

LEGISLATIVE SUMMARY SHEET

Tracking No. 0149-15

DATE: April 30, 2015

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 25.00 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS FOR CORNFIELDS CHAPTER CORNFIELDS JUNCTION DEVELOPMENT PARCEL LOCATED AT CORNFIELDS CHAPTER VICINITY, NAVAJO NATION (APACHE COUNTY, ARIZONA)

PURPOSE: Approving the withdrawal of 25.00 acres for the Cornfields Chapter "Cornfields Junction Development Parcel" tract located in Cornfields Chapter vicinity, Apache County, Arizona.

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

5-DAY BILL HOLD PERIOD: Latorna Budak
Website Posting Time/Date: 3:51pm 5/16/15
Posting End Date: 5/16/15
Eligible for Action: 5/12/15

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY

ALTON JOE SHEPHERD
(Prime Sponsor)

TRACKING NO. 0149-15

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND
WITHDRAWAL OF 25.00 ACRES, MORE OR LESS, OF NAVAJO NATION
TRUST LANDS FOR CORNFIELDS CHAPTER CORNFIELDS JUNCTION
DEVELOPMENT PARCEL LOCATED AT CORNFIELDS CHAPTER VICINITY,
NAVAJO NATION (APACHE COUNTY, ARIZONA)

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. §500, the Resources and Development Committee is established as a standing committee of the Navajo Nation Council; and
- B. Pursuant to 2 N.N.C. § 500 B 2(a), the Resources and Development Committee grants final approval for all land withdrawal, 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; and
- C. Pursuant to Cornfields Chapter Resolution No. CF/FEB2014-80, attached hereto and incorporated herein as Exhibit A, the Chapter requests the withdrawal of 25.00 acres, more or less, for the Cornfields Chapter Development Parcel tract; and

- 1 D. The proposed area consists of 25.00 acres, more or less, of Navajo Nation Tract
2 Lands located in the Northwest Quarter (NW¼) of Section 17, the Northeast
3 Quarter (NE¼) of Section 18, Township 25 North, Range 26 East, G&SRM,
4 Apache County, Navajo Nation (Arizona). The location is more particularly
5 described on the survey map attached hereto as Exhibit B; and
- 6 E. The Project Review Section with the Navajo Land Department has obtained the
7 consent from the affected land users (i.e. grazing permittees) attached hereto as
8 Exhibit C; and
- 9 F. All environmental and archaeological surveys and studies have been completed
10 and received appropriate clearances attached hereto and incorporated herein by
11 this reference. The Navajo Nation Fish and Wildlife Biological Resources
12 Compliance Form is attached as Exhibit D. The Cornfields Chapter Cornfields
13 Junction Development Parcel Environmental Assessment is attached as Exhibit
14 E. The Cornfields Chapter Cornfields Junction Development Parcel packet
15 containing Chapter Resolutions, Consent Forms, Survey & Land Descriptions,
16 Archaeological/Cultural Resource Inventory Report, Environmental
17 Assessment, and other supporting documents is attached as Exhibit F.

18 **Section Two. Approval**

19 The Resources and Development Committee of the Navajo Nation Council hereby
20 approves land withdrawal of 25.00 acres, more or less, of Navajo Nation Trust Lands
21 for the Cornfields Chapter Cornfields Junction Development Parcel at Cornfields
22 Chapter, Navajo Nation (Apache County, Arizona). The location is more particularly
23 described on the survey map attached hereto as Exhibit B.

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CF/FEB2014-80

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirming Resolution #CF/APRIL10-30 Supporting and Approval of the Community Land Use Planning (CLUP) Committee's Request to the Navajo Nation Land Administration to Withdraw Land for Three (3) Sites Within Cornfields Chapter Designated for Business Development

WHEREAS:

1. The Cornfields Chapter is a duly certified local governing entity recognized by the Navajo Nation Council to address the needs of the Chapter residents and the economic development of the chapter for primary benefit of the local people, and to facilitate communications between and among the local people with agencies of the Navajo Nation, the United States, and where appropriate, the State of Arizona; and
2. The Cornfields Chapter approved Resolution #CF/APRIL10-30 that supports and approves the CLUP Committee's request to Navajo Nation Land Administration to withdraw land for three (3) sites within Cornfields Chapter designated for business development; and
3. The Cornfields Chapter with CLUP Committee completed and identified the three (3) business sites, which are:
 - a. Former Sunrise Trading Post
 - b. Intersection of Route 15 and Route 151
 - c. Deer Point Business Development
4. The Cornfields Chapter believes it is in the best interest of the community to support and approve CLUP Committee's request for withdraw of land for the three (3) designated business sites.

NOW THEREFORE BE IT RESOLVED THAT:

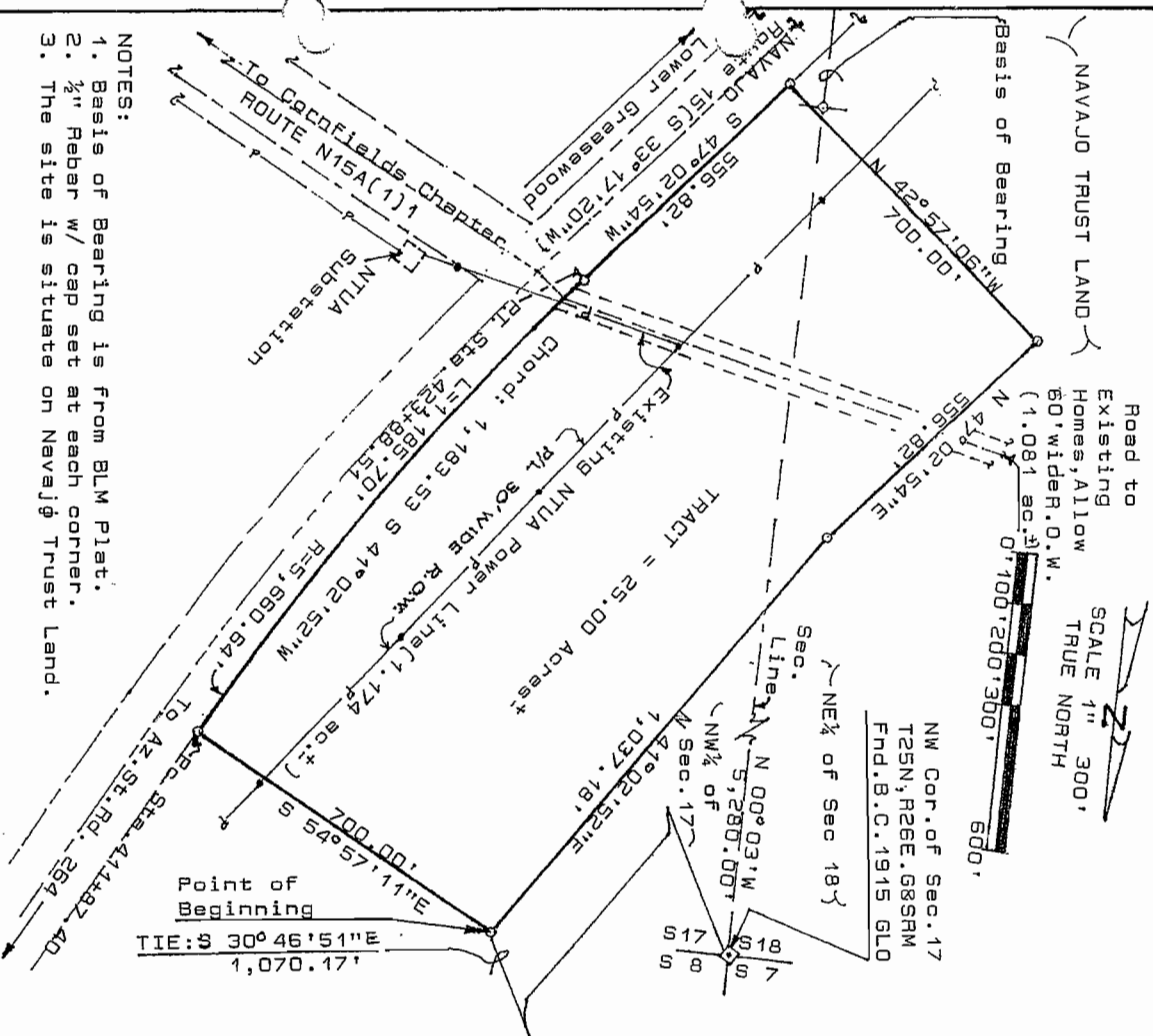
Cornfields Chapter reaffirms and supports and approval of the Community Land Use Planning (CLUP) Committee's request the Navajo Nation Land Administration to withdraw land for three (3) sites within Cornfields Chapter designated for business development.

CERTIFICATION

We hereby certify that the foregoing Resolution was considered at a duly called regular meeting of the Cornfields Chapter at Cornfields, Navajo Nation, Arizona at which a quorum was present, and that the same was passed by a vote of 35 in favor, 0 opposed, and 1 abstained this 9th day of February 2014.


 Presiding President

Motion: Cecelia White
 Second: Alban Yazzie



- NOTES:
1. Basis of Bearing is from BLM Plat.
 2. 3/4" Rebar w/ cap set at each corner.
 3. The site is situate on Navajo Trust Land.

