	17,802.17		8.09
Subtotal	NTT	39,948.74'	7.58	43,698.74		19.84
Total		56,350.91'	10.68	61,500.91		27.93

Surface trees and shrubs would be trimmed along the electrical right of way. Trees under the line



will be cut to avoid any physical interference and to avoid fires. The power line right of way would not be bladed. Construction of a new access road to the proposed project site will not be required; existing access roads will be used.

### 1.2 Purpose and Need

The proposed rights of way would serve local families with electricity to their homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. School age kids can now do their homework via satellite internet. The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote and underserved regions of the Navajo Nation.

### 1.3 Location

The existing power line and propose extensions are located in the Mariano Lake Chapter. The proposed power lines would be located south of Navajo Route 49, and west of State Highway 371. USGS 7.5 Minute Quadrangles topographic map, at Figure 1 entitled *Mariano Lake, NM*, illustrates the project location.

Table 2. Red Willow Power Line Project, Mariano Lake, NM USGS 7.5 Quadrangle Map, Continental Divide Electrical Cooperative, Inc.

Description	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Red Willow BOP	NW/4 Section 9 T15N R14W	35° 32' 44.4" N 108° 19' 40.0" W	742,305 m E 3,936,644 m N
EOP	NW/4 Section 29 T16N R14W	35° 35' 25.2" N 108° 20' 46.3" W	740,502 m E 3,941,556 m N

Located on Navajo tribal trust and Individual Indian allotment lands, the proposed powerline is located in Mariano Lake Chapter, McKinley County, New Mexico, at an average elevation of 7,300 amsl.

### 1.4 Project Authorization

This project is authorized by the Navajo Nation Code (NNC), Title 16 Land, Chapter 11 § 1101, which authorizes land for public community purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico. The proposed land use of Indian allotment land is managed by individual Indian allottees, and administered by Bureau of Indian Affairs.

The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting and leasing activity. The proposed right of way approval would allow CDECI to acquire the power line







property long term, construct a 11.4 kv electrical power line, and provide electrical service to local residents.

Shown at Appendix B, the Mariano Lake Chapter has passed a resolution approving the proposed electrical power line.

### **1.5 Purpose of Environmental Assessment**

The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significant as to require the preparation of an environmental impact statement. The proposed federal action is approval of an electrical right-of-way. The approval of the right-of-way would allow the operator to withdraw a tract of land, on which to further construct and operate a electrical utility infrastructure. This document addresses potential impacts and mitigation for the approval of the right-of-way.

## **2.0 ALTERNATIVES**

### **2.1 Alternate Site Locations**

Alternate alignments, of sufficient width and length at locations as convenient as the proposed locations, are not available. Due to the size of grazing permitted areas needed to sustain livestock herds, right of ways become impossible to acquire with respect to individual Indian allotments and Navajo tribal trust lands. Open areas in the community are used for family subsistence on livestock and the traditional family way of life. On adjoining land, individual Indian allotment holders generally try to retain their grazing allotments intact, and not to become fragmented. Holistic grazing areas, on trust and allotted land, are needed to sustain livestock herds. Other power line alignments at the other locations would become difficult to acquire.

An alternate site location, on trust land or allotments, would be subject to the same assessments, approvals and clearance process as the preferred alternative. Numerous archaeological occurrences could render the other proposed sites unfeasible for the proposed use. Potential grazing permit holders may reverse their decisions and reject the alternate location.

### **2.2 No Action Alternative**

If the no action alternative is taken, the proposed long term right of way would not be approved. The proposed electrical power line would not go as planned. Residents would be without electrical service to their homes for some unknown time in the future. The propose power line alignments would not be elevated to a higher productive state. The approved chapter resolution and future land board decisions would become moot.

### **2.3 Approval of the Preferred Alternative**

The preferred alternative involves approval of the proposed right of way, which would allow for the construction of the electrical power line. The proposed right of way location, adjacent to existing water supply pipelines and roads, would be the best alternatives. The proposed power line is direct, designed at the shortest route, which would have the least amount of environmental impact. A forum for public involvement in the decision-making process for the project was provided. The



Mariano Lake Chapter support resolution is attached as Appendix B. The Land Board Committee of the Eastern Navajo Agency, and the Resources and Development Committee of the Navajo Council would review and recommend approval of the project. The Eastern Navajo Agency, BIA, would provide final approval.

### **3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS**

#### **3.1 Resources Not Considered in Detail**

##### **3.1.1 Climate**

The Gallup Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The project area experiences four distinct climatic seasons and has an annual average maximum temperature of 66.0°F and average minimum temperature of 44.3°F. Summer highs reach the 85.1°F range with lows in the 45.0°F average. Winter highs are usually in the 44°F range with lows at 13.6. Average annual precipitation is 11.08 inches in the Gallup area. The average annual snowfall is 30.6 inches (WRCC 2015). Due to the small size and nature of the proposed lease area, the proposed project would have no effect on climate. Since there would be no effects on climate, no mitigation would be required.

##### **3.1.2 Air Quality**

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. These pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to housing or damage to vegetation. Power line construction activities will not have a significant effect on the ambient air quality in the project area. No direct mitigation is required.

##### **3.1.3 Geology and Seismicity**

The Red Willow Power Line Project is located on the Cretaceous Dakota Sandstone and Lower Mancos Shale Formation (Kdm), ascending from the lower San Juan Basin to the north, and part of the Zuni Uplift. The geologic structure is stable in the project area, there are no regional faults or fissures in the area. The proposed power line is located on a geologic slope, generally dipping 3 to 4 degrees north toward the San Juan Basin (Wilkes, M. E. Compiler, 2005). Based on the history of the area, geology and seismicity will not be a factor in this development. No mitigation would be required for any geologic adversity.

##### **3.1.4 Fisheries**

There are no fisheries or fishery habitat occurrences in the proposed right of way area. No mitigation is required for any fishery adversity.

##### **3.1.5 Socioeconomics and Environmental Justice**

The proposed project is located in the Mariano Lake Chapter, Eastern Navajo Agency. From the time the Navajo Reservation and Indian Allotments were established in the early 20<sup>th</sup> century, Navajo social and political organization were based on the family, extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element is social and political life, was introduced as a bureaucratic substitute for the headman system in the



late 1920's. The chapter, district and agency system that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs (Iverson, P., 2002). The 2004 census of the Mariano Lake Chapter sets the total population at 870 people (NN DCD/LSRI, 2004).

In general, local housing conditions are good to excellent. Employment and living standards of the Diné People in the greater Mariano Lake area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Mariano Lake, Gallup, and Crownpoint. Dwellings in the surrounding area have been built by their owners and have two to three bedrooms. Modular homes in the area are a popular source of improved housing for those who can afford to purchase them.

While unemployment is high throughout the Checkerboard Area, raising livestock has been a sustainable economy in the past. Currently most residents in the Mariano Lake area are ranchers and wage earners, working a various government and commercial jobs in nearby towns. Bureau of Indian Affairs, Indian Health Service, and the Navajo Nation are the major employers in the region. Federal, and state government services, schools and major retail outlets are available in Gallup, and Grants, New Mexico.

The retired elderly in the Checkerboard Area still carry on the ranching life style. Individual allotments are relatively small and not large enough to sustain a viable operating ranch for the entire family, however. The younger family members wish to be with their elders and have moved back into the old homesteads; built their new houses on the ranch land, as the area provides a better quality of life, in contrast to apartment living in nearby towns.

### **Environmental Justice**

The Red Willow Power Line Project will be for the beneficial use of the Mariano Lake Community. As indicated, the majority of the local population is of Native American decent, representing 99.4% of the population. The mandate of environmental justice on impacted minorities and low income populations applies equally among the population, as the proposal will benefit the population as a whole. The local grazing lease holder and private rancher has agreed to the site location, has relinquished part of his land use area for the right of way. Mariano Lake Chapter has approved a supporting resolution, see Appendix B. In the future, the proposed power line will be reviewed by the BIA for approval of the right of way.

### **3.1.6 Land Use and Zoning**

At an average elevation of 7,300 feet amsl, Red Willow Power Line is located on Indian allotted land, and Navajo Indian trust lands. The area surrounding Mariano Lake, the land use is primarily rangeland, and livestock production. Rangeland is the basic land use in the project area. For many years the land is used by the local families for home sites and domestic livestock grazing (sheep, cows and horses). Earthen catchment basins are located throughout the project area. During the dry season livestock water is hauled from nearby windmills by truck to livestock range locations.

Cattle guards, metal gates, barbed wire fences, windmills, and access roads have been built to manage ranch operations. Residential leases are also located on the ranch property.

Public road construction and maintenance are provided by the Bureau of Indian Affairs, and the Navajo Nation DOT. Community Water Supply at Mariano Lake is operated by Navajo Tribal Utility Authority (NTUA). Continental Divide Electric Cooperative, Inc. (CDECI) provides electrical power.

### **Indian Trust Resources**

The power line right of way acreage will be withdrawn for the power line right of way. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the proposed tracts, surface or subsurface.

#### **3.1.7 Prime Farmland**

Prime farm land is not known in the Mariano Lake area. There are no irrigated fields. Agriculture is not the family life style in the project area. Livestock production and rangeland is the primary land use in the region.

#### **3.1.8 Recreation**

Mariano Lake Chapter residents will travel to nearby Cibola National Forest for an afternoon of picnicking and fishing. Navajo Department of Fish and Wildlife designates the project area as a big game hunting unit. NDF&W big game species include deer, and elk.

Gathering - approximately every three to five years, vicinity pinyon trees in the region will yield a bumper crop of pinyon nuts. Native people will gather this crop for individual consumption. The pinyon nuts would also be sold to local traders for cash.

Horseback riding is another recreational source, as horses and horse stables were observed. "Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Community rodeo grounds are located at Mariano Lake.

Outdoor recreation would come in relation to the traditional livestock raising to the people in the vicinity of Mariano Lake. In contrast to their regular jobs, fence building, ranching, farming activities would provide the ultimate form of outdoor recreation to the local families. This type of outdoor recreation (life style) would provide the relaxation, at the same time feeling of accomplishment, and family member reinforcement.

#### **3.1.9 Traffic**

Motorized traffic using the existing roads will not be a factor during construction and operation of the power line. The proposed power line is located in a predominantly rural setting. Traffic will not be a significant factor in this proposed action.



### **3.1.10 Noise**

In acoustics, noise is defined as any undesired sound. The measurement of any sound stimulus is commonly made with a meter and a frequency analyzer. Meter measurement results are given in decibels (db). The normal ambient noise level in the vicinity of the proposed site fluctuates between 1 db (soft whisper) and occasionally 10 db (strong winds). Construction activities will generate noises which cannot be considered normal for the area. Noise levels in the 90 to 100 db range may be generated by the operation of heavy construction equipment.

Construction hours of operation will be 8:00 am to 7:00 pm during the day light hours. Noise from construction activities will not have a significant adverse effect on the local population and environment.

### **3.1.11 Floodplain**

According to National Flood Hazard Layer maps, the proposed project area is not located in a flood prone area, and is excluded from any floodplain designation by the Federal Emergency Management Agency. On the north side, the proposed power line alignment would span short segments of arroyo in the Puerco River drainage. All major drainages in the area are designated as 1% Annual Chance of Flood Hazard (FEMA, 2018). The arroyos are dry most of the year. The site topography at this site generally dip west at approximately 2-3 degrees, which allows for ample drainage.

Generally, the primary discharges of these drainages in the Navajo region occur during the spring months, during the spring snow thaw, and during occasional intense summer thundershowers in late summer. As a result, flow is erratic and fluctuates widely both seasonally and annually. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

### **3.1.12 Wetlands and Riparian Habitat**

The proposed project and action area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. There are no jurisdictional wetlands within the project area. The Gallup, NM National Wetlands Map were reviewed. The map indicate locations in the project area. These livestock impoundments are classified as Palustine (*PUSAh*), unconsolidated shoreline, temporary flooded, and a dike/impoundment. *PUSAh* locations are located throughout the project area. These water impoundments are livestock watering points. The project would have no effect on the impoundments, as wetlands or riparian habitat occurrences do not exist on the project site. Existing livestock watering impoundments in the vicinity do not exhibit hydric soils, nor hydrophilic vegetation, nor do they support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on or near the proposed project area alignments. No mitigation measures are recommended for wetland / riparian areas.

### **3.1.13 Hazardous, Toxic, and Radiological Waste**

Other than roaming livestock, there are no previous industrial uses of the area. The proposed power line and adjoining property have never been used as a gas station, motor repair facility,



commercial printing facility, dry cleaner, photo developing laboratory, junk yard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility. The propose project does not contain any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals (stored or used). No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance or spills of petroleum products on the properties.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing site. Hence, there will be no residual hazardous effects on or near the proposed right of way.

### **3.2 Topography and Soils**

#### *Existing Conditions*

In the Red Willow Springs area the land form is moderately sloping downward toward the north. Outcrops of sedimentary rock occur in the Dakota Formation, bisected by an occasional dry tributary that would flow north to the Puerco River wash. Average elevation in the project area is 7300' amsl.

Soils on the proposed right of way are generally from sandstone of the Evpark-Arabrab Soil Association. The soil are made up of sandy loams and clays at 1 to 15 inches deep. The existing grassland-Pinyon-Juniper Savannah is a positive indicator of deep sandy loam soils. These soils are generally free of any chemical adversity. Bedrock or parent material exists at the C horizon at 15" to 20" deep. Parent soils of the C horizon contain sandstone of the Dakota Formation (NRCS, 2017).

#### *Effects*

The propose project construction work or other related activities would not have impact on the surface topography or soils in the project area.

#### *Mitigation*

The proposed power lines would not have any impact to topography or soils. No mitigation is required to vicinity soils, or topography.

### **3.3 Water Resources and Water Quality**

#### *Existing Conditions*

Vicinity arroyos are normally dry most of the year, however, torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969). No impacts to the surface water in the vicinity of the proposed project area may be expected.

The Mariano Lake Community Water System is operated by Navajo Tribal Utility Authority (NTUA). The Utility provides safe drinking water to residents of Mariano Lake and the surrounding subchapters of Rocky Canyon, Echo Canyon, and Red Willow Springs. Community water storage tanks at 80,000 gallons are located west of Red Willow Springs. The existing water pipelines are

located throughout subchapters. The BIA school operates their own water system, storage, and distribution.

#### *Effects*

The proposed project construction work or other related activities would not have impact on any springs, wells or aquifer recharge areas. No impacts to the surface and natural ground water in the vicinity of the proposed project may be expected.

#### *Mitigation*

The new power lines would not have any impact to the existing community water system. No mitigation is required.

### **3.4 Vegetation and Wildlife Biotic Community - Pinyon-Juniper (P-J) Savannah Ecosystem**

#### *Existing Conditions*

The proposed project, the Red Willow Springs area, is located in the Pinyon-Juniper (P-J) Savannah Ecosystem, located in high plateau country of northwestern New Mexico (Brown, D. E., 1994). At approximately 7,300 feet amsl, the proposed right of way tract is characterized by natural open areas and the P-J ecotone, Pinyon pine *Pinus edulis*, Juniper trees *Juniperus monosperma* and numerous natural grasses. These trees and grasses are the dominant species in this savannah biome type.

The P-J and natural grass biome encompasses the entire Red Willow Springs area. Under natural conditions, growing amid the P-J understory, are shrubs, grasses, forbs and annuals. These plants form the ecological backbone of the savannah ecosystem. The ecosystem provides food, shelter, cover, and nesting sites for birds, mammals, insects, and reptiles. Sagebrush, rabbit brush, yucca and snakeweed are some of the shrub species. Grass cover may be a mixture of dropseed, galleta, blue grama, ring muhly, and other species (Brown, D.E., and C.H. Lowe, 1994).

The natural open areas are typically composed of annuals, grasses, e.g. cheatgrass *Bromus tectorum* blue grama *Bouteloua gracilis*, galleta *Pleuraphis jamesii*, dropseeds *Sporobolus cryptandrus* and Indianrice grass *Oryzopsis hymenoides*, and shrubs, e.g. rabbitbrush *Chrysothamnus nauseosus*, sagebrush *Artemisia spp.*, threadleaf groundsel *Senecio flaccidus*, banana yucca *Yucca baccata* and broom snakeweed *Gutierrezia sarothrae*.

Annual plants such as cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, tansy mustard *Descurainia obtusa*, sun flower *Helianthus annuus* and kochia weed *Bassia hyssopifolia* occur on the site.

The fauna of the Juniper Savannah is somewhat diverse than that of other habitats. Mule deer *Odocoileus hemionus* and elk *cervus canadensis* may roam the area in transit during late fall and winter months. Other big game species, the black bear *Ursus americanus* and wild turkey *Meleagris gallopavo*, are not found in the project area, as marginal foraging habitat exists. Mule deer and elk may frequent the area during the cold winter months. Construction of the proposed site in this



residential and rural setting will not have an effect on the natural habitat necessary for the continued survival of these species.

Most abundant small mammals include blacktail jack rabbits *Lepus californicus*, mountain cottontails *Sylvilagus nuttalli*, pinyon mice *Peromyscus truei*, valley gophers *Thomomys bottae*, porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma mexicana* and Ord's kangaroo rats *Dipodomys ordi*.

Characteristic breeding birds of this ecosystem include common night hawks *Chordeiles minor*, pinyon jay *gymnorhinus cyanocephalus*, Northern flickers *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, horned larks *Eremophila alpestris*, loggerhead shrikes *Lanius ludovicianus*, sparrows *Spizella* spp., grey-headed juncos *Junco hyemalis* and common ravens *Corvus corax*.

Reptiles include striped plateau lizards *Sceloporus virgatus*, plateau whiptails *Cnemidophorus velox* and short-horned lizards *Phrynosoma douglassii*.

#### *Effects*

The proposed project is located in a rangeland and human activity area. Existing houses are located in the project area. Rangeland and livestock production is the dominant land use the project area (§ 5.2). Local residents use the Red Willow Springs road and adjoining Navajo Route 49 to commute daily to and from work. Construction traffic and local traffic noise would be low and frequent.

#### *Mitigation*

The single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles and Ferruginous Hawks. No other direct mitigation is recommended for the fauna species.

### **3.5 Threatened and Endangered Species**

#### **3.5.1 Federal Threatened and Endangered Species**

On April 4, 2017, a data response letter regarding Federal listed threatened and endangered species and Navajo Tribal species of concern list was received from the Natural Heritage Program, Navajo Department of Fish and Wildlife.

##### *3.5.1 Existing Conditions*

With respect to the NHP consultation, a field survey of the Red Willow Power Line Project was conducted May 1, 2017. The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources. The entire proposed project area was covered during

pedestrian and roadside surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the proposed project area.

With regard to the Navajo Natural Heritage Program consultation letter April 4, 2017 one Federal ESA species was listed on the data request, the Zuni Rhizome Fleabane – listed as threatened. The proposed project is not expected to affect any federally listed species in the project area.

