

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
24<sup>th</sup> Navajo Nation Council --- Second Year, 2020

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING RDCD-  
124-17 TO INCREASE ACREAGE OF REACH 10-PUMPING PLANT NO. 7,  
NAVAJO GALLUP WATER SUPPLY PROJECT LOCATED ON TRIBAL TRUST LANDS  
IN TWIN LAKES CHAPTER (MCKINLEY COUNTY, NEW MEXICO)

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

Pursuant to 2 N.N.C. § 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 United States Bureau of Reclamation, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted an application to amend RDCD-124-17 which was approved by the Resources and Development Committee on December 11, 2017. The request is to amend RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico. The application is attached and incorporated as **Exhibit 4** and RDCD-124-17 is attached as **Exhibit 5**.
- B. "The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111.11)(Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache

Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality, treated water provided by the NGWSP will bring immediate benefits, including improved health and well-being to tribal members." **Exhibit 5** (Application).

- C. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of Reclamation application states: "The increase in acreage is necessary to accommodate an increase in the anticipated build-out size of the pumping plant resulting from engineering design changes, and additional space needed for the construction of a turnout facility that will supply water the NGWSP to the Navajo Tribal Utility Authority, to supply treated water to the community of Twin Lakes and the surrounding area, through its water distribution system." **Exhibit 5** (Application).
- D. The proposed amendment consists of Navajo Nation Trust Lands located in Twin Lakes Chapter (McKinley County, New Mexico) and the location is more particularly described on the survey maps attached and incorporated as **Exhibit 2**.
- E. The Navajo Nation Department of Justice memorandum dated January 25, 2019 regarding land user consents and the Consent to Use Navajo Nation Lands Forms are attached as **Exhibit 3**.
- F. The February 27, 2020 Bureau of Reclamation letter accompanying Bureau of Reclamation application states: "It should be noted that field clearances have already been obtained for this parcel with the work that was completed on the Reach 9B-11 consent for ROW [DNR No. RDCJN-61-17], that was granted June 27, 2017, and the BIA grant of ROW on November 16, 2017, that is registered as TAAMS No. 791 4200063668. A significant amount of the increased acreage will overlap the Reach 9B-11 ROW." **Exhibit 4** (Application) and **Exhibit 3** (Consent Forms).
- G. Resources and Development Committee Resolution RDCD-124-17 is attached as **Exhibit 5**.
- H. Bureau of Indian Affairs memorandum dated January 11, 2018 approving the grant easement BIA TAAMS No. 791 4200069180 is attached as **Exhibit 6**.



- I. The United States Department of the Interior Bureau of Reclamation, letter dated April 25, 2016 regarding the National Historic Preservation Act Section 106 Consultation for The Navajo-Gallup Water Supply Project, Class III Inventory and Ethnographic Summer for the San Juan Lateral, Volume II: Reaches 9-11, Navajo Nation and McKinley County, New Mexico, is attached as **Exhibit 7**.
- J. The Biological Resources Compliance Form NNDFW Review No. 17usbr01 is attached as **Exhibit 8**.
- K. The Navajo Nation President's letter dated September 8, 2016 to the Assistant Secretary of Indian Affairs regarding the Navajo Nation's support of the waiver of the bond requirement, 25 C.F.R. § 169.103 for the Gallup-Navajo Water Supply Project rights-of-way is attached as **Exhibit 9**.
- L. The Bahastl'ah Chapter resolution BAHAS-11-06-03-322 supporting the design and construction of the Navajo Gallup Water Supply Project is attached as **Exhibit 10**.
- M. The Executive Official Review Document No. 014276 is attached as **Exhibit 11**.

### **SECTION THREE. APPROVAL**

- A. The Resources and Development Committee of the Navajo Nation Council hereby amends RDCD-124-17 to increase the acreage of the Navajo Gallup Water Supply Project (NGWSP) Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres on, over and across Navajo Nation Trust Lands in McKinley County, New Mexico. The location is more particularly described on the map attached hereto **Exhibit 2**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions incorporated herein as **Exhibit 1**.
- C. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation because it has determined that accepting the agreed-upon compensation and waiving valuation is in its best interest of the Navajo Nation, pursuant to Title 25 C.F.R. § 169.110.

- D. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the Reach 10, Pumping Plant 7 of the Navajo Gallup Water Supply Project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 C.F.R. § 169.103(f)(2).
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 2<sup>nd</sup> day of September 2020.

*Thomas Walker, Jr.*

Thomas Walker, Jr., Vice Chairperson  
Resources and Development Committee  
of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Kee Allen Begay, Jr.  
Second: Honorable Mark A. Freeland

Vice Chairperson Thomas Walker, Jr. not voting.





**EXHIBIT "E"**

**NAVAJO NATION RIGHT-OF-WAY TERMS & CONDITIONS:  
BUREAU OF RECLAMATION (GRANTEE)  
(Navajo Gallup Water Supply Project Reach 10 – Pumping Plant #7)**

1. The term of the permanent right-of-way shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the right-of-way for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project).
2. The annual consideration for the use of land is assessed at **\$7481.00 (annually adjusted)**, which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

The Grantee must obtain the approval of the Navajo Nation if any portion of the right-of-way is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable 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;
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
  - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. 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 re-vegetation 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 re-vegetation 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 provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, 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 or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.



13. Holding over by the Grantee after the relinquishment 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. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary 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.
15. 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 of the Navajo people) 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.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. 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.
19. 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.
20. 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 remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

**Navajo Gallup Water Supply Project - Reach 10 - Parcel No. RCH 10-THRU TRUST 10 (C) - Pumping Plant No. 3 - Permanent Right of Way**

[illegible]

Parcel No. BCN 10 - Tracts Trm-0.2 (B) contains 10.39 acres more or less.

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN

being duly sworn, says that he is the Construction Engineer of the New Canaan Construction Office, U. S. Bureau of Reclamation. That the name of Ralph L. Pumping Plant No. 2, San Juan Lake, Navajo-Gaming Water Supply Project, east and across Indian lands, in the county of Maricopa, New Mexico, was made under his direction and authority of the Bureau of Reclamation, and that such survey is

Continuity Engineer \_\_\_\_\_ Date 7/8/2012

STATE OF NEW YORK

COUNTY OF SAN JUAN

before me, a notary public, in and for said County and State on this, 14th day of January, 2010. Personally known to me to be the person whose name is herein noted the name of the maker thereof to the foregoing instrument as the Construction Engineer of the Four Corners Construction Office, U. S. Bureau of Reclamation, and acknowledged to me that he executed said instrument for the uses and purposes therein set forth.

My communique starting with "Hello" is 2322.

## Abstract

**NOTE:**  
Bearings shown on this drawing are developed from the New Mexico State Plane West Zone Grid (NAD83) and are based on surveys of existing monuments. Distances and Stations shown are ground (feet). The Grid Factor from distances shown to New Mexico State Plane West Zone Grid (NAD83) is 0.999701672004.

Any Monument will be set.

ALWAYS THINK SAFETY  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIVEROCK CANYON WATER SUPPLY PROJECT  
WATER RESOURCES DIVISION  
SAN JUAN LATERAL - REACH 10  
PUMPING PLANT NO. 7

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PARCELS NO. 10 - TRIMBLE  
EST-07(P) AND PARCELS NO.  
10 - TRIMBLE TRUST-CMT

1605-570-6016



*- Legal Description*

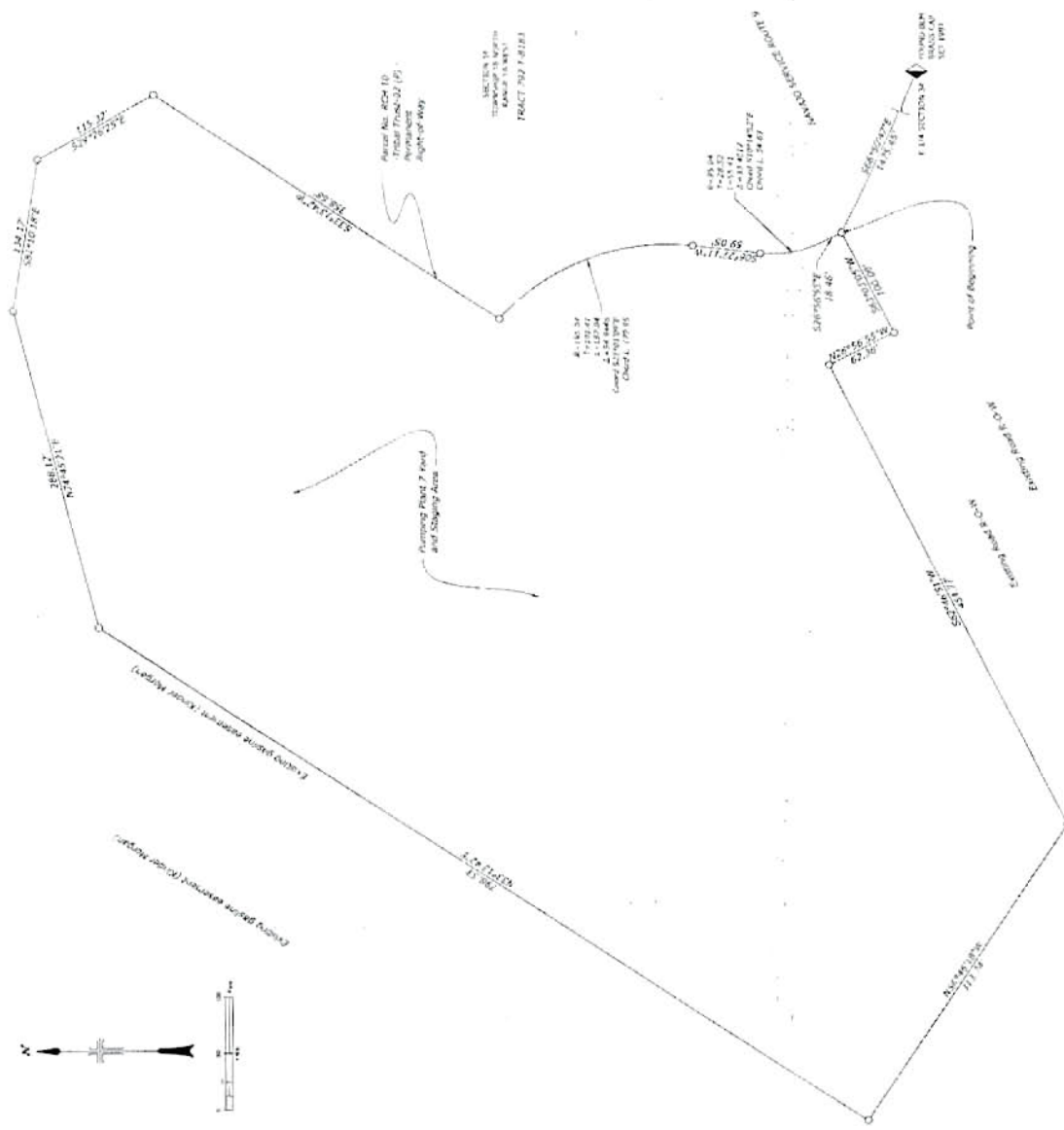
Navajo-Gallup Water Supply Project - Reach 10 - Parcel No. RCH 10 -Tribal Trust-02 (P) - Pumping Plant No. 7 - Permanent Right-of-Way

A parcel of land lying on Navajo Nation, Tribal Trust Land in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico, more particularly described as follows:

Beginning at a point on the north right-of-way line of Navajo Service Route 9 from which the East Quarter Corner of said Section 34 bears South  $66^{\circ}50'47''$  East a distance of 1475.45 feet; Thence from the Point of Beginning along the north right-of-way line of Navajo Service Route 9 South  $63^{\circ}03'05''$  West for a distance of 100.00 feet to a point lying on the north right-of-way line of Navajo Service Route 9; Thence North  $26^{\circ}56'55''$  West for a distance of 62.38 feet; Thence South  $62^{\circ}46'51''$  West for a distance of 454.77 feet; Thence North  $56^{\circ}46'18''$  West for a distance of 313.74 feet; Thence North  $33^{\circ}13'42''$  East for a distance of 798.53 feet; Thence North  $74^{\circ}45'21''$  East for a distance of 288.12 feet; Thence South  $81^{\circ}10'18''$  East for a distance of 134.17 feet; Thence South  $29^{\circ}26'25''$  East for a distance of 115.32 feet; Thence South  $33^{\circ}13'42''$  West for a distance of 358.68 feet; Thence along a non-tangent curve to the right with a length of 187.04 feet, radius of 195.04 feet, delta angle of  $54.9446^{\circ}$ , with chord bearing South  $21^{\circ}01'09''$  East 179.95 feet; Thence South  $06^{\circ}27'11''$  West for a distance of 59.05 feet; Thence along a tangent curve to the left with a length of 55.41 feet, radius of 95.04 feet, delta angle of  $33.4017^{\circ}$ , with chord bearing South  $10^{\circ}14'52''$  East 54.63 feet; Thence South  $26^{\circ}56'55''$  East for a distance of 18.46 feet to the Point of Beginning.

Parcel No. RCH 10 -Tribal Trust-02 (P) contains 10.39 acres more or less.

**NOTE:** Railings shown on this drawing are developed from the New Mexico State Plane West Zone Grid (NAD83) and are based on surveys of building measurements. Distances and Spheroid shown are ground (noted). The Grid Factor from distances shown to New Mexico State Plane West Zone Grid (NAD83) is 4.9999937691304.



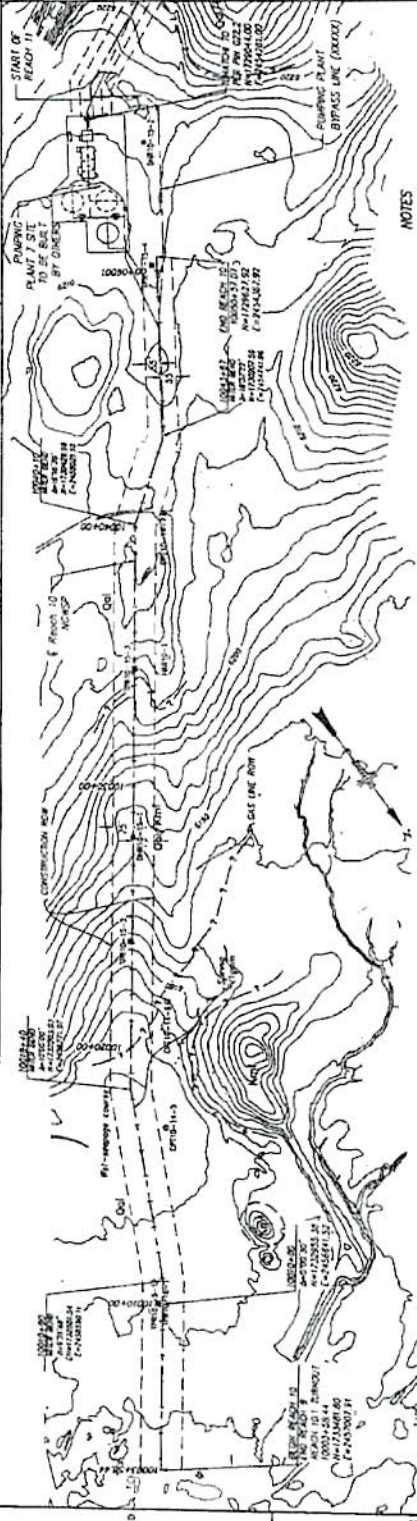


## RECLAMATION

ALWAYS THINK SAFETY

PLAN AND PROFILE  
BEGINNING TO END  
(STATION 1000.34-58)

1695-D-T24015



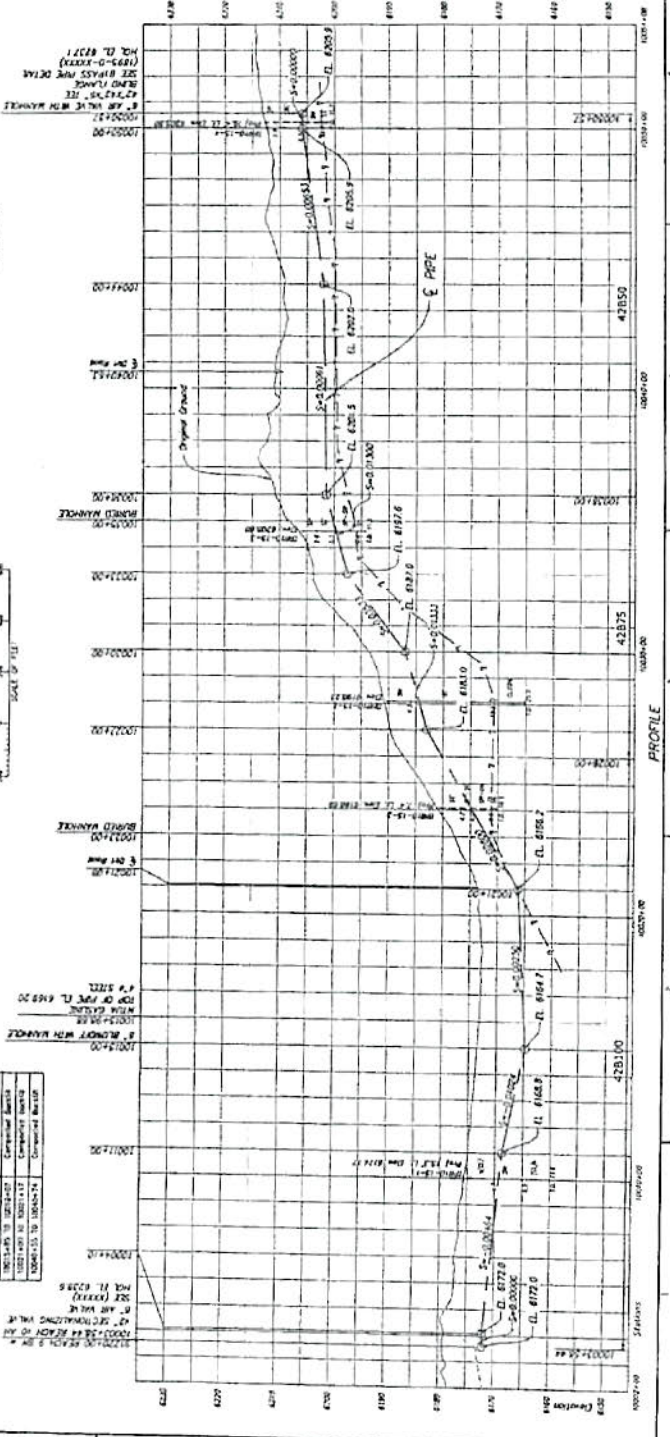
NOTES

1. For General Notes, Symbols Abbreviations, and Page Classification see, (over)

PLAN

PLAN

OPEN-CUT ROAD CROSSINGS	
Station	Sp. Velocity
10021+00 TO 10021+02	Computed from 100
10021+00 TO 10021+12	Computed from 100
10040+55 TO 10040+74	Computed from 100







Google Earth

Earth Point

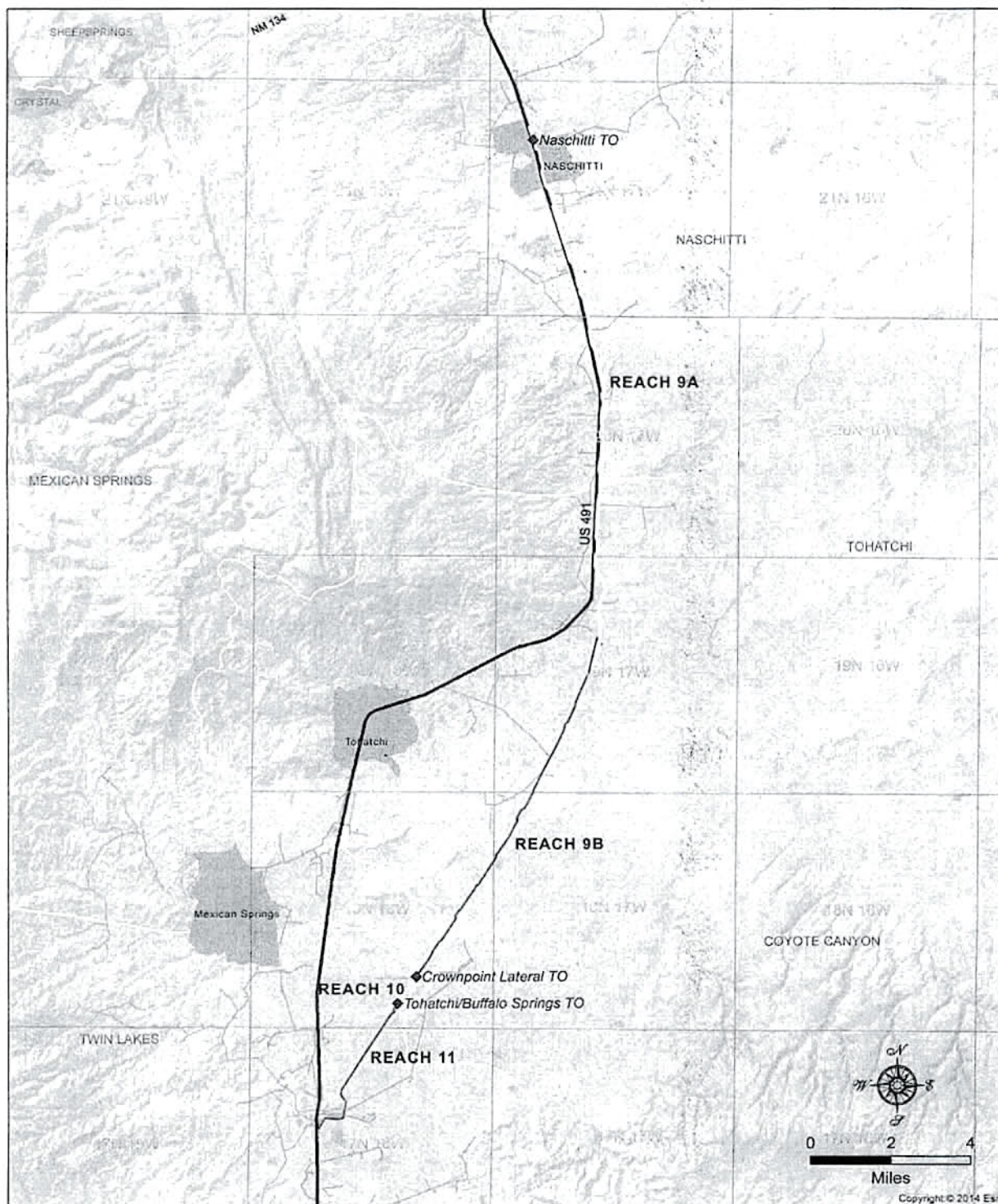
35°45'02.57" N, 108°45'04.68" W, elev. 6220 ft, eye alt. 12396 ft

© 2019 Google

7/31/2019 8:23:59 AM

1997





# LEGEND

- Reach 9A
- Reach 9B
- Reach 10
- Reach 11
- ◆ Turnout (TO)
- US Highway
- Navajo Nation Serviced Chapters

## Navajo-Gallup Water Supply Project RECLAMATION *Managing Water in the West*

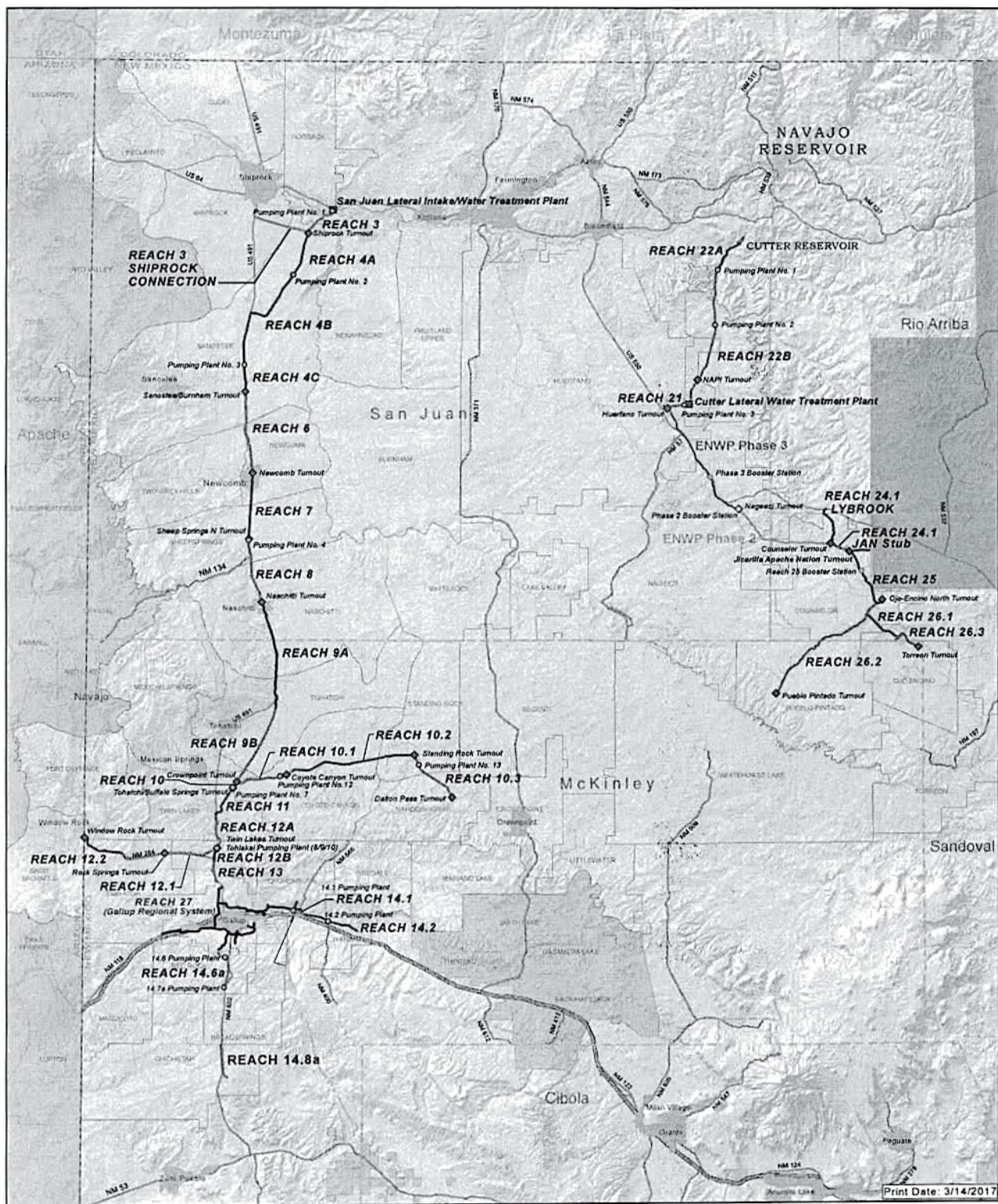
BLOCK 9-11  
LAND STATUS MAP  
REACHES 9A, 9B, 10 AND 11

FIGURE 1



Print Date: 12/15/2016  
Document Name: BLOCK 9-11





#### LEGEND

- San Juan Lateral
- Cutter Lateral
- Gallup Regional System
- Eastern Navajo Water Pipeline (ENWP) Phase 2
- Eastern Navajo Water Pipeline (ENWP) Phase 3
- Water Treatment Plant
- Pumping Plant
- ◆ Turnout
- Navajo Tribal Utility Authority Distribution System
- Navajo Nation Served Chapters
- Navajo Nation Non-Served Chapters
- Jicarilla Apache Nation (JAN)

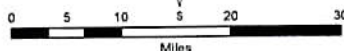
## Navajo Gallup Water Supply Project

### RECLAMATION

*Managing Water in the West*

Note: Pumping Plant numbers reflect FEIS designations. Some pumping plants in original FEIS design have been combined and/or eliminated as a result of additional analyses and optimization studies.

Disclaimer: Not for construction purposes. Alignment may be refined as designs and field reviews are completed.



1695-529-537  
Last Update: March 13, 2017

Print Date: 3/14/2017





NAVAJO NATION DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL




CHERIE ESPINOSA  
Acting Deputy Attorney General

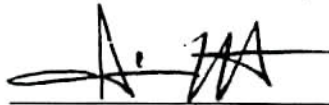
MEMORANDUM

TO: 164 Document Reviewers

THROUGH:

  
Veronica Blackhat, Asst. Attorney General  
Natural Resources Unit, Dept. of Justice

FROM:

  
Irvin Chee, Tribal Court Advocate  
Natural Resources Unit, Dept. of Justice

DATE: January 25, 2019

SUBJECT: **Document No. 010650 - Bureau of Reclamation Right-of-Way Reach 4C-8, NGWSP**

The Department of Justice has re-reviewed the above-referenced EOR and is considering the document to be legally sufficient after the consent forms were attached.

The packet was returned to GLDD office on November 19, 2018 to attach the land users consent(s). District No. 12 District Grazing Committee member, Elouise Brown, identified forty-four (44) land users. Out of the forty-four land users, twenty-six (26) had valid permit and were considered to be eligible for surface use compensation damages. The consent by twenty-six land users are now attached.

If you should have any question, please feel free to call me at 928 871-6347. Thank you.

xc: W. Mike Halona, Department Manager, Navajo Land Department

Z:\NRU\NDR\GLDD\2018-01-25 NNDOJ Memo GLDD- Doc 10650 BOR ROW Reach 4C-8, NGWSP



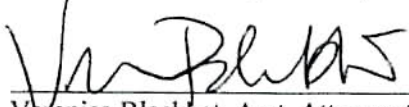
**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

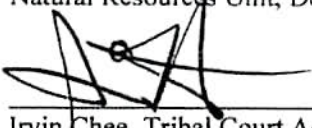
ETHEL B. BRANCH  
ATTORNEY GENERAL

CHERIE ESPINOSA  
ACTING DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Howard Martinez, Land Support Agent  
General Land Development Department

THROUGH:   
Veronica Blackhat, Asst. Attorney General  
Natural Resources Unit, Dept. of Justice

FROM:   
Irvin Chee, Tribal Court Advocate  
Natural Resources Unit, Dept. of Justice

DATE: November 19, 2018

SUBJECT: **Bureau of Reclamation Right-of-Way Reach 4C-8, NGWSP**

The Department of Justice has reviewed the above-referenced EOR and is returning the document to GLDD (General Land Development Department) office as legally insufficient.