Road to
Existing
Homes, Allow
60' wider R.O.W.
Scale 1" = 300'
TRUE NORTH

CORNFIELDS CHAPTER BUSINESS SITE TRACT
IN THE NW 1/4 OF SEC. 17 AND THE NE 1/4 OF SEC. 18, T26N, R26E, G8SRM
CORNFIELDS, APACHE COUNTY, ARIZONA
February 16, 2007

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17 AND THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 26 EAST, GILA AND SALT RIVER MERIDIAN, IN THE WESTERLY VICINITY OF CORNFIELDS COMMUNITY CHAPTER HOUSE, IN CORNFIELDS, APACHE COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a Brass Cap, the NW corner of said Section 17; thence run S 30° 46' 51" E a distance of 1,070.17 feet to the NW corner and the point of beginning of the herein described tract; Thence S 54° 57' 11" E a distance of 700.00 feet to NE corner and a point on the west R.O.W. line of Navajo Route 15, being a point of curve, the road center line station 411+87.40; Thence along the said West R.O.W. line and along the arc of a curve to the right, it's long Chord bears S 41° 02' 52" W a distance of 1,183.53 feet; Arc length = 1,185.70 feet and the radius = 5,660.64 feet, to a point of tangent, sta. 423+88.51; Thence continue of the said West R.O.W. line S 47° 02' 54" W a distance of 556.82 feet to the SE corner; Thence N 42° 57' 06" W a distance of 700.00 feet to the SW corner; Thence N 47° 02' 54" E a distance 556.82 feet to a point; Thence N 41° 02' 52" E a distance of 1,037.18 feet to the point of beginning.

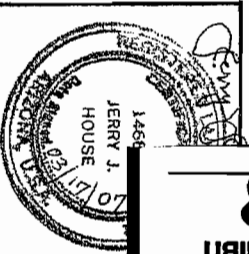
The enclosed described area comprises of 27.255 acres more or less LESS 1.174 acres occupied by NTUA existing power line and the existing road is 1.081 acres, the remainder 25.00 acres for business site.

SURVEYOR'S CERTIFICATION

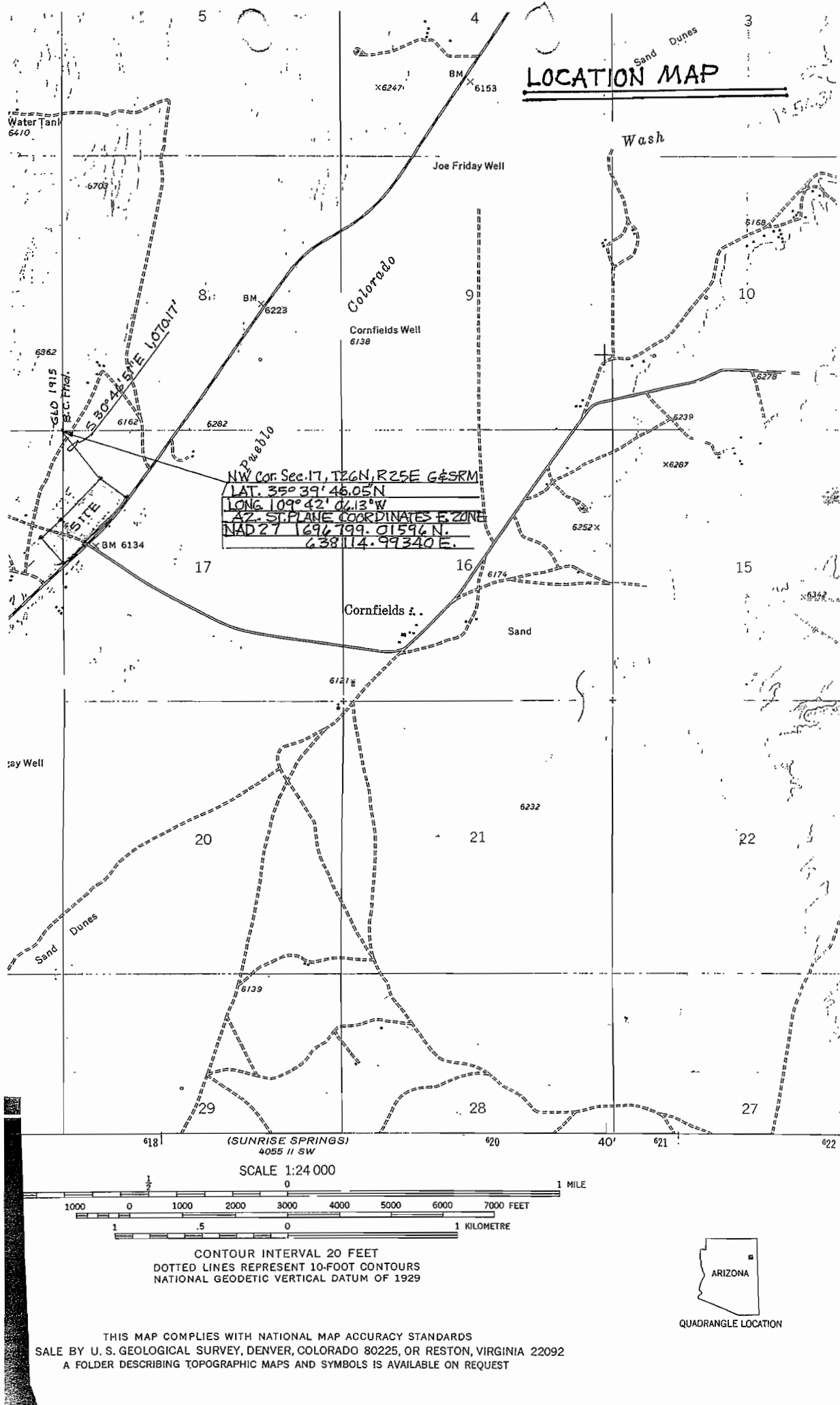
I, Jerry J. House, a duly qualified Registered Land Surveyor under the law of the State of Arizona, do hereby certify that this survey and the plat as shown hereon were prepared from the actual survey by me or under my direct supervision and that they are true and correct to the best of my knowledge and belief.

Jerry J. House

Arizona Certification No. 4468



EXHIBIT





The Navajo Nation

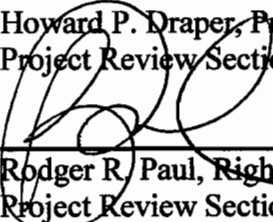


DR. JOE SHIRLEY, JR.
President

BEN SHELLY
Vice President

MEMORANDUM

TO: Howard P. Draper, Prog. & Project Specialist
Project Review Section/NLD

FROM: 
Rodger R. Paul, Right-of-Way Agent
Project Review Section/NLD

DATE: June 04, 2014

SUBJECT: ***FIELD INVESTIGATION FOR LAND WITHDRAWAL***
Cornfields, Apache County, Arizona

The Cornfields Chapter, Post Office Box # 478, Ganado, Arizona 86505 has a chapter resolution and other supporting documents requesting for field clearances to withdraw twenty five (25.00) acres, more or less of Navajo Tribal Trust Land (NTTL), for development of a business site Junction Development (Convenience Store/Gas Station, Auto Service, RV Park, Event Arena/Parking Lot and other related facilities). The proposed tract is located in the NW ¼ of Sec. 17 & the NE ¼ of Sec. 18, Township 26 North, Range 25 East, G&SRM, Cornfields, Apache County, Arizona.

The Project Review Section/Chinle Land Department has conducted and completed the field investigation on the above project. Met with Mr. Patrick Yazzie Grazing Committee Member from Cornfields chapter to identify the affected land users, upon review of the attached survey plat (legal description) the proposed site is located on the Navajo Tribal Trust Land (NTTL), according to his records and knowledge there are four (04) land users (grazing permittee) affected by the project. Project Review Section (PRS) has contacted the affected land users (grazing permittee) to inform them of and to obtain their written consents for the proposed project. The affected land users (Thomas Singer, Charlie Taliman, Jimmie Taliman Sr., & Sarah White,) had no objection and gave their written consent. Attached hereto are Land User Consent Forms #3 signed by the affected land users and Field Clearance Check List Form for your information and use.

Should you have any question please contact me at Chinle Land Department (928) 674-2315 or (928) 797-1835

cc: Office File
Cornfields Chapter

FIELD CLEARANCE CHECKLIST

This form covers only damages and compensation to individual land users. It doesn't cover consideration or other fee to the Navajo Nation. (use back if necessary to complete this form).

1. Project Identification:

Application: Cornfields Chapter

Type of Project: Land Withdrawal

Purpose: Cornfields Junction Development

Location: Cornfields, Apache County, Arizona

Identification number(s): _____

2. Amount of land affected: 25.00 acres, more or less

3. Land Status: Trust: XX Fee: _____ Other: _____

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

Name	Census Number	Type of Land Use Right
1. <u>Jimmie Taliman Sr.</u>	_____	<u>G/P# 17-25-88</u>
2. <u>Charlie Taliman</u>	_____	<u>G/P# 17-74-82</u>
3. <u>Sarah T. White</u>	_____	<u>G/P# 17-35-90</u>
4. <u>Thomas Y. Singer</u>	_____	<u>G/P# 17-49-84</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____

5. Are all the land users with claims to the affected lands as shown in Branch Land Operation records included in the list in item 4? Yes

6. Have the Grazing Committee or Land Board Member (which ever appropriate) for the affected area confirm land user list in item 4 by signing acknowledgement below. Yes

ACKNOWLEDGEMENT

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

6/6/14
Date:

[Signature]
Grazing Committee/Land Board Member

17-3
Dist. No.

CONSENT FORM-3

(Waiver of compensation for damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN

I Thomas Y. Singer hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Cornfields Chapter of Post Office Box # Ganado, Arizona 86505 to use a portion of my land use area for the following purpose(s) to withdraw twenty five (25.00) acres, more or less of Navajo Tribal Trust Land (NTTL) for the Cornfields Junction Development, located within the Northwest Quarter (NW 1/4) of Section 17 & Northeast Quarter (NE 1/4) of Section 18, Township 26 North, Range 25 East, Gila & Salt River Meridian, Cornfields, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

5/5/14 Thomas Y. Singer G/P# 17-49-84
Date: Land User Signature (Thumb Print) Census No. Permit No.

WITNESS:

5-5-14 Patricia J2 17-3
Date Grazing Committee or Land Board Member District No.