### 3.5.1 Effects - Table 3.

Table 3 illustrates the U. S. Fish and Wildlife Service Endangered Species Act listing. The table describes the species existing condition/habitat requirements, species effects, and occurrence.

Table 3. Federal ESA Species Listed in Consultation with the Navajo Natural Heritage Program, Navajo Department of Fish & Wildlife.

FLORA		
Zuni Rhizome Fleabane <i>Erigeron rhizomatus</i> (ESA T, NESL G3)	Zuni Rhizome Fleabane <i>Erigeron rhizomatus</i> (ESA T, NESL G3) is typically found on fine textured clay soils on hillsides of mid to high elevations of 7,000 to 8,300 feet. It is known to inhabit clay soils derived from the Chinle Formation in the Zuni and Chuska Mountains, and to similar clays of the Baca Formation in the Datil and Sawtooth ranges in New Mexico (NNHP, 2008). On the Navajo Nation the species is found on the slopes of the Chuska Mountains from Lukachukai and west of Red Valley, Apache County, Arizona south to Navajo in McKinley County, New Mexico.	<b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys.

The Rhizome Fleabane was not found on the project right of way or zone of influence during the field surveys. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by the species would not be loss. The proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial ESA flora and fauna species. Approval of the proposed right of way would not have a long termed adverse effect on the species, as the species are not present on the proposed project area.

### 3.5.1 Mitigation-Avoidance

The Rhizome Fleabane is not found in the project right of way or zone of influence. No mitigation is planned for the fleabane species.

### 3.5.2 Navajo Endangered Species List (NESL) Special Management Species

On April 4, 2017, a data response letter regarding Federal listed threatened and endangered species, and Navajo Tribal species of concern list was received from the Natural Heritage Program, Navajo Department of Fish and Wildlife.



With respect to the NHP consultation, a field survey of the Red Willow Power Line Project was conducted May 1, 2017. The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources.

### 3.5.2 Existing Conditions

Onsite field surveys for threatened and endangered species were conducted by Denali Environmental Services on May 1, 2017. The entire proposed project area was covered during the roadside and pedestrian surveys; none of the special management NESL species were observed during the surveys.

The Navajo Natural Heritage Program April 4, 2017 letter lists nine known and potential species that warranted special management considerations by the proposed project. Table 4 illustrates the NESL species, as listed in the Navajo Natural Heritage Program data request/response letter. With respect to the species listing, the table describes the species existing condition/habitat requirements, and species effects. The proposed action would have no significant effects on any of the NESL special management species.

### 3.5.2 Effects – Table 4.

Table 4. Navajo Nation Department of Fish and Wildlife Special Management Species and their Potential to Occur in the Project Action Areas Based Upon Habitat Associations.

SPECIES /NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
<b>FAUNA</b>		
Golden Eagle <i>Aquila chrysaetos</i> (NESL G3)	Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desertscrub. Nests are reused and tend to become a huge mass of sticks and debris. Generally, Golden Eagle foraging habitat is present outside the project area. The onsite shrub/grassland adjacent to the action area would provide foraging habitat for the raptor, as a variety of small mammals would inhabit the grassland. These small mammals, of marginal abundance, would serve as prey for the raptor.	<b>NS</b> - Habitat is marginally suitable, but species is not suspected to occur within the project area. The natural area contains large expanses of dense Pinyon-Juniper and sagebrush woodland, which may be suitable for foraging habitat. The woodland generally lacks the prey base as required for the eagle. The eagle may use the prey base for marginal foraging. The specie was not present during the field surveys.
Peregrine Falcon <i>Falco peregrinus</i> (NESL G4) delisted from endangered	Natural foraging habitat surrounding nest site must support populations of their preferred prey. Foraging habitat includes support populations of their preferred prey. Doves, pigeons, waterfowl and small birds are their preferred forage.	<b>NS</b> - Habitat is marginally suitable, but species is not suspected to occur within the project area. The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the rodent



		prey base is not present. The species was not present during the field surveys.
Ferruginous Hawk <i>Buteo regalis</i> (NESL G3)	Nests are located in badlands, flat or rolling desert grasslands, and desertscrub. Most nests on Eastern Navajo Agency are on pinnacles, small buttes, or short cliffs; fewer are placed in tops of juniper trees or on the ground. Foraging habitat for the hawk include populations of prey animals: cottontails, jack rabbits, and prairie dogs. The hawk is a year around resident of the Navajo Nation; most breed in northwestern New Mexico,	<b>NS</b> In an area of moderate human activity and noise, no Ferruginous Hawks or nests were found along the proposed right of way or zone of influence. Previous and existing land uses (residential clusters, small farm plots, livestock grazing and transportation corridor) of the property has rendered the right of way unsuitable for hawk nesting.
Burrowing Owl <i>Athene cunicularia</i> (NESL G4)	The owl found in dry, open, short-grass, treeless plains. inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes in grassland biomes at 6,200-6,400 feet amsl, the owl rarely dig their own burrows and are typically associated with prairie dog colonies. Use areas that include shrubs such as fourwing saltbush and rabbitbrush, the owl also inhabits human-modified landscapes, such as golf courses and parking lots.	<b>NS</b> - Habitat suitable but species is not suspected to occur within the project area. No large prairie dog colonies or short grassland occur within the project or action area. The proposed action alternative would have no effect on the listed NESL owl species or their habitat.
Northern Leopard Frog <i>Lithobates pipiens</i> NESL G2	Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, flood plains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation.	<b>K</b> - Known, documented observation within project area. The action area contains an open mix-conifer & oak forest. Suitable wetland or riparian habitat, the aquatic habitat for the frog is not present on the propose project area. The species was not present during the field surveys.
<b>FLORA</b>		
Sivinski's Fleabane <i>Erigeron sivinskii</i> (NESL G4)	The Sivinski's fleabane <i>Erigeron sivinskii</i> ranges from Apache County, Arizona and McKinley County, New Mexico. The fleabane occurs on steep barren ground, shale slopes of the Chinle Formation, in pinyon-juniper woodland, and the Great Basin Desert Scrub communities. Known populations occur at 6100 feet to 7400 feet elevation. Suitable habitat can be identified year around.	<b>NP</b> - Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.



Acoma Fleabane <i>Erigeron acomanus</i> (NESL G3)	Acoma Fleabane occurs in the pinyon-juniper woodland, on sandy soils of the Entrada Sandstone Formation. The fleabane is found at 7,000 feet amsl, north of Thoreau and north of Prewitt, New Mexico. The plant flowers in July, June thru August is recommended for the best time to field survey for the plant.	<b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.
Navajo Bladderpod <i>Lesquerella navajoensis</i> NESL G3	Species mostly occurs on windward, windswept mesa rims and nearby habitat with little vegetative cover and high insolation. Also found at the base and slopes of small hills of the Chinle Formation. Typically only found in a combination of Todilto Limestone overlaying Entrada Sandstone or Chinle outcrops in pinyon-juniper communities. Suitable habitat can be identified year around.	<b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the bladderpod.
<b>K</b> – Known, documented observation within project area.		
<b>S</b> – Suitable habitat and species suspected to occur within the project area.		
<b>NS</b> – Habitat suitable but species is not suspected to occur within the project area.		
<b>NP</b> – Habitat not present and species unlikely to occur within the project area.		

The proposed power line right of way will have no effect on NESL species, as the species are not present. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by NESL species would not further be loss. The proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial NESL flora and fauna species. Approval of the proposed right of way would not have a long-term adverse effect on these species, as these species are not present on the proposed project area.

### 3.5.2 Mitigation of NESL Species

Disturbed surface would be at a temporary loss. In the aftermath of construction, the reclaimed right of way would likely again contain favorable wildlife habitat, forage and cover, required for all species, including threatened and endangered species. The seed mixture could contain forbs and shrubs that would present suitable habitat. This indirect mitigation is recommended for all fauna and flora on the proposed right of way, including ESA and NESL species. Natural vegetative cover can be restored over time.

The single phase electrical powerline would be designed according to the Avian Power Line Interaction Committee's *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC/U.S. F&WS, 2005). In addition, the single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelyhood of potential raptor electrocution. All single

or three phase electrical power poles and cross arms would follow the design standards. No other direct mitigation is recommended for the fauna species. The proposed power line project should not impact any threatened & endangered species or their habitat.

### **3.6 Migratory Bird Treaty Act**

#### *Existing Conditions*

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. In 2008, the U.S. Fish and Wildlife Service (USFWS) list of "Birds of Conservation Concern" was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 5.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008". The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region 16, which the Navajo Indian Reservation and Eastern Navajo Agency are included.

#### *Effects-Table 5*

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits. With respect to Table 5, the proposed construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

Once the habitat has reestablished, wildlife and migratory bird species would be expected to return to the area. To avoid any potential effects to migratory bird species or migratory bird habitat, the construction of the project would take place outside the nesting season. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed replacement action would have no significant effects on migratory bird species.



Table 5. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No suitable habitat.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.	Generally, the Montane Ponderosa Pine forest type is suitable habitat for the Bald Eagle.	Low
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.	Little conflict anticipated	Low
Golden Eagle <i>Aquila crysaetos</i>	Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees	Little conflict anticipated	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited	Little conflict anticipated.	Low
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	No conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Suitable habitat not present, no conflict anticipated.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated	Zero
Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat present.	Moderate

Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	Little conflict anticipated.	Low
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	Little conflict anticipated.	Low
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.	No suitable habitat. Little conflict anticipated.	Low
Pinyon Jay <i>Gymnprjomus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, little conflict anticipated.	Low
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	No suitable habitat.	Zero
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No suitable habitat.	Zero
Bendire's Thrasher <i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	No suitable habitat.	Zero
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	Suitable habitat present. Little conflict anticipated	Low
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	Little conflict anticipated	Low
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.	No suitable habitat.	Zero
Chestnut-collared Longspur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	No suitable habitat.	Zero
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	Project area may contain suitable habitat.	Low



Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	Project area may contain suitable habitat.	Low
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	Project area may contain suitable habitat.	Low

#### *Mitigation of Migratory Birds*

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located during nest survey.

### **3.7 Esthetics and Visual Resources**

#### *Existing Conditions*

Unlike other federal public lands, no regional esthetics or visibility studies have been conducted or designated in the project area. However, regional esthetics and visibility in the project area can be considered to be good.

#### *Effects*

The proposed project is not located on public lands within an area designated under any federal classification. The Native American People consider their lands as sacred, because of the traditional cultural property, historic tradition, sensitivity, scenic quality, and distance. The tribe would not allow degradation to even those lands containing the least amount of valued esthetics and visual resources, which basically do not exist on tribal lands. After construction, the visual modification would contain the power line, which level of change may be visible, but should not attract attention long-term. During construction, impact to esthetics and visual resources in the project area will be moderate and short-term; visual impacts would be low during operations and maintenance.

#### *Mitigation*

No direct mitigation is proposed for esthetics and visual resources.

### **3.8 Cultural Resources**

#### *Existing Condition*

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project Archeological field survey and crafted a field inventory report entitled: *A Cultural Resource Inventory of the Existing Continental Divide Cooperative's Red Willow Powerline Project in Mariano*

Lake, McKinley County, New Mexico. Work Order #53137. A Cultural Resource Compliance Form, NNHPD Number HPD-18-275, has been created for this undertaking, as shown in Appendix C.

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted with the local land users and chapter officials.

#### *Effects*

Effects/Conditions of Compliance are indicated on the Cultural Resource Compliance Form, and recommended in the cultural resource field inventory report. No historic properties would be affected at site NM-1 and the Jischaa' if the following compliance conditions were adhered to:

1. Site boundary & Jischaa' will be flagged by a qualified archaeologist prior to all construction activities.
2. Site & Jischaa' will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged boundaries; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.
3. Once construction is completed, site & Jischaa' will continue to be avoided by routine maintenance activities by using established drive-arounds.

No other traditional cultural properties were identified near or within the proposed power line right of way.

#### *Mitigation*

The project sponsor acknowledges the following statement with respect to cultural resources during construction: *In the event of the discovery ['discovery' means any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7198.*

#### **4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE**

Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area. There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project.

In the future, there would be no other proposals or other right of way applications planned in the reasonably foreseeable future in the area. The proposed lease application action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holders would relinquish trust land and allotted land to the development. It is the practice of the government to compensate the traditional land user for the grazing resource loss.



Climate change results from the incremental addition of greenhouse gases a (GHG) emissions from millions of individual sources, which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts (CEQ, 2016).

In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard (NAAQS, CAA, 1990).

## **5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS**

**Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.)** *Compliance.* The proposed project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

**Clean Water Act § 402** *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are normally required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities.

**Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)** *Compliance.* No Federally listed species or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat. Special management species (NESL) habitat has been identified as Raptor Sensitive Area. CDECI will implement measures to avoid impacts to the species during construction.

**Executive Order 11988, Floodplain Management** *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. Floodplains would have no effect on the proposed project.

**Executive Order 12898 Environmental Justice** *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, polices, and activities on minority and low-income populations. The proposed action will benefit all sectors of society; no minority or low income populations would be directly adversely affected from proposed action.



Indirect effects could include positive effects due to overall benefit related to the project site in the area. The project would increase the quality of life for the residents.

**Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) Compliance.** There are no effects on prime farmland or farmland of statewide importance because no prime farmland exists in the project area.

**Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 Compliance.** Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

**National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) Compliance.** The final EA and signed FONSI are in full compliance with NEPA.

**National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) Compliance.** The Navajo Nation Historic Preservation Department requires NHPA compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

**Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance.** There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the proposed site.

## **6.0 PUBLIC INVOLVEMENT**

The Mariano Lake Chapter has passed a resolution approving the proposed power line extensions. See Appendix B. In the future, the Eastern Navajo Agency would review and consider the right of way application, and process the application for passage. The Branch of Environmental Quality Act Compliance and Review of the Navajo Regional Office, BIA, would make a Finding of No Significant Impact determination as result of their review.

## **7.0 COORDINATION AND REVIEW OF THE EA**

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Existing Continental Divide Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137.* A Cultural Resource Compliance Form, NNHPD Number HPD-18-275, has been created for this undertaking, as shown in Appendix C.



CDECI conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. The consultation would assure mandated protection of Federal Endangered Species Act (ESA) and Navajo Endangered Species List (NESL) threatened and endangered species. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A NDF&W-NHP concurrence letter and a *Biological Resource Compliance Form*, at Appendices D, is created for the project.

## **8.0 CONCLUSIONS**

This Environmental Assessment addresses the proposed action relative to the existing conditions, potential effects, and mitigation for the power line construction, on the Navajo Indian lands. The preferred alternative is reasonable. Impacts to the environment would be non-significant and short-term. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. There would be no cumulative adverse effects of the proposed project. The proposed action would not significantly affect the quality of the human environment; no significant impacts have been identified in the development of this environmental assessment. Therefore, furtherance of an environmental impact statement development will not be required. CDECI construction and operations of the proposed power line project is recommended.

## **9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION**

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504, denali1946@msn.com.

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**RED WILLOW SPRINGS ELECTRICAL POWER LINE PROJECT WO # 53137  
BIOLOGICAL EVALUATION FOR RIGHT OF WAY APPLICATION  
MARIANO LAKE CHAPTER, NEW MEXICO**



**BOP NW/4 Section 9 Township 15 North Range 14 West, NMPM  
EOP NW/4 Section 29 Township 16 North Range 14 West**

**Prepared by**

**CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.  
200 East High Street / P.O. Box 1087  
Grants, New Mexico 87020**

**DENALI ENVIRONMENTAL SERVICES  
P.O. Box 1127  
Fort Defiance, Arizona 86504  
denali1946@msn.com**

**October, 2017**



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## RED WILLOW SPRINGS POWER LINE PROJECT BIOLOGICAL EVALUATION

### 1.0 INTRODUCTION

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct the Red Willow Springs Powerline Project in the Mariano Lake, New Mexico. The proposed main electrical line and scattered lines would provide service to existing home sites in the Mariano Lake Chapter. The right of way application would require an environmental document, including a biological evaluation to support the Federal decision-making process.

### 2.0 DESCRIPTION OF THE PROPOSED ACTION AND PROJECT LOCATION

#### 2.1 Description of the Proposed Action

As depicted in Table 1 below, the Red Willow Springs Power Line right of way width would be 20 feet wide, and combined length (power line & guy) at 61,500.91 feet, encompassing 27.93 total acres; total Indian allotted length at 17,802.17 feet, total allotted acreage encompassing 8.09 acres, and total Navajo Tribal trust length at 43,698.74 feet, total tribal trust acreage encompassing 19.84 acres, respectively.

Table 1. Continental Divide Electric Cooperative, Inc. Red Willow Springs Scattered Electric Power Lines through Navajo Trust and Allotted Lands.

Power Line Right of Way Dimensions and Acreage						
Public Land Survey	Land Status	PL Footage	PL Mileage	PL/Guy Total Footage	Width	Total Acreage
SW/4 S4 T15N R14W	IA 1252	131.84'	0.30	131.84'	20'	0.06
S5 T15N R14W	NTT	9,854.02'	1.87	10,254.02'	20'	4.68
S9 T15N R14W	NTT	5,048.92'	0.96	5,298.92'	20'	2.42
SW/4 S28 T16N R14W	IA 1328	1,843.97'	0.35	1,943.97'	20'	0.89
SE/4 S28 T16N R14W	IA 1326	2,580.48'	0.49	2,630.48'	20'	1.20
NE/4 S28 T16N R14W	IA 1325	231.62'	0.04	281.62'	20'	0.13
S29 T16N R14W	NTT	6,955.33'	1.32	7,605.33'	20'	3.45
SW/4 S30 T16N R14W	IA 1340	974.41'	0.18	1,124.41'	20'	0.51
SE/4 S30 T16N R14W	IA 1356	859.48'	0.16	959.48'	20'	0.43
S31 T16N R14W	NTT	799.47'	0.15	899.47'	20'	0.41
SW/4 S32 T16N R14W	IA 1336	2,025.53'	0.38	2,425.53'	20'	1.09
NW/4 S32 T16N R14W	IA 1329	3,525.38'	0.67	3,772.38'	20'	1.70
NE/4 S32 T16N R14W	IA 1335	261.44'	0.05	311.44'	20'	0.14
SE/4 S32 T16N R14W	IA 1330	3,593.97'	0.68	3,793.97'	20'	1.73
S33 T16N R14W	NTT	17,291.00'	3.28	19,641.00'	20'	8.88
W/2 NW/4 S34 T16N R14W	IA 1331	374.05'	0.07	374.05'	20'	0.21
Subtotal	IA	16,402.17	3.10	17,802.17		8.09
Subtotal	NTT	39,948.74'	7.58	43,698.74		19.84
Total		56,350.91'	10.68	61,500.91		27.93

Surface trees and shrubs would be trimmed along the electrical right of way. Trees under the line will be cut to avoid any physical interference and to avoid fires. The power line right of way would

The proposed scattered power lines would provide electrical service to existing homes in the Mariano Lake Chapter. The electrical line would be single phase 14.4 kilo volt line. Right of way width would be 20 feet wide, and combined length (power line & guy) at 62,144.12 feet, encompassing 28.22 total acres, as shown in Table 1.