On November 5, 2018, I informed Stevie Hudson that the land users consent are not attach and they need to be attached. Stevie informed me that they have the forty-four (44) land users consent(s) for the BOR Reach 4C-8 project. She will need to separate them and put them in order by valid permits and invalid permits to determine which land users are in compliance and which are not in compliance to determine the eligible for surface use compensation damages. She informed me at the time that she will have the consent ready the next day but we never received them.

Per our conversation after explaining the status of the packet, you wanted the packet back so you could separate the grazing permits from valid and invalid permits and you needed time to separate them and put them in order so they could be attached to the packet for approval.

Please return the EOR packet to DOJ after the concerns are addressed so I can complete my review. If you should have any questions, please call me at 928/871-6347. Thank you.

xc: W. Mike Halona, Department Manager, Navajo Land Department

X:\NRU\NDR\GLDD\2018-11-19 NDOJ Memo GLDD- BOR ROW Reach 4C-8, NGWSP



CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Daisy L. MIKE, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-13-19 Daisy L. Mike \_\_\_\_\_  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

18 Jul 18 [Signature] 12  
Date Grazing Official or Land Board Member District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature

**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Leo R. BECENTI, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

**Remarks:** \_\_\_\_\_

07/12/18 Leo R. Becenti \_\_\_\_\_ 0543  
Date Land User Signature or Thumbprint Census No. Permit No.

**Witness:** \_\_\_\_\_

13/11/18 [Signature] 12  
Date Grazing Official or Land Board Member District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature



CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Elsie M. BECENTI, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-12-18 Elsie Becenti 0543  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

13 Jul 2018 SLR 12  
Date Grazing Official or Land Board Member District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Leonard BARBER, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

07-13-18 Leonard Barber \_\_\_\_\_  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

10 Jul 18 CSH 12  
Date Grazing Official or Land Board Member District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Marietta BARBER, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-12-18 Marietta Barber \_\_\_\_\_  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

13 Jul 18 [Signature] 12  
Date Grazing Official or Land Board Member District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature

**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Sharon MARTIN, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/13/18 Sharon Martin \_\_\_\_\_  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

18 Jul 18 [Signature] \_\_\_\_\_  
Date Grazing Official or Land Board Member District No. 12

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature



**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Larry BENALLY, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/2/2018 Larry Benally \_\_\_\_\_  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

15 Jul 2018 [Signature] 12  
Date Grazing Official or Land Board Member District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature

**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Joe H. BARBER, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/2/18 Joe Barber  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

05 Jul 2018 [Signature] 12  
Date Grazing Official or Land Board Member District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature



CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Emmo Lov BADONIE, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-11-18 Emmo Lov Badonie 0272528  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

18 Jul 18 [Signature] 12  
Date Grazing Official or Land Board Member District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Anna M. Mike, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-16-18 Anna M. Mike  
Date Land User Signature or Thumbprint

Census No. Permit No.

Box  
Shiprock, N.M. 87420

Witness: \_\_\_\_\_

18 Jul 18  
Date

[Signature]  
Grazing Official or Land Board Member

12  
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Helen Willie-Henderson, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/9/18      Helen Henderson      \_\_\_\_\_      30-2  
Date      Land User Signature or Thumbprint      Census No.      Permit No.

Witness: \_\_\_\_\_

13 Jul 18      [Signature]      12  
Date      Grazing Official or Land Board Member      District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Lillie ATCITY, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tociito area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-10-18 Lillie Atcity 12-3577  
Date Land User Signature or Thumbprint Census No. Permit No.

Witness: \_\_\_\_\_

18 Jul 18 [Signature] 12  
Date Grazing Official or Land Board Member District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Ronald Begay, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7-11-18      Ronald Begay      \_\_\_\_\_      23-0  
Date      Land User Signature or Thumbprint      Census No.      Permit No.

Witness: \_\_\_\_\_

13 Jul 18      [Signature]      12  
Date      Grazing Official or Land Board Member      District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Raymond Baldwin, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/11/18  
Date



Land User Signature or Thumbprint

Census No. 19-2  
Permit No.

Witness: Charlene Baldwin

[Signature]

13 Jul 18  
Date

[Signature]  
Grazing Official or Land Board Member

12  
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO NATION LANDS**

**TO WHOM IT MAY CONCERN:**

I, Larry Dixon, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: Need 3" Value

07-09-18

Date

[Signature]

Land User Signature or Thumbprint

Census No.

69-3

Permit No.

Witness: \_\_\_\_\_

13 Jul 18

Date

[Signature]

Grazing Official or Land Board Member

12

District No.

**ACKNOWLEDGEMENT OF FIELD AGENT**

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Larry HENDERSON, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: \_\_\_\_\_

7/11/18      Larry Henderson      \_\_\_\_\_      \_\_\_\_\_  
Date      Land User Signature or Thumbprint      Census No.      Permit No.

Witness: \_\_\_\_\_

13 Jul 18      El B      12  
Date      Grazing Official or Land Board Member      District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Michael HENDERSON, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostec Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: Just want Storage tanks to be not on our grazing area.

7/12/18  
Date

Michael Henderson  
Land User Signature or Thumbprint

Census No.

Permit No.

Witness: \_\_\_\_\_

13 Jul 18  
Date

920 R  
Grazing Official or Land Board Member

12  
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature

CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, David C. NEZ, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: I am going to request to NOT have a above ground storage tank on our customary land we are.

7/16/18  
Date

[Signature]  
Land User Signature or Thumbprint

Census No.

Permit No.

Witness: \_\_\_\_\_

18 Jul 18  
Date

[Signature]  
Grazing Official or Land Board Member

12  
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



CONSENT FORM #1  
(No expected damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Howard B. Begay, hereby grant consent to The Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit: Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my customary land use area for the following purpose(s): to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Trust lands located in the Tocito & Little Water area of Sanostee Navajo Chapter, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

Remarks: There are water in west of Highway etc But it dry up in spring summer. we need water on west of H.Way. it need repair.

7-17-18  
Date

Howard B. Begay  
Land User Signature or Thumbprint  
P.O. Box , Sanostee NM 87461

Census No. 12-3008  
Permit No.

Witness: \_\_\_\_\_

18 Jul 2018  
Date

[Signature]  
Grazing Official or Land Board Member

12  
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature



# United States Department of the Interior

BUREAU OF RECLAMATION  
Four Corners Construction Office  
1235 La Plata Highway  
Farmington, NM 87401



IN REPLY REFER TO:

FCCO-202  
2.2.3.19

**FEB 27 2020**

HAND DELIVER

Ms. Elerina Yazzie  
Program Manager  
General Land Development Department  
2B Taylor Rd., Bldg. #8966  
Saint Michaels, AZ 86511



Subject: Application for Consent to Amend Resource Development Committee Resolution No. RDCD-124-17 Easement for Right-of-Way (ROW), to Increase the Acreage of Reach 10 - Pumping Plant No. 7 - Navajo-Gallup Water Supply Project (NGWSP) - San Juan Lateral - Twin Lakes Chapter, McKinley County, New Mexico.

Dear Ms. Yazzie:

The Bureau of Reclamation hereby submits the enclosed application, and requests that Resolution No. RDCD-124-17, that was granted December 11, 2017, be amended to increase the acreage of the NGWSP Reach 10, Pumping Plant No. 7 site from 5.35 acres to 10.39 acres. Also enclosed are additional pertinent documents on CD format, that are respectfully submitted for your review and processing.

The increase in acreage is necessary to accommodate an increase in the anticipated build-out size of the pumping plant resulting from engineering design changes, and additional space needed for the construction of a turnout facility that will supply water from the NGWSP to the Navajo Tribal Utility Authority, to supply treated water to the community of Twin Lakes and the surrounding area, through its water distribution system.

It should be noted that field clearances have already been obtained for this parcel with the work that was completed on the Reach 9B-11 consent for ROW [DNR No. RDCJN-61-17], that was granted June 27, 2017, and the BIA grant of ROW on November 16, 2017, that is registered as TAAMS No. 791 4200063668. A significant amount of the increased acreage will overlap the Reach 9B-11 ROW.

Reclamation understands that the Navajo Nation is waiving all customary fees and consideration for the ROW in accordance with the authorizing legislation in the Omnibus Public Land Management Act of 2009, Title X, Part III, Section 10602(c)(2) (Public Law 111-11).

Reclamation and the Navajo Nation have negotiated terms and conditions for the ROW and TCE; it is our understanding that the applicable document entitled "Terms and Conditions" will be added to this application by the Navajo Nation.

Continued on next page

**INTERIOR REGION 7 • UPPER COLORADO BASIN**  
COLORADO, NEW MEXICO, UTAH, WYOMING





Subject Application for Consent to Amend Resource Development Committee Resolution No. RDCD

Continued from previous page

In order to allow for additional processing by the BIA, and to avoid impacts to the NGWSP construction schedule, Reclamation respectfully requests that consent to the grant of this ROW be received on or before August 31, 2020.

If you have any questions, please contact Mike Braman at 505-324-5024. For Text Telephone Relay Service access, call the Federal Relay System Telephone (TTY) number at (800) 877-8339.

Sincerely,

  
ACTING  Patrick J. Page  
Construction Engineer

Enclosures

cc: Dr. Rudy Shebala, Executive Director  
Navajo Nation Division of Natural Resources  
P.O. Box 9000  
Window Rock, AZ 86515

Mr. Jason John, Branch Director  
Navajo Nation Department of Water Resources  
P.O. Box 678  
Ft. Defiance, AZ 86504

Ms. Michelle Hoskie  
General Land Development Department  
P.O. Box 69  
Saint Michaels, AZ 86511

Mr. Howard Martinez  
General Land Development Department  
P.O. Box 69  
Saint Michaels, AZ 86511  
(w/o encls to ea)

bc: FCCO-110, FCCO-141, FCCO-153, FCCO-200, FCCO-230, FCCO-232, FCCO-236, FCCO-300  
(w/o encls to ea)

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF RECLAMATION**

**APPLICATION FOR CONSENT TO AMEND RESOLUTION No. RDCD-124-17**

Navajo-Gallup Water Supply Project  
Reach 10 - Pumping Plant No. 7  
Tribal Trust Land

1. **Applicant Name and Address:** The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico, 87401. Hereby petitions the Navajo Nation General Land Development Department, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Bureau of Indian Affairs Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a) as applicable, a request to amend Resolution No. RDCD-124-17, that was approved December 11, 2017, to increase the acreage of the Pumping Plant No. 7 site.

2. **Tract(s) or parcel(s) affected by the right-of-way:**

**Landowner Name:** Navajo Nation

**Tracts and Parcels:** Parcel No. RCH 10 - Pumping Plant No. 7-Tribal Trust-02(P), will be constructed within Tribal Tract No. 792 T 8183, located in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West, N.M.P.M., McKinley County, New Mexico.

3. **General Location:**

**Parcel No. RCH 10 – Pumping Plant No. 7– Tribal Trust – 02(P):** a Permanent Easement for ROW, being described as a parcel of land lying on Navajo Nation Tribal Trust land, Tract No. 792 T 8183, in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West, N.M.P.M., McKinley County, New Mexico, located in the area of the Twin Lakes Navajo Tribal Chapter.

4. **Purpose:** this request to amend Resolution No. RDCD-124-17, that was approved by the Navajo Nation Resource Development Committee (RDC) on December 11, 2017, is submitted to request an increase to the acreage of the Reach 10, Pumping Plant No. 7-Tribal Trust-02(P) permanent easement from the existing 5.35 acres to an area of 10.39 acres.

The increase in acreage is necessary to accommodate an increase in the anticipated build-out size of the pumping plant that has resulted from engineering design changes, and to acquire additional space for the construction of a turnout facility that will supply treated water from the Navajo-Gallup Water Supply Project (NGWSP) to the Navajo Tribal Utility Authority (NTUA) to supply project water to the community of Twin Lakes and the surrounding area through its water distribution system. The easement is illustrated on Drawing No. 1695-529-60169 that is attached hereto, and by reference is made a part hereof.

5. **Authorizing Legislation:** The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of



Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high-quality, treated, potable water, sourced from the San Juan River being supplied by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

6. **ROW:** The Permanent Easement for ROW will be used for the construction, operation, maintenance and/or replacement of a pumping plant facility and the Twin Lakes turnout with ancillary features and appurtenances thereto, that will include but not limited to water storage and regulation tanks, chlorine injection facility, and water transmission pipeline. Ancillary appurtenances necessary for the safe and efficient operation of the pumping plant and pipeline may also include vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, single phase and three phase utility power to support the operation of the pumping plant and turnout facility, a gravel and fenced yard, a driveway for ingress and egress, and a patrol road.

7. **ROW Description Reach 10 – Pumping Plant No. 7 and Twin Lakes Turnout:**

**Parcel No. RCH 10 - Pumping Plant No. 7-Tribal Trust-02(P):** the Permanent Easement for ROW is described as a parcel of land lying on Navajo Nation Tribal Trust Land, Tribal Tract No. 792 T-8183, located in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico, containing 10.39 acres more or less, as illustrated on ROW Drawing 1695-529-60169, and Plan and Profile Drawing No. 1695-D-T24015, attached hereto and by reference made a part hereof.

**Legal Description - Parcel No. RCH 10 - Pumping Plant No. 7-Tribal Trust-02(P) and Twin Lakes Turnout - Drawing No. 1695-529-60169:** Point of Beginning being a point on the north right-of-way line of Navajo Service Route 9, from which the East Quarter Corner of Section 34 bears South 66°50'47" East a distance of 1475.45 feet; thence from the Point of Beginning, proceeding southwestwardly on the north right-of-way line of said Navajo Service Route 9 South 63°03'05" West a distance of 100.00 feet to a point lying on the north right-of-way line of Navajo Service Route 9; thence North 26°56'55" West a distance of 62.38 feet; thence South 62°46'51" West a distance of 454.77 feet; thence North 56°46'18" West a distance of 313.74 feet; thence North 74°45'21" East a distance of 288.12 feet; thence South 81°10'18" East a distance of 134.17 feet; thence South 29°26'25" East a distance of 115.32 feet; thence South 33°13'42" West a distance of 358.68 feet; thence along a non-tangent curve to the right with a length of 187.04 feet, at a radius of 195.95 feet, a delta angle of 54.9446°, with a chord bearing South 21°01'09" East a distance of 179.95 feet; thence South 06°27'11" a distance of 59.05 feet; thence along a tangent curve to the left with a length of 55.41 feet, at a radius of 95.04 feet, a delta angle of 33.4017°, with a chord bearing South 10°14'52" East a distance of 54.63 feet; thence South 26°56'55" East a distance of 18.46 feet to the Point of Beginning.

**Parcel No. RCH 10 - Tribal Trust-02(P) - Pumping Plant No. 7 contains 10.39 acres more or less.**

8. **Term:** Reclamation requests a grant of Permanent Easement for Right-of-Way (ROW) without limitation in term, and for as long as the easement is used for the intended purpose.
9. **Ownership of Permanent Improvements:** Parcel No. RCH 10 - Pumping Plant No. 7-Tribal Trust-02(P) of the NGWSP lying on Navajo Nation Tribal Trust land, Tract No. 792 T-8183, will consist of a pumping plant facility, a turn-out, and pipeline, with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the

operation, maintenance, and replacement (OM&R) responsibility of the Project to the NTUA. It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

**10. Construction Schedule:**

Obtain ROW: November 31, 2020  
Obtain Bids and Establish Contracts: July 10, 2020  
Award Contract: September 15, 2020  
Notice to Proceed Issue: October 9, 2020  
Begin Construction: October 19, 2020  
Construction 50% Completed by: January 30, 2022  
Construction Complete: January 4, 2023

**Required Supporting Documents - §169.102(b)**

1. Legal Description:  
Parcel No. RCH 10 - Pumping Plant No.7-Tribal Trust-02(P) - Revised to Amend (CD)
2. ROW Dwg. No. 1695-529-60169 - RCH 10 - Pumping Plant No. 7-Tribal Trust-02(P) - Revised to Amend (CD)  
Plan and Profile Drawing No. 1695-D-T24015 (CD)  
Site Map - Pumping Plant No. 7 - Revised to Amend (CD)  
Map - Block 9-11 Pipeline Alignment - Dated 12-15-16 (CD)  
NGWSP Project Map - Drawing No. 1695-529-537 - Dated 03-13-17 (CD)
3. Waiver of Bonding Requirement - 25 CFR § 169.103 - Dated 12-20-16 (CD)  
Navajo Nation Support Waiver of 25 CFR § 169.103 - Dated 09-09-16 (CD)  
NGWSP - Public Law 111-11 (CD)
4. Grant - Reach 10 - Pumping Plant No. 7 - DNR No. RDCD-124-17 - Approving Grant of ROW - Dated 12-11-17 (CD)  
Grant - Reach 10 - Pumping Plant No. 7 - BIA - TAMMS No. 791 4200069180 - Granted 01-11-18 (CD)  
Title Status Report - Tract No. 791 T 8183 - Fort Defiance Agency - Certified 12-27-06 (CD)  
Permission to Survey - Reach 9-12 - 03-01-10 (CD)  
Permission to Conduct Engineering Data Collection - San Juan Lateral - Dated 10-05-16 (CD)  
Navajo Nation Executive Order No. 07-2017 in Support of the NGWSP - Dated 05-22-17 (CD)  
Chapter Resolution - Twin Lakes - Signed 03-06-11 (CD)
5. Valuation:  
Memo - BIA Waiver for Appraisal and Compensation - 25 CFR Part 169.12 - Dated 06-29-07 (CD)
6. Organizational Documents: Not Applicable, Applicant is United States DOI - BOR.
7. Biological, Cultural Resource and Environmental Documentation:  
BRCF - Rch 9-11 - NNDFW - Approved 02-14-17 (CD)  
Class III Inventory Report and Concurrence of Eligibility Determination - Signed 08-30-16 (CD)  
Class III Inventory and Determination of Eligibility - Dated 10-11-16 (CD)  
Phase I Environmental Site Assessment for Reach 10 - Dated November 2016 (CD)  
Memo - BIA - Acceptable NEPA and NHPA Sufficiency Documentation - Dated 10-29-2015 (CD)  
NEPA Sufficiency Analysis - Reaches 9-11 - Dated July 2017 - Signed 09-11-17 (CD)  
Final Environmental Impact Statement and Record of Decision can be viewed at:  
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>



**THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:**

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

**Applicant Point of Contact Information:**

Name: Michael (Mike) Braman  
Address: 1235 La Plata Highway  
Farmington, New Mexico, 87401  
Phone: 505-324-5024  
E-mail: [mbraman@usbr.gov](mailto:mbraman@usbr.gov)

Date: 2/27/2020

Applicant Signature: *Jerre Wales*

**ACTING FOR**

Patrick J. Page, P.E.

Print Name: Jerre Wales

Navajo-Gallup Water Supply Project - Reach 10 - Parcel No. RCH 10 -Tribal Trust-02 (P) - Pumping Plant No. 7 - Permanent Right-of-Way

A parcel of land lying on Navajo Nation, Tribal Trust Land in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico, more particularly described as follows:

Beginning at a point on the north right-of-way line of Navajo Service Route 9 from which the East Quarter Corner of said Section 34 bears South  $66^{\circ}50'47''$  East a distance of 1475.45 feet; Thence from the Point of Beginning along the north right-of-way line of Navajo Service Route 9 South  $63^{\circ}03'05''$  West for a distance of 100.00 feet to a point lying on the north right-of-way line of Navajo Service Route 9; Thence North  $26^{\circ}56'55''$  West for a distance of 62.38 feet; Thence South  $62^{\circ}46'51''$  West for a distance of 454.77 feet; Thence North  $56^{\circ}46'18''$  West for a distance of 313.74 feet; Thence North  $33^{\circ}13'42''$  East for a distance of 798.53 feet; Thence North  $74^{\circ}45'21''$  East for a distance of 288.12 feet; Thence South  $81^{\circ}10'18''$  East for a distance of 134.17 feet; Thence South  $29^{\circ}26'25''$  East for a distance of 115.32 feet; Thence South  $33^{\circ}13'42''$  West for a distance of 358.68 feet; Thence along a non-tangent curve to the right with a length of 187.04 feet, radius of 195.04 feet, delta angle of  $54.9446^{\circ}$ , with chord bearing South  $21^{\circ}01'09''$  East 179.95 feet; Thence South  $06^{\circ}27'11''$  West for a distance of 59.05 feet; Thence along a tangent curve to the left with a length of 55.41 feet, radius of 95.04 feet, delta angle of  $33.4017^{\circ}$ , with chord bearing South  $10^{\circ}14'52''$  East 54.63 feet; Thence South  $26^{\circ}56'55''$  East for a distance of 18.46 feet to the Point of Beginning.

Parcel No. RCH 10 -Tribal Trust-02 (P) contains 10.39 acres more or less.



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



AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A  
RIGHT-OF-WAY TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE  
AND MAINTAIN THE NAVAJO GALLUP WATER SUPPLY PROJECT REACH 10  
PUMPING PLANT NO. 7 LOCATED ON TRIBAL TRUST LAND IN TWIN LAKES  
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 give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation land and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted a right-of-way application to construct, operate and maintain the Reach 10 Navajo Gallup Water Supply Project located on, over and across Navajo Nation Trust Lands in the Twin Lakes Chapter vicinity, McKinley County, New Mexico attached hereto and incorporated herein as **Exhibit "A"**.
- B. The proposed permanent right-of-way consists of Navajo Nation Trust Lands located in McKinley County, New Mexico and the location is more particularly described on the survey map attached hereto and incorporated herein as **Exhibit "B"**.
- C. The General Land Development Department, memorandum dated October 8, 2017, attached as **Exhibit "C"**, has determined that "Pumping Plant #7 will be included into Reaches 9 through 11 ROW package, and the additional consent for the same area is

not required, since the grazing permit holders had already consented to use the land within those areas."

- D. The Bureau of Reclamation requests a waiver of the consideration because the project will provide a public benefit to the Navajo Nation.
- E. The Resources and Development Committee finds a waiver of the bond requirement, 25 C.F.R. § 169, is in the best interest of the Navajo Nation. See, **Exhibit "D"** which are letters from the Navajo Nation President and the Acting Director of the Bureau of Indian Affairs.
- F. The Resources and Development Committee finds a waiver of valuation, 25 C.F.R. § 169.110, and that the waiver of valuation is in the best interest of the Navajo Nation.
- G. The environmental and archaeological studies have been completed and are attached hereto and incorporated herein by this reference.
- H. The application for the Right-of-Way as submitted by the United States Bureau of Reclamation has been reviewed by the Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient". See **Exhibit "F"**.

### SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby grants approval of a Right-of-Way to U.S. Bureau of Reclamation to construct, operate and maintain Reach 10 Pumping Plant No. 7 of the Navajo Gallup Water Supply Project located on Navajo Nation Trust Lands in the Twin Lakes Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the map attached hereto as **Exhibit "B"**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives the consideration for the Right-of-Way because the Reaches 10 Pumping Plant No. 7 of the Navajo Gallup Water Supply Project will provide a public benefit to the Navajo Nation.



- C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions incorporated herein as **Exhibit "E"**.
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of the bond requirement.
- E. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of valuation.
- F. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

#### CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the NAPI Headquarters, Upper Fruitland, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 11<sup>th</sup> day of December, 2017.



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

Motion: Honorable Davis Filfred  
Second: Honorable Jonathan Perry



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION**

**REQUEST FOR CONSENT TO A GRANT OF PERMANENT EASEMENT FOR RIGHT-OF-WAY**

**Tribal Trust Lands – NGWSP Reach 10 - Pumping Plant No. 7**

**LANDOWNER NAME:** Navajo Nation

**Tribal Tract No.:** 792-T8183

*The Navajo-Gallup Water Supply Project (NGWSP) is a priority project of the United States and the Navajo Nation; therefore, the Department of the Interior, Bureau of Reclamation, the Navajo Nation, and the Bureau of Indian Affairs are working as partners to streamline the processes, as necessary, to meet all project deadlines. Reclamation therefore respectfully requests that this application for NGWSP Rights-of-Way be prioritized accordingly, and that the application is processed when received.*

*Please note that the acquisition of tribal consent is time sensitive. Reclamation respectfully requests that the consent to this easement be granted on or before **August 1, 2017** to allow for additional processing by the Bureau of Indian Affairs (BIA).*

**COMES NOW THE APPLICANT:** The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico 87401, who on this 8th day of June, 2017, hereby petitions the Navajo Nation Land Department, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), a request for Tribal Consent to a Grant of Permanent Easement for Right-of-Way (ROW), without limitation in term, and for as long as the easement is used for the intended purpose as described herein.

The ROW requested in this application for Reach 10 – Pumping Plant No. 7 of the NGWSP will contain 5.35 acres, more or less.

**The Purpose of the Proposed Action:** The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the NGWSP that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

**Authorization:** Reclamation is authorized by the Act, under Part III, Section 10602, Subsection (c)(1) and (2) which states: “As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary”. Therefore, Reclamation hereby respectfully requests that this application be processed so as to acquire ROW that is deemed necessary and appropriate, in order to accommodate the construction, operation, maintenance, and replacement of the main and ancillary facilities of the NGWSP Reach 10.



**ROW Type, Size and Purpose:** Reclamation hereby requests a grant of permanent ROW for Pumping Plant No. 7, Parcel No. Rch 10-Tribal Trust-02 (P), containing 5.35 acres more or less, on Navajo Tribal Trust Land, Tract No. 792-T8183, in the area of the Twin Lakes Navajo Tribal Chapter, located in McKinley County, New Mexico. The ROW for Pumping Plant No. 7, is illustrated on ROW drawing no. 1695-529-60169, that is attached hereto and by reference, made a part hereof.

Initially, the site of Pumping Plant No. 7 will be utilized for a contractor storage and staging area for the construction of Reaches 9 through 11. Preliminary estimates for the start of the actual construction of the pumping plant is not anticipated to begin until September of the year 2020.

The ROW ultimately will be used for the construction, operation, maintenance and/or replacement of a potable water pumping plant with ancillary features and appurtenances thereto. Ancillary features and appurtenances may include, but are not limited to, a graveled and fenced yard with a graveled access road, reinforced concrete foundation, a pumping plant, a chlorine injection facility, water storage and regulating tanks, pipeline, thrust features, vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, and single phase utility power to support the operation of the pumping plant infrastructure.

**Ownership of Permanent Improvements:** Pumping Plant No. 7, located on Tribal Trust Land, will consist of water storage and regulation tanks, a pumping plant facility with a chlorine injection facility, associated pipeline, and ancillary features and appurtenances that will be constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the Navajo Tribal Utility Authority (NTUA). It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

**Construction Schedule:**

Obtain ROW: September 25, 2017

Obtain Bids and Establish Contracts: July 11, 2017

Award Contract: August 28, 2017

Notice to Proceed Issue: September 25, 2017

Begin Construction: October 30, 2017

Construction 50% Completed by: November 26, 2018

Construction Complete: December 2, 2019

**Across the following described Navajo Tribal Trust Lands:** The NGWSP is divided into segments called, "Reaches." Each Reach is designated by a number that designates a section of pipeline between two turnouts, or delivery points, along the water transmission pipeline alignment. This application is for a permanent ROW for Pumping Plant No. 7, which will be constructed between the end of Reach 10, being located at station 10050+57.07, and the beginning of Reach 11, at station 11053+60.00, in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, of Range 18 West, N.M.P.M., McKinley County, New Mexico. Please see the attached map, Sheet 2 of Reach 10, showing the location of Pumping Plant No. 7, dated 03-29-2017 (CD), that is attached hereto and by reference made a part hereof.

Pumping Plant No. 7, will be constructed on the on the East side of U.S. Highway 491, North of the Tohlakai Pumping Plant that is located on Tohlakai Hill in the Southwest Quarter of Section 05, Township 16 North, Range 18 West, being adjacent to and North of Navajo Service Route No. 9, near the Tohatchi/Buffalo Springs turn-out, as illustrated on Plan and Profile Drawing No.'s 1695-D-60307 through

1695-D-60309 (CD), that are attached hereto and by reference are made a part hereof. The Plan and Profile Drawings illustrate a section of the Reach 10 pipeline alignment, Pumping Plant No. 7, and the location of ancillary appurtenances and public utilities that are located near the pipeline alignment and the proposed pumping plant location.

**Legal Description - Parcel No. RCH 10-Tribal Trust-02 (P): Pumping Plant No. 7 - Drawing No. 1695-529-**

**60169:** A parcel of land lying on Navajo Nation, Tribal Trust Land in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

Beginning at a point on the North right-of-way line of Navajo Service Route 9 from which the East Quarter Corner of Section 34 bears South 65°41'12" East a distance of 1451.19 feet; thence from the point of beginning South 63°03'05" West a distance of 100.00 feet; thence North 26°56'55" West a distance of 170.12 feet; thence along a curve that bears left 28°34'42" a distance of 74.85 feet, which curve has a radius of 150.06 feet; thence South 33°13'42" West a distance of 200.04 feet; thence North 56°46'18" West a distance of 313.84 feet; thence North 33°13'42" East a distance of 637.54 feet; thence South 56°46'18" East a distance of 254.08 feet; thence South 33°13'42" West a distance of 125.04 feet; thence South 56°46'18" East a distance of 125.04 feet; thence South 33°13'42" West a distance of 182.76 feet; thence South 78°13'42" West a distance of 45.69 feet; thence along a curve a distance of 93.81 feet, which chord bears South 37°41'46" East a distance of 93.26 feet, and which curve has a radius of 250.06 feet; thence South 26°56'55" East a distance of 170.12 feet to the point of beginning. Parcel No. RCH 10-Tribal Trust-02(P) contains 5.35 acres more or less.