Acknowledge 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-3
(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I Sarah T. White hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Cornfields Chapter of Post Office Box # Ganado, Arizona 86505 to use a portion of my land use area for the following purpose(s) to withdraw twenty five (25.00) acres. more or less of Navajo Tribal Trust Land (NTTL) for the Cornfields Junction Development. located within the Northwest Quarter (NW 1/4) of Section 17 & Northeast Quarter (NE 1/4) of Section 18, Township 26 North, Range 25 East, Gila & Salt River Meridian, Cornfields, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

5/1/14 X Sarah T. White G/P# 1735-90
Date: Land User Signature (Thumb Print) Census No. Permit No.

WITNESS:

5-5-14 12-3
Date Grazing Committee or Land Board Member District No.

Acknowledge 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

Field Agent Signature

CONSENT FORM-3

(Waiver of compensation for damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN

I Charlie Taliman hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Cornfields Chapter of Post Office Box # Ganado, Arizona 86505 to use a portion of my land use area for the following purpose(s) to withdraw twenty five (25.00) acres, more or less of Navajo Tribal Trust Land (NTTL) for the Cornfields Junction Development, located within the Northwest Quarter (NW 1/4) of Section 17 & Northeast Quarter (NE 1/4) of Section 18, Township 26 North, Range 25 East, Gila & Salt River Meridian, Cornfields, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

5/1/14 Charlie Taliman G/P# 17-74-82
Date: Land User Signature (Thumb Print) Census No. Permit No.

WITNESS:

5-5-14 17-3
Date Grazing Committee or Land Board Member District No.

Acknowledge 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

Field Agent Signature

CONSENT FORM-3

(Waiver of compensation for damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN

I Jimmie Taliman Sr. hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Cornfields Chapter of Post Office Box # 478, Ganado, Arizona 86505 to use a portion of my land use area for the following purpose(s) to withdraw twenty five (25.00) acres, more or less of Navajo Tribal Trust Land (NTTL) for the Cornfields Junction Development, located within the Northwest Quarter (NW 1/4) of Section 17 & Northeast Quarter (NE 1/4) of Section 18, Township 26 North, Range 25 East, Gila & Salt River Meridian, Cornfields, Apache County, Arizona as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

5/5/14 X Jimmie Taliman Sr. G/P# 17-25-88
Date: Land User Signature (Thumb Print) Census No. Permit No.

WITNESS:

5-5-14 Peter R. [Signature] 17-3
Date Grazing Committee or Land Board Member District No.

Acknowledge 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

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.: Deer Point Business Development Tract

DESCRIPTION: Cornfields Chapters proposes land withdrawal consisting of 100± acres for economic development.

LOCATION: SE¼ of Sec. 22, NW¼ of Sec. 26, & NE¼ of Sec. 27, T27N, R25E, G&SRM, Apache County, Arizona

REPRESENTATIVE: Howard Draper, Project Review Section, Navajo Land Department

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: EA-Deer Point Development Parcel/JAN 2014/UrbanTech Ltd. i.a.w. Arcadis US

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. [1] Potential suitable nesting habitat is present on and adjacent to the 100-acre land tract. Migratory Birds and their habitats are protected under the Migratory Bird Treaty Act (16 USC §703-712); [2] The 100-acre land tract is located within a Raptor Sensitive Area (RSA).

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl), G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] The 100-acre land tract is located within a Raptor Sensitive Area (RSA).

All future proposed power line extensions and associated facilities shall be raptor-safe per Raptor Electrocution Prevention Regulations (REPR); [2] If clearing and grading of the project site is scheduled to occur during the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG, a survey will be required. The survey must include a 0.4 km (¼ mi) buffer outside the edge of the area to be cleared and graded. Follow the survey protocol outlined in the NESL Species Accounts.

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 AUG 2014

COPIES TO: (add categories as necessary)

☒ _____ ☒ _____

2 NTC § 164 Recommendation:

Signature

Date

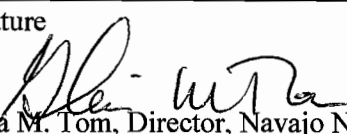
☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)



8/16/14

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



**PRESIDENT
BEN SHELLY
VICE PRESIDENT
REX LEE JIM**

NAVAJO FISH AND WILDLIFE P.O. BOX 1480 WINDOW ROCK, AZ 86515

15 August 2014

EOR002258

Cornfields Chapter
Navajo Nation
Post Office Box 478
Ganado, Arizona 86505

To whom it may concern,
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for the proposed Deer Point Development Parcel located in the Cornfields Chapter, Arizona. The purpose of this letter is to inform you that we are granting the proposed land withdrawal a Conditional Approval. The project is approved with the following conditions:

[1] The 100-acre land tract is located within a Raptor Sensitive Area (RSA). All future proposed power line extensions and associated facilities shall be raptor-safe per Raptor Electrocutation Prevention Regulations (REPR).

[2] If clearing and grading of the project site is scheduled to occur during the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG, a survey will be required. The survey must include a 0.4 km (1/4 mi) buffer outside the edge of the area to be cleared and graded. Follow the survey protocol outlined in the NESL Species Accounts.

Please contact me at 928-871-7065 with any questions that you have concerning the review of this project.

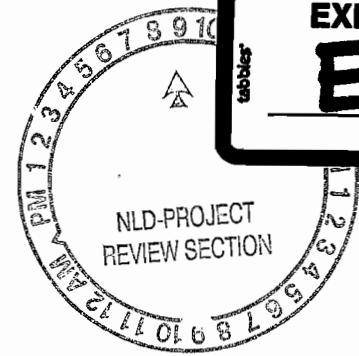
Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Nation Department of Fish and Wildlife

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

Date



Cornfields Chapter

January 2014
Draft #2; Rev. #3

Cornfields Junction Development Parcel Environmental Assessment

In association with:



**Cornfields Chapter: Cornfields Junction
Environmental Assessment
(January 2014)**

Project: Cornfields Junction Site Development

**Prepared for: Cornfields Chapter
Navajo Nation
P.O. Box 478
Ganado, Arizona 86505**

Prepared by:

**UrbanTech Ltd.
16845 N. 29th Ave.; Suite 1-348
Phoenix, Arizona 85053**

In association with:

**Arcadis US
410 N 44th St #1000
Phoenix, Arizona 85008**

**Contact: Philip J. Entz AICP, Pres.
UrbanTech Ltd.
Tel: 602-678-0533**

- 3.11 Other Values
 - 3.11.1 Wilderness Areas
 - 3.11.2 Noise and Light
 - 3.11.3 Visual
 - 3.11.4 Public Health and Safety

4 – ENVIRONMENTAL CONSEQUENCES

- 4.1 Land Resources
 - 4.1.1 Topography
 - 4.1.2 Soils
 - 4.1.3 Geology Setting, Mineral, and Paleontological Resources
- 4.2 Water Resources
 - 4.2.1 Groundwater and Surface Water
 - 4.2.2 Floodplains
 - 4.2.3 Wetlands, Riparian Areas, and Wild and Scenic Rivers
- 4.3 Air Quality
 - 4.3.1 Quality/Visibility
 - 4.3.2 Climate/Meteorology
- 4.4 Living Resources
 - 4.4.1 Vegetation
 - 4.4.2 Wildlife
 - 4.4.3 Federally Listed Threatened and Endangered Species
 - 4.4.4 Agriculture/Farmland
- 4.5 Cultural Resources
- 4.6 Socioeconomic Conditions
 - 4.6.1 Employment and Income
 - 4.6.2 Population and Demographic Trends
 - 4.6.3 Lifestyle and Cultural Values
 - 4.6.4 Community Infrastructure
- 4.7 Environmental Justice
- 4.8 Indian Trust Assets
- 4.9 Hazardous Materials
- 4.10 Resource Use Patterns
 - 4.10.1 Transportation Corridors
 - 4.10.2 Agriculture
 - 4.10.3 Land Use Plans
- 4.11 Other Values
 - 4.11.1 Wilderness Areas
 - 4.11.2 Noise and Light
 - 4.11.3 Visual
 - 4.11.4 Public Health and Safety

5 – LIST OF PREPARERS AND CONTRIBUTORS

6 – CONSULTATION AND COORDINATION

7 – DOCUMENT PREPARER’S SIGNATURE

8 - REFERENCES

APPENDICES

APPENDIX A Property Survey

APPENDIX B Proposed Development Plan

APPENDIX C Apache County USFWS Species List

APPENDIX D Cultural Resources Compliance

LIST OF FIGURES

FIGURE 1 Project Area Map

FIGURE 2 Project Area Aerial

FIGURE 3 Topographic Map

LIST OF TABLES

TABLE 1 Habitat Suitability Assessment for Sensitive Species

1 – INTRODUCTION

1.1 Project Background

The Cornfields Chapter of the Navajo Nation proposes to implement development on a 25-Acre site that runs along the western frontage of Navajo Route 15 at its intersection with Route 151, which accesses the Cornfields Chapter House and principle residential area (Appendix A for Survey). Strategic Planning, a Feasibility Study, preliminary Development Planning and other actions have been completed in preparation for the proposed development of the site. The development of the site will require approvals from the Navajo Nation and the Bureau of Indian Affairs (BIA). The federal action triggers the National Environmental Policy Act (NEPA) process. This environmental assessment documents the potential impacts of the development of the Cornfields Junction Site on the human and natural surroundings.

1.2 Project Location and Description

The Cornfields Chapter is one of 110 recognized chapters of the Navajo Nation and is located in the southeastern portion of the Navajo Nation, within Apache County. The community of Cornfields has an estimated population of 1600 people. The development site is approximately 25-acres and is designated for economic development. The property is within the Cornfields Quadrangle, Arizona-Apache Co., 7.5-Minute Series USGS Topographic Map (2001). Figure A (following page) illustrates the nature of the site.

The currently proposed Project consists of the development of several site improvements on a portion of the 25-acre site, including a:

- Convenience Store/ Gas Station
- Auto Service/Tire Shop (two-bay)
- EMS Facility (two-bay)
- Feed & Tack Store with Outdoor Storage
- Overflow Parking for Events Arena
- RV Parking
- Truck & Trailer Parking
- Events Arena
- Youth Center with Basketball Court, Skate Park and Swimming Pool

Parking, walkways and landscaping associated with the project are contemplated, along with necessary on-site utility development.