Surface trees and shrubs would be trimmed along the electrical right of way. Trees under the line will be cut to avoid any physical interference and to avoid fires. The power line right of way would not be bladed. Construction of a new access road to the proposed project site will not be required; existing access roads will be used.

## 2.2 Purpose and Need

The proposed rights of way would serve local families with electricity to their homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. School age kids can now do their homework via satellite internet. The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote and underserved regions of the Navajo Nation.

## 2.2 Location

The existing power line and propose extensions are located in the Mariano Lake Chapter. The proposed power lines would be located north and south of Navajo Route 49, and west of State Highway 371. USGS 7.5 Minute Quadrangles topographic map, at Figure 1 entitled *Mariano Lake, NM*, illustrates the project location.

Table 2. Red Willow Springs Electrical Power Line Project, Mariano Lake, NM USGS 7.5 Quadrangle Map, Continental Divide Electrical Cooperative.

Description	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Red Willow Springs BOP	NW/4 Section 9 T15N R14W	35° 32' 44.4" N 108° 19' 40.0" W	742,305 m E 3,936,644 m N
EOP	NW/4 Section 29 T16N R14W	35° 35' 25.2" N 108° 20' 46.3" W	740,502 m E 3,941,556 m N

Located on Navajo tribal trust and Individual Indian Allotment lands, the proposed powerline is located in Mariano Lake Chapter, McKinley County, New Mexico, at an average elevation of 7,300 amsl.

## 3.0 FEDERAL ESA AND NAVAJO ENDANGERED SPECIES LIST







On April 4, 2017, a data response letter regarding Federal listed threatened and endangered species and Navajo Tribal species of concern list was received from the Natural Heritage Program, Navajo Department of Fish and Wildlife. See Appendix A for the data response consultation.

With respect to the NHP consultation, a field survey of the Red Willow Springs Power Line Project was conducted May 1, 2017. The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources.

#### **4.0 METHOD OF SURVEY**

The Navajo Department of Fish and Wildlife's website was consulted and the *Biological Resource Land Clearance Policy and Procedures (BRLCP&P)* and *Chapter Land Use Planning Website* were consulted. An initial project briefing meeting with NHP was conducted as well.

The concepts of the 1987 Wetland Delineation Manual, developed and used by the Army Corps of Engineers, were used in this survey. The Gallup, New Mexico National Wetlands Inventory Map (USFWS, 1984) was reviewed for wetlands resources. The map was used to search for wetland resources in the proposed project.

A zone of influence of one-eighth mile was established outside the perimeter of the right of way. The zone of influence was used during the field surveys, specifically for raptor nesting locations. No transects were established. The entire right of way was checked. Where accessible, the zone of influence was covered by driving (wind-shield reconnaissance). Samples of individual plant species were collected and later identified.

From elevated knolls along the proposed right of way, binoculars were used to scope the adjoining property. The following equipment was used for the survey: a ten-power binoculars, GPS Garmin Map 76, Garmin Montana 6501, and 7.5 minute topographic maps.

#### **5.0 FINDINGS AND DETERMINATION OF EFFECT**

The proposed power line is located in the Great Basin Woodland Ecosystem of northwest New Mexico. The juniper-pinyon woodland occurs on the ridge, south of Mariano Lake. This biome encompasses the southern project area and the Red Willow Springs loop road.

##### **5.1 Mariano Lake Existing Land Use**

The Eastern Navajo Agency, i.e. Checkerboard Area, is made up of various land status. The proposed power line right of way would be on Indian allotted land and Navajo trust lands. The retired elderly in the Checkerboard Area still carry on the ranching life style. Raising livestock has been a sustainable economy in the past and present. Small planted fields are part of the quality of life within the vicinity of the proposed project. Numerous Navajo Indian families reside in the proposed project area. The local families operate and maintain ranch operations in the vicinity. Younger households are wage earners, working a various schools, government and commercial jobs



in nearby small communities and towns. Individual allotments, at 160 acres, are relatively small and not large enough to sustain a viable operating ranch for the entire family, however. The younger family members wish to be with their elders and have moved back into the old homesteads; built their new houses on allotted and Navajo trust land, as the area provides a better quality of life, in contrast to apartment living in nearby towns.

The BIA operates the Mariano Lake Day school, grades K - 6<sup>th</sup> grade. The school facility maintenance operates their own water line distribution system, including the school and teacherage. Electrical power to the Mariano Lake Community, including scattered housing south and north of Navajo Route N49, is provided by Continental Divide Electric Cooperative, Inc. The Mariano Lake Community Water System is operated by NTUA.

The proposed power line right of way would be located in a previously disturbed area, adjacent to the Red Willow Springs loop road. Navajo Tribal Utility Authority maintains the Mariano Lake Community Water System and existing water pipeline. The right of way is currently grazed by domestic livestock, as marginal vegetation exists on and off the site. The loop road is well traveled, used by local traffic and daily school bus operations.

The old Mariano Lake Trading Post business site has been terminated. The former business site is in ruin and portions leveled. Occupied homes are located on the old business site.

## **5.2 NDFW Biological Resource Land Clearance Policy and Procedures**

The Navajo Department of Fish and Wildlife *Biological Resource Land Clearance Policy and Procedures* (BRLCP&P) website was consulted. The Mariano Lake CLUP biological resource sensitivity map indicates the proposed power line is located in an Area 3 land sensitivity designation, an area of low biological resource sensitivity.

## **5.3 Great Basin Conifer Woodland Ecosystem and Mariano Lake, NM Quadrangle ESA and NESL Species of Concern.**

### **5.3.1 Existing Condition**

The proposed Red Willow Springs Power Line is located in the Great Basin Conifer Woodland (Pinion-Juniper) biotic community. This woodland sagebrush habitat are generally interspersed: P-J woodland covers 65 percent of the plant community. The woodland contains open areas of sagebush and grassland, used for livestock grazing.

Site vegetation is very sparse and consists of annual grasses such as cheat grass, grama and squirrel tail. Shrubs include chamise (rabbit brush), broom snakeweed, sagebrush, prickly pear cactus, Numerous pinion-juniper trees form the woodland with natural openings of grassland. Segments of the biome are periodically disturbed from land owner range management treatments. Portions of rangeland are devoid of natural vegetation.

Pinyon pine *Pinus edulis* and juniper *Juniperus monosperma* trees generally cover the entire project area. Under natural conditions, growing amid the P-J canopy understory are shrubs, grasses, forbs



and annuals. These plants form the ecological backbone of the ecosystem. They provide food, shelter, and nesting sites for birds, mammals, insects, and reptiles. Under natural conditions, understory shrubs include sagebrush, rabbit brush, yucca and snakeweed. Grass cover may be almost a mixture of dropseeds, galleta, blue grama and others (Brown, D.E., and C.H. Lowe, 1994).

The natural open areas are typically composed of grasses, e.g. Blue grama *Bouteloua gracilis*, Galleta *Pleuraphis jamesii*, Dropseed *Sporobolus cryptandrus* and Indianrice grass *Oryzopsis hymenoides*. Shrub species include Rabbitbrush *Chrysothamnus nauseosus*, Sagebrush *Artemisia* spp., Threadleaf groundsel *Senecio flaccidus*, Banana yucca *Yucca baccata* and Broom snakeweed *Gutierrezia sarothrae*.

Annual plants such as Cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, Tansy mustard *Descurainia obtusa*, Sun flower *Helianthus annuus* and Kochia weed *Bassia hyssopifolia* occur on the power line right of way.

The fauna of the P-J Woodland, interspersed with openings of grassland, is somewhat diverse than that of other habitats. Mule deer *Odocoileus hemionus* and elk *cervus canadensis* may roam the area in transit during late fall and winter months. Mule deer and elk may frequent the area during the cold winter months. Other big game species, the Black bear *Ursus americanus* and Wild turkey *Meleagris gallopavo*, are not generally found in the project area, as marginal foraging habitat exists. The proposed construction in this rural setting would not have an effect on the natural habitat necessary for the continued survival of these species. Most abundant small mammals include Blacktail jack rabbits *Lepus californicus*, Mountain cottontails *Sylvilagus nuttalli*, Pinyon mice *Peromyscus truei*, Valley gophers *Thomomys bottae*, Porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma mexicana* and Ord's kangaroo rats *Dipodomys ordi*. White-tail prairie dogs *Cynomys gunnisoni* occur on the grasslands at lower elevations.

Characteristic breeding birds of this ecosystem include common Night hawks *Chordeiles minor*, Pinyon jay *gymnorhinus cyanocephalus*, Northern flickers *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, Horned larks *Eremophila alpestris*, Loggerhead shrikes *Lanius ludovicianus*, Sparrows *Spizella* spp., Grey-headed juncos *Junco hyemalis* and Common ravens *Corvus corax*.

Reptiles include Striped plateau lizards *Sceloporus virgatus*, Plateau whiptails *Cnemidophorus velox* and Short-horned lizards *Phrynosoma douglassii*.

### 5.3.2 Effects

The proposed project is located in a human activity area. Numerous existing houses are located in the project area. Rangeland and livestock production is the dominant land use the project area (§ 5.3). Local residents use the Red Willow Springs loop road and adjoining Navajo Route 49 to commute daily to and from work. Traffic and traffic noise would be low and frequent.

### 5.3.3 Mitigation



The single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles and Ferruginous Hawks. No other direct mitigation is recommended for the fauna species.

## 5.4 Federal Endangered Species Act - Threatened and Endangered Species

### 5.4.1 Existing Conditions

An onsite field survey for Federal threatened and endangered species was conducted by Denali Environmental Services on May 1, 2017. The entire proposed project area was covered during pedestrian and roadside surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the proposed project area.

With regard to the Navajo Natural Heritage Program consultation letter April 4, 2017 one Federal ESA species was listed on the data request. See NNHP letter at Appendices A. The proposed project is not expected to affect any federally listed species in the project area.

### 5.4.2 Effects

Table 3 illustrates the U. S. Fish and Wildlife Service Endangered Species Act listing. With respect to the species listing, the table describes the species existing condition/habitat requirements, and species effects/occurrence.

Table 3. Federal ESA Species Listed in Consultation with the Navajo Natural Heritage Program, Navajo Department of Fish & Wildlife.

<b>FLORA</b>		
Zuni Rhizome Fleabane <i>Erigeron rhizomatus</i> (ESA T, NESL G3)	Zuni Rhizome Fleabane <i>Erigeron rhizomatus</i> (ESA T, NESL G3) is typically found on fine textured clay soils on hillsides of mid to high elevations of 7,000 to 8,300 feet. It is known to inhabit clay soils derived from the Chinle Formation in the Zuni and Chuska Mountains, and to similar clays of the Baca Formation in the Datil and Sawtooth ranges in New Mexico (NNHP, 2008). On the Navajo Nation the species is found on the slopes of the Chuska Mountains from Lukachukai and west of Red Valley, Apache County, Arizona south to Navajo in McKinley County, New Mexico.	<b>NP</b> - Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys.

The Rhizome Fleabane was not found on the project right of way or zone of influence during the field surveys. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by the species would not be loss. The proposed

project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial ESA flora and fauna species. Approval of the proposed right of way would not have a long termed adverse effect on the species, as the species are not present on the proposed project area.

#### 5.4.2 Mitigation-Avoidance

The Rhizome Fleabane is not found in the project right of way or zone of influence. No mitigation is planned for the fleabane species.

### 5.5 Navajo Endangered Species List (NESL) Special Management Species

#### 5.5.1 Existing Conditions

Onsite field surveys for threatened and endangered species were conducted by Denali Environmental Services on May 1, 2017. The entire proposed project area was covered during the roadside and pedestrian surveys; none of the special management NESL species were observed during the surveys.

The Navajo Natural Heritage Program April 4, 2017 letter lists nine known and potential species that warranted special management considerations by the propose project. See NNHP letter at Appendices A. Table 4 illustrates the NESL species, as listed in the Navajo Natural Heritage Program data request/response letter. With respect to the species listing, the table describes the species existing condition/habitat requirements, and species effects. The proposed action would have no significant effects on any of the NESL special management species.

#### 5.5.2 Effects

Table 4. Navajo Nation Department of Fish and Wildlife Special Management Species and their Potential to Occur in the Project Action Areas Based Upon Habitat Associations.

SPECIES /NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
<b>FAUNA</b>		
Golden Eagle <i>Aquila chrysaetos</i> (NESL G3)	Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desertscrub. Nests are reused and tend to become a huge mass of sticks and debris. Generally, Golden Eagle foraging habitat is present outside the project area. The onsite shrub/grassland adjacent to the action area would provide foraging habitat for the raptor, as a variety of small mammals would inhabit the grassland. These small mammals, of marginal abundance, would serve as prey for the raptor.	<b>NS</b> - Habitat is marginally suitable, but species is not suspected to occur within the project area. The natural area contains large expanses of dense Pinyon-Juniper and sagebrush woodland, which may be suitable for foraging habitat. The woodland generally lacks the prey base as required for the eagle. The eagle may use the prey base for marginal foraging. The specie was not present during the field surveys.



Peregrine Falcon <i>Falco peregrinus</i> (NESL G4) delisted from endangered	Natural foraging habitat surrounding nest site must support populations of their preferred prey. Foraging habitat includes support populations of their preferred prey. Doves, pigeons, waterfowl and small birds are their preferred forage.	<b>NS</b> - Habitat is marginally suitable, but species is not suspected to occur within the project area. The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the rodent prey base is not present. The specie was not present during the field surveys.
Ferruginous Hawk <i>Buteo regalis</i> (NESL G3)	Nests are located in badlands, flat or rolling desert grasslands, and desertscrub. Most nests on Eastern Navajo Agency are on pinnacles, small buttes, or short cliffs; fewer are placed in tops of juniper trees or on the ground. Foraging habitat for the hawk include populations of prey animals: cottontails, jack rabbits, and prairie dogs. The hawk is a year around resident of the Navajo Nation; most breed in northwestern New Mexico,	<b>NS</b> In an area of moderate human activity and noise, no Ferruginous Hawks or nests were found along the proposed right of way or zone of influence. Previous and existing land uses (residential clusters, small farm plots, livestock grazing and transportation corridor) of the property has rendered the right of way unsuitable for hawk nesting.
Burrowing Owl <i>Athene cunicularia</i> (NESL G4)	The owl found in dry, open, short-grass, treeless plains. inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes in grassland biomes at 6,200-6,400 feet amsl, the owl rarely dig their own burrows and are typically associated with prairie dog colonies. Use areas that include shrubs such as fourwing saltbush and rabbitbrush, the owl also inhabits human-modified landscapes, such as golf courses and parking lots.	<b>NS</b> - Habitat suitable but species is not suspected to occur within the project area. No large prairie dog colonies or short grassland occur within the project or action area. The proposed action alternative would have no effect on the listed NESL owl species or their habitat.
Northern Leopard Frog <i>Lithobates pipiens</i> NESL G2	Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, flood plains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation.	<b>K</b> - Known, documented observation within project area. The action area contains an open mix-conifer & oak forest. Suitable wetland or riparian habitat, the aquatic habitat for the frog is not present on the propose project area. The species was not present during the field surveys.
<b>FLORA</b>		
Sivinskii's Fleabane <i>Erigeron sivinskii</i> (NESL G4)	The Sivinski's fleabane <i>Erigeron sivinskii</i> ranges from Apache County, Arizona and McKinley County, New Mexico. The fleabane occurs on steep barren ground, shale slopes of the	<b>NP</b> - Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for



	Chinle Formation, in pinyon-juniper woodland, and the Great Basin Desert Scrub communities. Known populations occur at 6100 feet to 7400 feet elevation. Suitable habitat can be identified year around.	the fleabane.
Acoma Fleabane <i>Erigeron acomanus</i> (NESL G3)	Acoma Fleabane occurs in the pinyon-juniper woodland, on sandy soils of the Entrada Sandstone Formation. The fleabane is found at 7,000 feet amsl, north of Thoreau and north of Prewitt, New Mexico. The plant flowers in July, June thru August is recommended for the best time to field survey for the plant.	<b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.
Navajo Bladderpod <i>Lesquerella navajoensis</i> NESL G3	Species mostly occurs on windward, windswept mesa rims and nearby habitat with little vegetative cover and high insolation. Also found at the base and slopes of small hills of the Chinle Formation. Typically only found in a combination of Todilto Limestone overlaying Entrada Sandstone or Chinle outcrops in pinyon-juniper communities. Suitable habitat can be identified year around.	<b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the bladderpod.
<b>K</b> – Known, documented observation within project area.		
<b>S</b> – Suitable habitat and species suspected to occur within the project area.		
<b>NS</b> – Habitat suitable but species is not suspected to occur within the project area.		
<b>NP</b> – Habitat not present and species unlikely to occur within the project area.		

The proposed power line right of way will have no effect on NESL species, as the species are not present. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by NESL species would not further be loss. The proposed project would not cause an incremental lost of potential nesting, cover and forage habitat of terrestrial NESL flora and fauna species. Approval of the proposed right of way would not have a long-term adverse effect on these species, as these species are not present on the proposed project area.

#### 5.5.3 Mitigation of NESL Species

We conclude disturbed surface would be at a temporary loss. In the aftermath of construction, the reclaimed right of way would likely again contain favorable wildlife habitat, forage and cover, required for all species, including the threatened and endangered. The seed mixture could contain forbs and shrubs that would present suitable habitat. This indirect mitigation is recommended for all fauna and flora on the proposed right of way, including ESA and NESL species. Natural vegetative cover can be restored over time.



The single phase electrical powerline would be designed according to the Avian Power Line Interaction Committee's *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC/U.S. F&WS, 2005).

In addition, the single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards. No other direct mitigation is recommended for the fauna species. The proposed power line project should not impact any threatened & endangered species or their habitat.

## **5.6 Migratory Bird Treaty Act- Birds**

### *5.6.1 Existing Conditions*

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. In 2008, the U.S. Fish and Wildlife Service (USFWS) list of "Birds of Conservation Concern" was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 5.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008". The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region 16, which the Navajo Indian Reservation and Eastern Navajo Agency are included.

### *5.6.2 Effects*

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits. With respect to Table 5, the proposed construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

Once the habitat has reestablished, wildlife and migratory bird species would be expected to return to the area. To avoid any potential effects to migratory bird species or migratory bird habitat, the construction of the project would take place outside the nesting season. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed replacement action would have no significant effects on migratory bird species.