**Landowner Consent:** The Navajo Nation gave its concurrence to permission to survey the San Juan Lateral of the NGWSP on August 14, 2009. On March 1, 2010, the Bureau of Indian Affairs, Fort Defiance Agency granted Reclamation Permission to Survey over, across and through Reaches 9, 10, 11, and 12, for the purpose of conducting surveys and studies to determine a final pipeline alignment. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawing attached hereto (CD).

Reclamation requested a Title Status Report (TSR) for the subject Tribal Trust Lands on July 21, 2016 in order to verify the ownership status of the lands to be crossed by Reaches 9 through 11 that includes Pumping Plant No. 7. The TSR was received at Reclamation on August 8, 2016, and verifies that all lands being crossed by Reaches 9 through 11 are Tribal Trust Lands. Please see the TSR which is attached hereto and by reference is made a part hereof. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawings attached hereto (CD).

Reclamation hereby requests the consent of the Navajo Nation to a grant of Permanent Easement for ROW for Pumping Plant No. 7, on the aforementioned Tribal Trust Land, and that in granting said consent, the Navajo Nation waives compensatory consideration of the fair market value of the easement, and agrees to forego the requisite appraisal of the ROW because the NGWSP will provide a direct public benefit to the Navajo Nation.



**Environmental Clearance:** The Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) (Bureau of Reclamation 2009) for the Navajo-Gallup Water Supply Project, is attached hereto (CD) and by reference is made a part hereof. The ROD and FEIS can also be viewed on the world-wide web at <http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>. The alignment of Reaches 9 through 11 has not changed substantially from what was presented in the FEIS and ROD.

As discussed with Pamela A. Kyselka, Wildlife Biologist, Navajo Natural Heritage Program, Department of Fish and Wildlife, on December 7, 2016, Reclamation will conduct a NEPA Sufficiency Review over Reaches 9 through 11, to include the location of Pumping Plant No. 7, to determine if the proposed action would have any new potentially significant impacts, not already discussed and considered in previous NEPA documentation.

**Biological Resource Compliance:** Please see attached BRCF – NNDFW Review No. 17usbr01, dated February 14, 2017 that documents the approval by the NNDFW that the NGWSP Block 9 through 11 proposed to be constructed in the area of the Naschitti and Tohatchi Navajo Chapters 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. The NNDFW concurs with the mitigation recommendations outlined in the BE, Section 6.5 and is approved by Ms. Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife.

**Cultural Resources Compliance:** Please see letter dated April 25, 2016 that includes a summary of the Class III Inventory Report and eligibility determinations for Reaches 9 through 11, attached hereto, and by reference made apart hereof. The survey was conducted by PaleoWest under the authority of Navajo Nation Cultural Resources Permit No. B13543. The inventory identified a total of 292 cultural resources, including isolated occurrences, archaeological sites, in-use sites, Navajo Traditional Cultural Properties, and Jishchaa' within the Reach 9 through 11 Area of Potential Effect.

Reclamation submitted said report to the Navajo Nation Historic Preservation Department and concurrence was received from the Tribal Historic Preservation Officer on August 30, 2016, said letter is attached hereto, and by reference, made a part hereof. The report was also consulted upon with all NGWSP signatory and consulting parties in compliance with the Programmatic Agreement for the NGWSP. Following the completion of consultation with Navajo Nation and the NGWSP Programmatic Agreement parties, a final version of the report, with the changes noted in the Navajo Nation's August 30, 2016, concurrence, was submitted to all participants on October 11, 2016.

Per the internal BIA memo from the Supervisory Environmental Protection Specialist, Branch of Environmental Quality, Act Compliance and Review, written to the Supervisory Civil Engineer, Engineering & Technical Support Division, dated October 29, 2015, attached hereto and by reference made a part hereof, the subject report, with concurrence from the Navajo Nation Historic Preservation Department, is considered acceptable for compliance with the National Historic Preservation Act (NHPA).

**Waiver of Title 25, Code of Federal Regulations, 25 C.F.R. Part 169.103 (Bonding Requirements):** The Bureau of Indian Affairs, in cooperation with the Bureau of Reclamation and with the support of the Navajo Nation, requested a waiver from the Assistant Secretary – Indian Affairs under 25 C.F.R. § 1.2 and 25 C.F.R. Part 169 § 169.103 bonding requirement, for all NGWSP ROW's.

Said waiver of Title 25, *Code of Federal Regulations*, 25 C.F.R. Part 169.103 (Bonding Requirements) was approved by the Principle Deputy Assistant Secretary – Indian Affairs in a memo dated November 22, 2016. A copy of said waiver is attached (CD), and by reference is made a part hereof.

The Bureau of Reclamation, an agency of the Federal Government, hereby assures that it will pay damages promptly, when they are sustained, under the provisions of the Federal Tort Claims Act (June 25, 1948, Ch. 646, Title IV, 62 Stat. 982, "28 U.S.C. Pt. VI Ch.171" and 28 U.S.C. Part 1346(b)).

**SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:**

1. To construct and maintain improvements within the right-of-way in a professional manner consistent with industry standards;
2. ~~To pay promptly all damages and compensation, in addition to bond or alternative form of security made pursuant to 169.103, determined by the BIA to be due the landowners and authorized users and occupants of the land as a result of the granting,, construction and maintenance of the right-of-way;~~
3. To restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, or reclaim the land if agreed to by the landowners;
4. To clear and keep clear the land within the right-of-way, to the extent compatible with the purpose of the right-of-way, and dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during construction and maintenance of the project;
5. Comply with all applicable laws and obtain all required permits;
6. Not commit waste.
7. Operate, repair and maintain improvements consistent with the right-of-way grant;
8. Build and maintain necessary and suitable crossings for all roads and trails that intersect the improvements constructed, maintained, or operated under the right-of-way;
9. Restore the land to its original condition, as much as reasonably possible, upon cancellation or termination of the right-of-way, or reclaim the land if agreed to by the landowners;
10. At all times keep the BIA, and the tribe, for tribal land, informed of the grantees address;
11. Refrain from interfering with the landowner's use of the land, provided that the landowner's use of the land is not inconsistent with the right-of-way;
12. Comply with the following due diligence requirements:
  - Obtain bids and establish contracts: July 11, 2017
  - Award Contract: August 28, 2017
  - Issue notice to proceed: September 25, 2017
  - Begin construction: October 30, 2017
  - Complete 50% of construction: November 26, 2018
  - Complete construction: December 2, 2019
13. Notify the BIA, and the tribe, for tribal land, if it files for bankruptcy or is placed in receivership.
14. Comply with all applicable federal and tribal law.

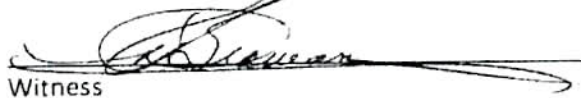


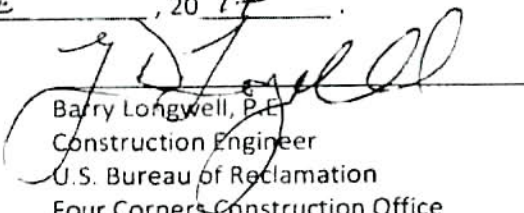
**THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:**

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

IN WITNESS WHEREOF, Barry D. Longwell has caused this instrument to be

executed this 8<sup>TH</sup> day of JUNE, 20 17.

  
Witness

  
Barry Longwell, P.E.  
Construction Engineer  
U.S. Bureau of Reclamation  
Four Corners Construction Office  
1235 La Plata Hwy.  
Farmington, NM, 87401

Required Supporting Documents:

1. ( ) Form 5-104b.
2. ( ) Evidence of Authority of Officers to execute Papers (ROW Form 94-4).
3. ( ) Evidence of good faith and financial responsibility.
4. ( ) Double-estimated damages (deposit - 25 CFR 169.4).
5. ( ) State-certified corporate charter or articles of incorporation.
6. ( ) Certified copy of resolution or by-laws of the corporation authorizing the filing of the application.
7. ( ) State certification that the applicant is authorized to conduct business in the State of xxx.
8. ( ) Certified copy of the articles of partnership or association.
9. (x) **Other attachments**
  - (x) NGWSP - Public Law 111-11 As amended thru 11-15-16 (CD)
  - (x) Application for Permanent Easement for Right-of-Way
  - (x) ROW Drawing - Pumping Plant No. 7 - Dwg. No. 1695-529-60169
  - (x) Plan & Profile: Dwg. No. 1695-D-T24015
  - (x) ROW Description - Pumping Plant No. 7
  - (x) Map - NGWSP - Drawing No. 1695-529-537 - 03-13-17
  - (x) Map - Block 9-11 Alignment - 12-15-16
  - (x) Map - Site Map - Location of Pumping Plant No. 7
  - (x) Map Package - Reach 9B-11
  - (x) Navajo Nation Executive Order No. 03-2012
  - (x) Chapter Resolution - Twin Lakes
  - (x) TSR - Tract No. 8183 - Certified 12-27-06
  - (x) Permission to Survey - Dated 03-01-10
  - (x) Permission to Conduct Engineering Data Collection - Dated 10-05-16
  - (x) Letter - Navajo Nation - Waiver of Bond Requirement - 25 CFR Part 169.103 - Dated 09-09-16

- (x) Waiver of 25 CFR 169.103 - Dated 11-22-16
- (x) Final Environmental Impact Statement and Record of Decision can be viewed at:  
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>.
- (x) FEIS - Volume 1, Volume 2, and Volume 3 (CD)
- (x) FEIS - Record of Decision (ROD) Dated 2009 (CD)
- (x) Phase I ESA - Nelson Consulting Dated November 2016 (CD)
- (X) BRCF - NNDFW Review No. 17usbr01 - Dated 02-14-17
- (x) Class III Inventory Report and Concurrence of Eligibility Determinations - Dated 04-25-16
- (x) Class III Inventory and Determination of Eligibility - Final Report - NHPA - Dated 10-11-16
- (x) Memorandum - Acceptable NEPA and NHPA Compliance Documents - Dated 10-29-15
- (x) Spread Sheet - Tribal Lands - ROW and TCE Summary (CD)
- (x) Spread Sheet - Tribal Lands - Reach 9B-11 - Length and Acreage – Navajo Minerals (CD)
- (x) CD - Pumping Plant No. 7 Documents





United States Department of the Interior  
Bureau of Indian Affairs  
Title Status Report

Report Classification, Time and Date: 2/27/21 10:00 AM  
Requestor: ARIZONA Nat. Forest, 0071210, 0071210

See Appendix C for Land Legal Descriptions

**Title Status**

Tract 0071210 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or simple interests, as listed in Appendix "A" attached to this Title Status Report.

The title to Tract 0071210 is in current, unexpired, unexpired, and unexpired (ownership is in trust) and interests are listed in the following Title Status Report.

The trust ownership is enumerated by the title documents as listed in Appendix "A" attached to this Title Status Report.

No Trust Notes or dated remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, nor filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein was taken by the official land recorder, recorded and maintained in this office.



Appendix "A"

Effective Ownership as of 12/03/2004

----- OWNER -----				- DOCUMENT -		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian or Non-Indian	Title Status	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCB	DECIMAL
NAVAJO NATION	Tribe	Trust	All	Treaty		SERV ANT NAVAJO TRIBE	1	1	
							1	1	1.0000000000
IN TRUST..								1	
								1	1.0000000000
IN FEE								0	
								1	0.0000000000
TOTAL..								1	
								1	1.0000000000

\* "All" means the equitable beneficial interest and the legal title interest merged together

## Appendix "C"

Land Legal Description							
Land Area	Land Area Name	Tract Number	LTRO	Region	Agency	Resources	
791	NAVAJO-NEW MEXICO	T 8183	SOUTHWEST	NAVAJO REGIONAL OFFICE	NAVAJO REGIONAL OFFICE	Both	
Section	Township	Range	State	County	Meridian	Legal Description	Acres
1	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.130
						LOT 02=	40.200
						LOT 03=	40.260
						LOT 04=	40.330
2	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.340
						LOT 02=	40.310
						LOT 03=	40.270
						LOT 04=	40.240
3	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.200
						LOT 02=	40.170
						LOT 03=	40.130
						LOT 04=	40.100
4	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.070
						LOT 02=	40.040
						LOT 03=	40.020
						LOT 04=	39.990
5	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	39.970
						LOT 02=	39.960
						LOT 03=	39.940
						LOT 04=	39.930
6	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	SE NW	40.000
						E SW	80.000
						S NE	80.000
						SE	160.000
						LOT 01=	39.930
						LOT 02=	39.950
						LOT 03=	39.970
						LOT 04=	38.950
						LOT 05=	38.920
						LOT 06=	38.880
						LOT 07=	38.840
7	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	38.850
						LOT 02=	38.930
						LOT 03=	38.990
						LOT 04=	39.070
8	019.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
	PROJECTED SURVEY						
9	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		610.000
	PROJECTED SURVEY						
10	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
	PROJECTED SURVEY						



## Appendix "C"

Section	Township	Range	State	County	Meridian	Legal Description	Acres
11	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
12	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
13	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
14	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
15	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
16	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
17	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
18	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01-	39.130
						LOT 02-	39.180
						LOT 03-	39.240
						LOT 04-	39.290
						PROJECTED SURVEY	
19	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01-	39.350
						LOT 02-	39.420
						LOT 03-	39.480
						LOT 04-	39.550
20	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
21	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
22	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
23	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
24	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
25	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
26	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
27	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
28	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
29	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROJECTED SURVEY	
30	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	LOT 01-	39.610
						LOT 02-	39.670
						LOT 03-	39.730
						LOT 04-	39.790
31	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	NE NW	40.000
						N NE	80.000
						LOT 01-	39.850
32	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	N N	160.000
						PROJECTED SURVEY	
33	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	N N	160.000
						PROJECTED SURVEY	
34	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	N N	160.000
						PROJECTED SURVEY	
35	018.00N	018.00W	NEW MEXICO	MCKINLEY	New Mexico	N N	160.000

Appendix "C"

Section	Township	Range	State	County	Meridian	Legal Description	Acres
16	018 60N	11E 04W	NEW MEXICO	MCKINLEY	New Mexico	N. H.	160.000
TOTAL TRACT ACRES:							160.000







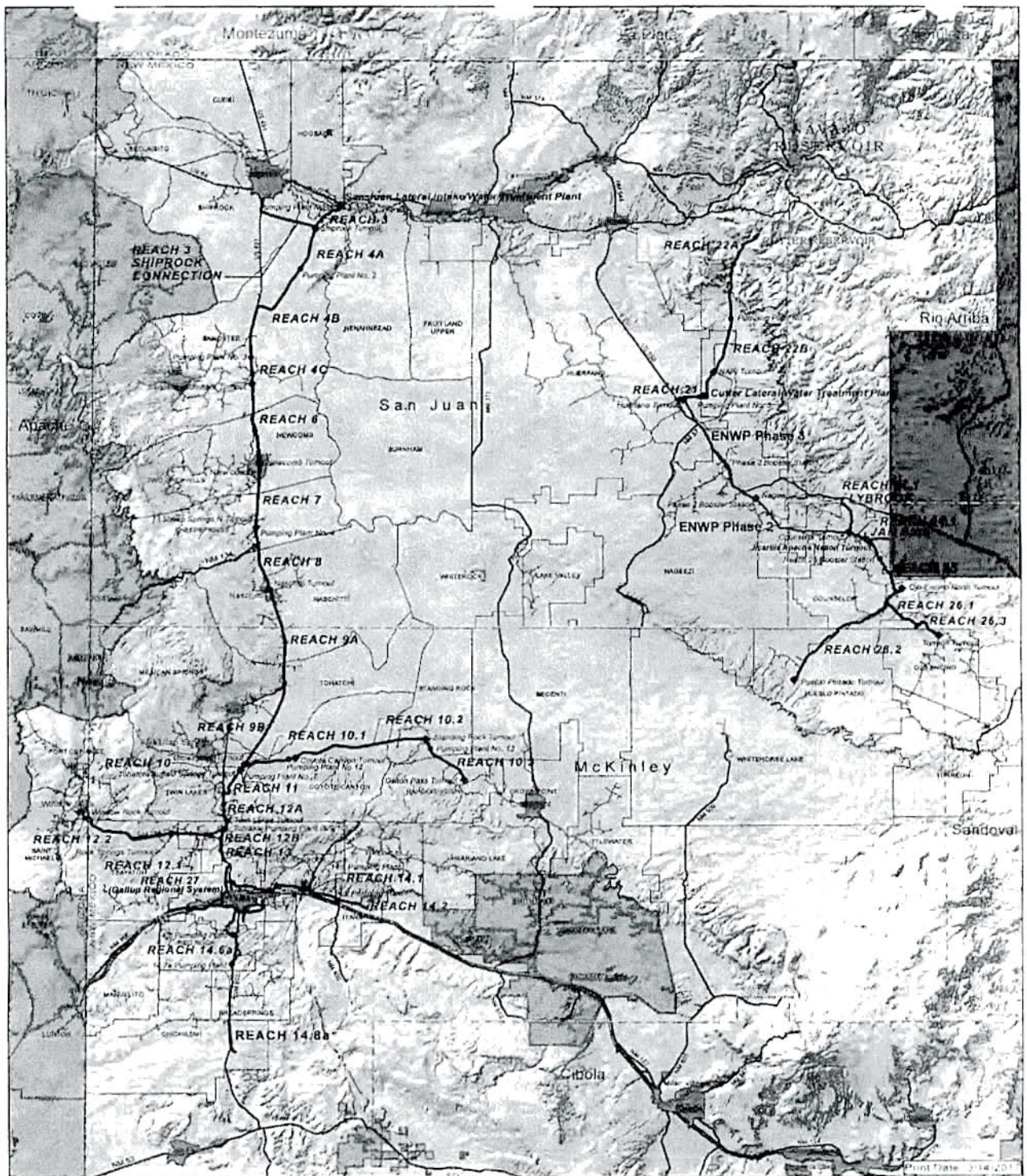
Navajo-Gallup Water Supply Project - Reach 10 - Parcel No. RCH 10-Tribal Trust-02(P) ~ Pumping Plant  
No. 7 - Permanent Easement for Right-of-Way

A parcel of land lying on Navajo Nation, Tribal Trust Land in the Southwest Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

Beginning at a point on the north right-of-way line of Navajo Service Route 9 from which the East Quarter Corner of Section 34 bears South 66°17'51" East a distance of 1463.79 feet; thence from the point of beginning South 63°03'05" West a distance of 60.00 feet; thence South 63°03'05" West a distance of 20.00 feet; thence North 26°56'55" West a distance of 170.12 feet; thence along a curve that bears left 28°34'42" a distance of 74.85 feet, which curve has a radius of 150.06 feet; thence South 33°13'42" West a distance of 200.04 feet; thence North 56°46'18" West a distance of 313.84 feet; thence North 33°13'42" East a distance of 637.54 feet; thence South 56°46'18" East a distance of 254.08 feet; thence South 33°13'42" West a distance of 125.04 feet; thence South 56°46'18" East a distance of 125.04 feet; thence South 33°13'42" West a distance of 182.76 feet; thence South 78°13'42" West a distance of 45.69 feet; thence along a curve a distance of 93.81 feet, which chord bears South 37°41'46" East a distance of 93.26 feet and which curve has a radius of 250.06 feet; thence South 26°56'55" East a distance of 170.12 feet; thence South 63°03'05" West a distance of 20.00 feet to the point of beginning.

Parcel No. RCH 10-Tribal Trust-02(P) contains 5.35 acres more or less.





#### LEGEND

- San Juan Lateral
- Cutter Lateral
- Gallup Regional System
- Eastern Navajo Water Pipeline (ENWP) Phase 2
- Eastern Navajo Water Pipeline (ENWP) Phase 3
- Water Treatment Plant
- Pumping Plant
- ◆ Turnout
- Navajo Tribal Utility Authority Distribution System
- Navajo Nation Served Chapters
- Navajo Nation Non-Served Chapters
- Jicarilla Apache Nation (JAN)

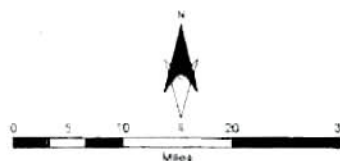
## Navajo Gallup Water Supply Project

### RECLAMATION

*Managing Water in the West*

Note: Pumping Plant numbers reflect F.E.I.S. designations. Some pumping plants in original F.E.I.S. design have been combined and/or eliminated as a result of additional analyses and optimization studies.

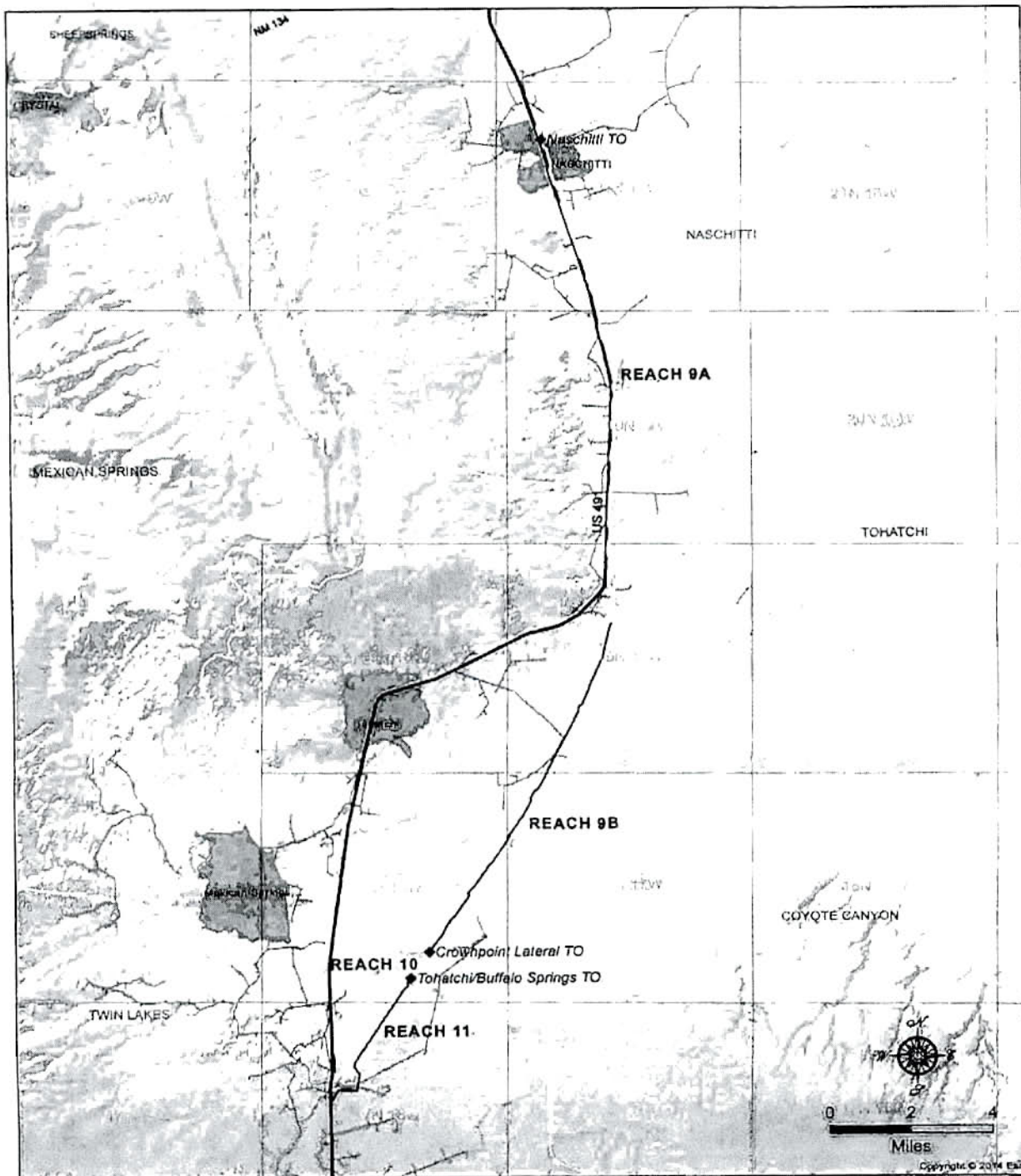
Disclaimer: Not for construction purposes. Alignment may be refined as designs and field reviews are completed.



1695-529-537

Last Update: March 13, 2017





# *Navajo-Gallup Water Supply Project* **RECLAMATION** *Managing Water in the West*

## **LEGEND**

- Reach 9A
- Reach 9B
- Reach 10
- Reach 11
- ◆ Turnout (TO)
- US Highway

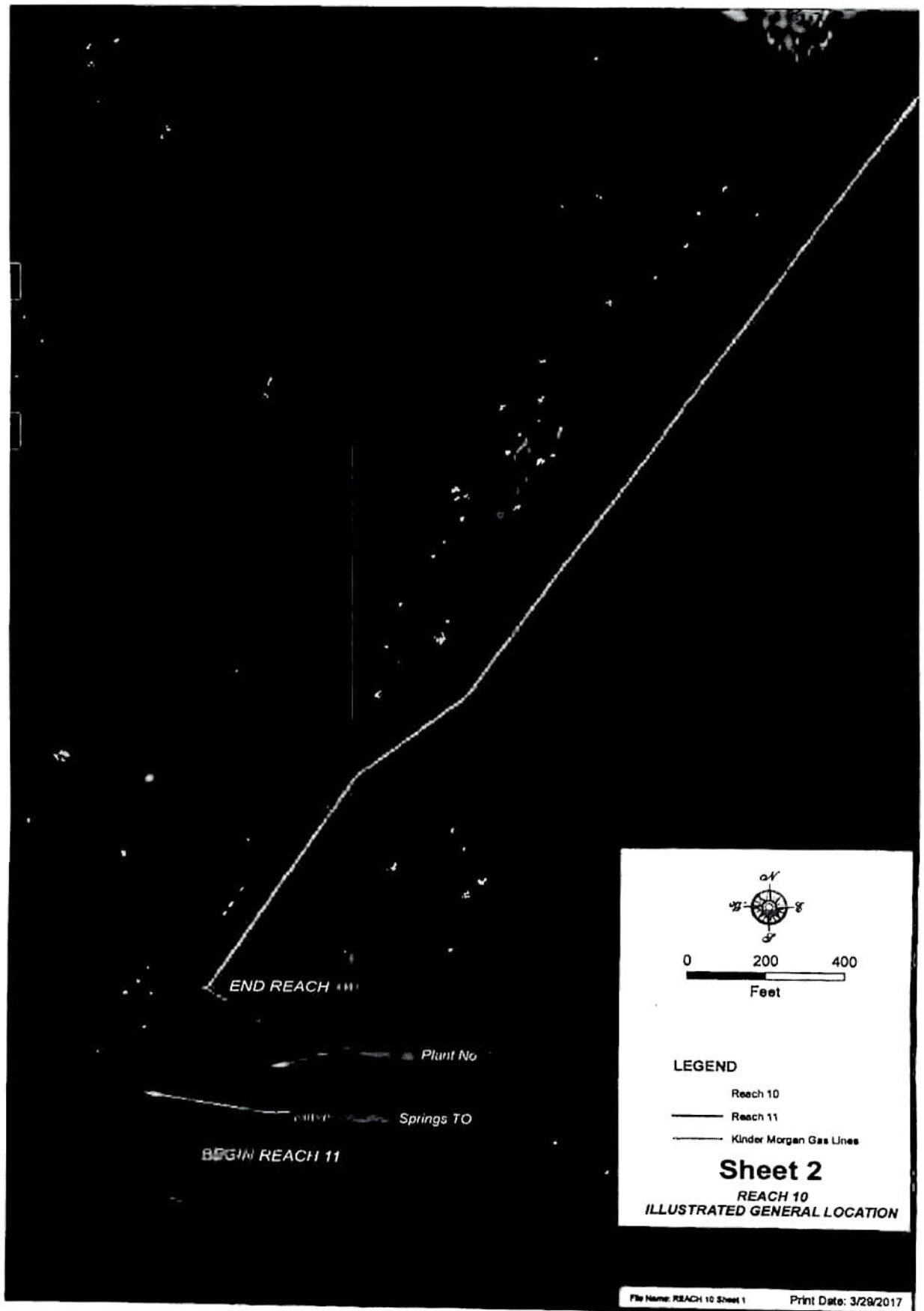
CHAPTER NAME Navajo Nation Serviced Chapters