1.3 Purpose and Need

The Cornfields Junction Property site is one of three economic development parcels available to the Cornfields Chapter of the Navajo Nation. The purpose and need for the project is to locally accessible retail opportunities and services, as well as to provide business opportunities and employment for local Tribal Members. EMS services would be incorporated into the project to

reduce current response times which often exceed ½-hour. The property's location at the entry road to the main residential area of the Cornfields Chapter provides the opportunity for such access and also is intended to attract drive-by users on Navajo Route 15. The development will provide needed income and services for both area residents and the Cornfields Chapter government. This will also provide resources for the Chapter to provide a wider variety of Public Services to their Members.

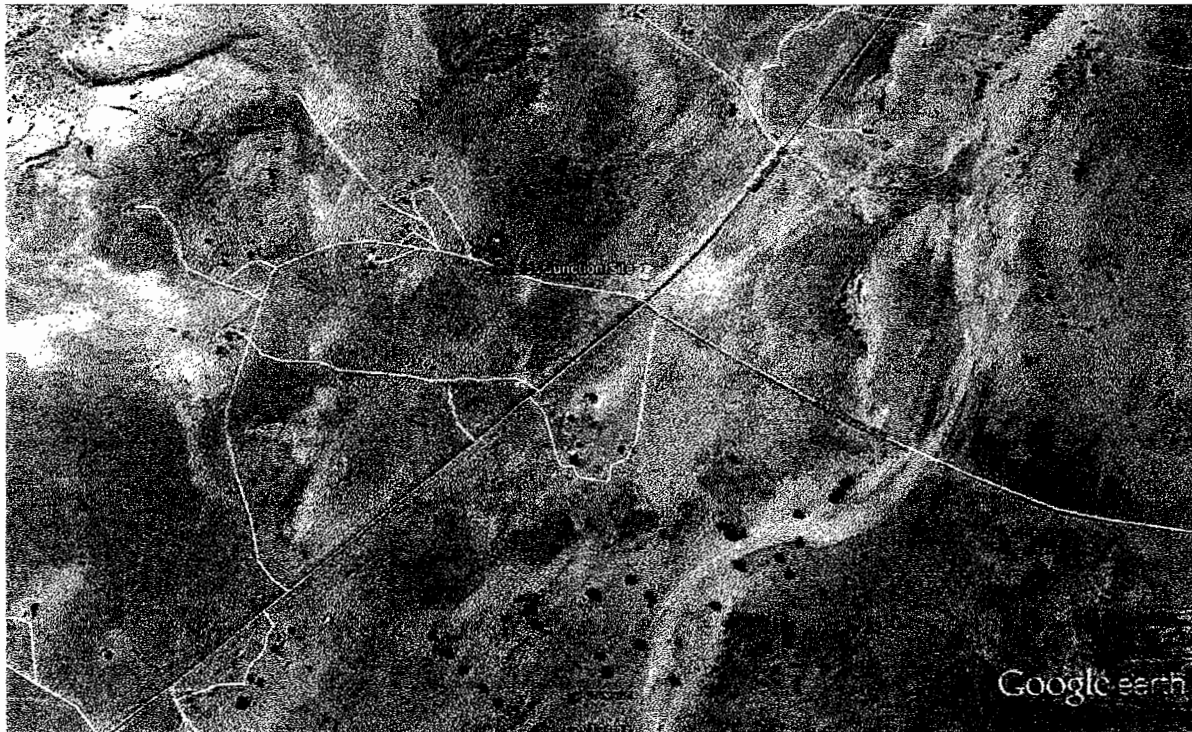


Figure 1: Aerial of Cornfields Junction area

2 – PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

Under the proposed action, the Cornfields Chapter would implement a phased development program for Cornfields Junction the site (See proposed Development Plan in Appendix B). The plan would be developed over a period of approximately five years, including final project design, obtaining funding and construction of the Project. The plan would include several economic development components, along with a small local EMS facility.

2.2. No-Action Alternative

Under the no-action alternative, the proposed project would not be constructed. No economic development would occur and the Cornfields Chapter would continue to lack local employment

and business opportunities. Emergency services, specifically fire and medical would continue to be sourced from Ganado resulting in continuing emergency response of ½-hour or longer.

2.3 Alternatives Considered but Eliminated

During the planning phases of the project, various types of development and various arrangements of elements of site development were considered. The proposed action reflects the development elements determined to be most feasible and related to the property's location adjacent to the heart of the Cornfields Chapter populated area. Other uses were removed from the plans and proposed for development on alternative sites that are being separately studied.

3 – AFFECTED ENVIRONMENT

[This Chapter describes the existing conditions both within and surrounding the subject site. This data is then used to evaluate the impacts that are discussed in Chapter 4.]

3.1 Land Resources [Physical characteristics of the site geography and soils]

3.1.1 Topography

The general topography of the site consists of a flat area with very gentle slopes. Elevations range from 6140 to nearly 6160 feet in the immediate area. Figure 2, below, illustrates the local topography.

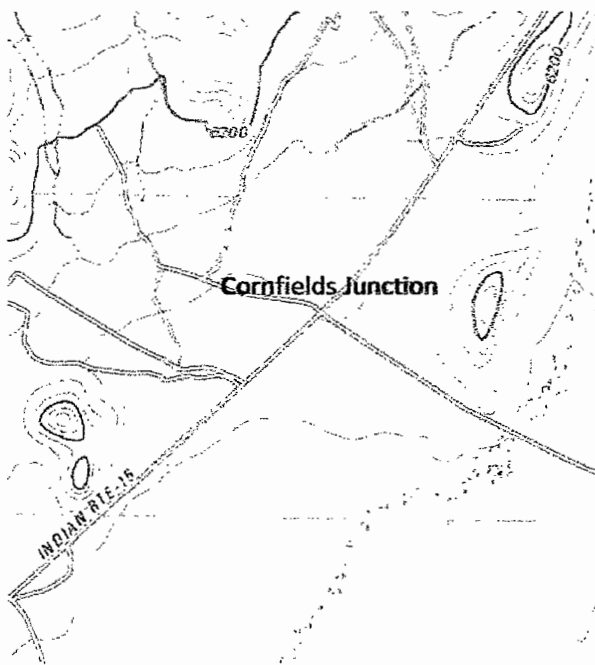


Figure 2

3.1.2 Soils

Soils in the Cornfields Junction area have been mapped in *Soil Survey of Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona, and McKinley and San Juan Counties, New Mexico* (NRCS) in 2007. The soils are identified as Zia sandy loam. This is comprised of Zia and similar soils at 85 percent, and other minor components at 15 percent, including Riverwash, Radnik, and Pinavetes family. Parent materials are eolian deposits and stream alluvium derived from sandstone and shale. Zia sandy loam is well drained, has moderately rapid permeability (2.0 to 6.0 in/hr), has low shrink-swell potential (about 2.0 percent), and has negligible flooding or ponding hazards.

3.1.3 Geology Setting, Mineral, and Paleontological Resources

The Navajo Nation is situated in the south-central region of the Colorado Plateau, an area that has remained relatively tectonically stable since late Precambrian time and only moderately unstable by the orogeny of Late Cretaceous and early Tertiary time (Cooley et.al 1969).

The reservation has been divided into several hydrogeologic subdivisions on the basis of differences in the exposed sedimentary rocks, structure and physiography (Cooley et. al 1969). The project site lies in the Chinle Valley subdivision, underlain by easily eroded Triassic sediments. It is a lowland between the scarred sandstone slopes on the Defiance Plateau and the imposing eastern escarpment of Black Mesa. In general, the area consists of gentle slopes underlain with bedrock and alluvium.

3.2 Water Resources *[Surface water, Groundwater, Floodplains and conditions created by these]*

3.2.1 Groundwater and Surface Water

Surface water generally drains on the site to the Southeast toward the Pueblo Colorado Wash. The drainage on the site is principally sheet flow with a few shallow braided channels as the drainageways approach IR15. Swales along IR15 then move water to existing drainage structures that carry water under the roadway to continue into the wash.

Ground water is at a shallow depth in the alluvium (200'), but increases in depth where Sandstone and Shinarum occur in the Chinle Valley multiple-aquifer system. The overall system dips westward and northwestward. The subject site is along the highest portions of the aquifer system (shallowest depth to water) [Cooley et. al.].

3.2.2 Floodplains

Based on a general definition of floodplains, the project site is not located within a floodplain. A floodplain has been defined as "lowland and relatively flat areas adjoining inland and coastal waters...." and "a nearly level alluvial plain that borders a stream and is subject to flooding

unless protected artificially", by Presidential Executive Order 11988-Floodplain Management and the U.S. Department of Agriculture, respectively.

3.2.3 Wetlands, Riparian Areas, and Wild and Scenic Rivers

There are no wetlands or riparian areas on or near the subject site. There are no "Wild & Scenic Rivers" designated anywhere on the Navajo Reservation. Solely Fossil Creek and the Upper Verde River in Arizona have that designation.

3.3 Air Quality *[characteristics of the air and the air quality in the area]*

3.3.1 Quality/Visibility

The National Ambient Air Quality Standards (NAAQS) establish limits for pollutants considered harmful to public health and the environment. Under the NAAQS, there are six principal pollutants which are called "criteria" pollutants. They include carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter and sulfur dioxide. Air quality trends show air pollution concentrations in the southwest have improved since the standards were established. Maps posted at the U.S. EPA website (www.epa.gov/region9/air, May 2013) indicate that air quality of the Navajo Nation is within the NAAQS.

3.3.2 Climate/Meteorology

The project region experiences relatively cold winters with temperatures averaging near 10-degrees Fahrenheit. Snow depths however are minimal and snows are irregular throughout December, January and February. Precipitation averages a relatively low 9.5" annually and rains are scattered throughout the year. The average maximum temperature (early August) is 84.7° Fahrenheit but can peak in the 90's. The average minimum temperature (mid January) is 10.1-degrees Fahrenheit (Wunderground.com Historical Data (Ganado, AZ). Prevailing winter winds are from the northwest and summer winds are generally from the southwest. Winds are light to moderate, averaging 10 miles-per-hour or less.