Table 5. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No suitable habitat.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.	Generally, the Montane Ponderosa Pine forest type is suitable habitat for the Bald Eagle.	Low
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.	Little conflict anticipated	Low
Golden Eagle <i>Aquila crysaetos</i>	Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees	Little conflict anticipated	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited	Little conflict anticipated.	Low
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	No conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Suitable habitat not present, no conflict anticipated.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated	Zero
Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat present.	Moderate



Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	Little conflict anticipated.	Low
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	Little conflict anticipated.	Low
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.	No suitable habitat. Little conflict anticipated.	Low
Pinyon Jay <i>Gymnprjomus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, little conflict anticipated.	Low
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	No suitable habitat.	Zero
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No suitable habitat.	Zero
Bendire's Thrasher <i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	No suitable habitat.	Zero
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	Suitable habitat present. Little conflict anticipated	Low
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	Little conflict anticipated	Low
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.	No suitable habitat.	Zero
Chestnut-collared Longspur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	No suitable habitat.	Zero
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	Project area may contain suitable habitat.	Low

Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	Project area may contain suitable habitat.	Low
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	Project area may contain suitable habitat.	Low

### 5.6.3 Mitigation of Migratory Birds

The proposed project construction would have no significant effect on the migratory bird species or their habitat. NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Any bird nests found within the proposed project area will be reported to the NDF&W biologist for appropriate mitigation prior to construction activities.

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located from a nest survey.

### 5.7 Wetlands and Riparian Habitat

The proposed project and action area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. The Gallup, New Mexico National Wetlands Map was reviewed. There are no jurisdictional wetlands within the project area. Nearby existing watering impoundments in the vicinity do not exhibit hydric soils, nor hydrophilic vegetation, nor do they support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on or near the proposed project area. No mitigation measures are recommended for wetland / riparian areas.

### 6.0 CONCLUSION

In conclusion, Federal ESA listed T&E species and NESL Species of Concern are not present on the existing and power line right of way. The species are unlikely to be present on the right of way due to the absence of habitat: cover, forage, and nesting habitat requirements. The existing power line and immediate vicinity is disturbed by human activity. At various project construction intervals in the project area has resulted in an atypical vegetative cover and disturbed soils, as various intervals of grading and uncontrolled grazing were implemented. Suitable species habitat is not found within the proposed project area or adjacent to the existing roadway.

In accordance with the Navajo Department of Fish and Wildlife Resource Conservation Plan (RCP) Land Clearance Policy and Procedures, the Red Willow Springs Biological Evaluation serves to request a Low



Sensitive Area 3 or a Community Development Area 4 designation and compliance form for the proposed project.

#### 7.0 LIST OF EA DOCUMENT PREPARERS AND COOPERATING ENTITY/AGENCY

BE document was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, Fort Defiance, Arizona 86504

Table 6. Summary of Primary Contacts Made During Preparation of this Document.

PUBLIC CONTACT	TITLE	ORGANIZATION	PRESENT AT ONSITE ?
Leonard Robbins	Environmental Specialist	Denali Environmental Services	Yes
Pam Kyselka	T&E Wildlife Biologist	NDF&W-NHP	No
Dexter D. Prall	GIS Supervisor	NDF&W-NHP	No

#### References

Avian Power Line Interaction Committee, & U.S. Fish & Wildlife Service, et al, 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Published 2012, Edison Electric Institute.

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Navajo Department of Fish and Wildlife, 2007. Chapter Land Use Planning Website, Department's Biological Resource Land Clearance Policy & Procedure, Navajo Department of Fish and Wildlife, Window Rock, Arizona.

Navajo Natural Heritage Program (NNHP) 2006. Navajo Nation Endangered Species List Species Account Book. Navajo Fish and Wildlife Department, Window Rock, Arizona.

U.S. Fish and Wildlife Service, 1984. Gallup, New Mexico National Wetlands Inventory Map, Region 11, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

**APPENDIX A**

**Navajo Department of Fish & Wildlife**

**Threatened & Endangered Species Data Response Letter**





PO Box 1480  
Window Rock, AZ  
86515

P 928.871.6472  
F 928.871.7603

<http://nnhp.nndfw.org>

17danl101

04-April-2017

Leonard Robbins - PES  
Denali Environmental Services  
PO Box 1127  
Fort Defiance, AZ 86504

**SUBJECT: Mariano Lake Scattered Electrical Power Line Project**

Leonard Robbins,

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](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

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  
 ERSI = Erigeron sivinskii / Sivinski's Fleabane NESL G4  
 FAPE = Falco peregrinus / Peregrine Falcon NESL G4

## 2. Potential Species

### Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3  
 ATCU = Athene cunicularia / Burrowing Owl NESL G4  
 BURE = Buteo regalis / Ferruginous Hawk NESL G3  
 ERAC = Erigeron acomanus / Acoma Fleabane NESL G3  
 ERRH = Erigeron rhizomatus / Rhizome Fleabane/zuni Fleabane NESL G2 FT  
 ERSI = Erigeron sivinskii / Sivinski's Fleabane NESL G4  
 FAPE = Falco peregrinus / Peregrine Falcon NESL G4  
 LENA = Lesquerella navajoensis / Navajo Bladderpod NESL G3  
 LIPI = Lithobates pipiens / Northern Leopard Frog NESL G2

## 3. Quadrangles (7.5 Minute)

### Quadrangles

Mariano Lake (35108-E3) / NM

## 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
Echo Canyon Power Line	None	None	Mariano Lake (35108-E3) / NM	None	LIPI, FAPE, ATCU, AQCH, LENA, ERSI, ERRH, ERAC	Area 3
Red Willow Power Line	None	AQCH, ERSI, FAPE	Mariano Lake (35108-E3) / NM	None	LIPI, FAPE, BURE, ATCU, AQCH, LENA, ERSI, ERRH, ERAC	Area 3



SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Rocky Canyon Power Line	None	None	Mariano Lake (35108-E3) / NM	None	LIPI, FAPE, BURE, ATCU, AQCH, LENA, ERSI, ERRH, ERAC	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](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](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](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](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](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), *Symphytotrichum 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](mailto:sdiswood@nndfw.org)

### Zoologist

Chad Smith

928.871.7070

[csmith@nndfw.org](mailto:csmith@nndfw.org)

### Botanist

Nora Talkington

[ntalkington@nndfw.org](mailto:ntalkington@nndfw.org)

### Biological Reviewer

Pamela Kyselka

928.871.7065

[pkyselka@nndfw.org](mailto:pkyselka@nndfw.org)

### GIS Supervisor

Dexter D Prall

928.645.2898

[prall@nndfw.org](mailto:prall@nndfw.org)

### Wildlife Tech

Sonja Detsoi

928.871.6472

[sdetsoi@nndfw.org](mailto:sdetsoi@nndfw.org)



**FINDING OF NO SIGNIFICANT IMPACT  
ENVIRONMENTAL ASSESSMENT EA-18-33198  
CDECI RED WILLOW POWER LINE**

**CONTIENTAL DIVIDE ELECTRIC COOPERATIVE, INC.**

**Location: Mariano Lake, NM Quadrangle USGS 7.5 Minute Series Map**

**Sections 4, 5 and 9, T15N, R14W, NMPM  
Sections 28-34, T16N, R14W, NMPM**

**Mariano Lake Chapter, McKinley County, New Mexico**

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct the Red Willow Powerline Project south of Mariano Lake, New Mexico. The proposed main electrical line and scattered lines would provide service to existing home sites in the Mariano Lake Chapter. CDECI is seeking a right-of-way width of 20 feet wide and the proposed project would have a combined length (power line and guy) of 61,500.91 feet, encompassing 27.93 total acres on both Navajo Tribal Trust land and Indian Allotted Land. The proposed project would impact 17,802.17 feet encompassing 8.09 acres on Indian Allotted Lands. The proposed project would also affect 43,698.74 feet encompassing 19.84 acres on Navajo Tribal Trust lands.

The BIA's deliberation as to whether a Finding of No Significant Impact (FONSI) is appropriate, or, whether an Environmental Impact Statement (EIS) should be prepared, took into consideration, the following issues, which are addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: climate, air quality, geology and seismicity, fisheries, socioeconomics and environmental justice, land use and zoning, prime farmland, recreation, traffic, noise, floodplains, wetlands and riparian habitat, hazardous, toxic and radiological waste, topography and soils, water resources and water quality, vegetation and wildlife, threatened and endangered species, migratory birds, esthetics and visual resources, and cultural resources.
2. **Public health and safety:** The proposed power line is located in a predominately rural setting (EA Section 3.1.9 Traffic). Construction of a new access road to the proposed project site will not be required; existing roads will be used (EA Section 1.1 Description of the Proposed Action). Therefore, the impact to public health and safety will be minimal. The health and safety of the community will improve with the installation of the proposed power line.
3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section

402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency: Based on the EA, this project does not cross or span any waters of the U.S. Continental Divide Electric Cooperative, Inc. will contact ACOE and Navajo Nation EPA for consultation to ensure no permits are needed prior to construction.

4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued a Cultural Resources Compliance Form (CRCF) with NNHPD No. HPD-18-275 on May 11, 2018 approving the project with conditions of compliance.

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

**SITE NM- & JISCHAA'**

1. Site boundary & Jischaa' will be flagged by a qualified archaeologist prior to all construction activities.
2. Site & Jischaa' will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged boundaries; b) all electrical wires will be hand-



carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.

3. Once construction is completed, site & Jischaa' will continue to be avoided by routine maintenance activities by using established drive-arounds.

In the event of a discovery of a previously unidentified or incorrectly identified cultural resource(s), all operations in the immediate vicinity of the discovery must cease, and the NNHPD must be notified.

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form (BRCF) with NNDFW Review No. 17dan1101a, was issued by the Navajo Nation Department of Fish and Wildlife (NNDFW) on March 28, 2018, approving the proposed action with no avoidance/mitigation measures and no conditions of compliance.
11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or Tribal environmental laws or requirements.
12. **Indian Trust Assets:** The proposed project area does not contain any Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, paleontology resources or agricultural resources. The proposed project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.
13. **Climate Change, its effects on the proposed action and its environmental impacts:** In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emissions and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a proposed project is currently not available (EA Section 4.0 Cumulative Impacts and Considerations for Selection of the Preferred Alternative).

## CONCLUSION

The proposed action is the Preferred Alternative. It does not constitute a major federal action, which normally requires preparation of an environmental impact statement (EIS).

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

*for Justin A. Varvaci*  
Regional NEPA Coordinator

*6/21/18*  
Date





United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87301

IN REPLY REFER TO:  
465: Branch of Environmental Quality Act Compliance and Review

JUN 25 2018

Mr. Leonard Robbins  
Denali Environmental Services  
P.O. Box 1127  
Fort Defiance, AZ 86504

Dear Mr. Robbins:

The Environmental Assessment (EA), **EA-18-33198**, received May 24, 2018, for the **CDEC Red Willow Power Line**, was reviewed in the Branch of Environmental Quality Act Compliance and Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct the Red Willow Powerline Project south of Mariano Lake, New Mexico. The proposed main electrical line and scattered lines would provide service to existing home sites in the Mariano Lake Chapter. CDECI is seeking a right-of-way width of 20 feet wide and the proposed project would have a combined length (power line and guy) of 61,500.91 feet, encompassing 27.93 total acres on both Navajo Tribal Trust land and Indian Allotted Land.

In accordance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), the Bureau of Indian Affairs, Navajo Regional Office, finds that the Proposed Action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the Environmental Assessment (EA) and the supporting appendices and documents.

If you have questions, you may contact Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist at (505) 863-8287.

Sincerely,

Regional Director, Navajo

Enclosure



**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 Willow Springs Power Line Right-of-Way, WO#53137

**DESCRIPTION:** CDEC proposes to construct, operate, and maintain a scattered power line project to serve community members within the Mariano Lake Chapter. The combined length of the power lines would be 61,500.91 ft. in length within 20-ft. wide ROW corridor, encompassing 27.93 acres.

**LOCATION:** Sections 4, 5, & 9, T15N, R14W and Sections 28-34, T16W, R14W, Mariano Lake Chapter, McKinley County, New Mexico

**REPRESENTATIVE:** Leonard Robbins, Denali Environmental Services for Continental Divide Electric Cooperative, Inc. (CDEC)

**ACTION AGENCY:** Navajo Nation and Bureau of Indian Affairs

**B.R. REPORT TITLE / DATE / PREPARER:** Red Willow Springs Electrical Power Line Project WO#53137 BE for ROW Application/OCT 2017/Denali Environmental Services; amended on 26 FEB 2018

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 3.

**POTENTIAL IMPACTS**

**NESL SPECIES POTENTIALLY IMPACTED:** NA

**FEDERALLY-LISTED SPECIES AFFECTED:** NA

**OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES:** NA


**AVOIDANCE / MITIGATION MEASURES:** NA

**CONDITIONS OF COMPLIANCE\*:** NA

**FORM PREPARED BY / DATE:** Pamela A. Kyselka/27 OCT 2017; amended length & legal description on 27 MAR 2018

**COPIES TO:** (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_

<b>2 NTC § 164 Recommendation:</b> <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)	<b>Signature</b>  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	<b>Date</b> 3/28/18
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\*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 PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

## MEMORANDUM

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

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


DATE : March 26, 2018

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel and I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective at 8:00am on Monday March 26, 2018. This delegation shall end at 5:00 pm. on Wednesday, March 28, 2018.

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:

 3/26/18  
David Mikesic, Zoologist  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

Cc: file





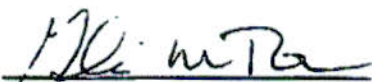


# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ

## MEMORANDUM

TO : David Mikesic, Zoologist  
Department of Fish and Wildlife

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

DATE : October 20, 2017

SUBJECT : **DELEGATION OF AUTHORITY**

I will be on annual leave beginning Monday, October 23, 2017 through Friday, November 03, 2017. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Wednesday, October 25, 2017. This delegation shall end at 5:00 p.m. on Friday, November 03, 2017.

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

 10/25/17

David Mikesic, Zoologist  
Department of Fish and Wildlife



THE NAVAJO NATION  
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

**CULTURAL RESOURCES COMPLIANCE FORM**

ROUTE COPIES TO:

☒ DCRM

NNHPD NO.: **HPD-18-275**

OTHER PROJECT NO.: **DCRM 2017-18**

**PROJECT TITLE:** A Cultural Resources Inventory of the Existing Continental Divide Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137

**LEAD AGENCY:** BIA/NR

**SPONSOR:** Steve Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., PO Box 1087, Grants, New Mexico 87020

**PROJECT DESCRIPTION:** The proposed undertaking will involve the upgrading and maintenance of an existing electric distribution line that provides power to residents in Mariano Lake. The powerline measures 61,500.91-ft/11.6-miles with a right-of-way of 20-ft wide. The area of effect is 27.93-acres (8.09=IA; 19.84-ac=NNTL). Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

**LAND STATUS:** Navajo Tribal Trust & Indian Allotment

**CHAPTER:** Mariano Lake

**LOCATION:** Project is located on the Mariano Lake Quadrangle, McKinley County, New Mexico NMPM

T. 16 N., R. 14 W- Sec. 28, 29, 30, 31, 32, 33, 34

T. 15 N., R. 14 W- Sec. 4, 5, 9

**PROJECT ARCHAEOLOGIST:** Jeremy Begay

**NAVAJO ANTIQUITIES PERMIT NO.:** B17235

**DATE INSPECTED:** 05/08/17 – 05/11/17

**DATE OF REPORT:** 03/26/18

**TOTAL ACREAGE INSPECTED:** 127.06-ac total (IA=36.78-ac, NNTL=36.53-ac)

**METHOD OF INVESTIGATION:** Class III pedestrian inventory with transects spaced 10 m apart.  
(1) Site (NM-Q-27-37)

**LIST OF CULTURAL RESOURCES FOUND:**  
(1) Jischaa' (B17235/B1)  
(7) Isolated Occurrences (IO)  
(53) In-Use Site (IUS)

**LIST OF ELIGIBLE PROPERTIES:** (1) Site (NM-Q-27-37)

(1) Jischaa' (B17235/B1)

**LIST OF NON-ELIGIBLE PROPERTIES:** (7) IO

(53) IUS

**LIST OF ARCHAEOLOGICAL RESOURCES:** None

**-DOCUMENT IS VOID IF ALTERED-**



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

**SITE NM-Q-27-37 & JISCHAA':**

1. Site boundary & Jischaa' will be flagged by a qualified archaeologist prior to all construction activities.
2. Site & Jischaa' will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged boundaries; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.
3. Once construction is completed, site & Jischaa' will continue to be avoided by routine maintenance activities by using established drive-arounds.

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

FORM PREPARED BY: Tamara Billie  
FINALIZED: May 8, 2018

Notification to Proceed  
Recommended

☒ Yes ☐ No

Conditions

☒ Yes ☐ No

Richard M. Begay 5/8/2018  
Richard M. Begay, Dept. Mgr./THPD  
The Navajo Nation  
Heritage & Historic Preservation Department  
Date

Navajo Region Approval

☒ Yes ☐ No

Paul A. Chubb 5/11/18  
BIA - Navajo Regional Office  
Date

**-DOCUMENT IS VOID IF ALTERED-**



THE NAVAJO NATION  
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

**CULTURAL RESOURCES COMPLIANCE FORM**

ROUTE COPIES TO:	NNHPD NO.: <b>HPD-18-275</b>
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: <b>DCRM 2017-18</b>

**PROJECT TITLE:** A Cultural Resources Inventory of the Existing Continental Divide Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137

**LEAD AGENCY:** BIA/NR

**SPONSOR:** Steve Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., PO Box 1087, Grants, New Mexico 87020

**PROJECT DESCRIPTION:** The proposed undertaking will involve the upgrading and maintenance of an existing electric distribution line that provides power to residents in Mariano Lake. The powerline measures 61,500.91-ft/11.6-miles with a right-of-way of 20-ft wide. The area of effect is 27.93-acres (8.09=IA; 19.84-ac=NNTL). Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

<b>LAND STATUS:</b>	Navajo Tribal Trust & Indian Allotment
<b>CHAPTER:</b>	Mariano Lake
<b>LOCATION:</b>	Project is located on the Mariano Lake Quadrangle, McKinley County, New Mexico NMPM
T. <u>16</u> N., R. <u>14</u> W- Sec. <u>28, 29, 30, 31, 32, 33, 34</u>	
T. <u>15</u> N., R. <u>14</u> W- Sec. <u>4, 5, 9</u>	
<b>PROJECT ARCHAEOLOGIST:</b>	Jeremy Begay
<b>NAVAJO ANTIQUITIES PERMIT NO.:</b>	B17235
<b>DATE INSPECTED:</b>	05/08/17 – 05/11/17
<b>DATE OF REPORT:</b>	03/26/18
<b>TOTAL ACREAGE INSPECTED:</b>	<b>127.06-ac total</b> (IA=36.78-ac; NNTL=36.53-ac)
<b>METHOD OF INVESTIGATION:</b>	Class III pedestrian inventory with transects spaced <u>10</u> m apart.
<b>LIST OF CULTURAL RESOURCES FOUND:</b>	(1) Site (NM-Q-27-37) (1) Jischaa' (B17235/B1) (7) Isolated Occurrences (IO) (53) In-Use Site (IUS)
<b>LIST OF ELIGIBLE PROPERTIES:</b>	(1) Site (NM-Q-27-37)
<b>LIST OF NON-ELIGIBLE PROPERTIES:</b>	(1) Jischaa' (B17235/B1) (7) IO (53) IUS
<b>LIST OF ARCHAEOLOGICAL RESOURCES:</b>	None



**-DOCUMENT IS VOID IF ALTERED-**



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

**SITE NM-Q-27-37 & JISCHAA':**

1. Site boundary & Jischaa' will be flagged by a qualified archaeologist prior to all construction activities.
2. Site & Jischaa' will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged boundaries; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.
3. Once construction is completed, site & Jischaa' will continue to be avoided by routine maintenance activities by using established drive-arounds.