**BLOCK 9-11  
 LAND STATUS MAP  
 REACHES 9A, 9B, 10 AND 11**

**FIGURE 1**



Print Date: 12/15/2016  
 Document Name: BLOCK 9-11-11

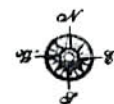


END REACH 10

Plant No

Springs TO

BEGIN REACH 11



0 200 400  
Feet

LEGEND

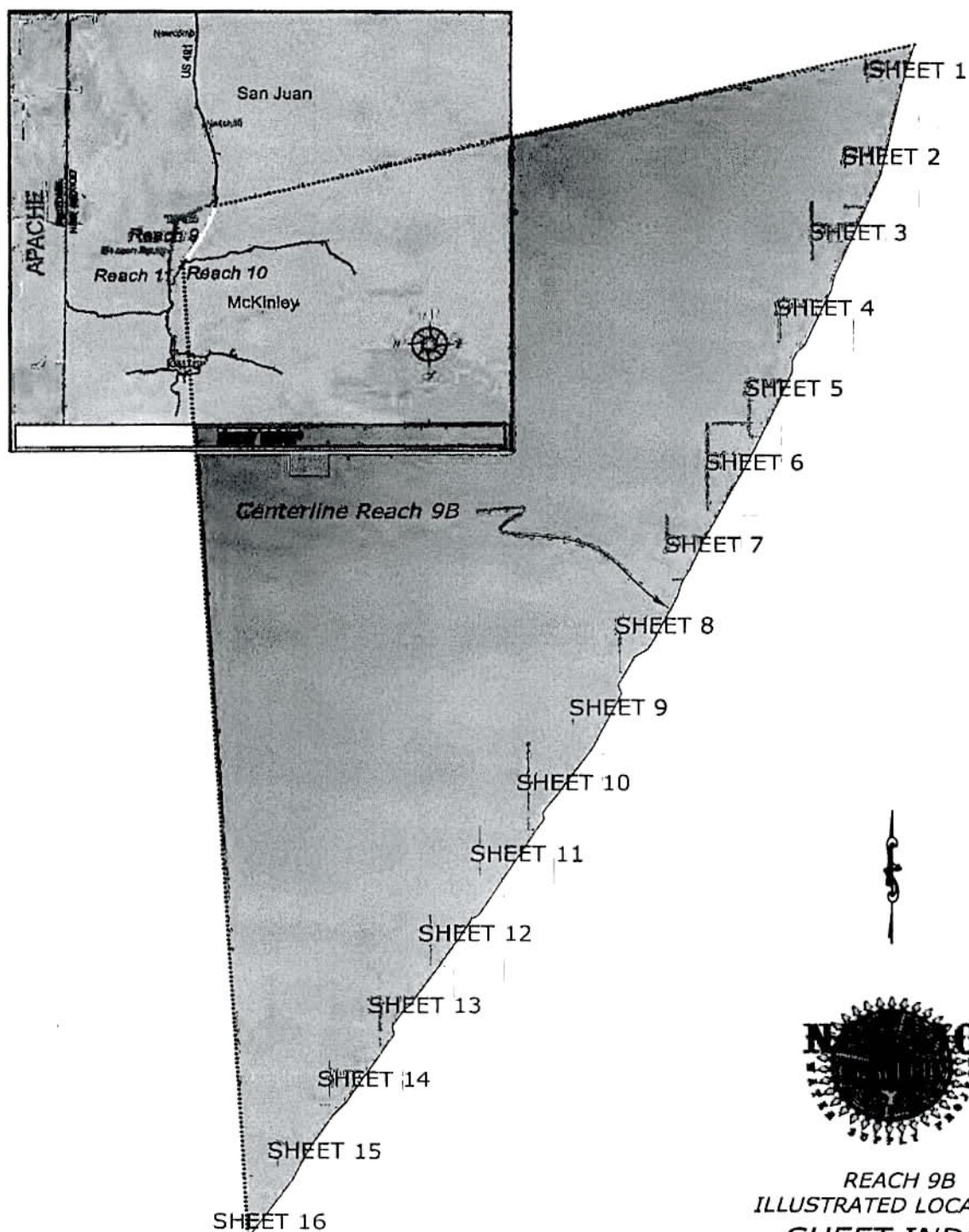
Reach 10

Reach 11

Kinder Morgan Gas Lines

Sheet 2

REACH 10  
ILLUSTRATED GENERAL LOCATION



REACH 9B  
ILLUSTRATED LOCATIONS  
SHEET INDEX



REACH 9  
ILLUSTRATED GENERAL LOCATION

# Sheet 1

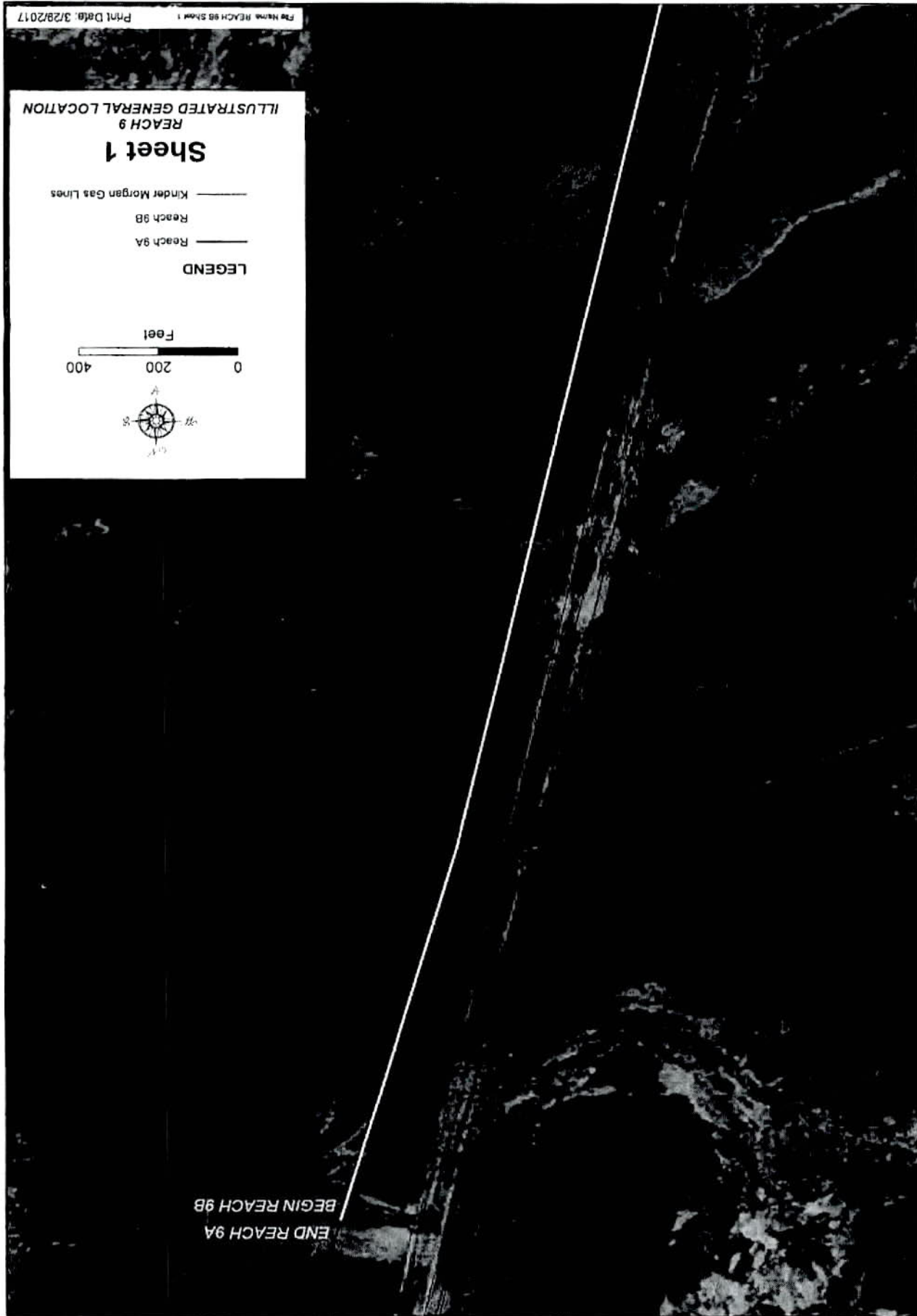
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————— Reach 9A

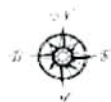
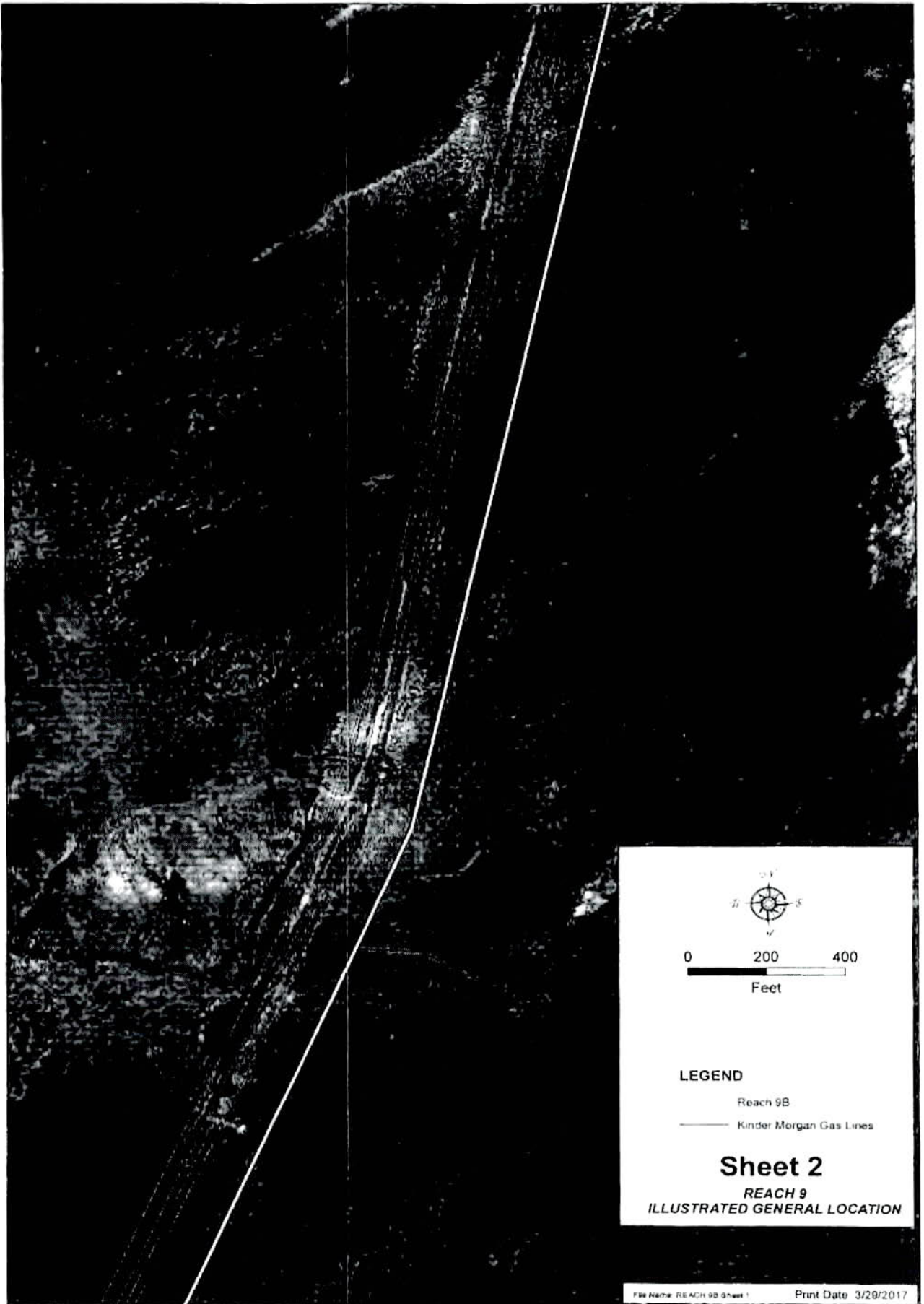
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END REACH 9A  
BEGIN REACH 9B





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**LEGEND**

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— Kinder Morgan Gas Lines

**Sheet 2**

**REACH 9**  
**ILLUSTRATED GENERAL LOCATION**

ILLUSTRATED GENERAL LOCATION

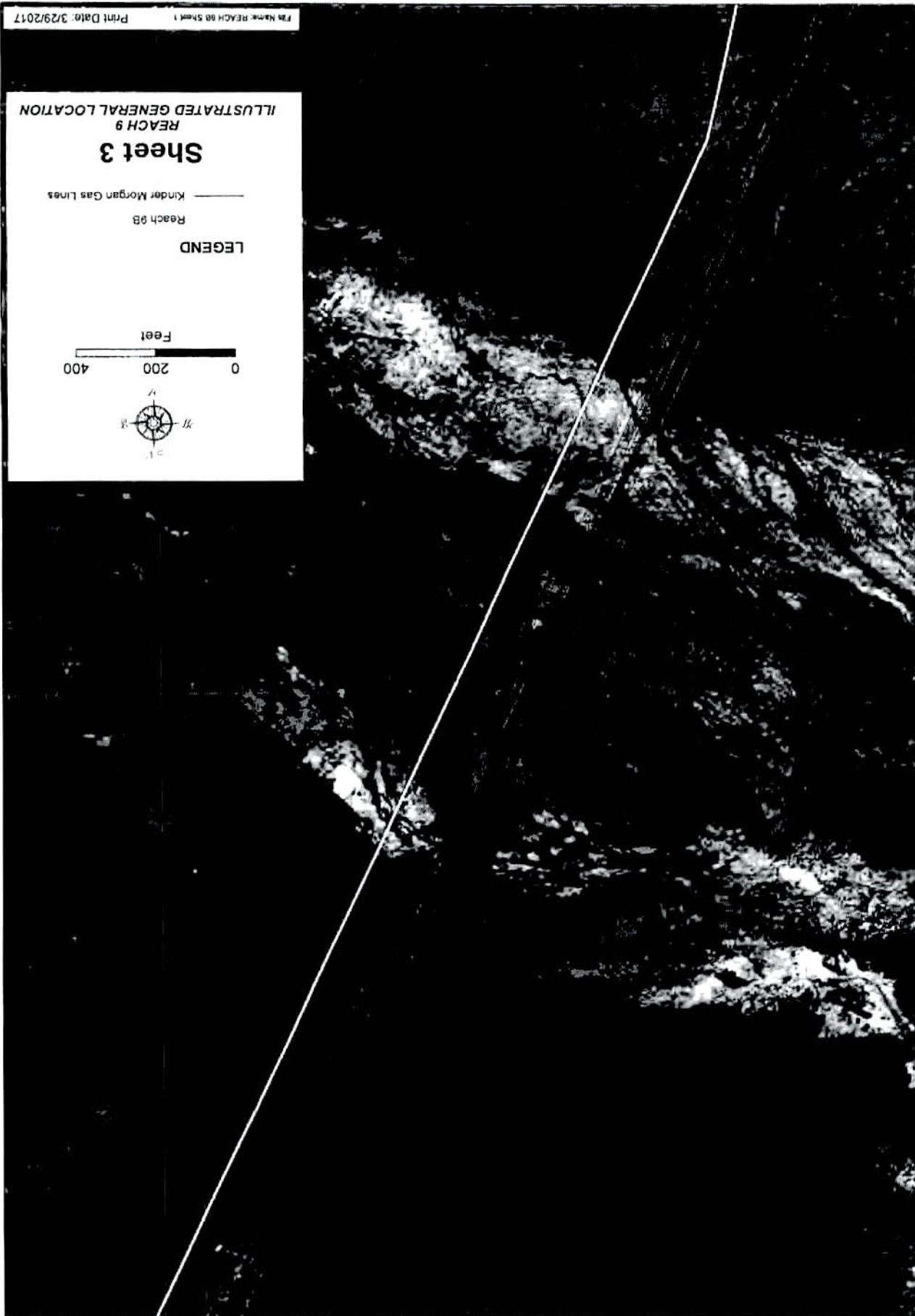
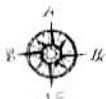
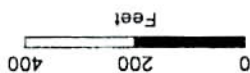
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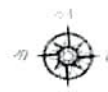
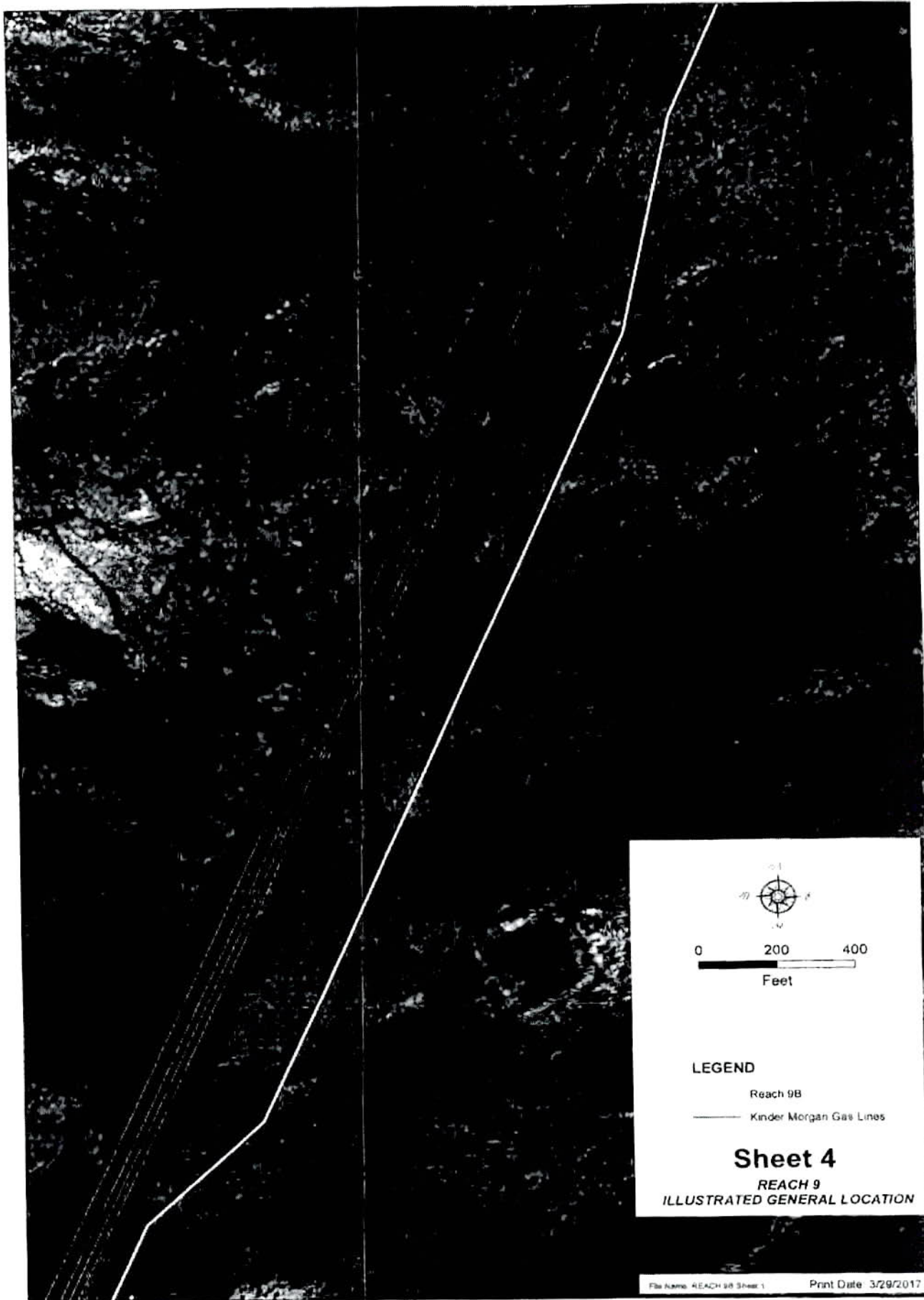
Kinder Morgan Gas Lines

Reach 9B

## LEGEND







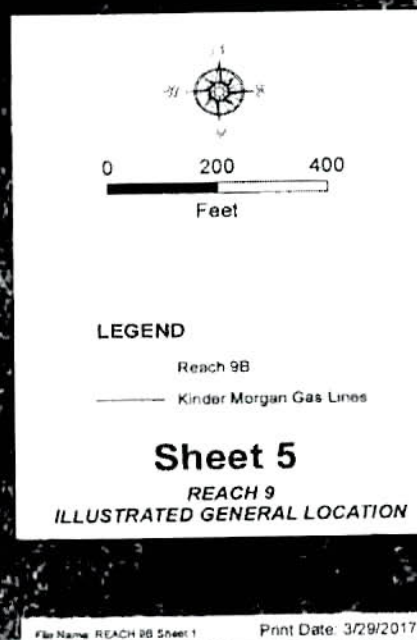
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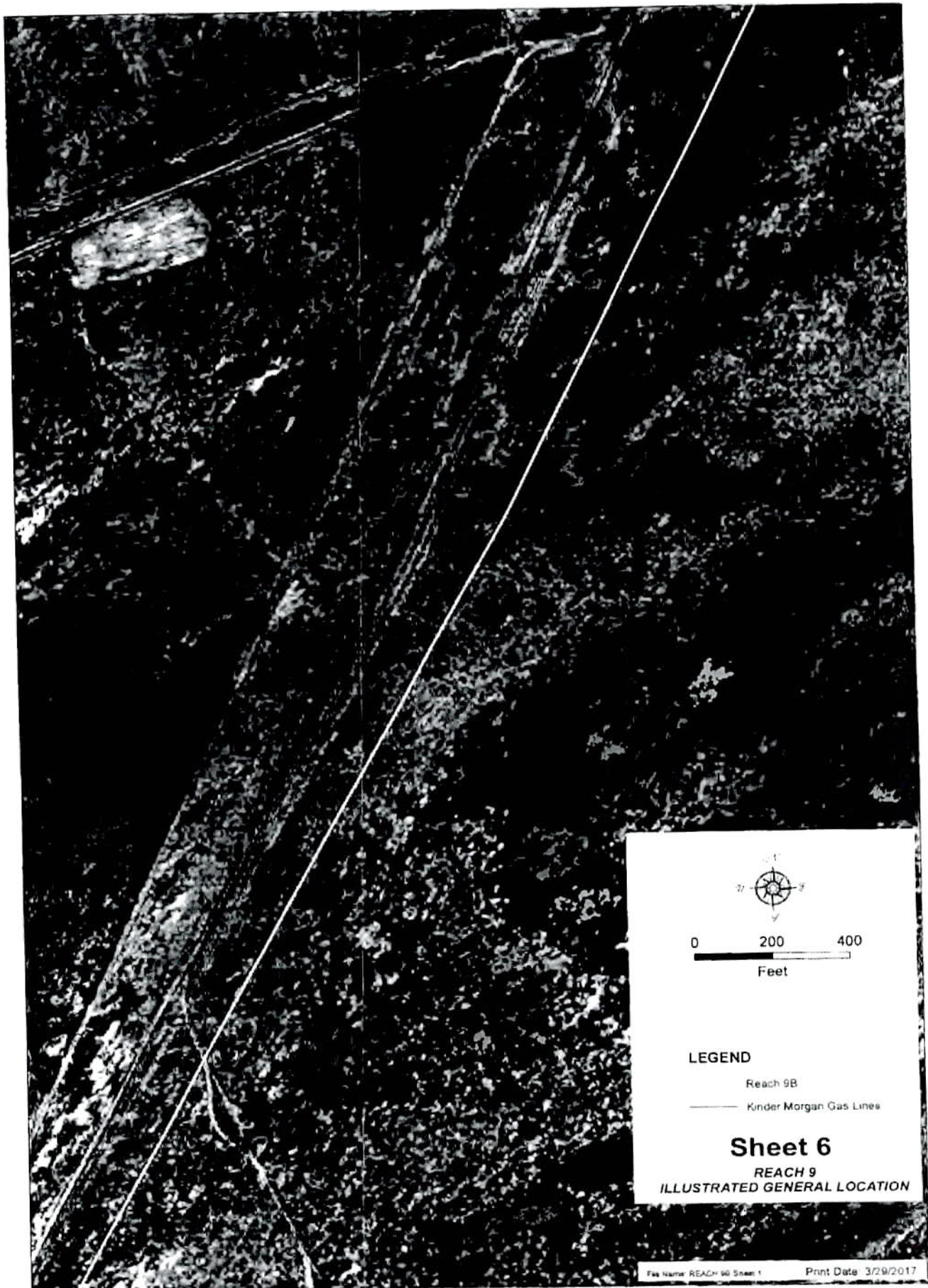
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Kinder Morgan Gas Lines

**Sheet 4**

**REACH 9**  
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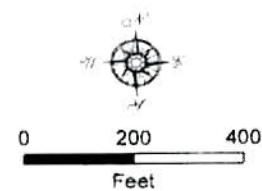
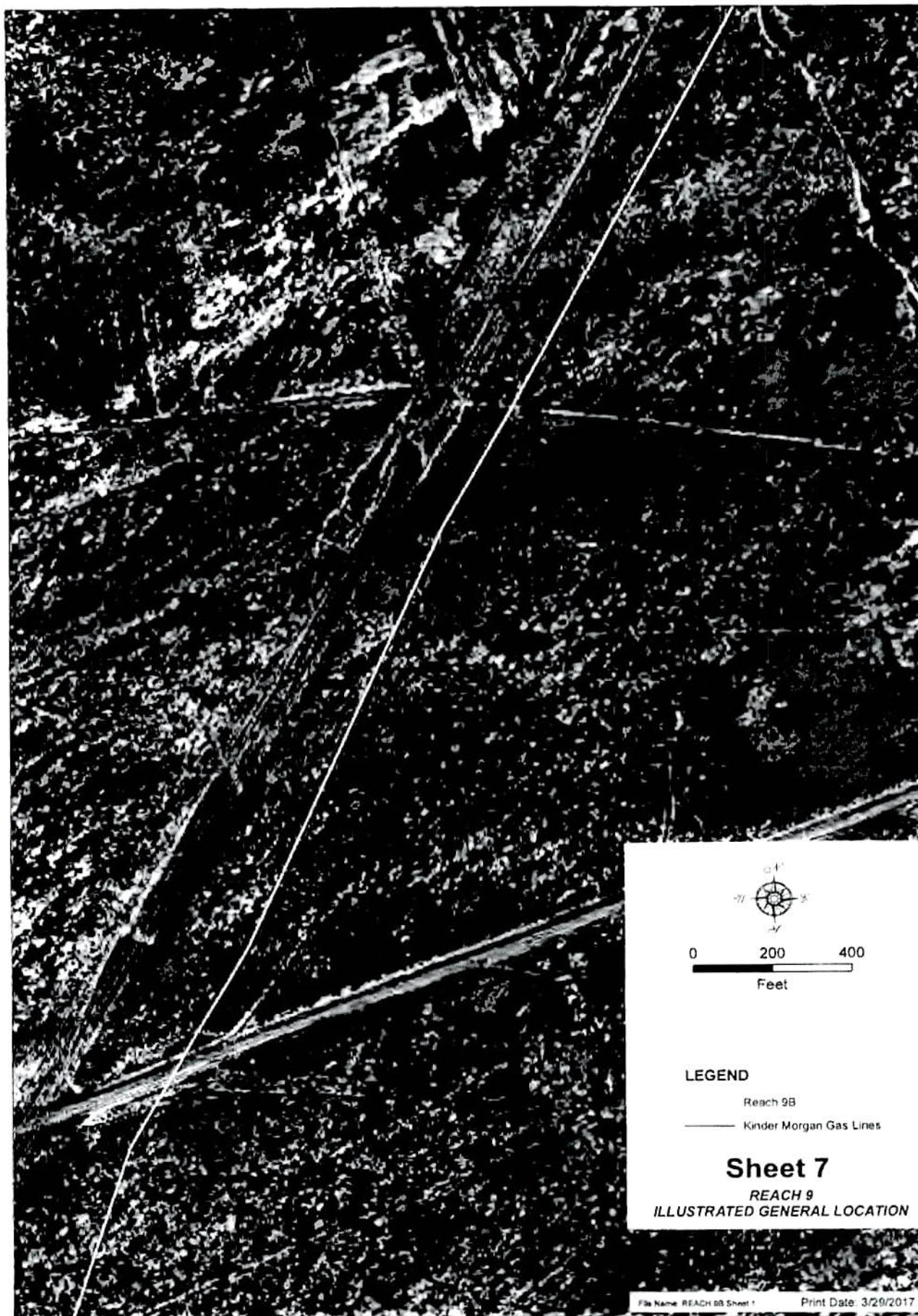
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- Reach 9B
- Kinder Morgan Gas Lines

### Sheet 6

REACH 9  
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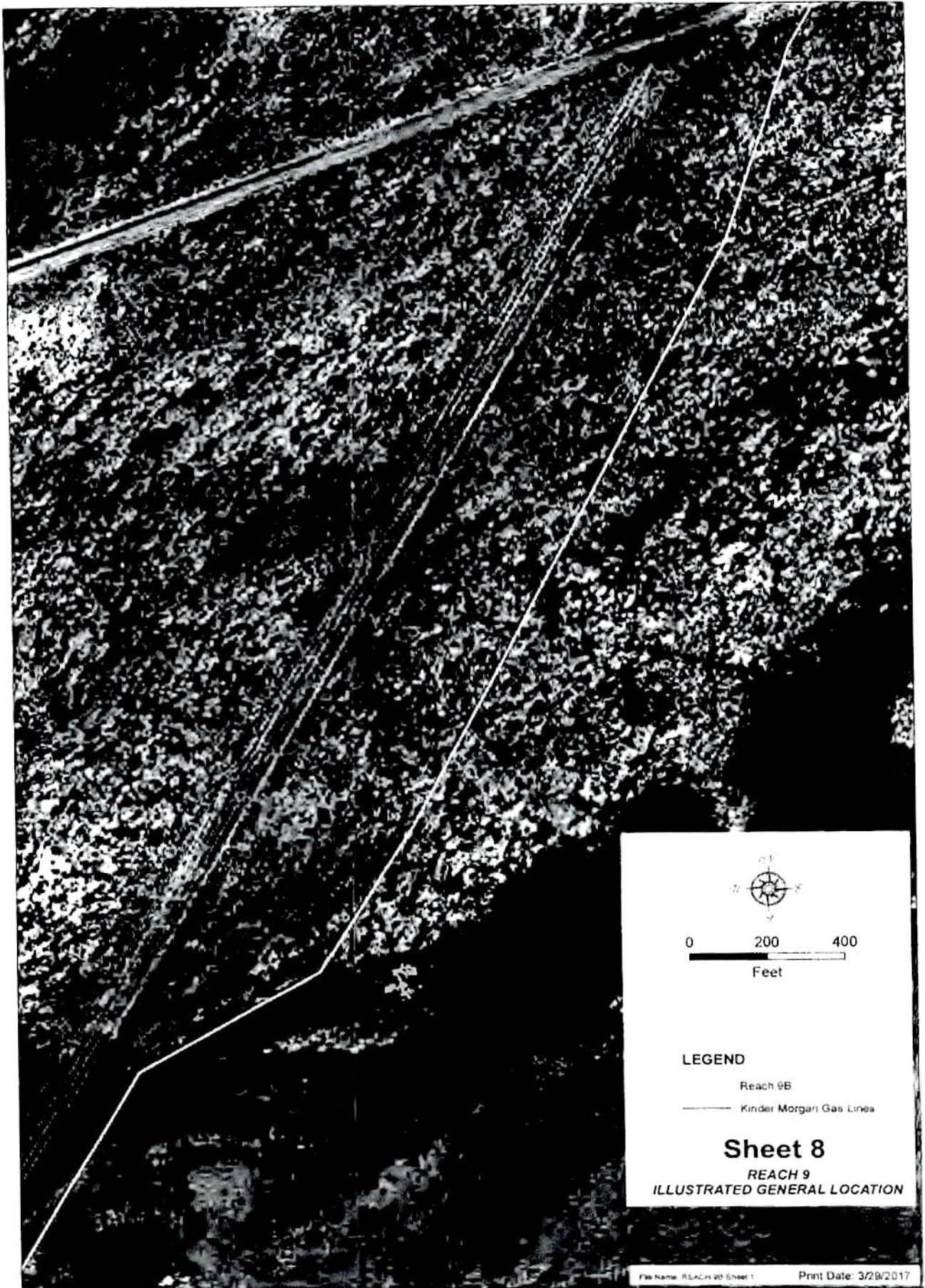
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**Sheet 7**