3.4 Living Resources *[vegetation and wildlife of the area, included protected species and their likelihood to occur (field investigation conducted 6/4/13)]*

3.4.1 Vegetation

The project site is within an area defined as Great Basin Desert Scrub (Brown 1994). The area is associated with Upland Sonoran Desert Scrub and Great Basin Pinyon-Juniper Woodland vegetation. Species diversity is low with dominant shrubs occupying vast tracts of land. Characteristic vegetation is low growing, widely space hemispherical, non-sprouting shrubs with widely-spaced bunchgrasses. Dominant shrubs include big sagebrush, black sagebrush, Bigelow sagebrush, shadscale, fourwing saltbush, rabbitbrush, winterfat, hopsage, horsebrush, blackbrush, and greasewood. Associated grasses may include blue gramma, galleta grass,

Indian ricegrass, western wheatgrass, Junegrass, and several muhleys or dropseeds. Forbs include several gilia, buckwheat, penstemon, lupine, and globemallow species. Cacti number and species in Great Basin Desertscrub are relatively few in comparison to those found in warm deserts. Cactus plants are small in stature or prostrate and include several species of prickly pear, hedge hog, and cholla.

The Cornfields Junction site is covered in grasses. No major vegetation occurs within the site boundaries.

3.4.2 Wildlife

During the field survey of the Cornfields Junction Site, no wildlife was observed.

3.4.3 Federally Listed Threatened and Endangered Species

A biological evaluation was conducted to assess potential impacts to threatened and endangered and sensitive species. The evaluation was based on a list of TES species provided by US Fish and Wildlife Service (USFWS) (Appendix C) that are known to occur or have potential to occur on or near the project site. The list was supplemented by information contained in the "Navajo Nation Endangered Species List; Species Accounts; Version 3.08; August 2008". The effects are discussed in Section 4.4.2. A chart illustrating the results follows:

**Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)**

<i>Common Name (Species Name)</i>	<i>Status</i>	<i>Range or Habitat Requirements</i>	<i>Potential for Occurrence in Project Area</i>	<i>Determination of Effect</i>
Apache (Arizona) trout (<i>Oncorhynchus gilae apache</i>)	USFWS Threatened NESL RCS-41-08 Not Listed	Streams and rivers generally above 6,000 ft. elevation with adequate stream flow and shading; temperatures below 77 degrees F; and substrate composed of boulders, rocks, gravel and some sand and silt.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Black-footed ferret (Mustela nigripes)	USFWS Endangered NESL RCS-41-08 Group 2	Grassland plains generally found in association with prairie dogs. Elevation less than 10,500 ft.	Unlikely to occur. No wild populations of this species are currently known to exist in Arizona. Reintroduced population exists in Aubrey Valley (Coconino County), Arizona.	No Effect.
California condor (Gymnogyps californianus)	USFWS Endangered NESL RCS-41-08 Group 4	High desert canyons and plateaus. Elevation varies.	Recovery program has reintroduced condors to Northern Arizona, but in Coconino County. The subject site does not include nesting habitat.	No Effect.
Chiricahua leopard frog (Lithobates chiricahuensis)	USFWS Endangered NESL RCS-41-08 Not Listed	Restricted to springs, livestock tanks, and streams in upper portion of watersheds that are free from nonnative predators or where marginal habitat for nonnative predators exists. Elevation of 3,281 – 8,890 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
Little Colorado spinedace (Lepidomeda vittata)	USFWS Endangered NESL RCS-41-08 Not Listed	Moderate to small streams; found in pools and riffles with water flowing over fine gravel and silt substrate. Elevation of 4,000 – 8,000 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Loach minnow (Tiaroga cobitis)	USFWS	Benthic species of small to large perennial streams with swift shallow water over cobble and gravel. Recurrent flooding and natural hydrograph important. Elev. <8000 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
	Endangered			
	NESL RCS-41-08 Not Listed			
Mexican gray wolf (Canis lupus baileyi)	USFWS	Chaparral, woodland, and forested areas. May cross desert areas. Elevation of 4,000 to 12,000 ft.	Unlikely to occur. Generally reintroduced in southern Apache County on the White Mountain Apache Reservation. Critical habitat was established as old-growth forests; none exist in this portion of the Navajo Reservation.	No Effect.
	Endangered			
	NESL RCS-41-08 Not Listed			
Mexican spotted owl (Strix occidentalis lucida)	USFWS	Nest in canyons and dense forests with multi-layered foliage structure. Elev. 4100 - 9000 ft.	Unlikely to occur. There is no habitat in the project area or the surrounding vicinity.	No Effect.
	Threatened			
	NESL RCS-41-08 Group 3			

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Navajo sedge (<i>Carex specuicola</i>)	USFWS Threatened	Found in silty soils at shady seeps and springs. There is Designated critical habitat on the Navajo Nation near the Inscription House Ruins. Also found at seep springs on vertical cliffs of pink-red Navajo sandstone at elevations of 5,700 – 6,000 ft.	Unlikely to occur. There is no habitat in the project area or the surrounding vicinity. The designated critical habitat is 100-miles northwest of the subject site.	No Effect.
	NESL RCS-41-08 Group 3			
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	USFWS Endangered	Cottonwood/willow and tamarisk vegetation communities along rivers and streams. Designated habitat in this area of Arizona only includes the Little Colorado River. Elev. < 8500 ft.	Unlikely to occur. There is neither riparian habitat nor tamarisks on-site or in the vicinity.	No Effect.
	NESL RCS-41-08 Group 2			
Three Forks springsnail (<i>Pyrgulopsis trivialis</i>)	USFWS Endangered	Rheocrene springs, seeps, marshes, spring pools, outflows and diverse lotic waters. Distribution limited to Boneyard Creek and Boneyard Bog Spring complexes in the North Fork of the East Fork Black River watershed. Critical habitat is designated for 17.2 acres (77 FR 23060).	Unlikely to occur. The habitat lies in southeastern Apache County, over 100 miles from the subject site.	No Effect
	NESL RCS-41-08 Not Listed			

**Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)**

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Zuni bluehead sucker (Catostomus discorbolus yarrowi)	USFWS Proposed Endangered NESL RCS-41-08 Not Listed	Small streams in low velocity, moderate deep pools, and pool-runs with seasonal dense algae. The fish is found in two drainages on the Navajo Nation (1.) Kinlichee Creek [Little Colorado River] and (2.) Canyon de Chelly [San Juan River]. Elevations over 6,000 ft.	Unlikely to occur. The closest habitat would be Kinlichee Creek, which lies approximately 20-miles east of the subject site.	No Effect.
Zuni fleabane (Erigeron rhizomatus)	USFWS Threatened NESL RCS-41-08 Not Listed	Selenium-rich red or gray detrital clay soils derived from the Chinle and Baca formations at elevations between 7,300 and 8,000 ft.	Unlikely to occur. The subject site does not contain the necessary soils and is at a substantially lower elevation.	No Effect.
New Mexico meadow jumping mouse (Zapus hudsonius luteus)	USFWS Candidate NESL RCS-41-08 Not Listed	Nests in dry soils but also uses moist, streamside, dense riparian/wetland vegetation. The New Mexican jumping mouse is diminished to 6 populations in the White Mountains, Arizona. An inventory and status assessment throughout its historical range in Arizona is currently being conducted.	Unlikely to occur. There are no springs or riparian habitats in the vicinity. The current habitat analysis shows the populations to be in central and southern Apache County, approximately 80-miles southwest of the subject site.	No Effect.

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

<i>Common Name (Species Name)</i>	<i>Status</i>	<i>Range or Habitat Requirements</i>	<i>Potential for Occurrence in Project Area</i>	<i>Determination of Effect</i>
Northern Mexican Gartersnake (Thamnophis elegans megalops)	USFWS Candidate NESL RCS-41-08 Not Listed	Cienegas, stock tanks, large river riparian woodlands and forest, streamside gallery forests. Elevation range is 130 - 8500 ft.	Unlikely to occur. There is no habitat due to the lack of vegetation. Further, there are no riparian woodlands or forests in this area of the Reservation. There have been no observations of the species on-site.	No Effect.
Roundtail chub (Gila robusta)	USFWS Candidate NESL RCS-41-08 Group 2	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams. Elevation range is 1,000 – 7,500 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
Yellow-billed cuckoo (Coccyzus americanus)	USFWS Candidate NESL RCS-41-08 Group 2	Large blocks or riparian woodlands (cottonwood, willow, or tamarisk galleries). Elev. < 6500 ft.	Unlikely to occur. There is no habitat. There are no riparian woodlands or forests in this area of the Reservation.	No Effect.
Arizona Willow	Conservation Agreement between USFWS, Forest Service and Park Service. NESL RCS-41-08 Not Listed	Unshaded or partially shaded wet meadows, streamsid es and cienegas; typically in or adjacent to perennial water. Known in the vicinity of Mount Baldy, on the Apache-Sitgreaves National Forest, and private land at elevations greater than 8,000 ft.	Unlikely to occur. There is no habitat and the site's elevation (6,100 ft.) is substantially below the species' range.	No Effect.

**Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)**

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Gooddings Onion (<i>Allium gooddingii</i>)	Conservation Agreement between USFWS, USFS, NESL RCS-41-08 Not Listed	Shaded sites on north- trending drainages, on slopes, or in narrow canyons, within mixed conifer and spruce fir forests.	Unlikely to occur. There is no habitat and the site's elevation (6,100 ft.) is substantially below the species' range.	No Effect.

3.4.4 Agriculture/Farmland

The site has not been in agricultural use. Some localized grazing has been allowed, but the land does not lie within a current livestock permitted area. There are no prime or unique farmland in the immediate project area.