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

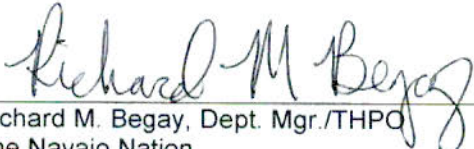
FORM PREPARED BY: **Tamara Billie**  
FINALIZED: May 8, 2018

Notification to Proceed  
Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ No

 5/8/2018  
Richard M. Begay, Dept. Mgr./THPO  
The Navajo Nation  
Heritage & Historic Preservation Department  
Date


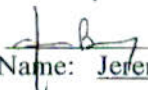

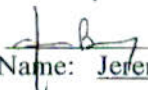

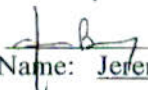
Navajo Region Approval

☒ Yes ☐ No

 5/10/18  
BIA - Navajo Regional Office  
Date

**-DOCUMENT IS VOID IF ALTERED-**

# ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.:										
4. TITLE OF REPORT: A Cultural Resources Inventory of the Existing Continental Divide Electric Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137		5. FIELDWORK DATES: May 8-11, 2017										
Author (s): Jeremy Begay		6. REPORT DATE: 3/26/2018										
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Anthropologist Org. Name: Dinétahdóó CRM, LLC Org. Address: P.O. Box 2012 Farmington, N.M. 87499  Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B17235										
		9. CONSULTANT'S REPORT NO.: DCRM 2017-18										
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Mr. Steve Morales, GIS Analyst / ROW Org. Name: Continental Divide Electric Cooperative, Inc. Org. Address: P.O. Box 1087 Grants, New Mexico 87020 Phone: (505) 285-6656		11. SPONSOR'S PROJECT NO.: WO# 53137										
		12. AREA OF EFFECT: 27.93 ac. (11.30 ha.) AREA SURVEYED: 127.06 ac. (51.42 ha.)										
13. LOCATION: (MAP ATTACHED)												
<table border="0"> <tr> <td>a. Chapter: Mariano Lake</td> <td>e. Land Status: Navajo Tribal Trust &amp; Indian Allotment</td> </tr> <tr> <td>b. Agency: Eastern</td> <td>f. UTM: See Table 1</td> </tr> <tr> <td>c. County: McKinley</td> <td>g. Legal Description: See Table 1</td> </tr> <tr> <td>d. State: New Mexico</td> <td>h. USGS 7.5' Maps: See Table 1</td> </tr> <tr> <td></td> <td>i. Lead Agency: Bureau of Indian Affairs (BIA)</td> </tr> </table>			a. Chapter: Mariano Lake	e. Land Status: Navajo Tribal Trust & Indian Allotment	b. Agency: Eastern	f. UTM: See Table 1	c. County: McKinley	g. Legal Description: See Table 1	d. State: New Mexico	h. USGS 7.5' Maps: See Table 1		i. Lead Agency: Bureau of Indian Affairs (BIA)
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	i. Lead Agency: Bureau of Indian Affairs (BIA)											
14. REPORT:												
<table border="0"> <tr> <td>a. Description of Undertaking: See Supplemental Sheet</td> </tr> <tr> <td>b. Existing Data Review: See Supplemental Sheet</td> </tr> <tr> <td>c. Area of Environmental &amp; Cultural Setting: See Supplemental Sheet</td> </tr> <tr> <td>d. Field Methods: See Supplemental Sheet</td> </tr> </table>			a. Description of Undertaking: See Supplemental Sheet	b. Existing Data Review: See Supplemental Sheet	c. Area of Environmental & Cultural Setting: See Supplemental Sheet	d. Field Methods: See Supplemental Sheet						
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b. Existing Data Review: See Supplemental Sheet												
c. Area of Environmental & Cultural Setting: See Supplemental Sheet												
d. Field Methods: See Supplemental Sheet												
15. CULTURAL RESOURCE FINDINGS:												
<table border="0"> <tr> <td>a. Location/Identification of Each Resource: See supplemental sheet</td> </tr> <tr> <td>b. Evaluation of Significance of Each Resource: See supplemental sheet</td> </tr> </table>			a. Location/Identification of Each Resource: See supplemental sheet	b. Evaluation of Significance of Each Resource: See supplemental sheet								
a. Location/Identification of Each Resource: See supplemental sheet												
b. Evaluation of Significance of Each Resource: See supplemental sheet												
16. MANAGEMENT SUMMARY (RECOMMENDATION): Archaeological clearance is recommended for the proposed undertaking provided that the recommendations prescribed in the report are adhered to during all phases of construction.												
17. CERTIFICATION:												
<table border="0"> <tr> <td>SIGNATURE: </td> <td>Date: 3-26-18</td> </tr> <tr> <td>General Charge Name: Rena Martin, Anthropologist</td> <td></td> </tr> <tr> <td>SIGNATURE: </td> <td>Date: 3-26-18</td> </tr> <tr> <td>Direct Charge Name: Jeremy Begay, Senior Archaeologist</td> <td></td> </tr> </table>			SIGNATURE: 	Date: 3-26-18	General Charge Name: Rena Martin, Anthropologist		SIGNATURE: 	Date: 3-26-18	Direct Charge Name: Jeremy Begay, Senior Archaeologist			
SIGNATURE: 	Date: 3-26-18											
General Charge Name: Rena Martin, Anthropologist												
SIGNATURE: 	Date: 3-26-18											
Direct Charge Name: Jeremy Begay, Senior Archaeologist												





DCRM 2017-18: A Cultural Resources Inventory of the Existing Continental  
Divide Electric Cooperative's Red Willow Powerline Project in Mariano Lake,  
McKinley County, New Mexico. Work Order #53137

Prepared by:

Jeremy Begay, Senior Archaeologist  
Shane Wero, Senior Archaeologist  
Arlo Werito, GIS Technician  
Brandi Bitsilli, Archaeological Technician

HPD Permit No.: B17235

March 26, 2018

Submitted by:

Rena Martin, Anthropologist  
Dinéahdóó Cultural Resources Management, LLC  
P.O. Box 2012  
Farmington, New Mexico 87499

Submitted to:

Navajo Nation Historic Preservation Department  
Cultural Resources Compliance Section  
P.O. Box 4950  
Window Rock, Arizona 86515

Prepared for:

Mr. Steve Morales, GIS Analyst / ROW  
Continental Divide Electric Cooperative, Inc.  
P.O. Box 1087  
Grants, New Mexico 87020

## Abstract

The following report is submitted to the Navajo Nation Historic Preservation Department's Cultural Resources Compliance Program for compliance review as part of the Navajo Nation cultural resources clearance process. The report details the results of the cultural resources inventory conducted in conjunction with the project entitled "*DCRM 2017-18: A Cultural Resources Inventory of the Existing Continental Divide Electric Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137*". The project was conducted at the request of Mrs. Debbie Olivar, Right-of-Way Agent (ROW) of Continental Divide Electric Cooperative (CDEC). The project will involve the upgrade and maintenance of sixteen existing power line extensions that serves fifty-three Navajo residents, schools, and governmental complexes. The maintenance activities will consist of vehicular traffic within the rights-of-way, clearing of vegetation, digging holes for new electrical poles, placement of utility poles, backfilling of the excavated areas, stringing of utility lines, and installation and maintenance of associated equipment. The project area is in Mariano Lake Chapter, McKinley County in Sections 4,5, and 9, Township 15 North, Range 14 West, and sections 28,29,30,31,32,33, and 34, Township 16 North, Range 14 West. The project area can be found on Mariano Lake, N. Mex, P.R. 1980 U.S.G.S. 7.5 Min. Map. The total number of acres surveyed in conjunction with this project is 127.06 acres (51.42 ha.) and the area of effect is 27.93 (11.30 ha.). One previously identified archaeological site, one jischa site, fifty-three (53) in-use sites, and seven isolated occurrences (IOs) were identified during the inventory. Archaeological clearance is recommended for the proposed undertaking provided that the recommendations prescribed in the report are adhered to during all phases of construction.



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## Introduction

Between May 8th through 11<sup>th</sup>, 2017, Jeremy Begay, Jeffrey Begay, Patrick Alfred, Lisa Zohnnie, and Brandi Bitsilli, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of the existing electric distribution lines for Continental Divide Electric Cooperative in Mariano Lake, McKinley County, New Mexico. The proposed power line project is associated with CDEC's Work Order No. 53137. One previously identified archaeological site, one jischaa site, fifty-three in-use sites, and seven isolated occurrences (IO) were identified during the inventory. This cultural resource inventory was completed under Navajo Nation Cultural Resource Inventory Permit Number B17235.

## Description of Undertaking

The Continental Divide Electric Cooperative (CDEC) proposes to upgrade and maintain the existing electric distribution lines that provides power to residents in the Mariano Lake Chapter, McKinley County, New Mexico. The maintenance will consist of vehicular traffic within the right-of-way, clearing of vegetation, digging holes for the new electrical poles, placement of utility poles, backfilling the excavated areas, stringing of power lines, and finally, maintaining the utility lines as needed. In all, the total area surveyed is 61,500.91 ft. (18.74 km; 11.6 miles) in length, with a right-of-way measuring 20 ft. wide (6 m). The area-of-effect equals 27.93 acres (11.30 ha).

## Location

The project area is located on Navajo Nation Trust Lands and Navajo Allotted Lands in the Mariano Lake Chapter, McKinley County, New Mexico. Table 1 displays the breakdown of land status (Navajo Tribal Trust and Navajo Indian Allotment) and Table 2 provides the UTM coordinates and legal description for the existing distribution powerlines.

**Table 1: Area of Effect and Area Surveyed Breakdown by Land Status**

Land Status	Area of Effect		Area Surveyed	
	Acres	Hectares	Acres	Hectares
Navajo Indian Allotment	8.09	3.27	36.78	14.88
Navajo Nation Tribal Trust	19.84	8.02	90.28	36.53
<b>Totals</b>	<b>27.93</b>	<b>11.30</b>	<b>127.06</b>	<b>51.42</b>

**Table 2: UTM Coordinates, Legal Description and USGS Map names for the Red Willow Powerline project in Mariano Lake Chapter, New Mexico.**

Designation	UTM Coordinates: Zone 12 (NAD 83)		Legal Description						USGS Map Name (7.5' Quadrangle)
	Northing	Easting	¼	¼	¼	Sec.	T	R	
Line A									Mariano Lake, N. Mex., PR 1980
BOL	3941451	738567	NE	NW	SW	30	16N	14W	
B1	3941442	738567	NE	NW	SW	30	16N	14W	
B2	3941280	738528	NE	NW	SW	30	16N	14W	
EOL	3941164	738493	SE	NW	SW	30	16N	14W	
Line B									
BOL	3941306	739159	NW	NW	SE	30	16N	14W	
EOL	3941507	739182	NW	NW	SE	30	16N	14W	
Line C									
BOL	3941093	740012	NW	SW	SW	29	16N	14W	
B1	3940656	739803	NE	NE	NE	31	16N	14W	



B2	3940635	740357	NW	NE	NW	32	16N	14W
B3	3940307	740629	NE	SE	NW	32	16N	14W
EOL	3940371	740751	SW	NW	NE	32	16N	14W
<b>Tap C-1</b>								
BOL	3940656	739803	NE	NE	NE	31	16N	14W
EOL	3940551	739753	NE	NE	NE	31	16N	14W
<b>Tap C-2</b>								
BOL	3940635	740357	NW	NE	NW	32	16N	14W
EOL	3940820	740374	SW	SE	SW	29	16N	14W
<b>Line D</b>								
BOL	3941074	740132	NE	SW	SW	29	16N	14W
EOL	3940922	740156	SE	SW	SW	29	16N	14W
<b>Line E</b>								
BOL	3941046	740645	NW	SW	SE	29	16N	14W
B1	3941377	740708	NW	NW	SE	29	16N	14W
B2	3941401	740691	NW	NW	SE	29	16N	14W
EOL	3941715	740458	SE	SE	NW	29	16N	14W
<b>Tap E-1</b>								
BOL	3941269	740688	SW	NE	SE	29	16N	14W
EOL	3941309	740440	SE	NE	SW	29	16N	14W
<b>Line F</b>								
BOL	3941046	740645	NW	SW	SE	29	16N	14W
B1	3940925	740594	SE	SE	SW	29	16N	14W
B2	3940849	740687	SW	SW	SE	29	16N	14W
EOL	3940826	740946	SE	SW	SE	29	16N	14W
<b>Line G</b>								
BOL	3940907	741482	SW	SW	SW	28	16N	14W
EOL	3941468	741509	NW	NW	SW	28	16N	14W
<b>Line H</b>								
BOL	3940800	742340	SW	SW	SE	28	16N	14W
EOL	3941656	742287	SW	SW	NE	28	16N	14W
<b>Line I</b>								
BOL	3940587	742991	SE	NE	NE	33	16N	14W
EOL	3940656	742876	NE	NE	NE	33	16N	14W
<b>Line J</b>								
BOL	3940587	742991	SE	NE	NE	33	16N	14W
EOL	3940574	742897	SE	NE	NE	33	16N	14W
<b>Line K</b>								
BOL	3940587	742991	SE	NE	NE	33	16N	14W
EOL	3940526	743091	SW	NW	NW	34	16N	14W
<b>Line L</b>								
BOL	3940468	742964	SE	NE	NE	33	16N	14W
B1	3940442	742820	SW	NE	NE	33	16N	14W
EOL	3940490	742790	SW	NE	NE	33	16N	14W
<b>Tap L-1</b>								
BOL	3940442	742820	SW	NE	NE	33	16N	14W
EOL	3940410	742796	SW	NE	NE	33	16N	14W
<b>Line M</b>								
BOL	3940356	742938	NE	SE	NE	33	16N	14W

Mariano Lake,  
N. Mex.,  
PR 1980

B1	3940346	742659	NE	SE	NE	33	16N	14W
EOL	3940389	742461	SW	NW	NE	33	16N	14W
<b>Line N</b>								
BOL	3940356	742938	NE	SE	NE	33	16N	14W
EOL	3940106	743050	SE	SE	NE	33	16N	14W
<b>Tap N-1</b>								
BOL	3940231	742994	NE	SE	NE	33	16N	14W
EOL	3940281	743168	NW	SW	NW	34	16N	14W
<b>Tap N-2</b>								
BOL	3940231	742994	NE	SE	NE	33	16N	14W
B1	3940197	742880	NW	SE	NE	33	16N	14W
EOL	3940197	742743	NW	SE	NE	33	16N	14W
<b>Line O</b>								
BOL	3940454	742350	SW	NW	NE	33	16N	14W
B1	3940356	742367	NW	SW	NE	33	16N	14W
B2	3940192	742382	NW	SW	NE	33	16N	14W
B3	3939999	742043	SW	SE	NW	33	16N	14W
B4	3939998	741870	SE	SW	NW	33	16N	14W
B5	3939536	741511	NW	SW	SW	33	16N	14W
B6	3939242	741505	SW	SW	SW	32	16N	14W
B7	3938284	741531	NE	NE	SE	5	15N	14W
B8	3937625	741555	SW	SW	SW	4	15N	14W
B9	3937290	742074	SW	NE	NW	9	15N	14W
B10	3937249	742219	SE	NE	NW	9	15N	14W
EOL	3937324	742457	SW	NW	NE	9	15N	14W
<b>Tap O-1</b>								
BOL	3940192	742382	NS	SW	NE	33	16N	14W
B1	3940094	742333	SW	SW	NE	33	16N	14W
B2	3940042	742533	SE	SW	NE	33	16N	14W
EOL	3940035	742701	SW	SE	NE	33	16N	14W
<b>Tap O-2</b>								
BOL	3940080	742184	SE	SE	NW	33	16N	14W
EOL	3940288	742156	NE	SE	NW	33	16N	14W
<b>Tap O-3</b>								
BOL	3940063	742156	SE	SE	NE	33	16N	14W
B1	3939956	742167	NE	NE	SW	33	16N	14W
EOL	3939956	742097	NW	NE	SW	33	16N	14W
<b>Tap O-4</b>								
BOL	3939998	741870	SE	SW	NW	33	16N	14W
B1	3939998	741792	SE	SW	NW	33	16N	14W
EOL	3940241	741675	NW	SW	NW	33	16N	14W
<b>Tap O-5</b>								
BOL	3939615	741572	SW	NW	SW	33	16N	14W
B1	3939615	741369	SE	NE	SE	32	16N	14W
B2	3939677	741095	SW	NE	SE	32	16N	14W
B3	3939658	740981	SE	NE	SW	32	16N	14W
B4	3939727	740553	SE	NE	SW	32	16N	14W
B5	3939720	740377	SW	NE	SW	32	16N	14W
B6	3939811	740370	NW	NE	SW	32	16N	14W

Mariano Lake,  
N. Mex.,  
PR 1980



EOL	3939852	740277	NE	NW	SW	32	16N	14W
<b>Tap O-5A</b>								
BOL	3939712	740647	SE	NE	SW	32	16N	14W
EOL	3939642	740580	SE	NE	SW	32	16N	14W
<b>Tap O-6</b>								
BOL	3939242	741505	SE	SE	SE	32	16N	14W
B1	3939303	741689	SW	SW	SW	33	16N	14W
B2	3939223	741872	SE	SW	SW	33	16N	14W
EOL	3939217	741998	SW	SE	SW	33	16N	14W
<b>Tap O-6A</b>								
BOL	3939264	741778	SE	SW	SW	33	16N	14W
EOL	3939435	741928	NW	SE	SW	33	16N	14W
<b>Tap O-7</b>								
BOL	3938284	741531	NE	NE	SE	5	15N	14W
B1	3938100	741296	SW	NE	SE	5	15N	14W
B2	3938427	740743	SW	SW	NE	5	15N	14W
EOL	3938508	740529	SW	SE	NW	5	15N	14W
<b>Tap O-7A</b>								
BOL	3938100	741296	SW	NE	SE	5	15N	14W
EOL	3938023	741198	SW	NE	SE	5	15N	14W
<b>Tap O-7B</b>								
BOL	3938427	740743	SW	SW	NE	5	15N	14W
EOL	3938540	740880	SW	SW	NE	5	15N	14W
<b>Tap O-8</b>								
BOL	3937290	742074	SW	NE	NW	9	15N	14W
EOL	3937433	742069	NW	NE	NW	9	15N	14W
<b>Tap O-9</b>								
BOL	3937290	742074	SW	NE	NW	9	15N	14W
EOL	3936872	742093	SW	SE	NW	9	15N	14W