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#### LEGEND

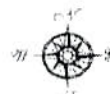
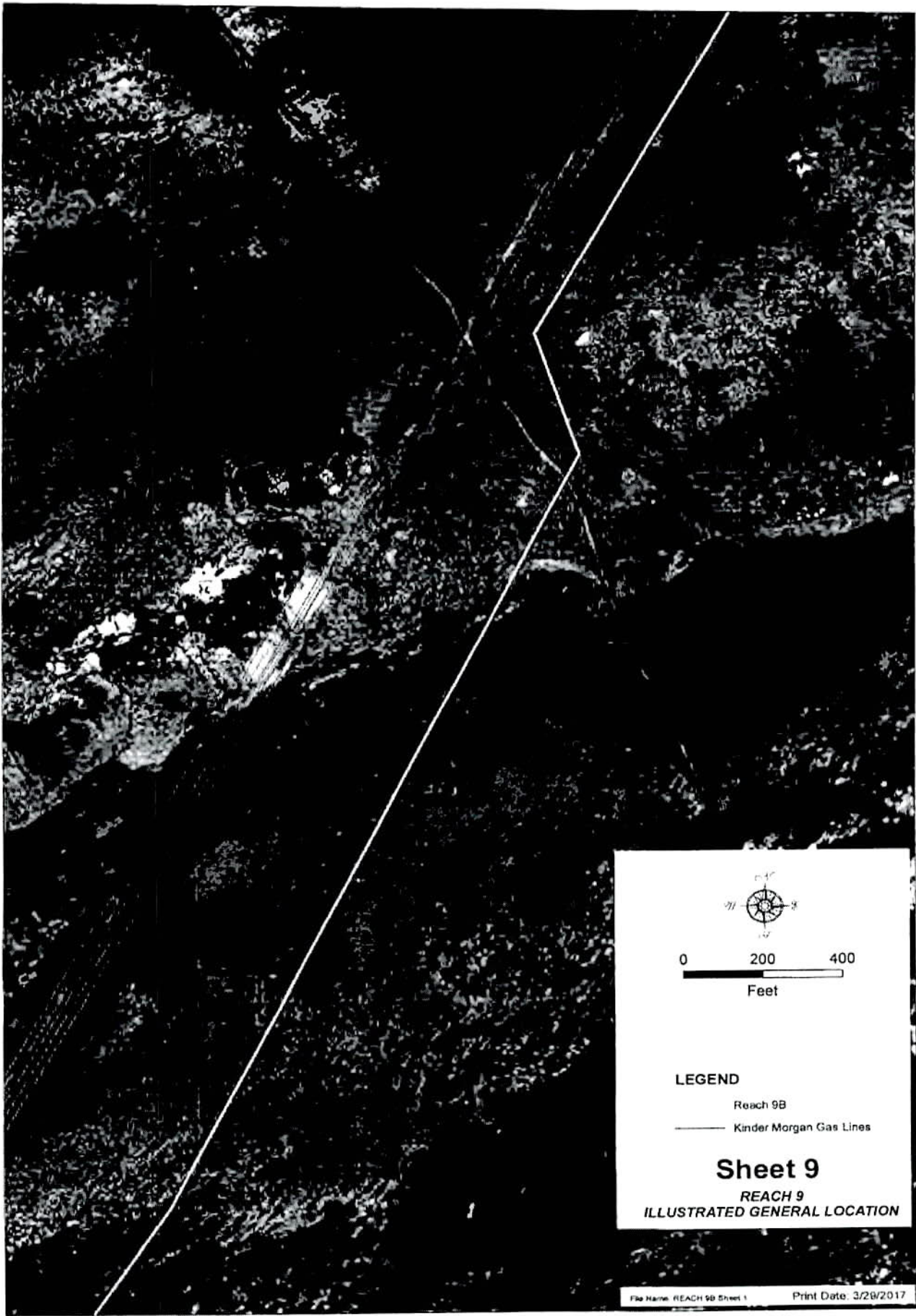
Reach 9B

Kinder Morgan Gas Lines

### Sheet 8

REACH 9  
ILLUSTRATED GENERAL LOCATION





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**LEGEND**

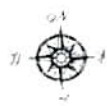
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— Kinder Morgan Gas Lines

**Sheet 9**

**REACH 9  
ILLUSTRATED GENERAL LOCATION**





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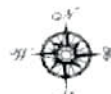
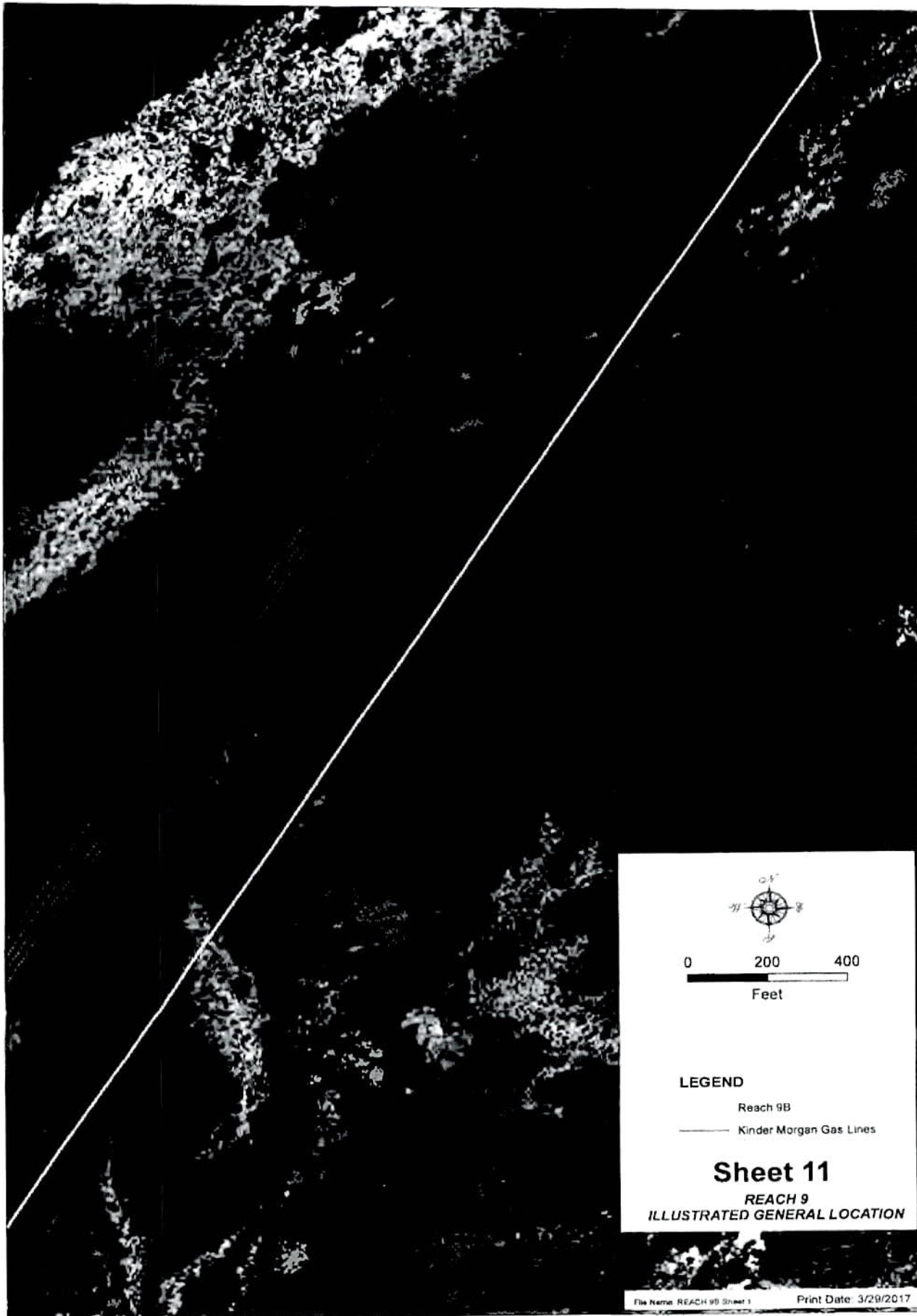
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Reach 9B

— Kinder Morgan Gas Lines

**Sheet 10**

REACH 9  
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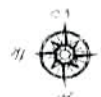
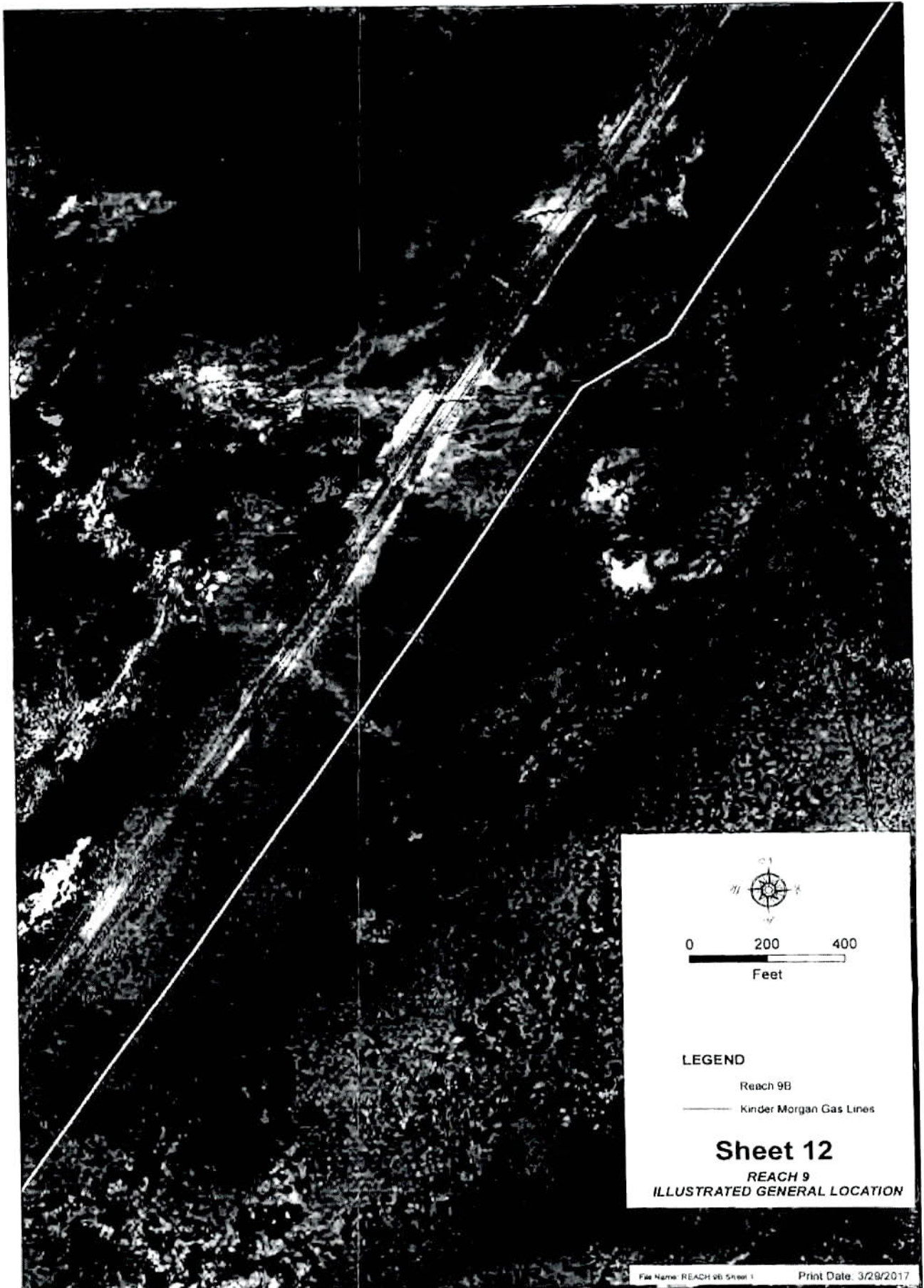
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— Kinder Morgan Gas Lines

**Sheet 11**

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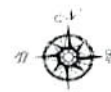
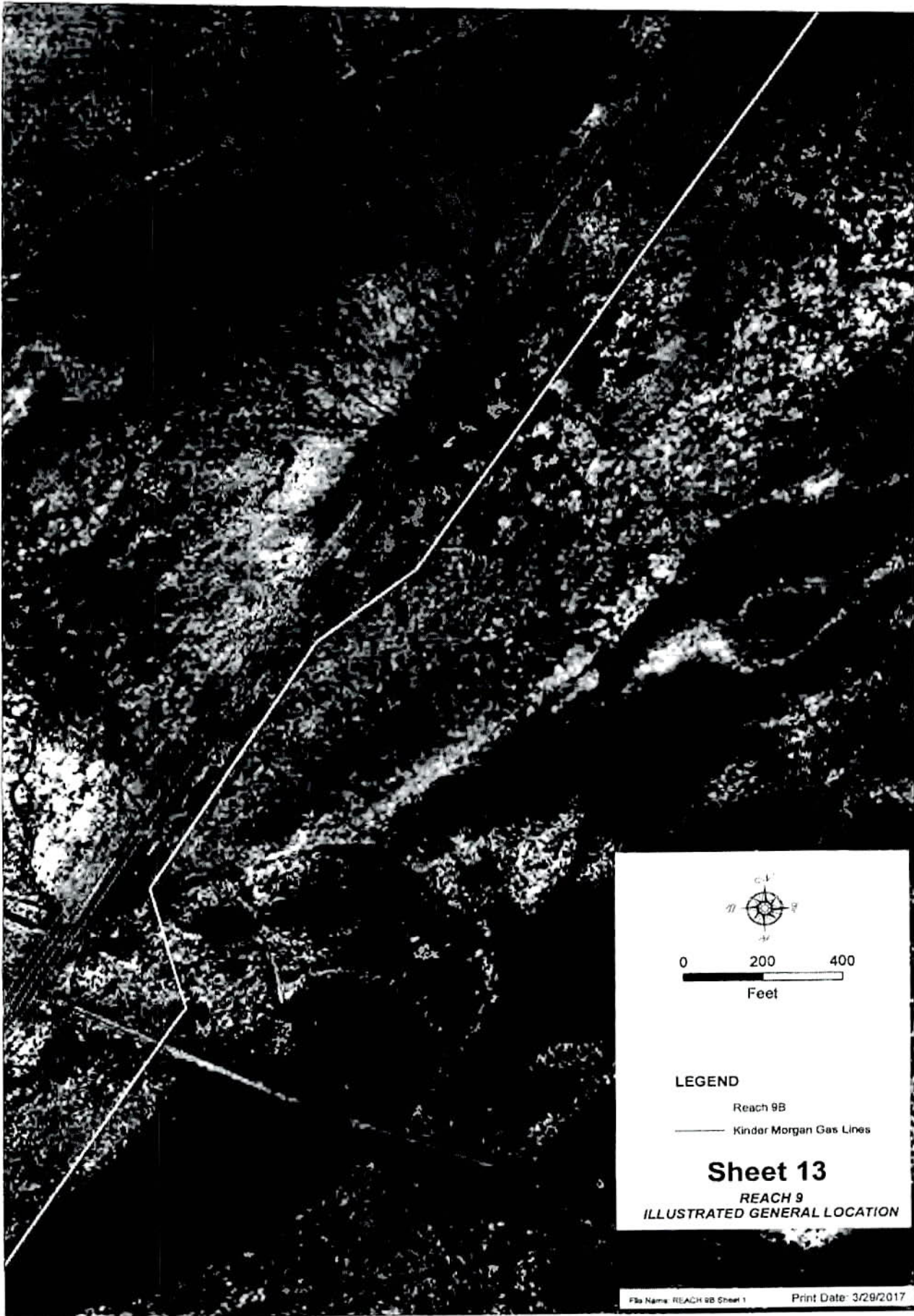
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- Reach 9B
- Kinder Morgan Gas Lines

**Sheet 12**

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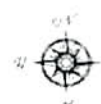
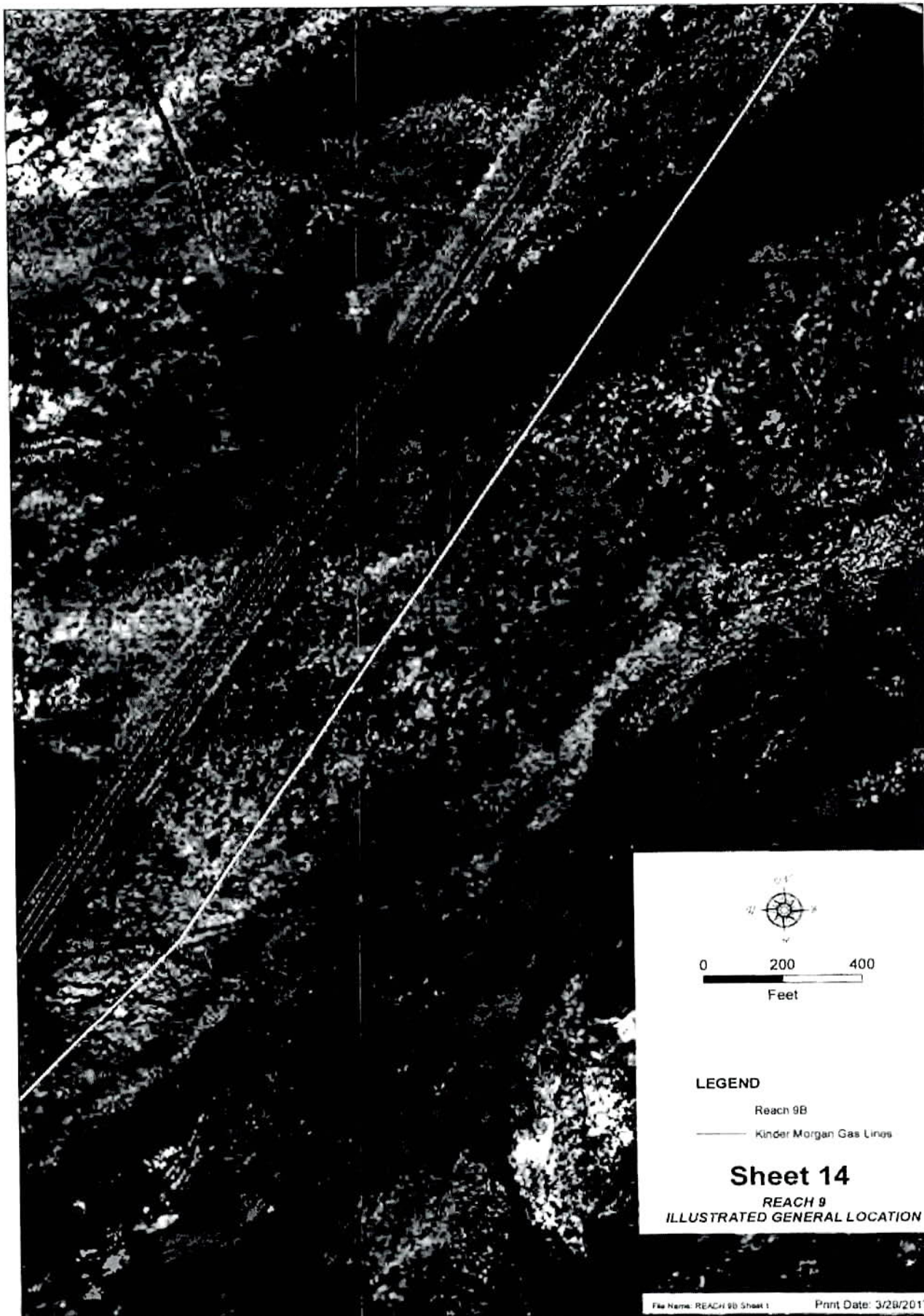
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Reach 9B

— Kinder Morgan Gas Lines

**Sheet 13**

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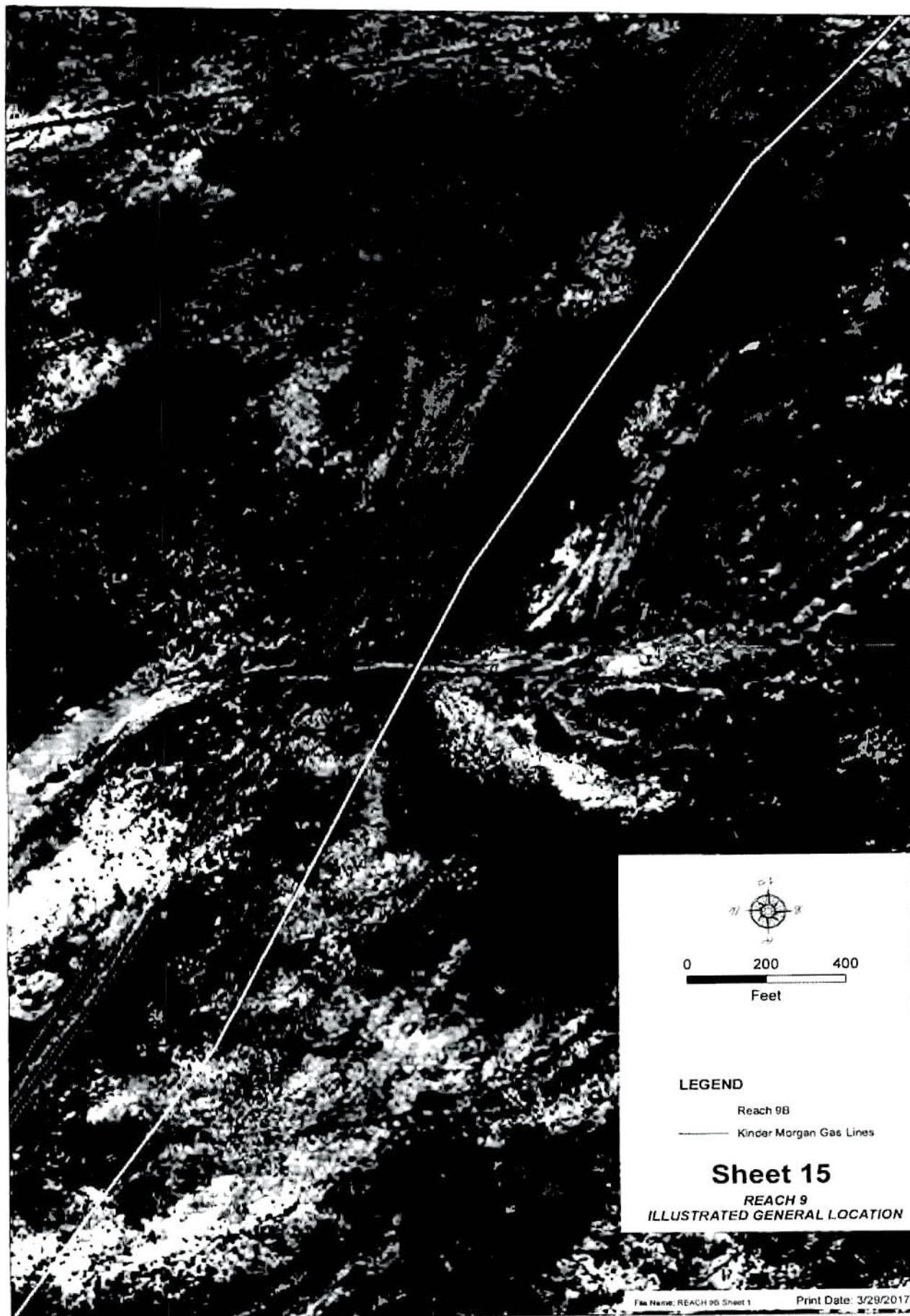
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— Reach 9B  
— Kinder Morgan Gas Lines

### Sheet 14

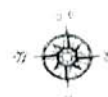
REACH 9  
ILLUSTRATED GENERAL LOCATION







END REACH 9B  
Crownsport Lateral TO  
BEGIN REACH 10



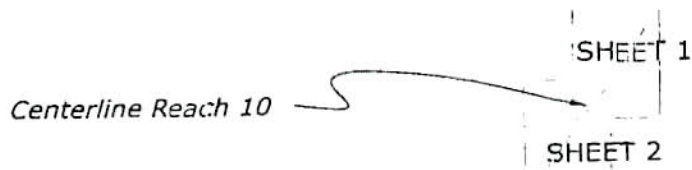
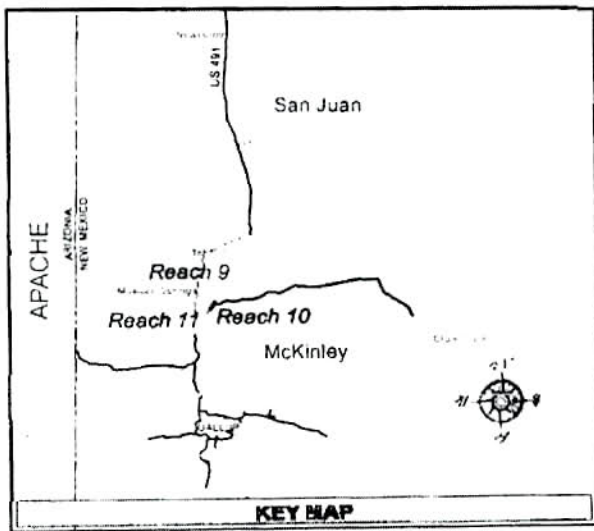
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**LEGEND**

- Reach 9B
- Reach 10
- Kinder Morgan Gas Lines

**Sheet 16**

REACH 9  
ILLUSTRATED GENERAL LOCATION



REACH 10  
ILLUSTRATED LOCATIONS  
SHEET INDEX



END REACH 9B  
Crownpoint Lateral TO  
BEGIN REACH 10



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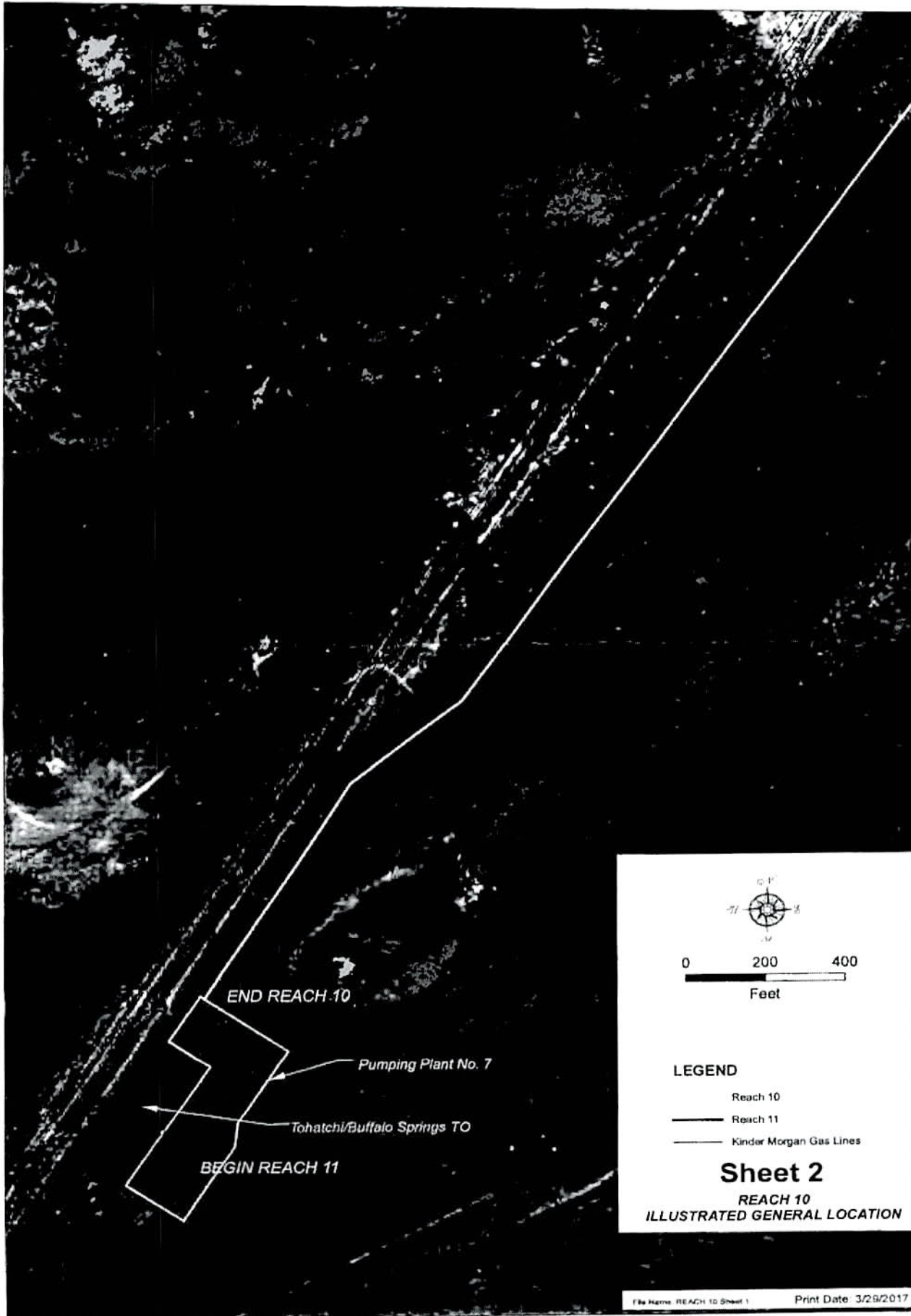
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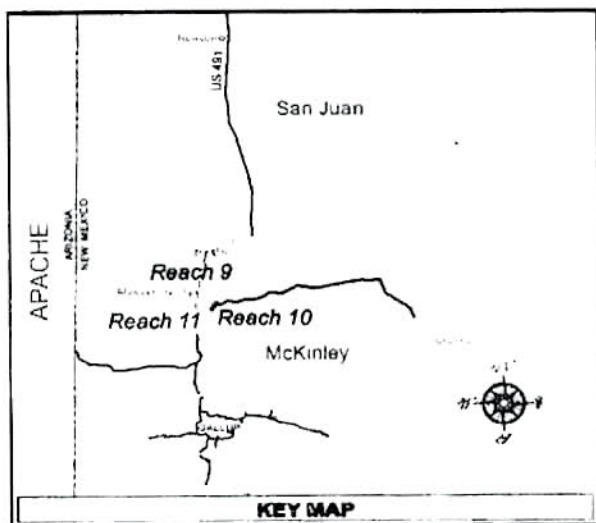
**LEGEND**