3.5 Cultural Resources [The status of Cultural Resource Investigations on the Site]

The Navajo Nation Historic Preservation Department (NNHPD) conducted a survey of the site reflected in report #HPD-09-1040 (Appendix D). Transects 15-feet apart were performed by Antoinette Kurley-Begay of the Department in August of 2009. Two sites were found: AZ-P-19-52 and AZ-P-19-53, together with four Isolated Occurrences. It was determined that none were eligible for listing as historic properties.

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

Following reviews on-site and research, Clearance was issued in October 2009 by the Navajo Nation Archeology Department (Appendix D).

3.6 Socioeconomic Conditions *[The status of the residents of the area impacted by the proposed action]*

3.6.1 Employment and Income

According to American Factfinder (Cornfields Chapter Navajo; custom data search), there are 61 people in the Labor Force in the Cornfields Chapter, of which only 37 are employed. The unemployment rate is severe at 23.8%. Per Capita income is low at \$9,399. Primary employment categories include Educational, Recreation, Ranching and Food industries.

3.6.2 Population and Demographic Trends

According to the U.S. Census 2010 Census Summary File DP-1 for Cornfields, the total population in the census tract is 911, though the extended area served may include as many as 1600 residents. The median age was 35.4 years. The census also shows 355 housing units with 286 of them occupied. The average household size is 3.06 persons. In comparison, the U.S. average is about 2.5 people per household.

3.6.3 Lifestyle and Cultural Values

Generally speaking, the communities of the Navajo Nation comprise a variety of people and lifestyles. Residents in Cornfields are generally isolated with the nearest commercial outlet at least ten (10) miles away. Due to the remoteness of the chapter and the community, there is a lack of jobs. A majority of the people still rely on livestock and farming for subsistence, if working locally. The few people who have jobs commute out of the community. Most residents practice the traditional Navajo lifestyle or live a combination of traditional and modern lifestyles. Individual lifestyles reflect cultural values, attitudes, and expectations.

3.6.4 Community Infrastructure

The following infrastructure systems are in effect for the Cornfields Chapter area of the Navajo Reservation

- **Water:** Water services in the area are predominately provided for home sites. The Indian Health Services (IHS) designed and provided these existing services for the home sites. There is a six (6") inch main pipeline along Navajo Route 15 with lateral pipelines feeding the homesteads. After a year of operation IHS turns these water services over to NTUA for operations and maintenance. There are water sources in the vicinity of the potential development site.
- **Sewer:** The sewer conveyance piping for a central sewage collection system is not available at the site. The only central collection sewer pond system is at the Chapter House area supporting facilities around the Chapter House and the Navajo Housing Authority (NHA) housing development adjacent to the Chapter House.

- **Power:** Three phase power would be needed for the potential development sites. The subject site has both single-phase and three-phase power available. The overhead line runs longitudinally through the Cornfields Junction Property. Portions will need to be relocated to accommodate property development.
- **Natural Gas:** Natural gas service is not available in the immediate area. The service would have to be piped from Ganado, Arizona. Liquefied Petroleum Gas (LPG) may have to be considered if the development sites are going to require gas service.
- **Telecommunications:** Frontier Communications is the provider for telephone and internet services in the Cornfields Chapter area. The telephone lines and fiber optics cabling are provided adjacent to power line provider lines. This may be aerial lines on existing telephone poles or direct burial cable in the ground.

3.7 Environmental Justice

The proposed project is located in Cornfields Chapter where 98% of the population is Native American. Federal agencies are required to evaluate issues related to environmental justice where it is defined as the pursuit of equal justice and equal protection under the law for all environmental statutes and regulations without discrimination based on race, ethnicity, and/or socioeconomic status. No environmental justice issues were identified.

3.8 Indian Trust Assets

Except for management of allotment lands, no Indian Trust Resources are found in the project area.

3.9 Hazardous Materials *[Primary Research was performed using mapping data at the EPA Envirofacts Warehouse website and the Arizona Department of Environmental Quality website.]*

3.9.1 RCRA Sites

Based on the EPA data base, there are no Subtitle C or Subtitle D sites involving hazardous waste near the proposed site. The closest RCRA sites are in the Town of Ganado.

3.9.2 RCRA Subtitle I Sites

No underground storage tanks were evidenced in a site visit and none appear on the RCRA search or in a search of ADEQ records. No underground storage tanks will be installed as part of the proposed project.

3.9.3 Toxic Substances

Based on site visits and the U.S. EPA Envirofacts website (www.epa.gov/enviro), no Toxic Substances Control Act sites occur on or near the project area. No toxic substances will be used, generated, handled, or stored on or near the project site as part of the construction or operation of the proposed project.

3.10 Resource Use Patterns *[The following resources or land uses are not found in the project area: hunting, fishing, gathering, timber harvesting, mining, or solid waste dumpsites. However, the following land uses or practices occur in this region: transportation network, land use plans, and agriculture.]*

3.10.1 Transportation Corridors

The site fronts on Navajo Route 15 at its intersection with Route 151 which access the main Cornfields governmental and residential area. NR15 is the principle corridor between Dilkon and Burnside Junction. The property sits at the top of the "tee" intersection, with NR15 being continuous and Route 151 being the "leg". Both roads are paved two-lane roads.

Traffic utilizing the NR15 corridor access not only Cornfields, but also Ganado, Chinle and Canyon de Chelly. All other roads in the immediate area are of dirt, including a dirt road that aligns with Route 151 at the intersection. This dirt road accesses residential development that is northwest of the property.

3.10.2 Agriculture:

The 11-acre site is not and has not been in agricultural use, as referenced previously in Section 3.4.4.

3.10.3 Land Use Plans:

Several Land Use Planning exercises have been performed over the years. Documentation includes the following:

- Cornfields Chapter: Community Land Use Plan 2005 (April 29,2005); [Jones & Stokes]
- Strategic Planning: Cornfields Chapter: Among the Rabbit Brush
- Cornfields 4 Commercial Sites Economic Feasibility Study (June 2013); [Southwest Business Development Consultants]

The proposed project site and the proposed project elements are reflected in the previous Land Use Plans and Strategic Planning that has been performed.

3.11 Other Values

3.11.1 Wilderness Areas

There are no wilderness areas near the subject Cornfields Junction site.

3.11.2 Noise and Light

The primary noise generator in the area is traffic on Navajo Route 15. The traffic is not of sufficient levels to create a noise nuisance.

3.11.3 Visual

The subject site has views generally to the southeast toward the Pueblo Colorado Wash. No scenic byways or scenic areas protected by law occur in the project area.

3.11.4 Public Health and Safety

The Cornfields Chapter community is primarily served via services provided out of Ganado Arizona, approximately ½-hour away by Road. Police and Fire Services are from that location. Medical services are provided by Sage Memorial Hospital, a private facility also located in Ganado.

4 – ENVIRONMENTAL CONSEQUENCES

[This section discusses the impacts on the natural or human environment as a result of the proposed action. The section also lists mitigation measures that reduce or eliminate any impacts that are identified.]

4.1 Land Uses

4.1.1 Topography

Since the Cornfields Junction site is principally flat, the existing topography will not substantially be changed. Therefore, no impact on the site's topography is anticipated.

4.1.2 Soils

Soils will be disturbed during the construction of project elements. The extent of soil erosion will be minimal, not only due to the nature of the soils, but also because the project is designed to conform to the existing topography without appreciably altering drainage patterns.

4.1.3 Geology Setting, Mineral, and Paleontological Resources

No mining is proposed as a part of this project, so no impact to the geological or mineral resources is contemplated.

4.2 Water Resources

4.2.1 Groundwater and Surface Water

As described under "4.1.2 Soils" previously, no impact on drainage is anticipated. Due to the quantity and depth of groundwater resources in the immediate area, no appreciable impact on groundwater resources are anticipated. Water demand is also limited by the nature of facilities that are planned for the site, most of which are low-impact outdoor uses.

4.2.3 Floodplains

There are no floodplains in the immediate area of the proposed project; therefore, there will be no impacts.

4.2.4 Wetlands, Riparian Areas, and Wild and Scenic Rivers

There are no Wetlands, Riparian Areas, or Wild & Scenic Rivers in the area of the proposed project or nearby; therefore, there will be no impacts.

4.3 Air Quality

4.3.1 Quality/Visibility

The construction of the project will cause some increase in localized particulate matter that can be mitigated by implementing dust control measures during the construction period(s). The impacts will be short term and minor.

Mitigation: Minimize fugitive dust during the construction period by applying water to the ground.

4.3.2 Climate/Meteorology

The surrounding area's climate and meteorology will not be impacted by the proposed project.

4.4 Living Resources

4.4.1 Vegetation

Removal of any vegetation is limited to removal of some native grasses. Impacts on vegetation in the area will be minimal.

4.4.2 Wildlife

No wildlife was observed during site visits; therefore no impact on wildlife is anticipated.

4.4.3 Federally Listed Threatened and Endangered Species

The biological evaluation showed that the site contains no habitat for the majority of species on the Federal and Navajo lists. Individual species may have slight losses of potential habitat, but due to the proposed projects size and type, the impact will be long-term, but negligible.

4.4.4 Agriculture/Farmland

No agricultural uses exist on-property and the property is not significant as Prime farmland. There will be no impact.

4.5 Cultural Resources

The two Sites and four Isolated Occurrences have been determined to be non-eligible. Therefore, no impact on Cultural Resources is foreseen. However, construction specification shall require that any discovery of artifacts be reported.

Mitigation: Construction specifications shall state that: "In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified."

4.6 Socioeconomic Conditions

4.6.1 Employment and Income

The proposed project should have a positive impact on employment and income. The impact however will be relatively small, but will be long-term.

4.6.2 Population and Demographic Trends

No impacts on local population or demographic trends are expected to be generated by this Cornfields Junction property development project.

4.6.3 Lifestyle and Cultural Values

No impact on lifestyle or cultural values is expected to be generated by this project.

4.6.4 Community Infrastructure

Improvements will be necessary to Community infrastructure in the area. Electric, telecommunications and roadway access are developed. Water and sewer development are expected to be on-site as a portion of the proposed project's development. These will be new systems and will not impact the Community's existing water and wastewater capacities or systems.