Mariano Lake,  
N. Mex.,  
PR 1980

BOL: Denotes Beginning of Line

EOL: Denotes End of Line

B: Denotes Bend

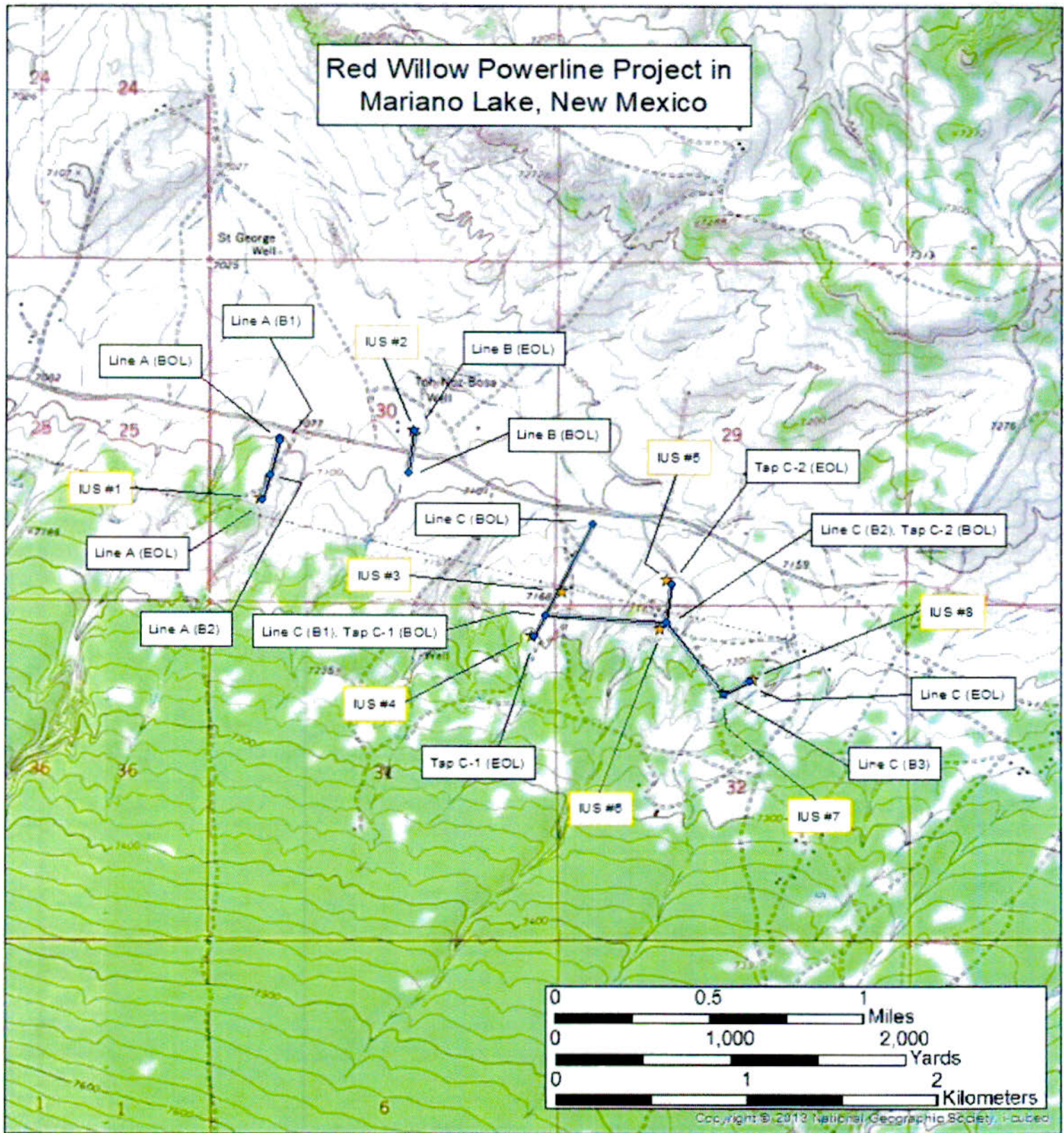
### Existing Data Review

Prior to the fieldwork, a literature search of the scattered project areas was conducted at the Navajo Nation Historic Preservation Department's (NNHPD), Cultural Resources Compliance Section (CRCS) and Traditional Cultural Program (TCP) in Window Rock, Arizona. The CRCS files indicated that a few previous projects had been conducted within 1 mile (1,609.34 m) of the project area.

A search of the Sacred Places files at the Navajo Nation Historic Preservation Department's Traditional Cultural Program indicated that there were three (3) previously identified Traditional Cultural Properties. TCP #148 Dzi # Nteeli / Broad Mountain / Lobo Mesa, #248 Nihodeezhgizh / Gap Extending Downward, and TCP #565 Be'ek'id #oteel / Wide Lake. Consultations with NNHPD TCP personnel determined that the existing line does not have any impact on the previously identified TCPs and that any future maintenance or upgrades to the existing lines can proceed.



# Red Willow Powerline Project in Mariano Lake, New Mexico



## Legend

- Bends
- ★ IUS
- Powerline
- Buffer\_Zone

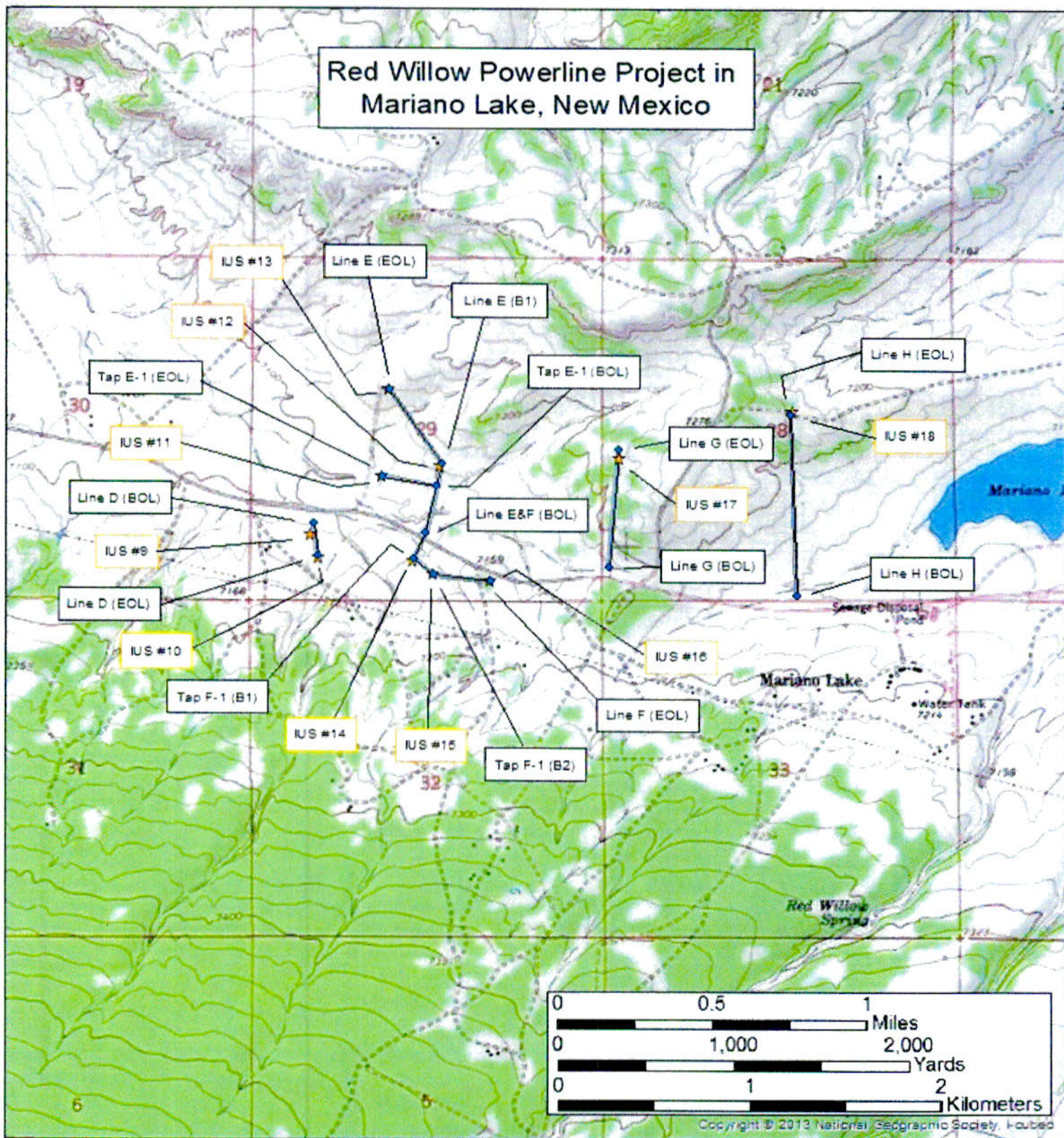


DCRM 2017-18  
 Mariano Lake, New Mexico  
 1963 P.R. 1980  
 Red Willow Powerline Project in  
 Mariano Lake, New Mexico  
 Scale 1:24,000  
 (1 inch = 2,000 ft.)

Figure 1. Map showing project area.



# Red Willow Powerline Project in Mariano Lake, New Mexico



## Legend

- Bends
- ★ IUS
- Powerline
- Buffer\_Zone



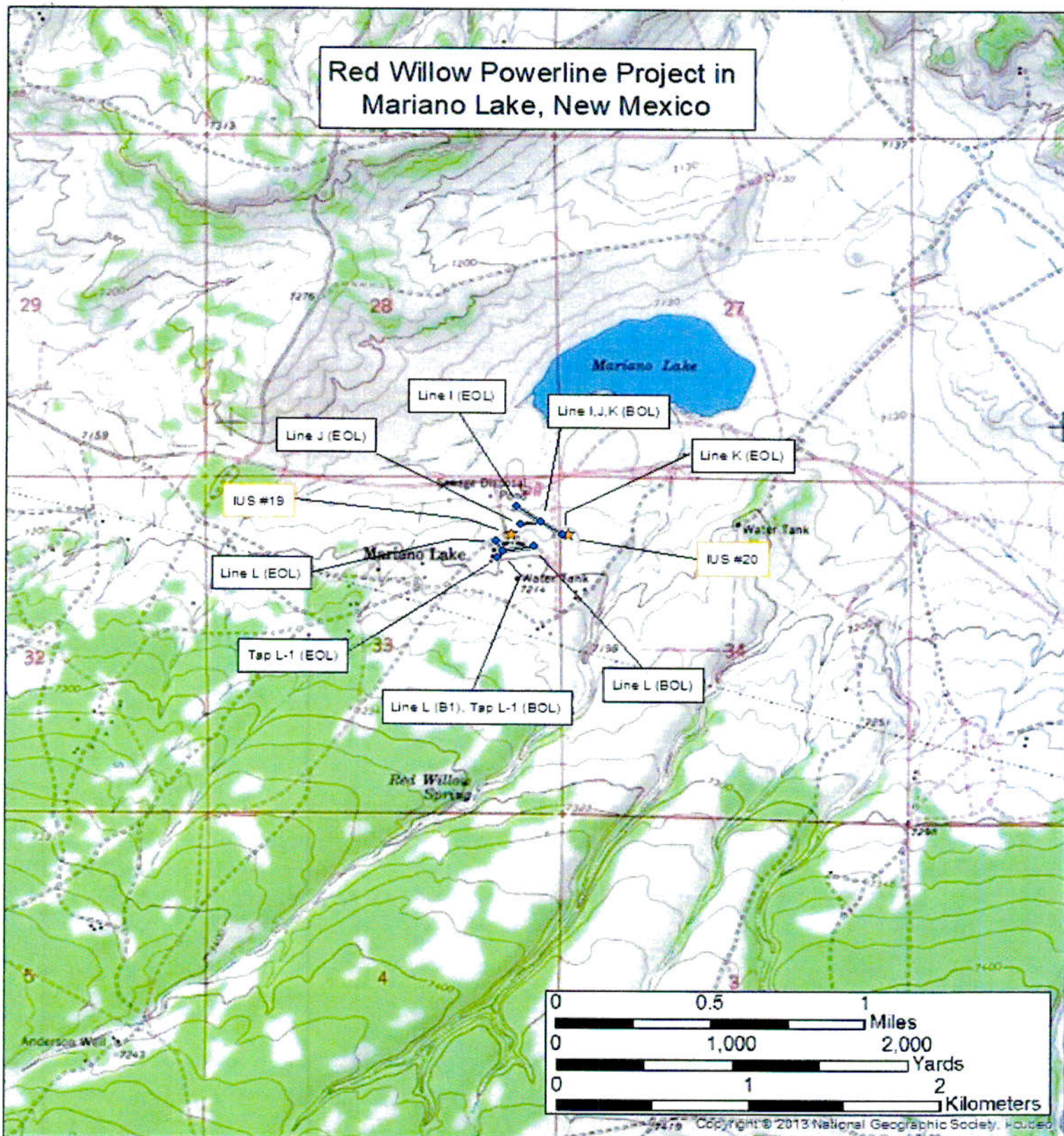
**DCRM**  
Dinéshéłó Cultural Resources Management LLC

DCRM 2017-18  
Mariano Lake, New Mexico  
1963 P.R. 1980  
Red Willow Powerline Project in  
Mariano Lake, New Mexico  
Scale: 1:24,000  
(1 inch = 2,000 ft.)

Figure 2: Map showing project area



# Red Willow Powerline Project in Mariano Lake, New Mexico



## Legend

- ◆ Bends
- ★ IUS
- Powerline
- Buffer\_Zone



**DCRM**

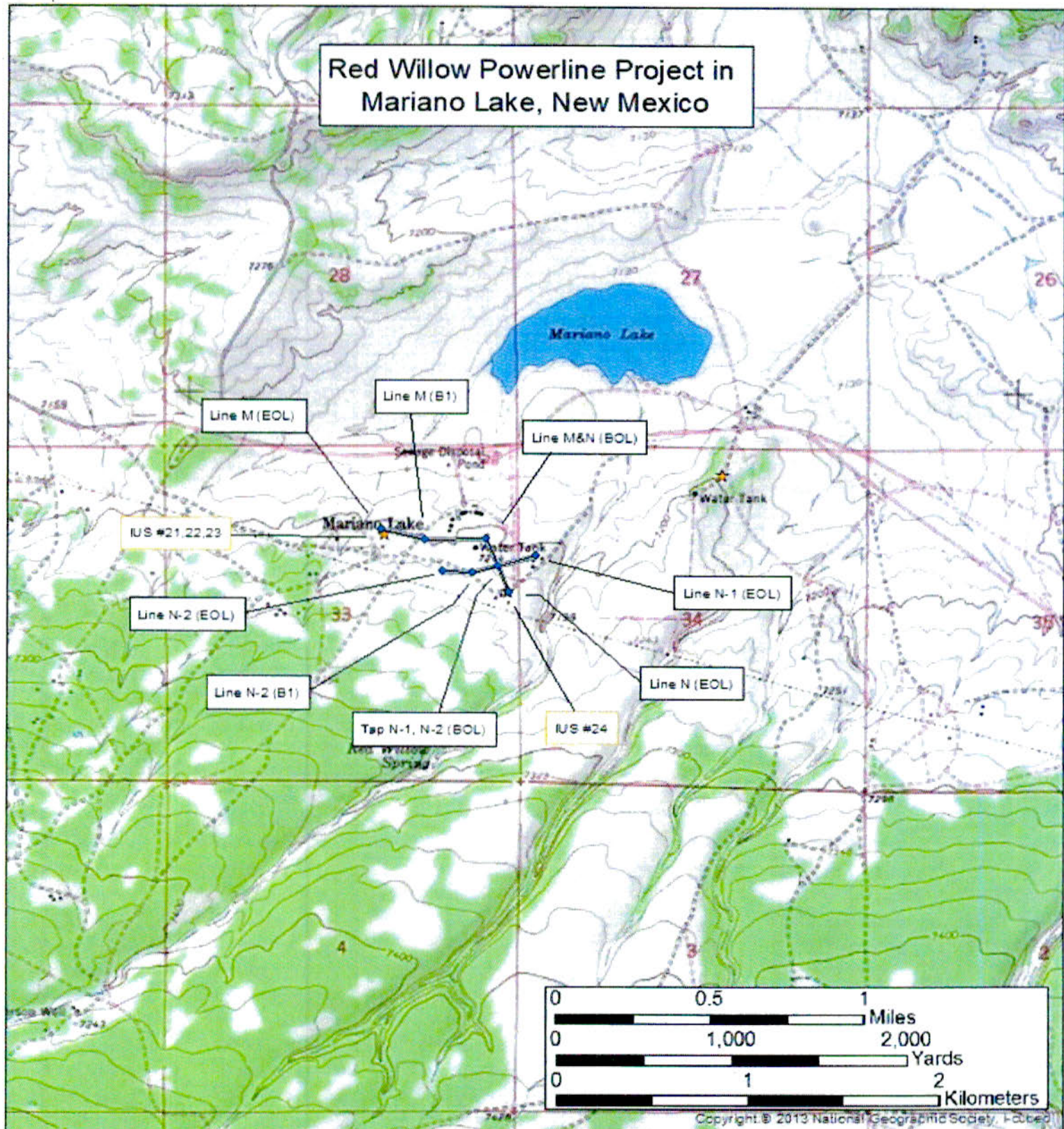
Dinetahdó Cultural Resources Management LLC

DCRM 2017-18  
Mariano Lake, New Mexico  
1963 P.R. 1980  
Red Willow Powerline Project in  
Mariano Lake, New Mexico  
Scale 1:24,000  
(1 inch = 2,000 ft)

Figure 3: Map showing project area.



# Red Willow Powerline Project in Mariano Lake, New Mexico



## Legend

- ◆ Bends
- ★ IUS
- Powerline
- Buffer\_Zone



**DCRM**  
Dinéahdó Cultural Resources Management LLC

DCRM 2017-18  
Mariano Lake, New Mexico  
1963 P.R. 1980  
Red Willow Powerline Project in  
Mariano Lake, New Mexico  
Scale: 1:24,000  
(1 inch = 2,000 ft.)


Figure 4. Map showing project area.