- Reach 9B
- Reach 10
- Kinder Morgan Gas Lines

**Sheet 1**

REACH 10  
ILLUSTRATED GENERAL LOCATION





Centerline Reach 11

SHEET 1

SHEET 2

SHEET 3

SHEET 4

SHEET 5

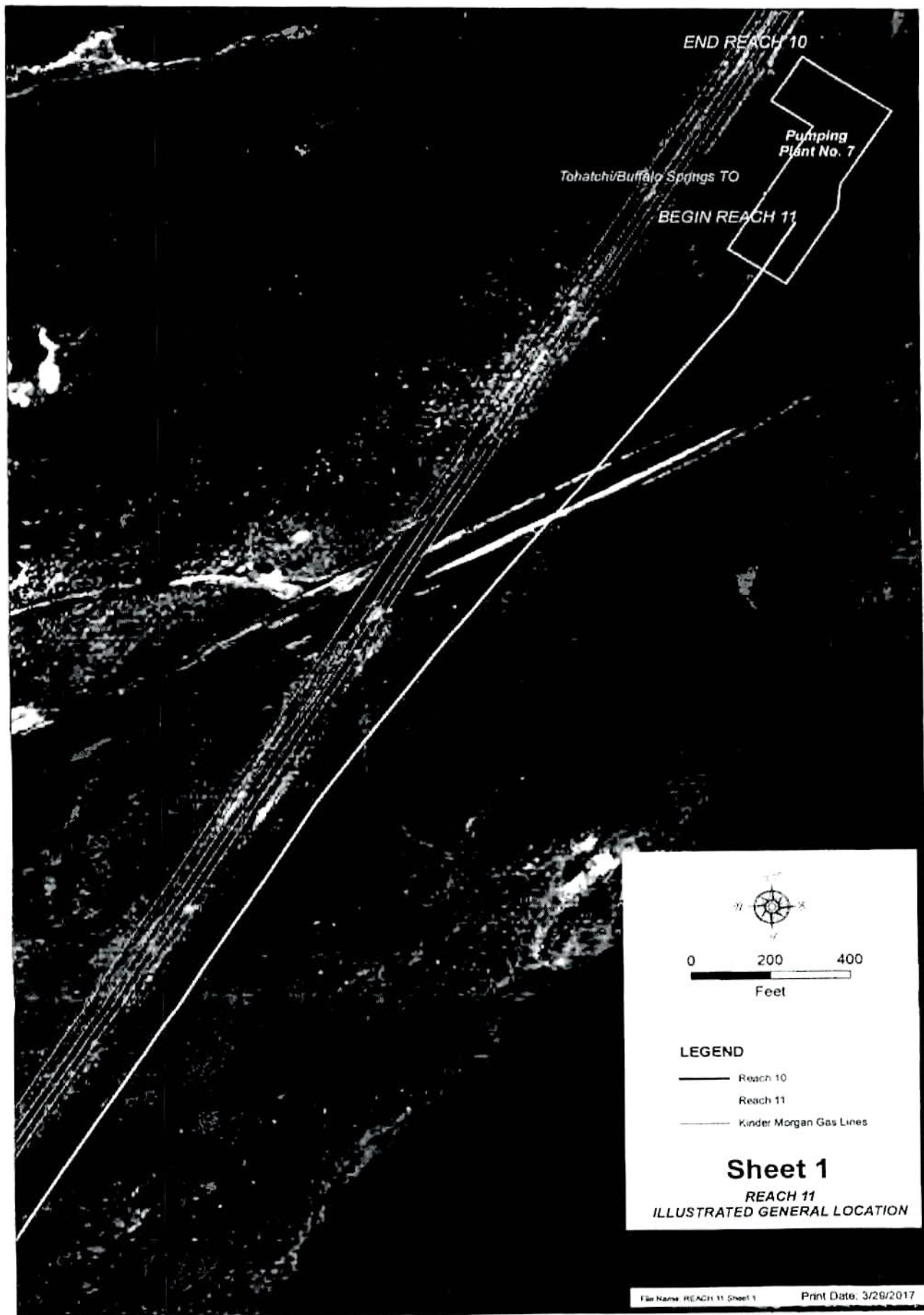
SHEET 7 SHEET 6

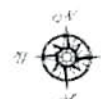
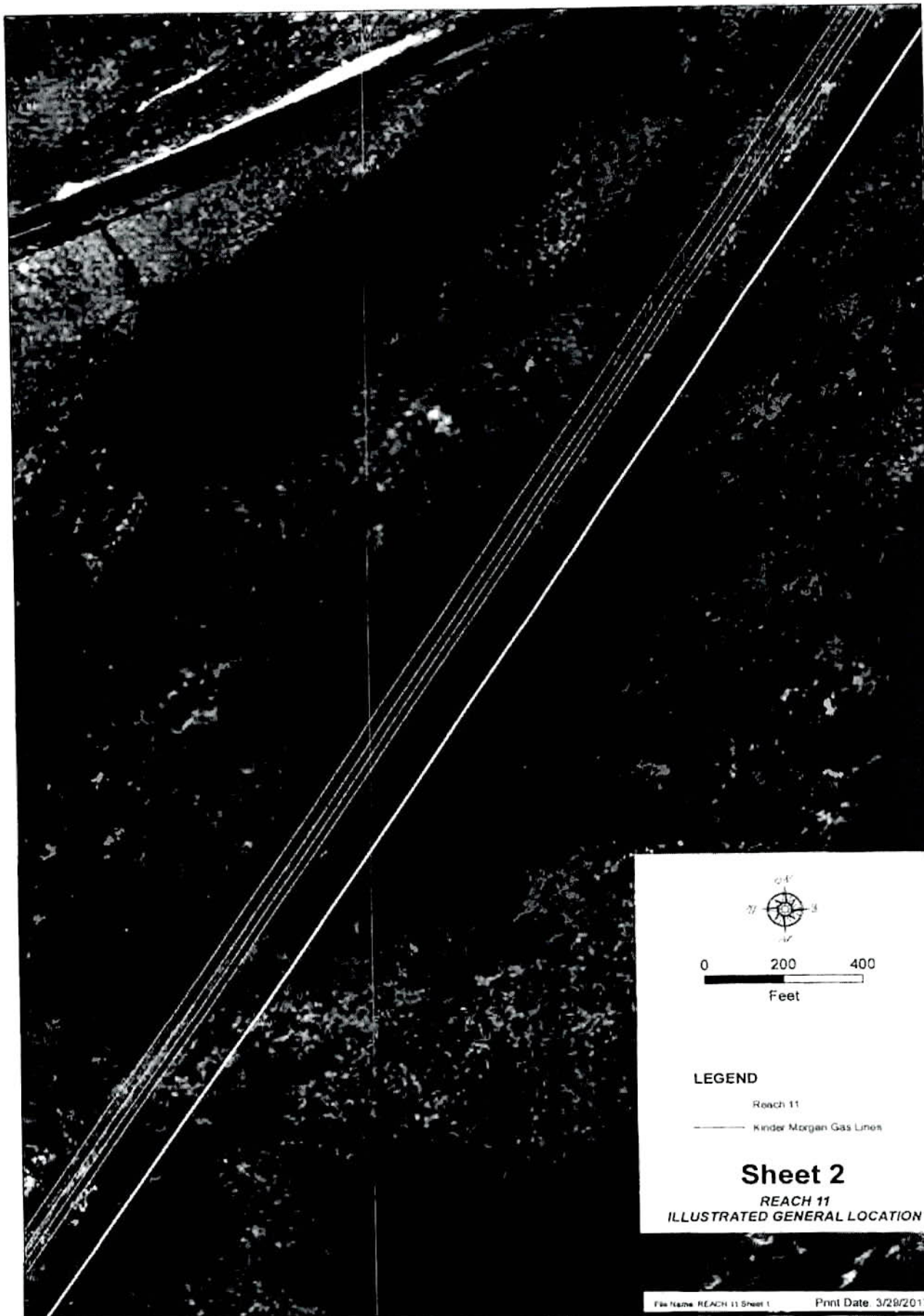
SHEET 8



REACH 11  
ILLUSTRATED LOCATIONS  
SHEET INDEX







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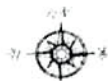
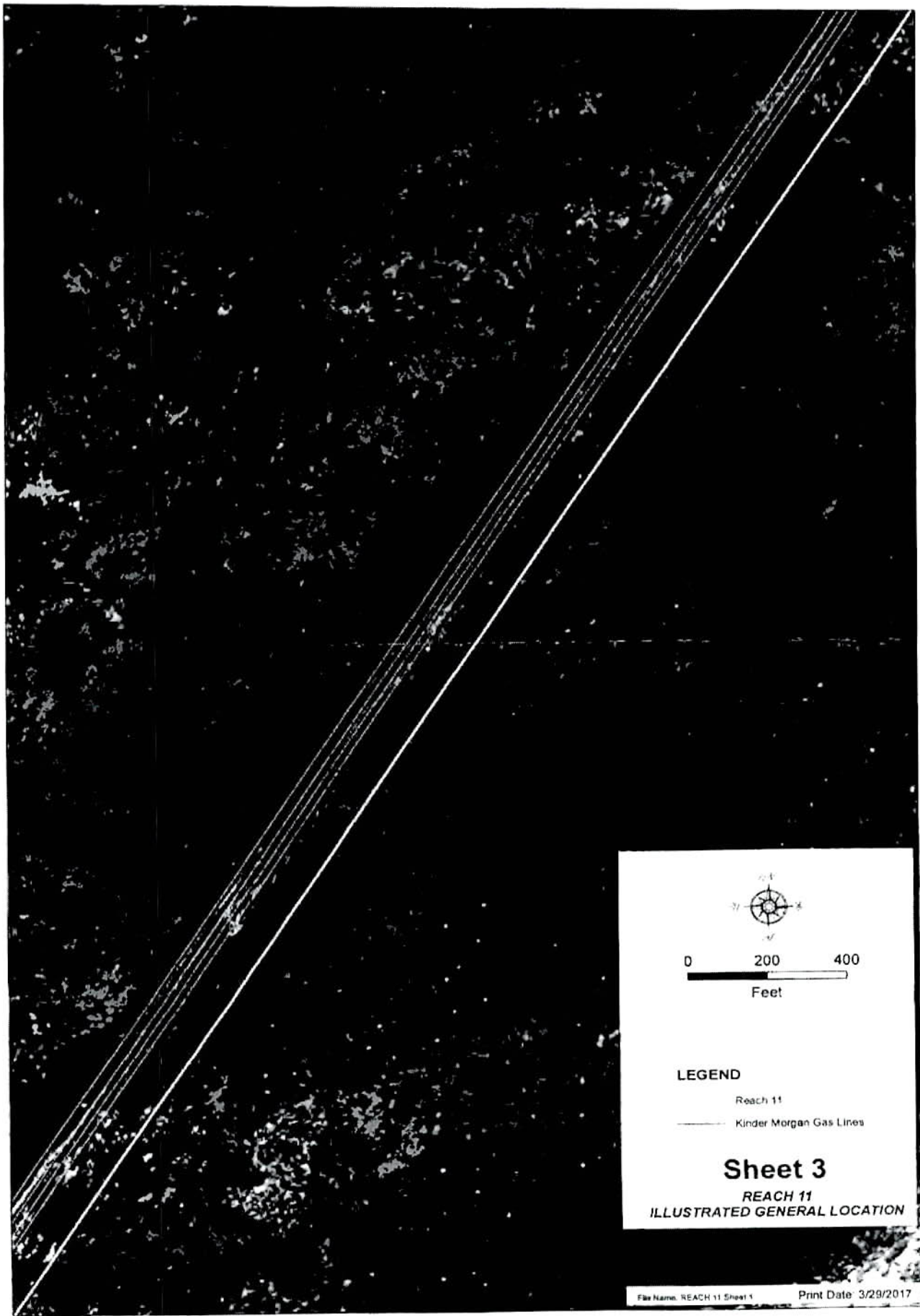
#### LEGEND

Reach 11

Kinder Morgan Gas Lines

## Sheet 2

REACH 11  
ILLUSTRATED GENERAL LOCATION



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**LEGEND**

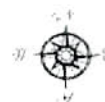
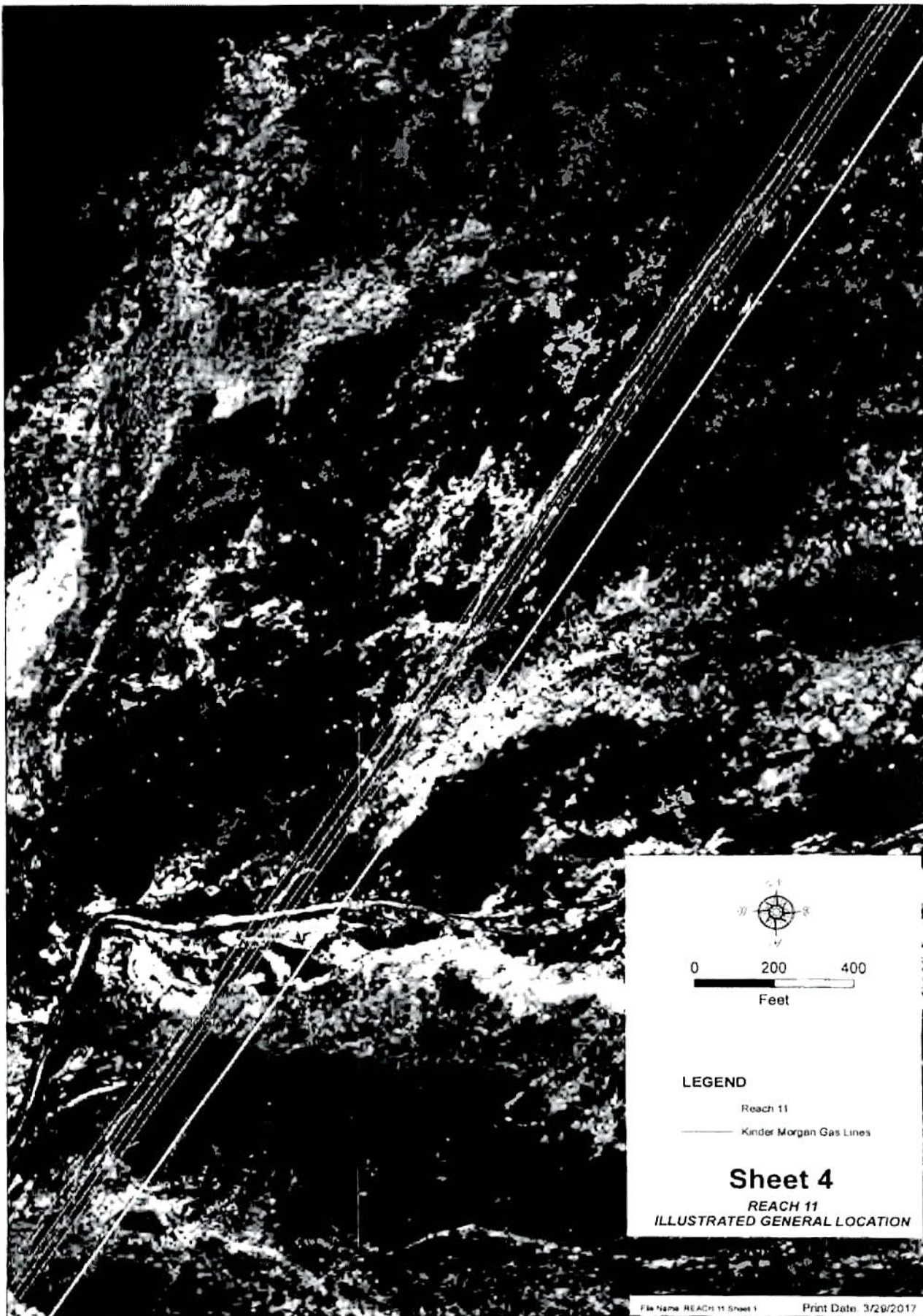
Reach 11

Kinder Morgan Gas Lines

**Sheet 3**

REACH 11  
ILLUSTRATED GENERAL LOCATION





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**LEGEND**

Reach 11

Kinder Morgan Gas Lines

**Sheet 4**


**REACH 11**  
**ILLUSTRATED GENERAL LOCATION**

**Sheet 5**  
**REACH 11**  
**ILLUSTRATED GENERAL LOCATION**

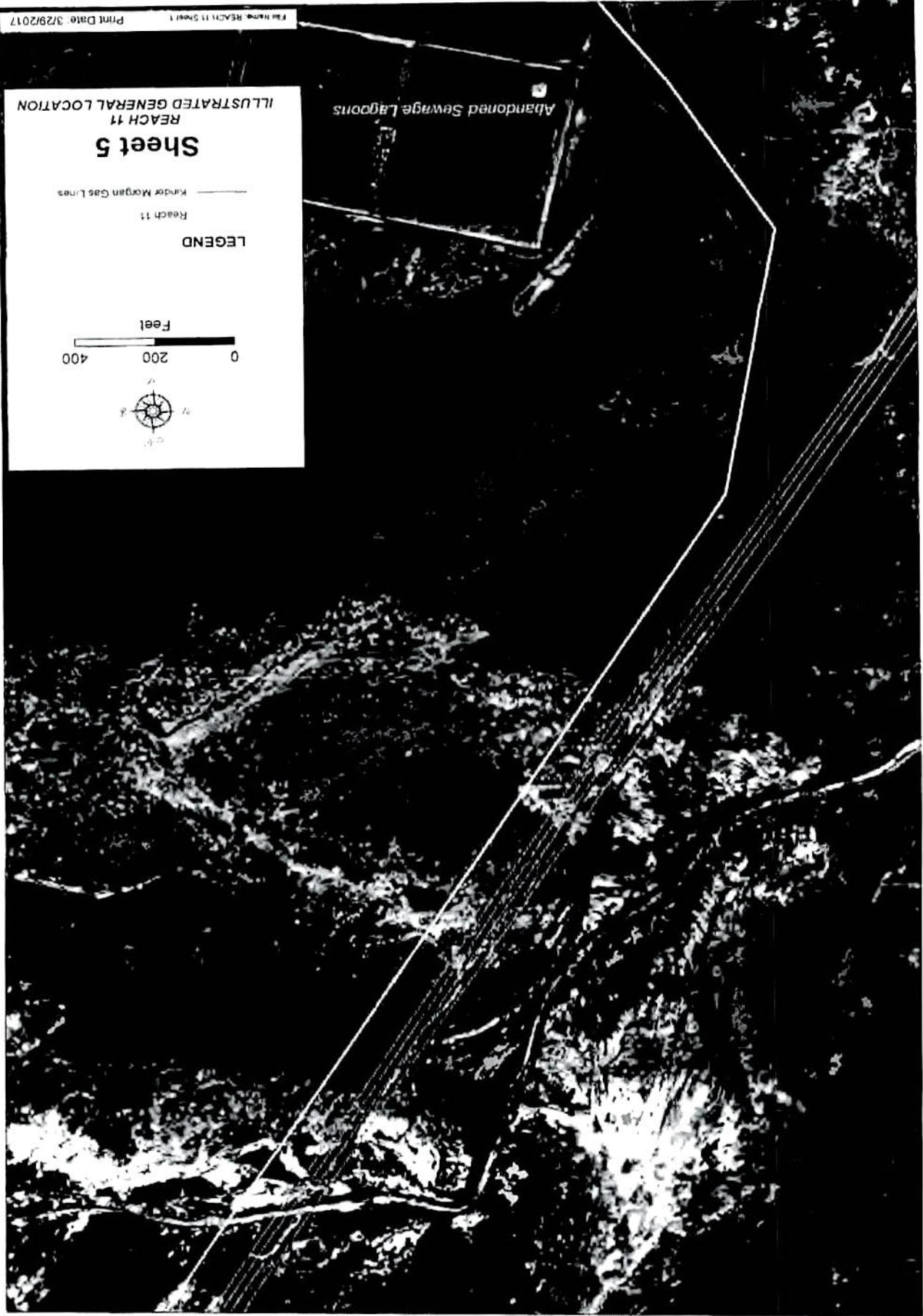
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— Kinder Morgan Gas Lines  
— Reach 11

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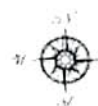
Abandoned Sewage Lagoons







Abandoned Sewage Lagoons



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#### LEGEND

Reach 11

### Sheet 6

REACH 11  
ILLUSTRATED GENERAL LOCATION





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**LEGEND**

Reach 11

**Sheet 7**

REACH 11  
ILLUSTRATED GENERAL LOCATION







# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ

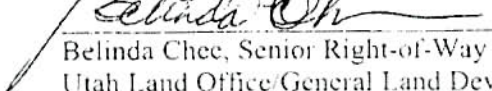
Utah Land Office-General Land Development  
Post Office Box 410  
Montezuma Creek, Utah 84534

EXHIBIT

C

## MEMORANDUM

To: Ms. Elerina Yazzie, Program Manager/General Land Development Department  
Mr. Irvin Chee, Staff Attorney/Department of Justice

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

Date: October 9, 2017

Subject: Revision of Field Clearances for Navajo-Gallup Water Supply Project-Reaches 9 through 11 for Bureau of Reclamation

Please be informed that this memo is regarding the revision of the previous Field Clearance Reaches 9 through 11 for Bureau of Reclamation, which I was submitted and dated April 14, 2017. The newly Pumping Plant #7 ROW will be included to said Field Clearance ROW package, since it is located within the same route. Therefore, Pumping Plant #7 ROW will be included to Reaches 9 through 11 ROW package, and the additional consent for the same area is not required, since the grazing permit holders had already consented to use the land within those areas. Three (3) Grazing Committee Members, Mr. Larry Tsosie of Bahastl'ah/Twin Lakes Chapter, Mr. Jonah Barney of Mexican Springs Chapter and Mr. Leonard McReeves of Tohatchi Community Chapter, and twelve (12) grazing permittees have all concurred and consented. The twelve (12) grazing permit holders are as followed:

<u>No.</u>	<u>Names:</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
1.	Laverne Willie	602,973	Grazing Rights
2.	Herman Cadman	49,530	Grazing Rights
3.	Louise K. Wilson	98,945	Grazing Rights
4.	Anthony Howard	609,670	Grazing Rights
5.	Kenneth Howard	127,099	Grazing Rights
6.	Edith Smith	41,540	Grazing Rights
7.	Louise Musket	47,977	Grazing Rights
8.	Etta M. Norris	41,152	Grazing Rights
9.	Edwood Allison	90,227	Grazing Rights
10.	William Allison	90,225	Grazing Rights
11.	Emily Freeland	34,067	Grazing Rights
12.	Angela Barney-Nez	100,935	Grazing Rights

The addition proposed projects are described as:

Grant of Permanent Easement for Right-of-Way (ROW), without limitation in term, and for as long as the easement is used for the intended purpose, Reach 10-Pumping Plant No. 7, Parcel No. Reh 10-Tribal Trust-02 (P) of the Navajo Gallup Water Supply Pipeline (NGWSP), will consist of water storage and regulation tanks, a pumping plant facility with a chlorine injection facility, associated



pipeline, and ancillary features and appurtenances that will be constructed, will contain 5.35 acres, more or less, in Southwest Quarter of the Northwest Quarter of Section 34, Township 18 North, of Range 18 West, N.M.P.M., Twin Lakes Chapter, Navajo Reservation, McKinley County, New Mexico. *(And see all of the attachments for more specify details).*

For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at [belchee@frontier.com](mailto:belchee@frontier.com) And if you should have any questions to Bureau of Reclamation you may contact Mr. Barry Longwell, Project Construction Engineer at (505) 324-5001 or email at [blongwell@usbr.gov](mailto:blongwell@usbr.gov) Thank you.

#### Attachments

xc

*Barry Longwell, Project Construction Engineer/Bureau of Reclamation*

*Larry Tsosie, GCM of Twin Lakes Chapter/NN*

*Akhtar Zaman, Director/Minerals Dept./NN*

*Shiprock NNEPA/NN*

*Bertha Spencer/BIA*

*File, Utah Land Office/GLDD/DNR/NN*



## THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT



September 9, 2016

Lawrence S. Roberts  
Assistant Secretary – Indian Affairs  
Department of the Interior  
MS-3642-MIB  
1849 C Street, N.W.  
Washington, D.C. 20240

**Subject: Navajo Nation's Support of Waiver Request under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 Bond Requirement for all Navajo-Gallup Water Supply Project (NGWSP) Rights of Way**

Dear Assistant Secretary Roberts:

The Navajo-Gallup Water Supply Project (NGWSP) is the cornerstone of the Navajo Nation San Juan River Basin in New Mexico Water Rights Settlement Agreement (Settlement). The Navajo Nation has been working closely with the Bureau of Reclamation and the Bureau of Indian Affairs (BIA) to ensure the project's completion by 2024, the deadline mandated by the authorizing legislation. As such, and through a financial assistance agreement with Reclamation, the Nation has taken an active role in designing and constructing a portion of the project on the Cutter Lateral.

One of the major undertakings involved in getting the project built is the acquisition of the right-of-way (ROW) necessary to construct, operate, and maintain the project. On April 21, 2016, new 25 C.F.R. Part 169 ROW Regulations took effect which differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 C.F.R. §169 Regulations that had been in effect when Reclamation and the Nation began seeking consents from allottees for ROW across individual Indian allotments. The new regulations omitted BIA's authority to directly waive the bonding requirement when seeking ROW. The new regulations do allow grantees to seek a waiver from individual Indian allottees and tribes, but in the case of NGWSP, going back and seeking this consent for waiver now would result in significant delays and added expenses to the project.

We understand that Reclamation and BIA are in the process of seeking a waiver, under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW-holder is a federal agency or an agency of the Navajo Nation. The Nation fully supports their request and believes it is in the best interest of the Nation and its people. A waiver will help ensure that Reclamation's and the Nation's ROW acquisition process is not delayed on NGWSP which will result in the project getting completed within the legislated deadline which will benefit the Nation and its people.

Sincerely,

THE NAVAJO NATION

Russell Begaye, President



IN REPLY REFER TO:

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

NOV 22 2016

## Memorandum

To: Principal Deputy Assistant Secretary – Indian Affairs

From: <sup>Acting</sup> Director, Bureau of Indian Affairs

Subject: Request for Waiver under 25 CFR § 1.2 of the 25 CFR § 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

The Navajo-Gallup Water Supply Project (NGWSP) in northwest New Mexico is the cornerstone of the Northwestern New Mexico Rural Water Projects Act, Pub. L. 111-11, § 10301 *et seq.* (March 30, 2009) (the Settlement Act) and the 2010 Navajo Nation San Juan River Water Rights Settlement Agreement between the Navajo Nation (the Nation), the State of New Mexico, and the United States. The NGWSP is a major infrastructure project comprising about 280 miles of pipeline, 24 pumping plants and two water treatment plants, as well as numerous water regulation and storage facilities, that altogether will provide a long-term, sustainable and reliable municipal and industrial water supply from the San Juan River Basin to more than 43 Chapters on the Navajo Reservation, to the southwest portion of the Jicarilla Apache reservation, and to the city of Gallup, New Mexico. The Settlement Act provides that all project features are to be completed no later than December 31, 2024, mandating an aggressive construction schedule for a project of this scale.

On October 11, 2011, President Obama designated the NGWSP as one of 14 federal infrastructure projects to be expedited through permitting and environmental review processes, in order to improve the efficiency of federal reviews needed to help infrastructure projects move as quickly as possible from the drawing board to completion. NGWSP was the only project within the Department of the Interior (Department) to be designated among these priority projects, which came as a result of a Presidential Memorandum dated August 31, 2011, in which President Obama directed agencies to expedite environmental reviews and permit decisions for a select number of high priority infrastructure projects.