4.7 Environmental Justice

The Community is comprised of low-income minority residents. Based on the purpose of the project and the nature of the project, only positive benefits are expected from its implementation. No negative impacts are anticipated.

4.8 Indian Trust Assets

There are no listed Trust Assets in the area; therefore no impact on trust assets is contemplated.

4.9 Hazardous Materials

There are no RCRA sites in the vicinity and no toxic substance sites, so there is no impact on the proposed project. The proposed project does not include any elements that would generate hazardous or toxic materials; therefore, there is no impact from implementing the proposed project.

4.10 Resource Use Patterns

4.10.1 Transportation Corridors

Since the purpose of the project is primarily to capture existing traffic along Navajo Route 15, only a minor impact will occur during the construction and operations of the proposed project.

4.10.2 Agriculture

There is no agricultural use existing on the property; therefore, there will be no impact.

4.10.3 Land Use Plans

The proposed project is a continuation of existing studies that have identified the site and the elements of the project on the site. The proposed project is in conformance with previous planning activities.

4.11 Other Values

4.11.1 Wilderness Areas

There are no designated wilderness areas in the vicinity; therefore, there will be no impact.

4.11.2 Noise and Light

There will be a local increase in noise during the construction period. Ambient noise would return to pre-development levels once construction is complete. The proposed project will have no long-term impact to ambient noise levels.

The installation of security lighting will increase light levels in the long-term; however, the use of "Dark Sky" fixtures and photometric design to minimize light-bleeding will contain light level increases within the project boundaries, minimizing impacts on surrounding property.

Mitigation: On-site lighting shall consist of "Dark Sky" fixtures and shall be designed to minimize any light-bleeding into surrounding properties.

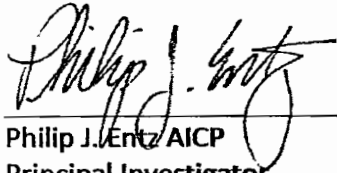
5 – LIST OF PREPARERS

Preparer/Title	Task	Company/Agency
Philip J. Entz, Pres Project Manager	Preparation of EA	UrbanTech Ltd.
Al Francis Senior Project Manager	Utilities and Regulatory Coordination	Arcadis US
Timothy O'Neill PE Engineering Consultant	Utility Demands and Drainage Considerations	O'Neill Engineering LLC
Dave Ullrich Planning Consultant	Drainage considerations and mapping	O'Neill Engineering LLC
Douglas Stroh Architectural Consultant	Architectural Considerations	Stroh Architecture Inc.
Linda Laughing ASO Cultural Resources	Cultural Resource Clearance	Navajo Nation Archeology Department
Antoinette Kurley-Begay Principal Archeologist	Cultural Resource Inventory	Navajo Nation Archeology Department

6 – CONSULTATION AND COORDINATION

Name	Title	Company/Agency
Justin Johnson	President	Cornfields Chapter
Jimmy Taliman Sr.	Vice President	Cornfields Chapter
Elizabeth Johnson	Chapter Manager	Cornfields Chapter
Cecelia White	Resident	Cornfields Chapter
Joyce Moore	Resident	Cornfields Chapter
Charlie Taliman	Resident	Cornfields Chapter
Gordon Dempsy	Resident	Cornfields Chapter
Bertha Dempsy	Resident	Cornfields Chapter
Kevin S. White	Resident	Cornfields Chapter
Alton Shepherd	Council Delegate	Navajo Nation
Ralph T. Begay	Representative	Ft. Defiance Regional Business Development Office, Division of Economic Development
Gregory Bahe	Civil Engineer	Navajo Tribal Utility Authority
Anslem Harney	Representative	CRBDO / FDRBDO

7 - DOCUMENT PREPARER'S SIGNATURE


Philip J. Entz AICP
Principal Investigator

17 January 2014
Date

8 – REFERENCES

LAWS:

The Clean Air Act as amended (42 USC 7401 et seq.)
National Historic Preservation Act, as amended (16 USC 470)
Archaeological and Historic Preservation Act
Native American Graves Protection and Repatriation Act
Archaeological Resources Protection Act
Threatened and Endangered Species Act of 1983, as amended (16 USC 1531 et seq.)
American Indian Religious Freedom Act of 1978 (42 USC 1996)
Resource Conservation and Recovery Act of 1976 (43 USC 6901, et seq.)
Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (43 USC 9615)
Clean Water Act of 1977 (33 USC 1251 et seq.)
Indian Gaming Regulatory Act (25 USC 2701, et seq.)
Energy Policy Act of 2005

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E.O. 13007, Indian Sacred Sites, May 24, 1996

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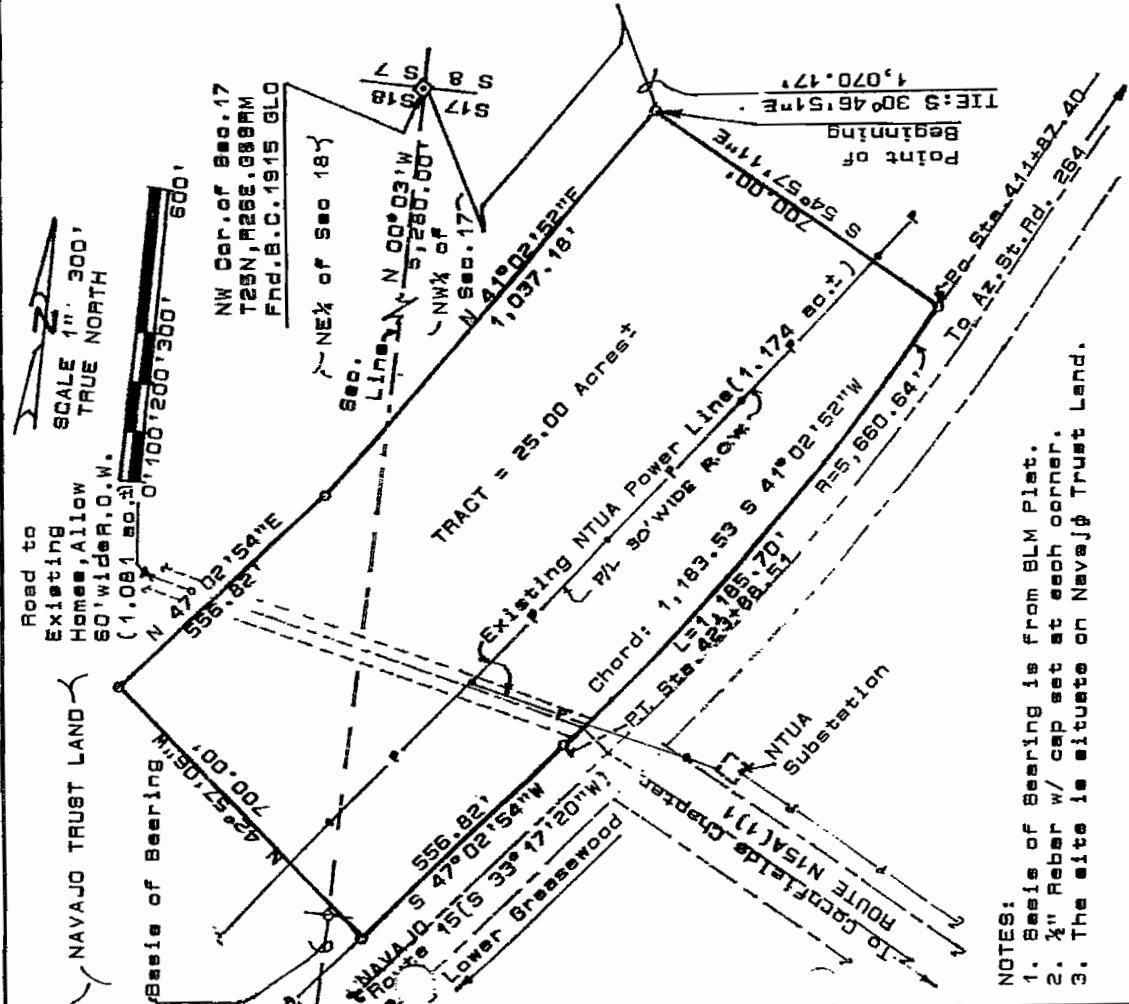
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Appendix A Property Survey



CORNFIELD'S CHAPTER BUSINESS SITE TRACT
IN THE NW¼ OF SEC. 17 AND THE NE¼ OF SEC. 18, T26N, R25E, G88RM
CORNFIELD'S, APACHE COUNTY, ARIZONA
February 18, 2007

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17 AND THE NORTHEAST QUARTER (NE¼) OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 26 EAST, GILA AND SALT RIVER MERIDIAN, IN THE WESTERLY VICINITY OF CORNFIELDS COMMUNITY CHAPTER HOUSE, IN CORNFIELDS, APACHE COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

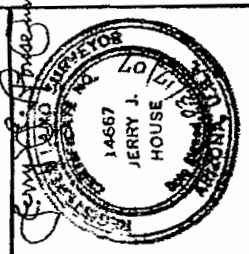
COMMENCING at a Brass Cap, the NW corner of said Section 17; thence run S 30°46'51"E a distance of 1,070.17 feet to the NW corner and the point of beginning of the herein described tract; Thence S 54°57'11"E a distance of 700.00 feet to NE corner and a point on the west R.O.W. Line of Navajo Route 15, being a point of curve, the road center line station 411+87.40; Thence along the said West R.O.W. Line and along the arc of a curve to the right, it's Long Chord bears S 41°02'52"W a distance of 1,183.53 feet; Arc length=1,185.70 feet and the radius = 5,660.64 feet, to a point of tangent, sta. 423+88.51; Thence continue of the said West R.O.W. Line S 47°02'54"W a distance of 556.82 feet to the SE corner; Thence N 42°57'08"W a distance of 700.00 feet to the SW corner; Thence N 47°02'54"E a distance 556.82 feet to a point; Thence N 41°02'52"E a distance of 1,037.18 feet to the point of beginning.