[illegible]

**Legend**

- Bends
- ◈ I.O.
- ★ IUS
- Powerline
- NM-Q-27-37
- Buffer\_Zone



9

Figure 5: Map showing project area and identified cultural resources



### **Area Environmental and Cultural Setting**

The Zuni Uplift is a large sedimentary landmass that was uplifted during the onset of the Laramide Orogeny during the Cretaceous-Tertiary transition. A considerable amount of tectonic activity during this time is responsible for exposing numerous geologic facies ranging in age from the Neogene Period to the Precambrian. Erosion of the numerous facies have produced a multitude of geographic features and geologic structures such as the Hogback, Fenced Up Horse Canyon, Zuni Mountains, Oso Ridge, and the Malpais badlands. Within the uplift, strata representing marine transgressive and nonmarine regressive cycles have been exposed as well as Precambrian basement rock which have produced redeposited packages of fine to coarse grained alluvial, fluvial, colluvial, residual, and aeolian sand, silt, clay, and multi-lithic sand. Outcrops of sedimentary, metamorphic, and igneous bedrock as well as pebble to boulder sized clasts derived from these outcrops are scattered throughout the region. Situated in the mixed conifer environ, the Zuni Uplift supports flora such as; Ponderosa and pinion pine, juniper, gambel oak, Aspen, green ephedra, sagebrush, Indian rice grass, ring muhly, blazing star, alkali sacaton, amaranth, drop seed, narrow and broad leaf yucca, prickly pear and cholla cacti, and Russian thistle.

The Navajo name for Mariano Lake is Be'ak'id hoteeli, which, when translated, means Wide Lake. After the signing of the 1868 Treaty, an elderly man named Chief Mariano Martinez settled the lake area. Chief Martinez and his scouts began construction of an earthen embankment to catch rain and melting snow run-off. Because Chief Martinez mobilized the construction of the dam, the lake became known as "Mariano Lake", and eventually, the community became known by the same name (LSR Innovations: 2004).

### **Field Methods**

Between May 8th through 11<sup>th</sup>, 2017, Jeremy Begay, Jeffrey Begay, Patrick Alfred, Lisa Zohnnie, and Brandi Bitsilli, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted a cultural resources inventory of the existing electrical distribution lines with fiber optic cables. Prior to the inventory, the existing power line extensions were staked by T&D Engineering Services of Albuquerque. The project areas were surveyed by walking two parallel transects on each side of the centerline with intervals spaced no more than 10 m apart.

A 90-foot-wide (27.43 m) corridor was surveyed for each of the existing power line extensions. This included a 20 ft. (6 m) right-of-way with 35 ft. (7 m) buffer zones on each side of the ROW. The total number of acres surveyed in conjunction with this project is 127.06 acres (51.42 ha).

The in-use sites were not documented out of respect for the privacy of the individuals; however, pursuant to NNHPD guidelines, the residents and their neighbors were interviewed to identify any potential traditional cultural properties (TCPs) that may be impacted by the undertaking. A description of the IUSs and the results of the interviews can be found below in table 4.

The archaeological sites were recorded after the completion of the survey. The sites were recorded using a metric tape measure, protractor, ruler, and a compass, and sufficient notes were taken to complete Navajo Nation Site Survey and Management Forms. Locations of the cultural resources identified during the inventory were recorded using a hand-held Global Positioning Satellite (GPS) unit. The site forms were filled out in-house once fieldwork was completed.

Isolated occurrences were recorded upon discovery once they had been determined not to be associated with an archaeological site. The locations of all isolated occurrences identified during the inventory were recorded using a hand-held GPS unit.



## Cultural Resource Findings

One previously identified archaeological site, one jischaa site, fifty-three in-use sites, and seven isolated occurrences (IO) were identified during the inventory. A description of the encountered cultural resources can be found below in the proceeding sections and tables.

### Archaeological Sites

Site: NM-Q-27-37 (Figure 6) (Previously Recorded)

USGS Map Reference: Mariano Lake, N. Mex., PR 1980

Legal Location: NW, NW, SW, Sec 4, T15N, R14W.

UTM (NAD83): Zone 12, N 3938082, E 741538

Land Status: Navajo Tribal Trust

State: New Mexico

County: McKinley

Chapter: Mariano Lake

Site Type: Historic Navajo Habitation

Site Size: 65 X 25m

Site Description: NM-Q-27-37 is historic Navajo habitation that was originally recorded by DCRM archaeologists in 2010 in conjunction with an Indian Health Service (IHS) waterline project. During the 2010 inventory, two features were identified and recorded. During the current inventory, DCRM archaeologists reassessed the site area and determined that the two features recorded in 2010 were in the same condition as originally reports. DCRM archaeologists also documented a new feature, feature 3, in conjunction with the current inventory. Feature 3 is a concentration of oxidized sandstone blocks and fragments in an area measuring 3m in diameter. No ash stained soils were observed in or near the feature, therefore, DCRM archaeologists believe that F3 may represent the remains of a relocated horno. With the addition of the feature 3, the site boundaries were adjusted to incorporate the new feature. No other features or artifacts were observed or recorded. An in-field, non-intrusive assessment determined that NM-Q-27-37 may still contain subsurface deposits possibly up to 0.5m in depth.

### Jischaa Location

One jischaa feature was identified along the tap O-4 segment. DCRM archaeologists discovered that the feature contains the burial of a local resident. Information regarding the jischaa feature and ethnographic interview results can be found in the confidential appendix at the end of this report.

### Isolated Occurrences

During the survey, seven isolated occurrences were identified and recorded. The locations and descriptions of the isolated occurrences can be found below in table 3.

**Table 3: List of identified isolated occurrences along the Red Willow Powerline project in Mariano Lake Chapter, New Mexico.**

IO #	Artifact Description	Location UTM Coordinates (Zone 12) NAD 83	
		Northing	Easting
IO1	1 sandstone block and slab concentration	3939636	741275
IO2	1 sandstone FCR pile	3939661	741211
IO3	1 sandstone and basalt FCR pile	3939671	740819
IO4	1 collapsed horno	3939710	740721
IO5	1 sandstone block and slab concentration	3939734	740502
IO6	1 Zuni Spotted chert biface, 10 white porcelain fragments	3938176	741163
IO7	1 Gallup Black on white sherd, 1 rose quartz primary flake	3938199	741147



# NM-Q-27-37

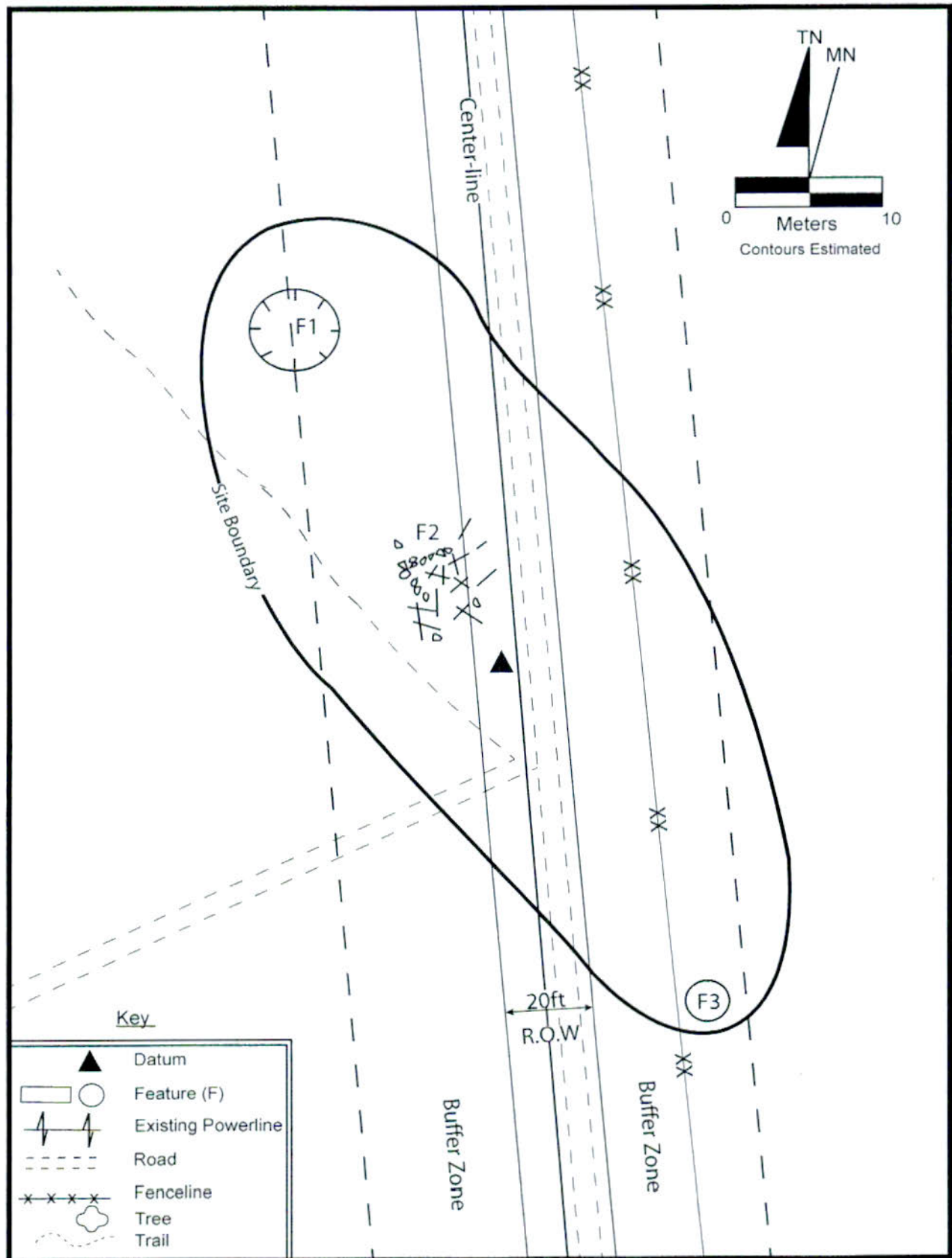


Figure 6. Revised Site Map of NM-Q-27-37, (DCRM 2017-18).

### In-Use Sites

During the inventory, fifty-three occupied or in-use sites (IUS) were identified and recorded. The homes are occupied by Navajo families, and out of respect for their privacy none of the in-use features were mapped. The majority of homeowners and/or neighbors were interviewed regarding the age of their residence, local traditional cultural properties, and any known unmarked burials. A brief description of the identified IUSs and the interview results can be found in Table 4.

**Table 4: In-Use Sites Identified along the Red Willow Powerline project in Mariano Lake Chapter, New Mexico.**

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation and TCP)
IUS1.	4 houses, 1 hogan, 1 corral	No Contact	Unknown TCPs or Burials, 1970s to present
IUS2.	2 houses, 2 hogans, 2 sheds	No Contact	Unknown TCPs or Burials, 1970s to present
IUS3.	1 house, 1 hogan, 5 sheds	No Contact	Unknown TCPs or Burials, 1980s to present
IUS4.	1 house, 1 mobile home	No Contact	Unknown TCPs or Burials, 1990s to present
IUS5. Randy Brown	2 houses, 2 sheds	Randy Brown	No TCPs or Burials, 1970s to present
IUS6.	1 house, 2 hogans, 2 sheds, 1 corral	No Contact	Unknown TCPs or Burials, 1980s to present
IUS7. Johnny Charlie	3 mobile homes, 1 shed	Johnny Charlie	No TCPs or Burials, 1970s to present
IUS8.	1 house, 2 sheds	No Contact	Unknown TCPs or Burials, 1940s to present
IUS9.	1 house, 2 sheds	No Contact	Unknown TCPs or Burials, 1970s to present
IUS10.	1 house, 1 hogan, 1 shed	No Contact	Unknown TCPs or Burials, 1980s to present
IUS11.	1 house, 1 corral, 1 shed	No Contact	Unknown TCPs or Burials, 1960s to present
IUS12. Ellis DeGroat	1 house, 1 hogan, 2 sheds, 1 ramada	Ellis DeGroat	No TCPs or Burials, 1970s to present
IUS13. Mary Lee	2 houses, 1 hogan, 5 sheds	Mary Lee	No TCPs or Burials, 1970s to present
IUS14.	1 house, 2 hogans, 1 shed	No Contact	Unknown TCPs or Burials, 1970s to present
IUS15.	2 houses	No Contact	Unknown TCPs or Burials, 1960s to present
IUS16. Beyer Etcitty	2 houses, 1 shed	Beyer Etcitty	No TCPs or Burials, 1990s to present
IUS17. Clarence Becenti	4 houses, 1 hogan, 2 sheds, 1 corral	Clarence Becenti	No TCPs or Burials, 1950s to present
IUS18.	1 mobile home, 2 houses, 3 hogans	No Contact	Unknown TCPs or Burials, 1970s to present
IUS19.	Mariano Lake School	No Contact	No TCPs or Burials, 1990s to present
IUS20.	1 house	No Contact	Unknown TCPs or



<b>IUS# and Client Name</b>	<b>Summary of Structures</b>	<b>Interviewee</b>	<b>Interview Results (Dates of Occupation and TCP)</b>
			Burials, 1980s to present
IUS21. Denny Gray	1 house, 2 hogans	Denny Gray	No TCPs or Burials, 1960s to present
IUS22.	1 house foundation	Denny Gray	No TCPs or Burials, 1960s to present
IUS23.	5 houses	Denny Gray	No TCPs or Burials, 1960s to present
IUS24.	2 houses, 1 hogan	No Contact	Unknown TCPs or Burials, 1970s to present
IUS25.	1 house, 1 shed	No Contact	Unknown TCPs or Burials, 1980s to present
IUS26.	1 house 2 sheds	No Contact	Unknown TCPs or Burials, 1970s to present
IUS27.	1 mobile home, 1 shed	No Contact	Unknown TCPs or Burials, 1990s to present
IUS28.	1 house, 1 mobile home, 1 hogan, 1 shed	No Contact	Unknown TCPs or Burials, 1980s to present
IUS29.	2 houses, 1 hogan, 1 shed	No Contact	Unknown TCPs or Burials, 1980s to present
IUS30.	2 houses, 1 mobile home, 1 corral	No Contact	Unknown TCPs or Burials, 1970s to present
IUS31. Dorothy & James Begay	1 house, 1 mobile home, 1 hogan	Dorothy Begay	No TCPs or Burials, 1940s to present
IUS32.	4 houses, 1 mobile home, 1 hogan, 1 corral	No Contact	Unknown TCPs or Burials, 1970s to present
IUS33.	1 house, 1 hogan	No Contact	Unknown TCPs or Burials, 1970s to present
IUS34.	4 houses, 2 sheds, 3 hogans	No Contact	Unknown TCPs or Burials, 1960s to present
IUS35.	1 house, 1 ramada	No Contact	Unknown TCPs or Burials, 1970s to present
IUS36.	1 house, 1 mobile home	No Contact	Unknown TCPs or Burials, 1970s to present
IUS37.	1 house	No Contact	Unknown TCPs or Burials, 1940s to present
IUS38.	2 houses, 2 sheds	No Contact	Unknown TCPs or Burials, 1970s to present
IUS39.	1 house, 1 hogan	No Contact	Unknown TCPs or Burials, 1970s to present
IUS40.	1 house	No Contact	Unknown TCPs or Burials, 1960s to present
IUS41.	2 houses, 1 mobile home, 2 sheds	No Contact	Unknown TCPs or Burials, 1980s to present
IUS42. Alice Yazzie	1 house, 1 hogan, 1 shed, 1 corral	Alice Yazzie	No TCPs or Burials, 2000s to present
IUS43.	2 houses, 1 corral	No Contact	Unknown TCPs or Burials, 1980s to present
IUS44. Rence Walthall	1 house, 1 corral	Rence Walthall	No TCPs or Burials,

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation and TCP)
			1990s to present
IUS45.	1 hogan	No Contact	Unknown TCPs or Burials, 1990s to present
IUS46. Nelly Livingston	1 mobile home, 1 house, 2 sheds	Nelly Livingston	No TCPs or Burials, 2000s to present
IUS47.	1 mobile home	No Contact	Unknown TCPs or Burials, 1990s to present
IUS48.	1 house, 1 mobile home, 2 hogans	No Contact	Unknown TCPs or Burials, 1980s to present
IUS49.	1 house, 1 mobile home, 1 corral, 1 shed	No Contact	Unknown TCPs or Burials, 1980s to present
IUS50. Louise Davis	3 houses, 1 mobile home, 1 hogan, 1 corral	Louise Davis	No TCPs or Burials, 1990s to present
IUS51.	2 houses, 1 mobile home, 2 hogans, 1 corral	No Contact	Unknown TCPs or Burials, 1980s to present
IUS52.	2 houses, 2 hogans, 1 ramada	No Contact	Unknown TCPs or Burials, 1970s to present
IUS53.	1 house	No Contact	Unknown TCPs or Burials, 1960s to present

### **Traditional Cultural Properties**

During the field inventory archaeologists interviewed residents to gather information on the dates of occupancy of their own (and their neighbors') homesites. None of the residents knew of any unmarked burials or TCPs within or near the project area. The interviews were conducted in both Navajo and English.

### **Evaluation of Significance**

All cultural resources that were identified and recorded during the inventory are evaluated for significance under certain federal statutes for the preservation and management of those resources. This process is intended to ensure that cultural resources are not unconsciously destroyed by the proposed undertaking, and to ensure that local communities are involved in the decision-making process. Although the Navajo Nation has enacted the Navajo Nation Cultural Resources Protection Act (NNCRPA), it has not instituted regulations, nor is there a process to evaluate resources under this act.

### **The National Historic Preservation Act**

Under the Section 106 process of the National Historic Preservation Act (NHPA; 36 CFR 60.4), cultural resources may be eligible for nomination to the National Register of Historic Places if they are more than 50 years old and "possess integrity of location, design, setting, material, workmanship, feeling, and association." One or more of the following criteria (a-d) must be applicable:

- a. associated with events that have made a significant contribution to the broad patterns of our history; or
- b. associated with the lives of a person significant in our past; or
- c. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. has yielded, or may be likely to yield, information important in prehistory or history.



As defined in 36 CFR 60.4, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historical buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years are not ordinarily considered eligible for the National Register. However, such properties may qualify if they are integral parts of districts that do meet the eligibility criteria.

#### **Archaeological Resources Protection Act**

The Archaeological Resources Protection Act of 1979 (ARPA; 43 CFR Part 7) has two fundamental purposes:

- to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement; and
- to increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained prior to enactment of the Act.

In order for a resource to be considered an archaeological resource and thus merit protection, it must be both more than 100 years old and of archaeological interest.

#### **American Indian Religious Freedom Act**

The American Indian Religious Freedom Act (AIRFA [P.L. 95-341]) affirms that American Indians have the right to believe, express, and exercise their traditional religions and have access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. Any site or place (prehistoric or historic) that has religious, ceremonial, or sacred aspects or components needs to be dealt with in light of this law. Anasazi sites related to Navajo cultural traditions qualify for protection, as do all Navajo ceremonial sites, unmarked traditional places, and residential structures whose owners/users want them protected for religious and cultural reasons.

#### **Native American Graves Protection and Repatriation Act**

The Native American Graves Protection and Repatriation Act (NAGPRA [P.L. 101-601]) provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony, including those from archaeological contexts; and provides the United States district court's jurisdiction over any action brought by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items.