In accordance with the President's directive, the Department has worked diligently to advance the NGWSP from the drawing board to completion, and in 2012, the Bureau of Reclamation (Reclamation) in coordination and cooperation with the Bureau of Indian Affairs (BIA) began the process of preparing rights-of-way (ROW) applications, including seeking consent for the ROW's from individual Indian allottees and the Nation. Reclamation has received the necessary consents from individual Indian allottees on 25 allotments where ROW's are needed for the project. This represents all of the allotted land required for the project. In addition, Reclamation has received consent from the Navajo Nation for two parcels of Navajo tribal land, and will be seeking consent for approximately seven more ROW applications across Navajo tribal land over the next two to three years for the remaining portion of pipeline to be constructed (approximately 100 miles).

While all of the necessary consents on allotted lands were received prior to April 21, 2016, the date the new 25 CFR Part 169 Right of Way Regulations took effect, and not all applications for ROW's across allotted lands have been submitted to BIA. For instance, Reclamation has not yet



completed applications for four out of the 25 parcels of allotted lands for which it has obtained consents. In addition, Reclamation recently received consent from the Navajo Nation on two tribal land parcels and another one is pending, but the associated ROW applications for those parcels were not submitted to BIA before the new ROW regulations took effect.

The timing of the submission of these post-April 21, 2016, ROW applications has introduced a critical issue because the new ROW regulations differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 CFR Part 169 Right of Way Regulations that had been in effect when Reclamation began seeking consents for the NGWSP Project and the President identified the NGWSP as a high-priority project.

The old ROW regulations at 25 CFR § 169.5 (2015) permitted BIA to grant waivers to federal agencies for the bond requirement for ROWs, in recognition that the Anti-Deficiency Act prohibits federal agencies from contracting to broad-based indemnification terms. (See 25 CFR § 169.5 (2015) "When the applicant is the U.S. Government or a State Government or an instrumentally thereof and is prohibited by law from executing any of the above stipulations, the Secretary may waive the requirement that the applicant agree to any stipulations so prohibited.")

The new ROW regulations omitted BIA's authority to directly waive the bond requirement in recognition of federal agencies' Anti-Deficiency Act limitations. (See 25 CFR § 169.103.) Instead, the new ROW regulations subject federal agencies to the bond requirements applicable to all other parties, and provide only two more nuanced avenues for waiver of the bond requirement; a 25 CFR § 1.2 waiver from the Assistant Secretary – Indian Affairs, or a 25 CFR § 169.103(f) waiver that requires allottees to request the waiver or for the BIA to defer to the Nation to the maximum extent possible for a determination that the waiver is in its best interest (depending upon whether the ROW is sought from allottees or the Nation). (See 25 CFR § 1.2 "[T]he Secretary retains the power to waive or make exceptions to his regulations as found in chapter 1 of title 25 CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians;" and 25 CFR § 169.103(f) "We may waive the requirement for a bond, insurance, or alternative form of security: (1) For individually owned Indian land, if the Indian landowners of the majority of the interests request it and we determine, in writing, that a waiver is in the Indian landowners' best interest considering the purpose of and risks associated with the right-of-way, or ... (2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest.")

While 25 CFR § 169.103 provides for the waiver of the requirement for a bond, insurance, or alternative form of security so long as consent for such waiver is received from the tribe (for tribal trust land) or the majority of interests of individual Indian landowners (for allotted land), this was not sought for the pending NGWSP ROW applications because the consent process was initiated well before the new rules took effect (and 25 CFR Part 169 (2016) contained clear waiver language).

Reclamation and BIA recognize that although the consent process for the NGWSP ROW's was initiated well before the new ROW regulations were proposed, the agencies could seek a determination from the Navajo Nation that waiver of the bond requirement for remaining or future trust land ROW applications would be in the Nation's best interest, and that it could seek consent from a majority of allottees for a waiver of the bond requirement for remaining or future allottee ROW applications; however, engaging in this process would result in a significant impact to the construction schedule for the NGWSP, which in turn could impact the agencies' ability to complete the project within its legislated deadline of 2024. (See Pub. L. 111 §10701(e)(1)(A)(ix) (March 30, 2009) ("NAVAJO-GALLUP WATER SUPPLY PROJECT—Not later than December 31, 2024, the construction of all Project facilities shall be completed.").

**EXHIBIT "E"**

**NAVAJO NATION RIGHT-OF-WAY TERMS & CONDITIONS:  
BUREAU OF RECLAMATION (GRANTEE)  
(Navajo Gallup Water Supply Project Reach 10 – Pumping Plant #7)**

1. The term of the permanent right-of-way shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the right-of-way for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project).
2. The annual consideration for the use of land is assessed at \$3,852.00 (annually adjusted), which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

The Grantee must obtain the approval of the Navajo Nation if any portion of the right-of-way is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable 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;
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
  - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. 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 re-vegetation 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 re-vegetation 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 provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, 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 or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.



13. Holding over by the Grantee after the relinquishment 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. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary 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.
15. 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 of the Navajo people) 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.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. 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.
19. 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.
20. 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 remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Document No. 008150

Date **EXHIBIT** 06/12/2017

**EXECUTIVE OFFICIAL REVIEW**

**F**

Title of Document: BOW-ROW Reach 10 Pumping Plant No.7 Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: michellehoskie@frontier.com Phone Number: 928-871-6447

☐ **Business Site Lease** Sufficient    Insufficient

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Controller: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

3. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Controller: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

3. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Lease Purchase Agreements**

1. Office of the Controller: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

(recommendation only)

2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Grant Applications**

1. Office of Management and Budget: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Controller: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

3. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Relinquishment of Navajo Membership**

1. Land Department: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

2. Elections: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

3. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient    Insufficient

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
7. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Rights of Way

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
6. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
7. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

*APX*  
☒ ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
7. DOJ *(sic)* *VP Black Mt* Date: *10/18/17* ☒ ☐  
8. OPVP *VP* Date: *11-1-17* ☒ ☐

☐ OTHER:

1. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
10-16-17 @ 1388
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC # 008150 #2
SAS #
UNIT NM

☒ RESUBMITTAL  
(August 2017)

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	10/16/2017	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT: BOR ROW REACH 10 PUMPING PLANT NO. 7			

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	10-16-17 2pm	REVIEWING ATTORNEY/ADVOCATE:	Irvin Chee 10-25-17
--------------------	-----------------	------------------------------	------------------------

DATE TIME OUT OF UNIT: 10-19-17 @ 2pm B

### DOJ ATTORNEY / ADVOCATE COMMENTS

- I informed GLDD, Sponsors & ROW Agent that we can use the consent form(s) that were obtained & attached for Reach 9-11 &

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
TAMME AEE	10/18/17	VBlackhat	10/18/17 9:04am
Emailed Michelle & Stevie			
DOJ Secretary Called:	for Document Pick Up on	10:19:19 at	By: B

PICKED UP BY: (Print)

DATE / TIME:


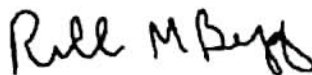
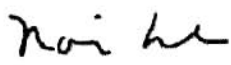
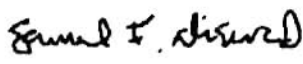

NNDJ/DRRF-July 2013

COMPLETED

Pumping Plant #7 is w/in Reach 9-11. Therefore, consent that was attached for Reach 9-11 can also be used for Pumping Plant No.7 since Pumping Plant is w/in Reach 9-11, therefore, no additional consent is required.

Thx - ic

## 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-- Please note comments from Robert Allan and Mike Halona concerning consents. This "vote" of sufficient is contingent on inserting the consents and the terms and conditions uploaded to the system by the Minerals Dept.	1. No Reply	25-Aug-2017	
Richard Begay NNHP Nation (Navajo Land Historic Title Data System - Windowrock AZ)	Navajo Injection Control - Officer	Historic Preservation Department	Approved	1. NNHHPD has made determinations of eligibility of the identified sites within the APE and is working with BOR to implement the Sampling Plan to mitigate any adverse effects to affected sites.	1. No Reply	01-Aug-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional approval based on compliance with applicable NNEPA and EPA environmental laws.	1. No Reply	11-Jul-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	14-Jul-2017	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote is contingent on permanent inclusion in this application package of the uploaded Terms &	1. No Reply	17-Jul-2017	

Conditions  
document.  
slp

W. Mike Manager III NLD  
Halona Navajo Land Administration  
(Navajo Land Department  
Title Data  
System -  
Windowrock  
AZ)

Approved 1.

I assume  
that the  
consents  
will be  
added to the  
packet once  
they are  
obtained.

1. No  
Reply

10-Jul-2017

A handwritten signature in black ink, appearing to read "John", with a long horizontal line extending to the left.



Conditions  
document.  
slp

W. Mike Manager III NLD  
Halona Navajo Land Administration  
(Navajo Land Department  
Title Data  
System -  
Windowrock  
AZ)

Approved 1.


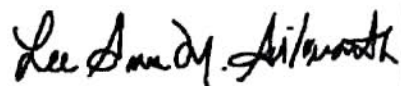



I assume  
that the  
consents  
will be  
added to the  
packet once  
they are  
obtained.

1. No  
Reply

10-Jul-2017

A handwritten signature in black ink, appearing to be "John", with a long horizontal line extending to the left.

### Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	21-Jun-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Please read the memo attached. Thank you.	1. No Reply	10-Jul-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	20-Jun-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. Biological review #17usbro1 for Reaches 9-11 will cover the proposed pumping plant.	1. No Reply	16-Jun-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	23-Jun-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Coverage is required under the federal Construction General Permit for storm water discharges from construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving. A storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	15-Jun-2017	

Robert Allan Deputy DNR Administration Approved 1. CONDITIONAL, 1. No 28-Jun-2017  
DNR Director based upon  
(Navajo Land DNR inclusion of land  
Title Data user consent  
System - forms, as  
Windowrock required.  
AZ)

Robert O. Allan

Tamara Billie HPD Historic Approved no comments No Reply 16-Jun-2017  
NNHP Reviewer Preservation  
(Navajo Land Department  
Title Data  
System -  
Windowrock  
AZ)

Tamara Billie

Yolanda Public Navajo Nation Approved 1. Please see 1. No 22-Jun-2017  
Barney EPA Water Environmental  
(Navajo Land System Protection  
Title Data Supervision Agency  
System - Program  
Windowrock  
AZ)

Yolanda





THE NAVAJO NATION  
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program  
Post Office Box 339, Window Rock, AZ 86515  
Telephone (928) 871-7755  
Fax (928) 871-7818  
www.navajopublicwater.org



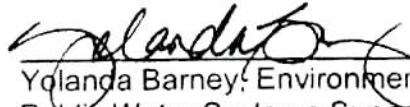
Russell Begaye  
President

Jonathan Noz  
Vice President

June 22, 2017

MEMORANDUM

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

FROM:   
Yolanda Barney, Environmental Program Manager  
Public Water Systems Supervision and Domestic Wastewater Program  
Surface and Ground Water Protection Department  
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 008150

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 008150: Application for Consent to Grant Right-of-Way (ROW), Tribal Trust Land, Reach 10, Pumping Plant #7, San Juan Lateral, Navajo Gallup Water Supply Project, Twin Lakes Chapter, McKinley County, New Mexico. The PWSSP recommends approval of this document.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.

All proposed wastewater projects will need to be permitted by the Domestic Wastewater Program-NNEPA. Extensions, upgrades, new sewer infrastructure, septic tanks, and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program.

If there are any questions, please contact me at 871-7755.

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA  
PWSID#NN3500237  
DWWP#NN35140007



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



Russell Begaye,  
President

Jonathan Nez,  
Vice-President

July 10, 2017

MEMORANDUM

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

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

RE: Document No. 8150

The Navajo Nation Environmental Protection Agency Water Quality Program (NNEPA WQ) has reviewed the 164 Document No. 8150; also referenced as BOW ROW Reach 10 Pumping Plant No. 7, Tohatchi – Twin Lakes, New Mexico. This project will provide water line infrastructure carried through Navajo Nation to Gallup, NM. It is suggested that a Clean Water Act Section 401 Certification be applied for and submitted to our office regarding this upcoming waterline project. The information that was provided in the Document No. 8150; the topo maps attached with the 164 packet indicates waterway crossings. It is highly recommended that all future infrastructure developments on Navajo Nation contact our Water Quality office to ensure that the proper certification and permits are followed for these future developments.

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

Please contact our office at (928) 871-7690 or email [lamartinez@navajo-nsn.gov](mailto:lamartinez@navajo-nsn.gov). Thank you.

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

# *Bureau of Reclamation*

## **Navajo Gallup Water Supply Project Tribal Trust Land Reach 10 – Pumping Plant No. 7**

### **TABLE OF CONTENTS**

- 1. Application for Consent to a Grant of Right-of-Way**
- 2. Right-of-Way Drawing No. 1695-529-60169**
- 3. Plan and Profile Drawings No. 1695-D-T24015**
- 4. ROW Description**
- 5. NGWSP Map Drawing No. 1695-529-537 dated March 13, 2017**
- 6. Map – Block 9 – 11 Alignment – Dated December 15, 2016**
- 7. Map – Site Map – Location of Pumping Plant No. 7**
- 8. Map Package – Reach 9B – 11**
- 9. Navajo Nation Executive Order No. 03-2012**
- 10. Chapter Resolution – Twin Lakes**
- 11. TSR – Tract No. 8183 – Certified December 27, 2006**
- 12. Permission to Survey – Dated March 01, 2010**
- 13. Permission to Conduct Engineering Data Collection – Date October 05, 2016**
- 14. Letter – Navajo Nation – Waiver of Bond Requirements – 25 CFR Part 169.103 – Dated September 09, 2016 – and Waiver of 25 CFR 169.103 – Dated November 22, 2016**
- 15. BRCF – NNDFW Review No. 17 usbr01 – Dated February 14, 2017**
- 16. Class III Inventory Report and Concurrence of Eligibility Determinations - Dated April 25, 2016**
- 17. Class III Inventory and Determination of Eligibility – Final Report – NHPA – Dated October 11, 2016**
- 18. Memorandum – Acceptable NEPA and NHPA Compliance Documents – Dated October 29, 2015**





In Reply, Refer to:  
6N420 - Real Estate Services

United States Department of the Interior  
**BUREAU OF INDIAN AFFAIRS**  
NAVAJO REGION  
P.O. Box 1060  
Gallup, New Mexico 87305

OFFICIAL FILE COPY  
FOUR CORNERS CONSTRUCTION OFFICE  
FARMINGTON

**JAN 19 2018**

**EXHIBIT**

**6**

**JAN 11 2018**

DATE	INITIALS	
1-19-18	MB	202
		110
		200
		236

MEMORANDUM

TO: Pat Page, Deputy Construction Engineer, Bureau of Reclamation,  
Upper Colorado Region, Four Corners Construction Office

FROM: <sup>Acting</sup> Regional Director, Navajo Region

2018-01-11 App GRANT OF  
EASEMENT ROAD, R10, PP 7

SUBJECT: Approved Grant of Easement for Right-of-Way for the Navajo-Gallup Water  
Supply Project - Reach 10 - Pumping Plant No. 7

Enclosed for your information and use is an approved Grant of Easement for Right-of-Way for the Navajo-Gallup Water Supply Project - Reach 10 - Pumping Plant No. 7. This easement is for construction, operation, maintenance and/or replacement of a pumping plant facility with ancillary features and appurtenances located in the vicinity Twin Lakes, McKinley County, New Mexico, without limitation as to tenure.

The Navajo Nation gave consent by Navajo Nation President dated December 20, 2017; and by the Resources and Development Committee Resolution No. RD-124-17 dated December 11, 2017, subject to Right-of-Way Terms and Conditions.

If you have any questions, please contact Ms. April Bowman, Fort Defiance Agency, at (928) 729-7235.

Enclosures

cc: Navajo Nation General Land Development Department w/enclosures

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

GRANT OF RIGHT-OF-WAY

The United States of America, acting by and through the Bureau of Indian Affairs (BIA), Department of the Interior, Navajo Region P.O. Box 1060 Gallup, New Mexico, 87305, for, and on behalf, with the consent of: The Navajo Nation (the GRANTOR), under authority contained and under the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328); and Part 169, Title 25, *Code of Federal Regulations*, which by reference are made a part hereof, does hereby grant to: Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, New Mexico 87401 (the GRANTEE).

1. **GRANT.** In consideration of: \$Waived, pursuant to Navajo Nation Resources and Development Committee Resolution No. RDCD-124-17, Pumping Plant No. 7 of the Navajo-Gallup Water Supply Project will provide a public benefit to the Navajo Nation.

GRANTOR does hereby grant to GRANTEE, a right-of-way for: construction, operation and maintenance and/or replacement of a pumping plant facility with ancillary features and appurtenances thereto that will include but not limited to a water storage and regulation tank, chlorine injection facility and water transmission pipeline; ancillary appurtenances may also include vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, and three phase utility power to support the operation of the pipeline infrastructure, a gravel and fenced yard, a driveway for ingress and egress, and a patrol road, over and across the land embraced within a right-of-way situated on the following described lands: Northeast Quarter of Section 34, Township 18 North, Range 18 West, New Mexico Principal Meridian, McKinley County, New Mexico.

<u>Parcel</u>	<u>Acreage</u>
Pumping Plant No. 7	5.35

This right-of-way is limited to and more particularly described to be 5.35 acres, more or less, in area, as shown on Exhibit A, attached hereto, and made a part hereof.

2. **TERM.** This right-of-way is for a term of [without limitation as to tenure], so long as the right-of-way is used for the purpose above specified; PROVIDED, that this right-of-way may be cancelled by the Tribe and Grantee under any negotiated remedies identified in Section 13 (25 CFR §169.403) and/or in whole or in part by the GRANTOR (25 CFR §169.404) or for



any of the following causes upon 30 days written notice, and failure of the GRANTEE within said notice period to correct the basis for cancellation (25 CFR §169.405):

- A. Failure to comply with any term or condition of the Grant, or the applicable regulations.
- B. A non-use of the right-of-way for any consecutive two-year period (for any purpose for which it was granted).
- C. Any conditions or restrictions set out in Tribal Resolution No. RDCD-124-17, dated December 11, 2017.

3. **MITIGATION MEASURES.** (25 CFR §169.123) The GRANTEE agrees to comply with any mitigation measures or conditions described to protect environmental, biological and cultural resources within the right-of-way area defined in the environmental compliance documentation.

Record of Decision for the Navajo-Gallup Water Supply Project Planning Report and Final Environmental Impact Statement approved by the Secretary dated October 01, 2009.

4. **RESERVATION OF JURISDICTION.** (25 CFR §§169.10, 169.125) The tribe maintains its existing jurisdiction over the land, activities, and persons within the right-of-way and this grant does not diminish to any extent: (a) the tribe's power to tax the land, any improvements on the land, or any person or activity within the right-of-way; (b) the tribe's authority to enforce tribal law of general or particular application on the land subject to and within the right-of-way, as if there were no grant of right-of-way; (c) the tribe's inherent sovereign power to exercise civil jurisdiction over non-members on Indian land; or (d) the character of the land subject to the right-of-way as Indian country under 18 U.S.C. 1151.

5. **LAWS.** (25 CFR §169.9) GRANTEE shall comply with all applicable Federal and tribal law.

6. **REGULATORY PROVISIONS.** (25 CFR §169.125):

- A. On tribal land, the tribe reserves the right to reasonable access to the lands subject to the grant to determine GRANTEE'S compliance with consent conditions or to protect public health and safety;
- B. The GRANTEE has no right to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources, unless otherwise provided for in the grant;
- C. BIA may treat any provision of a grant that violates Federal law as a violation of the grant; and
- D. If historic properties, archaeological resources, human remains, or other cultural items not previously reported are encountered during the course of any activity associated with this grant, all activity in the immediate vicinity of the properties, resources, remains, or items will cease and the GRANTEE will contact BIA and the tribe with jurisdiction over the land to determine how to proceed and appropriate disposition.



E. GRANTEE must:

- i. Construct and maintain improvements with the right-of-way in a professional manner consistent with industry standards;
- ii. Pay promptly all damages and compensation, in addition to bond or alternative form of security made pursuant to §169.103, determined by the BIA to be due the landowners and authorized users and occupants of land as a result of the granting, construction, and maintenance of the right-of-way;
- iii. Restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, or reclaim the land if agreed to by the landowners;
- iv. Clear and keep clear the land within the right-of-way, to the extent compatible with the purpose of the right-of-way, and dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project;
- v. Comply with all applicable laws and obtain all required permits;
- vi. Not commit waste;
- vii. Operate, repair and maintain improvements consistent with the right-of-way grant;
- viii. Build and maintain necessary and suitable crossings for all roads and trails that intersect the improvements constructed, maintained, or operated under the right-of-way;
- ix. Restore the land to its original condition, as much as reasonably possible, upon cancellation or termination of the right-of-way, or reclaim the land if agreed to by the landowners;
- x. At all times keep the BIA, and the tribe for tribal land, informed of the GRANTEE'S address;
- xi. Refrain from interfering with the landowner's use of the land, provided that the landowner's use of the land is not inconsistent with the right-of-way;
- xii. Comply with the following due diligence requirements:
  - a. Begin Construction: January 29, 2018
  - b. Construction 50% Completed by: January, 2021
  - c. Construction Completed: April 28, 2023
- xiii. Notify the BIA, and the tribe for tribal land, if it files for bankruptcy or is placed in receivership.

F. Unless GRANTEE would be prohibited by law from doing so, GRANTEE must also:

- i. Hold the United States and the Indian landowners harmless from any loss, liability, or damages resulting from the applicant's use or occupation of the premises; and
- ii. Indemnify the United States and the Indian landowners against all liabilities or costs relating to the use, handling, treatment, removal, storage, transportation, or disposal of hazardous materials, or release or discharge of any hazardous material from the premises that occurs during the term of the grant, regardless of fault, with the exception that the applicant is not required to indemnify the Indian

landowners for liability or cost arising from the Indian landowners' negligence or willful misconduct.

7. **ENCROACHMENT.** (25 CFR §169.128) The GRANTEE may not unreasonably withhold its consent for a new right-of-way within its existing right-of-way that does not interfere with the use or purpose of its right-of-way.
8. **PERMANENT IMPROVEMENTS.** (25 CFR §169.130) Bureau of Reclamation shall be the owner of any permanent improvements constructed during the term of the grant and said permanent improvements, appurtenances, fixtures and equipment placed within the right-of-way shall be removed or an option for landowner to take possession of and title to the permanent improvements or as otherwise negotiated.
9. **AMENDMENT.** (25 CFR §169.204) This grant may not be amended except as provided in 25 CFR §§ 169.204 – 169.206.
10. **ASSIGNMENT.** (25 CFR §169.207) This grant may not be assigned without prior written consent of the Navajo Nation and the Secretary of the Interior.

It is envisioned that Bureau of Reclamation would retain Project title to the facilities for the foreseeable future; however, P.L. 111-11 does provide authority for eventual Project title transfer to the Navajo Nation.

11. **MORTGAGE.** (25 CFR §169.210) This grant may not be mortgaged without prior written consent of the Navajo Nation and the Secretary of the Interior; and within 30 days, a copy of the mortgage and supporting documents will be sent to BIA Division of Land Titles and Records (DLTR) for recording.
12. **EFFECTIVE DATE.** (25 CFR §169.301) Grant will be effective on the date it is approved.
13. **REMEDIES.** (25 CFR §169.403) Any disputes regarding a violation, abandonment, or non-use may be addressed as set forth in accordance with 25 CFR §169.403.
14. **BINDING EFFECT.** The condition for this grant shall extend to and be binding upon and shall inure to the benefit of the successors of the GRANTEE.
15. **BOND, INSURANCE, OR OTHER SECURITY.** Request for waiver under 25 CFR §1.2 of the 25 CFR §169.103 Bond Requirement for Right-of-Way of the Navajo-Gallup Water Supply Project was approved by the Principal Deputy Assistant Secretary – Indian Affairs dated December 14, 2016 and concurred by the Director of Bureau of Indian Affairs dated December 20, 2016.

The Navajo Nation by letter dated September 9, 2016 supports the request for waiver of bond requirement and confirmed the waiver is in the best interest of the Navajo Nation and its people.



Navajo Nation Resolution of the Resources and Development Committee No. RDCD-124-17 dated December 11, 2017 approves waiver of bond requirement.

**16. ADDITIONAL CONDITIONS OR RESTRICTIONS.** This grant incorporates by reference the conditions or restrictions set out in GRANTOR'S consents, attached here.

Navajo Nation Right-of-Way Terms and Conditions: Bureau of Reclamation (Navajo- Gallup Water Supply Project Reach 10 – Pumping Plant No. 7)

**IN WITNESS WHEREOF, GRANTOR**, pursuant to the delegated authority found in 209 DM 8, 230 DM 1, and 3 IAM 4 and supplements thereto (or applicable delegation of authority), is granting and executing this grant of easement on this 11<sup>th</sup> day of January, 2018.

**UNITED STATES OF AMERICA**

BY: [Signature]

Acting Regional Director, Navajo Region  
U.S. Department of the Interior  
Bureau of Indian Affairs

**ACKNOWLEDGEMENT**

STATE OF: New Mexico

: ss.

COUNTY OF: McKinley

Subscribed and sworn to before me this 11 day of January, 2018.

[Signature]  
Signature of Notary Public



OFFICIAL SEAL  
KATHY R. TOUCHINE  
NOTARY PUBLIC, State of New Mexico

My Commission Expires 3/16/2021

My commission expires on 3/16/2021, 20  .



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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A  
RIGHT-OF-WAY TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE  
AND MAINTAIN THE NAVAJO GALLUP WATER SUPPLY PROJECT REACH 10  
PUMPING PLANT NO. 7 LOCATED ON TRIBAL TRUST LAND IN TWIN LAKES  
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 give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation land and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted a right-of-way application to construct, operate and maintain the Reach 10 Navajo Gallup Water Supply Project located on, over and across Navajo Nation Trust Lands in the Twin Lakes Chapter vicinity, McKinley County, New Mexico attached hereto and incorporated herein as **Exhibit "A"**.
- B. The proposed permanent right-of-way consists of Navajo Nation Trust Lands located in McKinley County, New Mexico and the location is more particularly described on the survey map attached hereto and incorporated herein as **Exhibit "B"**.
- C. The General Land Development Department, memorandum dated October 8, 2017, attached as **Exhibit "C"**, has determined that "Pumping Plant #7 will be included into Reaches 9 through 11 ROW package, and the additional consent for the same area is

not required, since the grazing permit holders had already consented to use the land within those areas."

- D. The Bureau of Reclamation requests a waiver of the consideration because the project will provide a public benefit to the Navajo Nation.
- E. The Resources and Development Committee finds a waiver of the bond requirement, 25 C.F.R. § 169, is in the best interest of the Navajo Nation. See, **Exhibit "D"** which are letters from the Navajo Nation President and the Acting Director of the Bureau of Indian Affairs.
- F. The Resources and Development Committee finds a waiver of valuation, 25 C.F.R. § 169.110, and that the waiver of valuation is in the best interest of the Navajo Nation.
- G. The environmental and archaeological studies have been completed and are attached hereto and incorporated herein by this reference.
- H. The application for the Right-of-Way as submitted by the United States Bureau of Reclamation has been reviewed by the Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient". See **Exhibit "F"**.

### **SECTION THREE. APPROVAL**

- A. The Resources and Development Committee of the Navajo Nation Council hereby grants approval of a Right-of-Way to U.S. Bureau of Reclamation to construct, operate and maintain Reach 10 Pumping Plant No. 7 of the Navajo Gallup Water Supply Project located on Navajo Nation Trust Lands in the Twin Lakes Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the map attached hereto as **Exhibit "B"**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives the consideration for the Right-of-Way because the Reaches 10 Pumping Plant No. 7 of the Navajo Gallup Water Supply Project will provide a public benefit to the Navajo Nation.

- C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions incorporated herein as **Exhibit "E"**.
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of the bond requirement.
- E. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of valuation.
- F. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

**CERTIFICATION**

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the NAPI Headquarters, Upper Fruitland, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 11<sup>th</sup> day of December, 2017.



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

Motion: Honorable Davis Filfred  
Second: Honorable Jonathan Perry





# United States Department of the Interior

## BUREAU OF RECLAMATION

Western Colorado Area Office  
Durango Field Division  
185 Suttle Street, Suite 2  
Durango, Colorado 81303-7911

IN REPLY REFER TO:

WCD-GHaymes  
ENV-3.00

APR 25 2016

CERTIFIED – RETURN RECEIPT REQUESTED

Dr. Ora Marek-Martinez  
Tribal Historic Preservation Officer  
Navajo Nation Historic Preservation Department  
P.O. Box 4950  
Window Rock, Arizona 86515

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for *The Navajo-Gallup Water Supply Project (NGWSP), Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume II: Reaches 9-11, Navajo Nation and McKinley County, New Mexico.*

Dear Dr. Marek-Martinez:

The Bureau of Reclamation is initiating consultation with your office under the *Programmatic Agreement Among The Bureau of Reclamation, The Advisory Council on Historic Preservation, The New Mexico State Historic Preservation Officer, The Navajo Nation, The Bureau of Land Management, and The Bureau of Indian Affairs Regarding the Consideration and Management of Effects On Historic Properties Arising from Construction of the Navajo-Gallup Water Supply Project, New Mexico (NGWSP PA)*, an alternative to the implementing regulations of NHPA Section 106 at 36 C.F.R. Part 800. The undertaking and identified historic properties within its area of potential effect (APE) have been addressed in a report by permitted firm PaleoWest Archaeology, LLC., *The Navajo-Gallup Water Supply Project, Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume II: Reaches 9-11, Navajo Nation and McKinley County, New Mexico*, PaleoWest Technical Report No. 15-15. Reclamation submits the draft Class III cultural resources inventory report for your review and comment. The enclosed report addresses identification efforts along Reaches 9, 10, and 11 of the NGWSP San Juan Lateral, encompassing a total APE of 28.4 miles x 400 feet, or 1,377 acres, entirely on Navajo Nation surface.