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The **Navajo Nation Cultural Resources Protection Act of 1988** (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a "Navajo Nation Register of Cultural Properties and Cultural Landmarks." The Register is to include "buildings, districts, objects, places, sites, and structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture" on Navajo lands. The Register and its criteria for eligibility have yet to be established.

The **Navajo Nation Policy for the Protection of Jishcháá'** covers all human remains, associated funerary items, and unassociated funerary items on land under Navajo Nation jurisdiction. It emphasizes non-disturbance as the required treatment of these items unless disturbance is unavoidable. It sets forth procedures for intentional excavation and inadvertent discovery of these items.

**Table 5: NHPA, ARPA, AIRFA, and NAGPRA Evaluation of Identified Cultural Resources documented during the Red Willow Powerline project in Mariano Lake Chapter, New Mexico.**

Cultural Resource No.	Description	Evaluation	
NM-Q-27-37	Historic Navajo Habitation	NRHP	Is Eligible 1. 50-year guideline met 2. Retains integrity of location, setting, materials, workmanship, and association. 3. Does meet criterion d
		ARPA	Is Eligible? No 1. 100-year guideline met? Yes 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration
		NAGPRA	Does not merit consideration
Isolated Occurrences	1-7, See table 3 for descriptions.	NRHP	Not Eligible 1. 50-year guideline met 2. Lacks integrity 3. Does not meet criterion a-d
		ARPA	Is Eligible? No 1. 100-year guideline met? Yes 2. Is of archaeological interest? No
		AIRFA	Do not merit consideration
		NAGPRA	Do not merit consideration
In Use Sites (Within the survey area)	In-use Navajo residence 1940s-present.	NRHP	Not Eligible; Navajo Nation policy precludes nomination of in-use sites
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? No
		AIRFA	Does merit consideration
		NAGPRA	Does merit consideration

#### Recommendations:

Archaeological clearance is recommended for the proposed undertaking with the following stipulations; 1) all future construction and maintenance activities be confined to the right-of-way corridor and existing roads and 2), any new discoveries of cultural materials be immediately reported to the Navajo Nation Historic Preservation Department, and **NM-Q-27-37 and Jischaa #1**: 1) avoid the cultural resources by having the existing powerline continue to span the resources, 2) reflag the site and jischaa boundaries prior to any and all construction or maintenance, and 3) a qualified archaeologist must monitor and all construction or maintenance within 50 ft. of the two areas.

#### References

LSR Innovations Research & Planning

2004 *Chapter Images: 2004 Edition*. Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.

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



Dinetahdoo Cultural Resources Management  
**Site Survey and Management Update Form**

Site Number: NM-Q-27-37      Original Site Number: NM-Q-27-37      Date: 3/11/2017

Current Project Number and Name: DCRM 2017-18: A Cultural Resources Inventory of the Existing Continental Divide Electric Cooperative's Red Willow Powerline Project in Mariano Lake, McKinley County, New Mexico. Work Order #53137.

Update by: Jeremy Begay

New Location Information:

USGS Map Reference: Mariano Lake, N. Mex., PR 1980

Legal Location: NW, NW, SW, Sec 4, T15N, R14W.

UTM (NAD83): Zone 12, N 3938082, E 741538

Land Status: Navajo Tribal Trust

State: New Mexico

County: McKinley

Chapter: Mariano Lake

Location of Site Relative to Current Project Area: NM-Q-27-37 is located in and extending beyond the western and eastern cultural buffer zones.

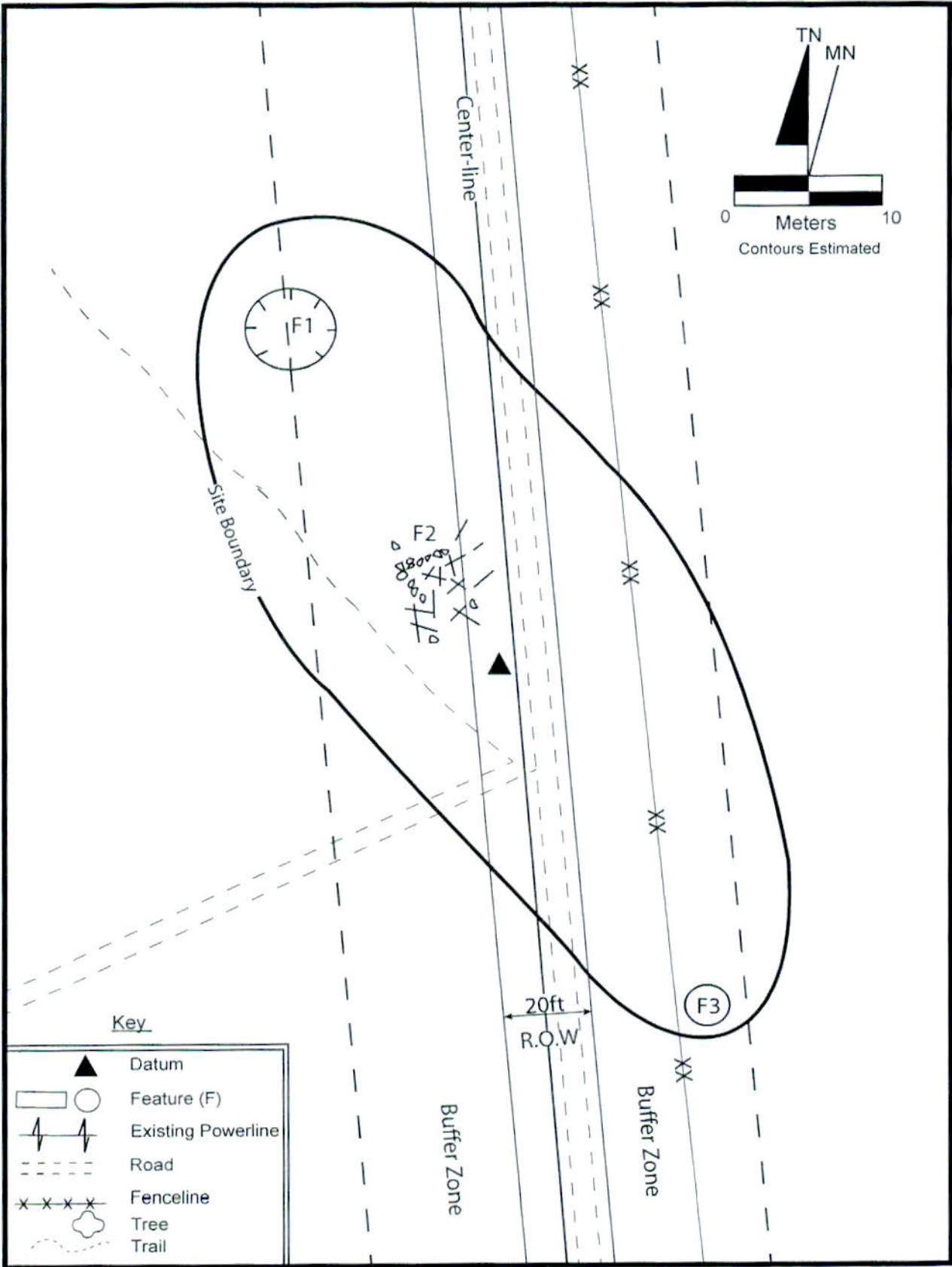
Additional Description (including current condition of site): NM-Q-27-37 is historic Navajo habitation that was originally recorded by DCRM archaeologists in 2010 in conjunction with an Indian Health Service (IHS) waterline project. During the current inventory, DCRM archaeologists reassessed the site area and determined that the two features recorded in 2010 were in the same condition as originally reports. DCRM archaeologists also documented a new feature, feature 3, in conjunction with the current inventory. Feature 3 is a concentration of oxidized sandstone blocks and fragments in an area measuring 3m in diameter. No ash stained soils were observed in or near the feature, therefore, DCRM archaeologists believe that F3 may represent the remains of a relocated horno. With the addition of the feature 3, the site boundaries were adjusted to incorporate the new feature. No other features or artifacts were observed or recorded. An in-field, non-intrusive assessment determined that NM-Q-27-37 may still contain subsurface deposits possibly up to 0.5m in depth.

Site Assessment (indicate any changes from original evaluation): No changes to original evaluation.

36 CFR 60.4 (National Register of Historic Places): Is eligible  
Archaeological Resources Protection Act (ARPA): Not eligible  
American Indian Religious Freedom Act (AIRFA): Not eligible

Recommendations: 1) avoid the site by having the existing powerline continue to span the resource, 2) reflag the site boundaries prior to any and all construction or maintenance, and 3) a qualified archaeologist must monitor and all construction or maintenance within 50 ft. of the site boundaries.

NM-Q-27-37



Revised Site Map of NM-Q-27-37, (DCRM 2017-18).





Document No. 010751

Date Issued: 07/23/2018

**EXECUTIVE OFFICIAL REVIEW**

Title of Document: CDEC, ROW Mariano Lake-Red Willow Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: elerina\_yazzie@frontier.com Phone Number: 928-871-6447

☐ **Business Site Lease**

1. Division:	<u>[Signature]</u>	Date:	<u>9/22/18</u>	<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
2. Office of the Controller:	<u></u>	Date:	<u></u>	<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:	<u></u>	Date:	<u></u>	<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:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Lease Purchase Agreements**

1. Office of the Controller:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)					
2. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Grant Applications**

1. Office of Management and Budget:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	<u></u>	Date:	<u></u>	<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:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Relinquishment of Navajo Membership**

1. Land Department:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	<u></u>	Date:	<u></u>	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**


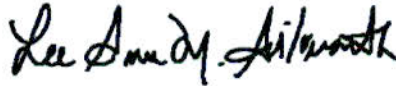


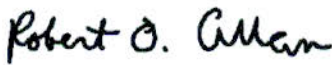
1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ (ic)	_____	Date: 7/20/18	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: 26.09.2018	<input checked="" type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

1. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



## Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Sufficient documentation.	1. No Reply	02-Aug-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with 401 and 404 CWA regulations. Contact LeeAnna Martinez at (928)871-7700 or Patrick Antonio at (928)871-7185.	1. No Reply	03-Aug-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	06-Aug-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #17dan1101a	1. No Reply	10-Aug-2018	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. If the expected total surface area to be disturbed, from pole installations to site access, exceeds 1.0 acre, coverage required under the federal Construction General Permit for storm water discharges from construction sites.	1. No Reply	02-Aug-2018	
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director	DNR Administration	Approved	1. CONDITIONAL- Need to add Terms and Conditions Form for Navajo Nation Trust Land	1. No Reply	02-Aug-2018	

Tamara Billie HPD  
NNHP Reviewer  
(Navajo Land  
Title Data  
System -  
Windowrock  
AZ)

Historic  
Preservation  
Department

Approved 1.

Adhere to  
stipulations  
for Site NM-  
Q-27-37 &  
Jischaa in  
CRCF HPD-  
18-275

1. No  
Reply

13-Aug-2018

*Tamara Billie*

Warren Roan Storage  
- EPA Tanks  
(Navajo Land Program -  
Title Data Reviewer  
System -  
Windowrock  
AZ)

Navajo Nation  
Environmental  
Protection  
Agency

Approved 1.

No concerns  
regarding  
storage  
tanks or  
leaking  
storage  
tanks.

1. No  
Reply

20-Aug-2018

*Warren J. Roan*

Yolanda Public  
Barney EPA Water  
(Navajo Land System  
Title Data Supervision  
System - Program  
Windowrock  
AZ)

Navajo Nation  
Environmental  
Protection  
Agency

Approved

no comments


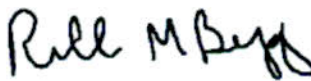

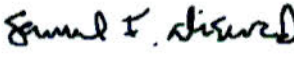
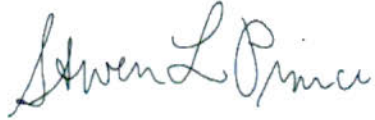
No Reply

01-Aug-2018

*Yolanda*



## Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. GLDD: I am marking this document sufficient at this time. This sufficiency determination is contingent on two things: 1. following the instruction of Mr. Steven Prince from the Minerals Department and 2. Mr. Halona's determination that the document is sufficient. If Mr. Halona marks the document insufficient, please let me know immediately. Thanks you.	1. <i>No Reply</i>	30-Aug-2018	
Richard Begay NNHP (Navajo Land Historic Title Data System - Windowrock AZ)	Navajo Nation Preservation Officer	Historic Preservation Department	Approved	1. Please note conditions of clearance	1. <i>No Reply</i>	21-Aug-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and US EPA environmental laws.	1. <i>No Reply</i>	20-Aug-2018	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Fish and Wildlife	Approved	<i>no comments</i>	<i>No Reply</i>	12-Sep-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote contingent on permanent inclusion in the approval package of the uploaded Terms & Conditions document. slp	1. <i>No Reply</i>	23-Aug-2018	

W. Mike      Manager III   NLD  
Halona      Navajo Land   Administration  
(Navajo Land Department  
Title Data  
System -  
Windowrock  
AZ)

Approved

*no  
comments*

*No  
Reply*

07-Sep-2018

A handwritten signature in blue ink, appearing to read "Dahn", is written over a horizontal line.





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
9-12-18 @ 2:10 pm	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	010951
SAS #:	
UNIT:	nan

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	9/12/2018	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447 or x 6423	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: CDEC ROW MARIANO LAKE CHAPTER - RED WILLOW POWERLINE PROJECT WO#53137, EOR NO. 010751			

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	9.12.18 3pm	REVIEWING ATTORNEY/ADVOCATE:	Juan Chee 9.21.18
DATE TIME OUT OF UNIT: 9/20/18 1142 AM			

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient. CDEC's Request to Waive Consideration, Bond, Insurance or Other Alternative form of)

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
JRune Gtze	9/20/18	V Blackhat	9/20/18 11:05 AM
DOJ Secretary Called: Michelle for Document Pick Up on 9/20/18 at 1138 AM By: MM			
PICKED UP BY: (Print)		DATE / TIME:	

NNDJ/DRRF-July 2013

✓ Security & Request for 50 year term will be up to RDC to approve the request.

Thx - ic





**MARIANO LAKE CHAPTER**  
PO BOX 164, Smith Lake, NM 87365  
Phone (505) 786-2180/2182 Fax (505) 786-2181  
Email: [marianolakechapter@yahoo.com](mailto:marianolakechapter@yahoo.com)

RESOLUTION OF THE MARIANO LAKE CHAPTER

Resolution No: MLC 2016-09-0A

*Requesting the Navajo Nation to approve contract between the Navajo Nation and the Continental Divide Electric, Inc. to Plan, Design and Construct Powerlines and authorizing the Navajo Nation Community Housing Infrastructure Development (CHID) Office to administer the funds for the Mariano Lake Chapter using the \$300,000.00 Tribal Infrastructure Funds (TIF) Planning Grant and the \$778,646.00 UUFBS Supplemental and balance of \$36,242.08 for the Rocky Canyon Powerline with preliminary clients, Echo Canyon Powerline Project with preliminary clients, Red Willow and Mariano Lake Loop Powerline Project with all clients identified and Scattered Powerline Project with clients: Max Ramone, Nancy Nih, Gladys Yazzie and Juanita Pina.*

WHEREAS:

1. Pursuant to the Navajo Nation Council Resolution Number CAP-34-98 and pursuant to the "Local Governance Act", 26 N.N.C., Chapter 1, Subchapter 1, Section 3(a), the Mariano Lake Chapter is a certified local chapter of the Navajo Nation Government; and pursuant to Local Governance Act", 26 N.N.C., Chapter 1, Sub-chapter 1, Section 131 (1) (2), the Mariano Lake Chapter has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community people; and
2. In 2005, the Mariano Lake Chapter (the Chapter) received governance certification on its Community Land Use Plan in accordance with Title 26 of the Navajo Nation laws. The Mariano Lake Chapter renewed membership of its 2012 Community Land Use Plan Committee (CLUPC). CLUPC is responsible for planning economic developments and basic needs of the chapter that would improve the safety, health and socio-economic standards of the people; and
3. The community of Mariano Lake authorizes the Navajo Nation Community Housing Infrastructure Development program (CHID) to administer the powerline funds on behalf of Mariano Lake Chapter using the \$300,000 New Mexico State Tribal Infrastructure Funds and NN UUFBS \$778,646.00 Supplemental and the Top Mesa Powerline Project Balance of \$36,242.08; and
4. The funds will be used for powerline projects: Rocky Canyon Powerline, Echo Canyon Powerline, Red Willow and Mariano Lake Loop Powerline and Scattered Powerline; and
5. All preliminary clients have been identified by Continental Divide Electric Cooperative Inc. with Mariano Lake Chapter and will be finalized after surveys are completed; and
6. This action is in the best interest of the Mariano Lake Community to expedite processing of documents.

NOW THEREFORE BE IT RESOLVED:

The people of Mariano Lake community hereby authorize the Navajo Nation Community Housing Infrastructure Development Program to expedite and administer the funds and all pertinent documents for the powerlines projects.

CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called REGULAR Mariano Lake Chapter of the Navajo Nation, New Mexico at which a quorum was present and the same passed by a vote of 30 in favor, and 0 opposed and 0 abstained on the 21<sup>st</sup> day of September 2016. Marie King motioned and Wilhelmina Tom second the motion.

Anthony Begay, President

Jay R. DeGroat, Vice-President

Bessie L. Tsosie, Sec./Treasurer

Anthony Begay, President

Jay R. DeGroat, Vice-President

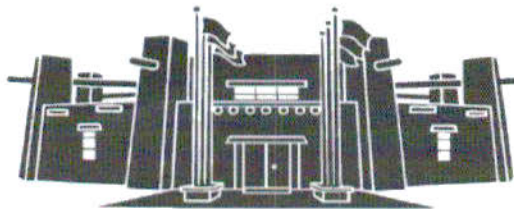
Bessie L. Tsosie, Secretary/Treasurer

Edmond Yacine, Council Delegate

Edmond Henry, Lead Board Member

Leonora K. James, Community Services Coordinator





## MEMORANDUM

TO: Honorable Edmund Yazzie  
Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake and Thoreau Chapters

FROM: Mariana Kahn  
Mariana Kahn, Attorney  
Office of Legislative Counsel

DATE: March 26, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., FOR THE RED WILLOW POWERLINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

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

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0081-19\_\_\_\_\_

SPONSOR: Edmund Yazzie

TITLE: An Action Relating to Resources and Development; Approving the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc., for the Red Willow Powerline Project Located on Navajo Nation Trust Lands in Mariano Lake Chapter Vicinity (McKinley County, New Mexico)

*Date posted:* April 4, 2019 at 4:20pm

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

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

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

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



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0081-19

SPONSOR: Honorable Edmund Yazzie

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Posted: April 4, 2019 at 4:20pm

5 DAY Comment Period Ended: April 9, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Secretary  
Office of Legislative Services



Date/Time