This inventory resulted in the recording of 131 archaeological sites, 67 isolated occurrences (IOs), 18 in-use sites (IUSs), 11 Traditional Cultural Properties (TCPs), and 8 Jishchaa' locations. Properties and locations other than archaeological sites are reported or summarized in tables within the report. Archaeological sites are discussed in greater detail. Archaeological sites, associated reach numbers, brief descriptions, and tentative determinations of eligibility for listing on the National Register of Historic Places (NRHP) appear in the three tables below. The



report and forms associated with the Navajo ethnography (TCPs and Jishchaa') are confidential and only submitted to the Navajo Nation Historic Preservation Department (NNHPD).

#### Reach 9

Legal location: T21N, R17W; Sec. 8, 17, 20, 28-29, 33; T20N, R17W; Sec. 4, 9, 16, 21, 28, 33; T19N, R17W; Sec. 4, 9, 16, 20-21, 28-29, 31-32.

A total of 67 IOs, 9 IUSs, 8 TCPs, 6 Jishchaa' locations, and 83 archaeological sites were located on Reach 9. Details regarding the latter are provided in the table below.

Site No.	Site Type	Site Description	NRHP Eligible?
LA2505	Prehistoric Structural	Anasazi (A.D. 900-1200)	Yes
LA32936	Prehistoric Structural	Anasazi (A.D. 775-950)	Yes
LA32939	Prehistoric Structural	Anasazi (A.D. 500- A.D. 1300)	Yes
LA32941	Historic Structural	Unknown historic (A.D. 1950-1980)	No
LA5203	Prehistoric Structural	Anasazi (A.D. 900-1300)	No
LA5204	Prehistoric Structural	Anasazi (A.D. 700-1100)	No
LA71884	Prehistoric Non-structural	Anasazi (A.D. 500-1300)	Need data
LA71888	Prehistoric Non-structural	Anasazi (A.D. 800-1000)	Need data
LA80404	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	No
LA80406	Prehistoric Structural	Anasazi (A.D. 500-700) Anasazi (A.D. 900-1300)	Yes
LA80407	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	Yes
LA80408	Prehistoric/Historic Structural	Anasazi (A.D. 1000-1200) Navajo (A.D. 1960-1970)	Yes
LA80409 (Connected with TCP R9-07)	Historic Structural	Navajo (A.D. 1950-1980)	No
LA80410	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-900) Navajo (A.D. 1930-1950)	Yes
LA80412	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	No
LA80413	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1692-1868)	No
LA80414	Prehistoric Non-structural	Anasazi (A.D. 700-1000)	No
LA80415	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
LA80951	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-H-62-101 (LA32935)	Prehistoric Structural	Anasazi (A.D. 500-1100)	Yes
NM-H-62-102 (LA145987)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-H-62-104 (LA32931) (TCP R9-03 within site boundary)	Prehistoric/Historic Structural	Anasazi (A.D. 500-900) Navajo (A.D. 1900-1960)	Yes
NM-H-62-105 (LA145988) (Crossed by TCP R9-01)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1937-1980)	Yes
NM-H-62-106 (LA145989)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Need data



**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.:** Block 9-11 of the Navajo-Gallup Water Supply Project, #7409

**DESCRIPTION:** The USBR proposes a ROW of approximately 147.58± acres and a TCE of 118.87± acres for the construction, operation, and maintenance of Reaches 9-11.

**LOCATION:** Sections 16, 20, 21, 29, 31 & 32, T19N, R17W; Section 6 & 7, T18N, R17W; Sections 12, 13, 23, 24, 26, 27, 34, T18N, R18W; and Sections 3, 4, 9, 16, 17, T17N, R18W, NMPM, McKinley County, New Mexico

**REPRESENTATIVE:** Patrick Page, U.S. Bureau of Reclamation, Four Corners Construction Office

**ACTION AGENCY:** Bureau of Indian Affairs, U.S. Bureau of Reclamation, and Navajo Nation

**B.R. REPORT TITLE / DATE / PREPARER:** Request for review and concurrence/13 FEB 2017/Patrick Page

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

**POTENTIAL IMPACTS**

**NESL SPECIES POTENTIALLY IMPACTED:** [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Charadrius montanus* (Mountain Plover) G4, MBTA.

**FEDERALLY-LISTED SPECIES AFFECTED:** NA

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

**AVOIDANCE / MITIGATION MEASURES:** The USBR will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*).

**CONDITIONS OF COMPLIANCE\*:** NA

**FORM PREPARED BY / DATE:** Pamela A. Kyselka/13 FEB 2016

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



**2 NTC § 164 Recommendation:**

**Signature**

**Date**

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife



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

Representative's signature

Date



# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ

## MEMORANDUM

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

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

DATE : February 13, 2017

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 8:00 am on Monday, February 13, 2017. This delegation shall end at 5:00 p.m. on Tuesday, February 14, 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:

*[Signature]*  
Jeffrey Cole, Wildlife Manager  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

xc: Bidtah Becker, Executive Director, DNR



# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT



September 9, 2016

Lawrence S. Roberts  
Assistant Secretary – Indian Affairs  
Department of the Interior  
MS-3642-MIB  
1849 C Street, N.W.  
Washington, D.C. 20240

**Subject: Navajo Nation's Support of Waiver Request under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 Bond Requirement for all Navajo-Gallup Water Supply Project (NGWSP) Rights of Way**

Dear Assistant Secretary Roberts:

The Navajo-Gallup Water Supply Project (NGWSP) is the cornerstone of the Navajo Nation San Juan River Basin in New Mexico Water Rights Settlement Agreement (Settlement). The Navajo Nation has been working closely with the Bureau of Reclamation and the Bureau of Indian Affairs (BIA) to ensure the project's completion by 2024, the deadline mandated by the authorizing legislation. As such, and through a financial assistance agreement with Reclamation, the Nation has taken an active role in designing and constructing a portion of the project on the Cutter Lateral.

One of the major undertakings involved in getting the project built is the acquisition of the right-of-way (ROW) necessary to construct, operate, and maintain the project. On April 21, 2016, new 25 C.F.R. Part 169 ROW Regulations took effect which differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 C.F.R. §169 Regulations that had been in effect when Reclamation and the Nation began seeking consents from allottees for ROW across individual Indian allotments. The new regulations omitted BIA's authority to directly waive the bonding requirement when seeking ROW. The new regulations do allow grantees to seek a waiver from individual Indian allottees and tribes, but in the case of NGWSP, going back and seeking this consent for waiver now would result in significant delays and added expenses to the project.

We understand that Reclamation and BIA are in the process of seeking a waiver, under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW-holder is a federal agency or an agency of the Navajo Nation. The Nation fully supports their request and believes it is in the best interest of the Nation and its people. A waiver will help ensure that Reclamation's and the Nation's ROW acquisition process is not delayed on NGWSP which will result in the project getting completed within the legislated deadline which will benefit the Nation and its people.

Sincerely,

THE NAVAJO NATION

Russell Begaye, President





THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

**EXECUTIVE ORDER NO. 07-2017**

**NAVAJO-GALLUP WATER SUPPLY PROJECT  
IS A NAVAJO NATION PRIORITY PROJECT; THE SUCCESS OF THIS HIGH-  
PROFILE PROJECT WILL SHOWCASE THE NAVAJO NATION AND ITS  
DIVISIONS AND PROGRAMS; AND WILL PROVIDE THE OPPORTUNITY FOR  
ACCESSIBLE WATER TO THE EASTERN NAVAJO NATION**

May 22, 2017

**WHEREAS:**

The Navajo-Gallup Water Supply Project (Project) is one of fourteen projects selected nationwide to be a priority of President Obama in October 2011 that will be expedited through permitting and environmental review processes. This is an important step in the Administration's efforts to improve the efficiency of federal reviews needed to help job-creating infrastructure projects move as quickly as possible from the drawing board to completion. The United States Bureau of Reclamation (BOR) is the lead federal agency tasked to construct the Project with the assistance of the Navajo Nation, Jicarilla Apache Nation and City of Gallup. This project is an enormous challenge for the Navajo Nation and is an excellent opportunity for the Nation to showcase their coordination and Programs to President Donald Trump and the United States Government.

The Project will provide a reliable long-term water supply to much of the Navajo Nation within New Mexico. The Project has an estimated construction cost of \$1.131 billion. U.S. Discretionary funding received through FY2016 is \$301 million and FY2017 funding request is \$87 million. BOR has already received \$180 million in mandatory appropriations for Project construction.

This Project is a high priority for this administration and I fully support its expedited implementation and urge cooperation among all Navajo Nation programs to make this Project a reality. This Project is an example of the success brought about by years of hard work by staff and representatives of the Navajo Nation, State of New Mexico and United States.

The foundation of our administration are the four pillars of: Navajo Veterans, Elders and Youth, Infrastructure Development, and Job Creation. These priorities were mandated by the Navajo people and we stand committed to providing progress in these areas for our great Navajo Nation. In July 2015, the Navajo Nation Three Branch Agreement was executed in cooperation with the Legislative Branch and Judicial Branch for the "One Nation, One Voice" initiative. For the first time in our history, the three branches of government stand united in the priority needs of our Navajo Nation. The Navajo-Gallup

Water Supply Project is specifically listed under these Common Priorities of the Navajo Nation.

Over the next several years the Project will be constructed in Reaches (phases). Construction may occur concurrently on several Reaches over the next several years. The legislated completion date for the Project is December 2024. It is important that the Navajo Nation programs align themselves properly to coordinate information and permitting of the various Reaches of the Project. The Navajo Nation Department of Water Resources-Water Management Branch will serve as point of contact for the Project on behalf of the entire Navajo Nation. NNDWR-WMB may be reached at (928) 729-4004.

**IT IS ORDERED THAT:**

The Navajo-Gallup Water Supply Project is a priority project of the Navajo Nation.

The programs within the Executive Branch are hereby directed to promptly process all necessary permits, contracts, and any related matters to this Project for its successful coordination, implementation and construction. The programs and personnel are hereby directed to review and streamline their 164 review process.

**THEREFORE BE IT RESOLVED, THAT:**

I, Russell Begaye, President of the Navajo Nation, by the authority vested in the Office of the President pursuant to 2 N.N.C. §§ 1005 (A) and (C)(14), hereby direct this Executive Order shall become effective immediately and remain in effect until rescinded, to be binding upon Navajo Nation Executive Branch Directors, employees, and agents, and to be subjected to enforcement under the Navajo Nation Personnel Policies Manual.

Executed this 30<sup>th</sup> day of May, 2017.

  
Russell Begaye, President  
**The Navajo Nation**

ATTEST:

  
Ethel Branch, Attorney General  
Navajo Nation Department of Justice

Mike



IN REPLY REFER TO:

Real Estate Services

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

JUN 29 2007

### Memorandum

To: Regional Director, Navajo Region

From: Director, Bureau of Indian Affairs

Subject: Request for Waiver of Regulation - 25 CFR Part 169.12

Please be advised that the Assistant Secretary - Indian Affairs pursuant to 25 CFR 1.2 granted *(see attached)* the request for the Navajo Nation and individual landowners to waive the regulatory requirements found at 25 CFR Part 169.12. *(see attached)*

The granting of the waiver will allow the landowners to waive the requirement for an appraisal when the Indian landowners have agreed to waive compensatory consideration of the fair market value and to forego the requisite appraisal. This approval will allow the utility and roadway providers to proceed with the application for rights-of-way for the purpose of installing utilities or roadways. This approved action has been determined to be in the best interests of the landowners.

You are instructed to notify the Tribe and landowners of this decision and provide them with a copy of the decision analysis.

Attachment



## ATTACHMENT

### **To Memorandum to Assistant Secretary - Indian Affairs from Director, Bureau of Indian Affairs Requesting to Waive or Make an Exception to 25 CFR Section 169.12**

Under the following circumstances, the appraisal requirement in 25 CFR § 169.12 is deemed waived when the landowner upon which the right-of-way will be located waives compensatory consideration and the right to be provided with information as to the fair market value of the right-of-way and:

- The utility/roadway provider is either a federal or tribal government agency or enterprise or an energy cooperative;
- The individual owner will directly benefit from the utility line/roadway;
- The utility line/roadway serves a school, hospital, housing development or other tribal facility that benefits the community;
- The landowner who waives consideration is the tribe or individual owner; or
- The health and safety of the individual owner will be enhanced by the installation of the utility line/roadway.


In all other circumstances, the Regional Director/Superintendent may approve for the Navajo Region the waiver of the appraisal when it is determined that it is in the best interest of the landowner for the utility line/roadway to be installed and the waivers by the landowner of consideration and the request to be provided certain information as to the fair market value of the right-of-way are not due to undue influence or fraud.

Based upon our analysis of the facts in this waiver request and conditions set forth, we concur with the Navajo Regional Director's recommendation. This waiver of 25 CFR § 169.12 is hereby approved as it is determined that this action is in the best interest of the landowners.

Recommendation Accepted and Request for Waiver is Granted.

Date:

*June 29, 2007*

  
Carl J. Artman

Assistant Secretary-Indian Affairs

Title 25: Indians

CHAPTER I: BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A: PROCEDURES AND PRACTICE

PART 1: APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

1.2 - Applicability of regulations and reserved authority of the Secretary of the Interior.

The regulations in chapter I of title 25 of the Code of Federal Regulations are of general application. Notwithstanding any limitations contained in the regulations of this chapter, the Secretary retains the power to waive or make exceptions to his regulations as found in chapter I of title 25 CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians.

[25 FR 3124, Apr. 12, 1960]

TITLE 25 — INDIANS [ 25 CFR ]

PART 169 — RIGHTS-OF-WAY OVER INDIAN LANDS [ 25 CFR 169 ]

§ 169.12 Consideration for right-of-way grants.

Except when waived in writing by the landowners or their representatives as defined in §169.3 and approved by the Secretary, the consideration for any right-of-way granted or renewed under this part 169 shall be not less than but not limited to the fair market value of the rights granted, plus severance damages, if any, to the remaining estate. The Secretary shall obtain and advise the landowners of the appraisal information to assist them (the landowner or landowners) in negotiations for a right-of-way or renewal.

[45 FR 45910, July 8, 1980. Re-designated at 47 FR 13327, Mar. 30, 1982]



# United States Department of the Interior

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



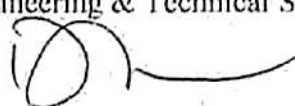
100

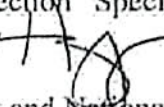
MC 620: Branch of Environmental Quality Act Compliance and Review

OCT 29 2015

## MEMORANDUM

To: Supervisory Civil Engineer, Engineering & Technical Support Division

Through: Deputy Director, Trust Services 

From: Supervisory Environmental Protection Specialist, Branch of Environmental Quality Act Compliance & Review 

Subject: National Environmental Policy Act and National Historic Preservation Act Compliance Documents - Navajo Gallup Water Supply Project

This memo provides guidance to the Division, as the Regional lead for the Navajo-Gallup Water Supply Project, concerning the various compliance documents for the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).

For NEPA, the following documents would be considered acceptable:

- Sufficiency Analysis (see attachment);
- "Finding of No New Significant Impact" per 43 CFR § 46.140 (c); or
- "Finding of No Significant Impact" per 40 CFR § 1508.13.

As for compliance with the NHPA, the NGWSP does have an executed Programmatic Agreement (PA) concerning historic properties between federal, tribal, and state entities regarding effects on historic and cultural properties. The PA allows for the construction activities to proceed efficiently. In addition, there may be Reach-by-Reach compliance documents considered acceptable provided that the compliance document is signed by the Navajo Tribal Historic Preservation Officer:

- Cultural Resources Compliance Form (CRCF);
- A Bureau of Reclamation letter; or
- A letter from NNHPD.

Should you have questions regarding the NHPA, please contact Mr. Terry McClung, Regional Archaeologist at ext. 8349, or Ms. Harriene Yazzie, Supervisory Environmental Protection Specialist, at ext. 8287, regarding questions related to the NEPA.





IN REPLY REFER TO

# United States Department of the Interior

## BUREAU OF RECLAMATION

Western Colorado Area Office  
Durango Field Division  
185 Suttle Street, Suite 2  
Durango, Colorado 81303-7911

### LETTER OF AGREEMENT

Between

THE U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

And

BUREAU OF INDIAN AFFAIRS

The U.S. Department of the Interior, Bureau of Reclamation and Bureau of Indian Affairs (BIA) are entering into this Agreement to provide an established process for National Environmental Policy Act (NEPA) compliance in support of the Navajo Gallup Water Supply Project (NGWSP). The NGWSP is a municipal and industrial water pipeline with associated infrastructure being built to provide water to the Navajo Nation, Jicarilla Apache Nation and the City of Gallup, NM.


The NGWSP is described and analyzed in the NGWSP Project Planning Report and Final Environmental Impact Statement (PR/FEIS) dated July 2009, and the subsequent Record of Decision dated October 1, 2009.

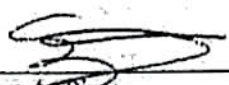
Reclamation and BIA officials in the project area offices have determined that National Environmental Policy Act (NEPA) compliance for updated project planning will be determined for independent sections of the pipeline as more refined information of the pipeline route and associated environmental studies are available. This information will be organized into the NGWSP NEPA Sufficiency Review Process (NEPA SRP) Environmental Analysis Form as found in Attachment A to this document. Development of this Form was the result of a collaborative effort between BIA and Reclamation as described in Attachment B (Development of a NEPA Sufficiency Review Process for Long-Term Implementation of the NGWSP).

The outcome of the NEPA SRP, collaboratively completed and signed by both agencies, will determine whether the existing PR/FEIS sufficiently addresses environmental impacts for a particular section of pipeline; or, if it doesn't, that further NEPA action is warranted (e.g., a tiered Environmental Assessment). The results of the NEPA SRP will be signed by appropriate representatives of both agencies with responsibility for determining the need for, and type of, further NEPA action.

If a additional NEPA action is required, Reclamation and BIA will provide joint oversight of the process, with Reclamation designated as the Lead Agency, and BIA designated as a Cooperating Agency according to Department of Interior NEPA guidelines at 43 CFR Part 46.

This Letter of Agreement becomes effective upon signature by authorized officials of Reclamation and BIA.

 5.23.13  
(Date)  
Ed Warner  
Manager  
Western Colorado Area Office  
Bureau of Reclamation

 6/10/13  
(Date)  
Sharon A. Pinto  
Director  
Navajo Regional Office  
Bureau of Indian Affairs



Bahastl'ah Chapter  
Post Office Box 4424  
Yahtahey, New Mexico 87375  
Office (505) 735-2600/2601  
Fax (505) 735-2605

tabbles'

EXHIBIT

10

Notah Barney,  
President

Randolph Lee,  
Vice President

Rita Silago,  
Secretary/Treasurer

Mel R. Begay,  
Council Delegate

BAHAS-11-06-03-322

**RESOLUTION OF BAHASTL'AH CHAPTER**

**SUPPORTING THE DESIGN AND CONSTRUCTION  
OF THE NAVAJO GALLUP WATER SUPPLY PROJECT**

**WHEREAS:**

1. The Bahastl'ah Community Chapter is a duly certified Chapter under the Navajo Nation Government pursuant to 26 NNC, Section 3. There is a recognition of 110 Navajo Nation Chapters as being certified and enumerated at 11 NNC, Section 10 of which Bahastl'ah Chapter is included; and
2. Public Law 111-11, Section 10601, authorized the Secretary of the Interior, acting through the Commissioner of Reclamation to design and construct the Navajo Gallup Water Supply Project; and
3. The Navajo Gallup Water Supply Project will provide reliable and sustainable municipal, industrial, and domestic water supplies from the San Juan River to 43 Chapters of the Navajo Nation, the City of Gallup and the Southwest portion of the Jicarilla Apache Nation Reservation; and
4. The Bahastl'ah Chapter is one of the 43 chapters identified to be served by the proposed water supply project; and
5. The Bureau of Reclamation is currently designing and preparing to begin construction of the Navajo Gallup Water Supply Project; and
6. One of the initial Project phases includes conveying groundwater from Bahastl'ah to chapters east and west of Gallup in current need of water prior to San Juan River water delivery and to upgrade all existing water lines within Bahastl'ah area with assistance from proper entities and existing bylaws and procedures.

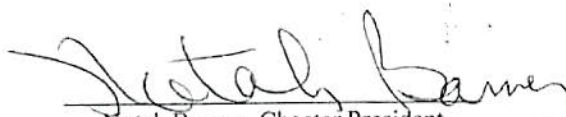
**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Bahastl'ah Chapter fully supports the design, construction and implementation of the Navajo Gallup Water Supply Project; and the project is in the best interest of the Chapter and the Tribe; and
2. The chapter recognizes that the Project Participants, including the Navajo Nation, shall provide all land or interest in land, as appropriate, at no cost (P.L. 111-11 Section 10602 (c) (2)); and
3. The chapter will work cooperatively with the Navajo Nation, the Bureau of Reclamation and its agents to obtain any and all required approvals.

**CERTIFICATION**

We, the undersigned hereby certify that the foregoing resolution was duly presented and considered at a duly called Chapter meeting, at which a quorum was present and that the same was approved by a vote of 21 in favor, 05 opposed, and 08 abstained this 06<sup>th</sup> day of March, 2011.

Motion by: Thompson Johnson  
Second by: Roy Lee Yazzie

  
Notah Barney, Chapter President



Document No. 014276

Date Issued: 02/28/2020

**EXECUTIVE OFFICIAL REVIEW**

Title of Document: BOR- NGWSP Amen Rch 10 PP#7

Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: e\_yazzie@navajo-nsn.gov

Phone Number: 928-871-6447

			Sufficient	Insufficient
<input type="checkbox"/>	<b>Business Site Lease</b>			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>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</b>			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications</b>			
1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Navajo Housing Authority Request for Release of Funds</b>			
1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Lease Purchase Agreements</b>			
1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)				
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Grant Applications</b>			
1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>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</b>			
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Relinquishment of Navajo Membership</b>			
1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



EO# 14276

☐ 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 <i>(ic)</i>	<i>V. Smith</i>	Date: <i>4/28/20</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. OPVP <i>DOJ</i>	<i>V. Smith</i>	Date: <i>5/27/20</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. OPVP	<i>DOJ</i>	Date: <i>6/04/20</i>	<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"/>

Navajo Land Title Data System (NLTDS)  
Navajo Land Title, NLTDS - Admin:  
Document Information

Document Information

Document Name: 004\_T016\_00014276\_BOR ROW Reach 10 PP No. 7.zip  
Revision:  
Version: 1  
Document Desc: BOR ROW Reach 10 PP No. 7  
Document Author: Stevie Hudson GLDD (NLTDS - Admin)  
Document Status: Pending Verification  
Document Type: 164 Review Process  
Effective Date: 03-Mar-2020  
Expires: Never  
Uploaded from: Navajo Land Title Data System (NLTDS)  
Folder Name: 004\_T016\_00014276  
Size: 23884 KB  
Date Uploaded: 03-Mar-2020  
Maintained by: Project Management Team

No Document Distribution Locations

Applicant:  
Census-Applicant:  
Census-Co-Applicant:  
Co-Applicant:

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Najamh Tariq (Navajo Land Title Data System Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	03-Mar-2020
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. 17usbr01	1.	06-Mar-2020
Rebecca Gilchrist MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote is contingent upon the uploaded Terms and Conditions, dated 03.06.20, permanently being included in the application approval package. -rkg	1.	06-Mar-2020
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	no comments	No Reply	09-Mar-2020

Tier 2 Document Voting Results

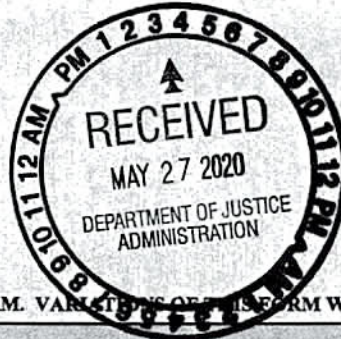
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. Avoidance/Mitigation Measures to avoid impacts to Burrowing Owl and Mountain Plover.	1.	10-Mar-2020
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	13-Mar-2020
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	no comments	No Reply	13-Mar-2020
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	10-Mar-2020
W. Mike Halona (NLTDS - Admin)	NLD Department Manager III	NLD	Approved	no comments	No Reply	10-Mar-2020





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
5/27/20 3:27
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 014276#3
SAS #:
UNIT: NRU

☒ RESUBMITTAL  
3/27/20

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

CLIENT TO COMPLETE			
DATE OF REQUEST: 5-27-20		ENTITY/DIVISION: DNR	
CONTACT NAME: Stevie or Michelle		DEPARTMENT: GLDD	
PHONE NUMBER: X 6447, 6423		E-MAIL: Stevie hudson@navajo-nsn.gov	
TITLE OF DOCUMENT: BOR NGWSP Reach 10 Pumping Plant No. 7			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 5/27/20 3:32 pm		REVIEWING ATTORNEY/ADVOCATE: IRVIN	
DATE/TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
the Consent forms & DOJ Advisory Memorandum was not attached at first but it is now attached. Therefore, the			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Jamie Atte	5/27/20	N Blackhat	5/27/20 3:56
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDJ/DRRF-July 2013

**Program**

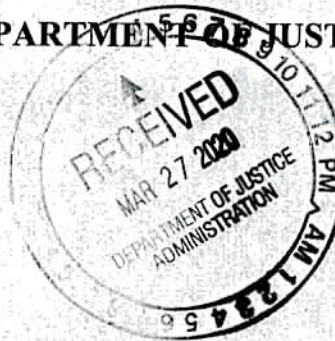
document is now legally sufficient since the consent forms used for Reach 4c-8 can be used for Reach 7 & 10 since these land users are the same land users in both Reach 4c-8 and Reach 7 & 10  
Thos - TC





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
3/27/20 3:16pm
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 014276
SAS #:
UNIT: NRH

☐ RESUBMITTAL

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

CLIENT TO COMPLETE			
DATE OF REQUEST: 3/25/20	ENTITY/DIVISION: DNR		
CONTACT NAME: Steve or Michelle	DEPARTMENT: GLDD		
PHONE NUMBER: X0447, 6423	E-MAIL: Steve.hudson@navajo-nsn.gov		
TITLE OF DOCUMENT: BOR NGWSP Reach 10 Pumping Plant No. 7			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 3/31/20 8:00 AM	REVIEWING ATTORNEY/ADVOCATE: Irvine Chel 4/8/20		
DATE/TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Document is legally insufficient - unable to review files on CD to complete review. Doc. Rtd. to GLDD Office.			
REVIEWED BY: (PRINT) [Signature]	DATE / TIME 4.7.20	SURNAMED BY: (PRINT) VBlackhet	DATE / TIME 4/8/20 10:08 am
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDJ/DRRF-July 2013

Dept Copy





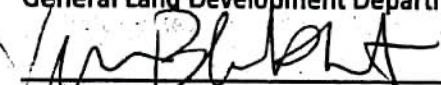
# NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

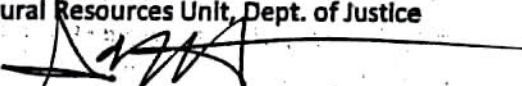
*Doreen N. McPaul*  
Attorney General

*Kimberly A. Dutcher*  
Acting Deputy Attorney General

## MEMORANDUM

TO: Stevie Hudson  
Leasing Agent Specialist  
General Land Development Department

THROUGH:   
Veronica Blackhat, Asst. Attorney General  
Natural Resources Unit, Dept. of Justice

FROM:   
Irvin Chee, Tribal Court Advocate  
Natural Resources Unit, Dept. of Justice

DATE: April 24, 2020

SUBJECT: Document No. 014167 and 014276, re: BOR NGWSP ROW for Reach 7 and 10

The Department of Justice had reviewed the above-referenced DNR documents and is returning both packet to General Land Development Department ("GLDD") as legally insufficient.

For your information, I went and re-reviewed both packet thoroughly again mainly on consent forms. It appears that these consent forms that are attached are the same consent forms that were attached to Reach 8 BOR packet. We had already reviewed and dealt with Reach 8 but it appears that you had attached Reach 8 consent forms for Reach 7 which is ok but my advisory memorandum (Invoking Surface Use Compensation Damages) for Reach 8 is not attached and it should also be attached for Reach 7. If you are attaching the consent forms that were attached to Reach 8 then you need to attach all of the consent forms since some of them are missing along with attaching my advisory memorandum I did for that same packet. Please sort out the consent forms and put them in order as indicated in the memorandum by your right-of-way for both packet.

If you should have any questions, please call me at 928 871-6347. Thank you.

xc: W. Mike, Halona, Navajo Land Department, Department Manager

**RESOURCES AND DEVELOPMENT COMMITTEE**  
**24<sup>th</sup> Navajo Nation Council**

**SECOND YEAR 2020**

**ROLL CALL**  
**VOTE TALLY SHEET:**

**Legislation # 0213-20:** An Action Relating to Resources and Development; Amending RDCD-124-17 to Increase Acreage of Reach 10 – Pumping Plant No. 7, Navajo Gallup Water Supply Project Located on Tribal Trust Lands in Twin Lakes Chapter (McKinley County, New Mexico) *Presenter: Honorable Rickie Nez and Co-Sponsor: Wilson C. Stewart, Jr.*

Date: September 2, 2020 - Regular Meeting (Teleconference)  
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

**Main Motion:**

**Motion:** Kee Allen Begay, Jr.      S: Mark A. Freeland      Vote: 5-0-1 (VCNV)

**In Favor:** Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Rickie Nez

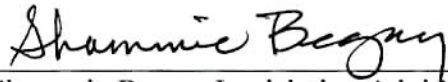
**Oppose:** NONE

**Excuse:** NONE

**Not Voting:** Presiding Vice-Chairperson Thomas Walker, Jr.,



Honorable Thomas Walker, Jr., Presiding Vice-Chairperson  
Resources and Development Committee



Shammie Begay, Legislative Advisor  
Office of Legislative Services