The enclosed described area comprises of 27.255 acres more or less. LESS 1.174 acres occupied by NTUA existing power line and the existing road is 1.081 acres, the remainder 25.00 acres for the business site.

SURVEYOR'S CERTIFICATION

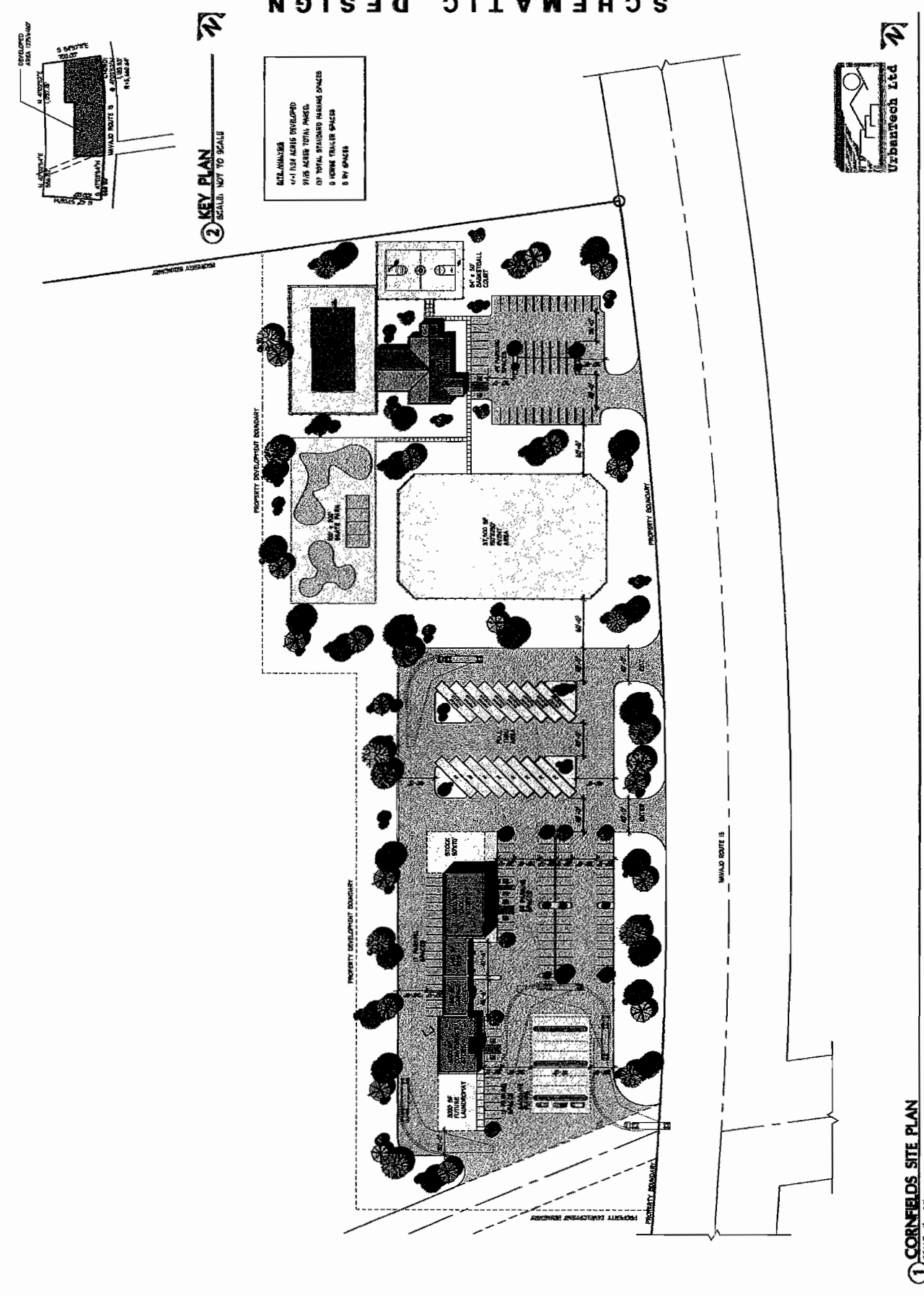
I, Jerry J. House, a duly qualified Registered Land Surveyor under the law of the State of Arizona, do hereby certify that this survey and the plat as shown hereon were prepared from the actual survey by me or under my direct supervision and that they are true and correct to the best of my knowledge and belief.

Jerry J. House
Arizona Certification No. 44687



- NOTES:
1. Basis of Bearing is from BLM Plat.
 2. ½" Rebar w/ cap set at each corner.
 3. The site is situate on Navajo Trust Land.

Appendix B
Development Plan



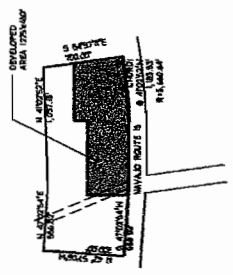
1 CORNFIELDS SITE PLAN
SCALE: 1" = 50'



SCHEMATIC DESIGN

DATE: 11/11/11
 11/11/11 ACRES DEVELOPED
 11/11/11 ACRES TOTAL PAVED
 11/11/11 TOTAL STANDING PARKING SPACES
 11/11/11 HOME TRAILER SPACES
 11/11/11 RV SPACES

2 KEY PLAN
SCALE: NOT TO SCALE



Appendix C
Apache County USFWS Species

Apache County

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Apache (Arizona) trout	<i>Oncorhynchus gilae apache</i>	Threatened	Yellowish to yellow-olive cuthroat-like trout with large dark spots on body. Dorsal, anal, and caudal fins edged with white. No red lateral band.	Apache, Coconino, Gila, Graham, Greenlee, Navajo	> 5,000 ft	Streams and rivers generally above 6,000 ft. elevation with adequate stream flow and shading; temperatures below 77 degrees F; and substrate composed of boulders, rocks, gravel and some sand and silt.	Presently restricted to drainages in the White Mountains. Hybridization with introduced trout has complicated efforts to maintain the genetic purity of some populations. Special regulations (4d Rule) allow Arizona to manage the species as a sport fish (40 FR 29863).
Black-footed ferret	<i>Mustela nigripes</i>	Endangered	Weasel-like, yellow buff coloration with black on feet, tail tip, and eye mask. It has a blunt light colored nose and is 16-18 inches long and tail length is 5-6 inches.	Apache, Coconino, Navajo, Yavapai	< 10,500 ft	Grassland plains generally found in association with prairie dogs.	Unsurveyed prairie dog towns may be occupied by ferrets or may be appropriate for future reintroduction efforts. The Service developed guidelines for surveying prairie dog towns which are available upon request. No wild populations of this species are currently known to exist in Arizona. Reintroduced population exists in Aubrey Valley (Coconino County), Arizona.
California condor	<i>Gymnogyps californianus</i>	Endangered	Very large vulture (47 in., wingspan to 9 1/2 ft, weight to 22 lbs); adult plumage blackish, immature more brownish; adult wing linings white, immature mottled; head and upper parts of neck bare; yellow-orange in adults, grayish in mature.	Apache, Coconino, Mohave, Navajo, Yavapai	Varies	High desert canyons and plateaus.	Recovery program has reintroduced condors to Northern Arizona, with the first release (6 birds) in December 1996. The release site is located at the Vermillion Cliffs (Coconino County), with an experimental, nonessential area designated for most of Northern Arizona and Southern Utah. The area in Arizona is within a polygon formed by Hwy 191, Interstate 40, and Hwy 93, and extends north of the Arizona-Utah and Nevada borders. Breeding is documented in Arizona.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Zuni fleabane	<i>Erigeron rhizomatus</i>	Threatened	Herbaceous perennial that grows in clusters of numerous erect unbranched stems up to 2.0 feet tall. Flower heads solitary; pale blue ray flowers and yellow disk flowers.	Apache	7,300-8,000 ft	Selenium-rich red or gray detrital clay soils derived from the Chinle and Baca formations.	Only one Arizona location; other 28 sites in Sawtooth Mountains and northwestern part of the Datil Mountains in Catron County, New Mexico. Two sites also on the northwest side of the Zuni Mountains in McKinley County, New Mexico.
New Mexico meadow jumping mouse	<i>Zapus hudsonius luteus</i>	Candidate	Small rodent with extremely long tail and long hind feet. Pelage is coarse with a broad dorsal band of brown or yellowish brown darkened with brownish black hairs; sides paler; under parts white or sometimes suffused with yellowish color. Back of the forefeet and hind feet are grayish white; tail is sparsely haired and distinctly bicolor (dark brown above and yellowish white below). The head is small, narrow, and relatively high crowned. The nose is short and pointed. They are the only mammal with 18 teeth.	Apache, Greenlee	< 8,000 ft	Nests in dry soils but also uses moist, streamside, dense riparian/wetland vegetation.	The New Mexican jumping mouse is diminished to 6 populations in the White Mountains, Arizona. A inventory and status assessment throughout its historical range in Arizona is currently being conducted.
Northern Mexican Gartersnake	<i>Thamnophis eques megalops</i>	Candidate	Background color ranges from olive, olive-brown, to olive-gray. Body has three yellow or light colored stripes running down the length of the body, darker towards tail. Species distinguished from other native gartersnakes by the lateral stripes reaching the 3rd and 4th scale rows. Paired black spots extend along dorsolateral fields.	Apache, Cochise, Coconino, Gila, Graham, Navajo, Pima, Pinal, Santa Cruz, Yavapai	130-8,500 ft	Cienegas, stock tanks, large-river riparian woodlands and forests, streamside gallery forests.	Core population areas in the U.S. include mid/upper Verde River drainage, mid/lower Tonto Creek, and the San Rafael Valley and surrounding area. Status on tribal lands unknown. Distributed south into Mexico along the Sierra Madre Occidental and Mexican Plateau. Strongly associated with the presence of a native prey base including leopard frogs and native fish.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Roundtail chub	<i>Gila robusta</i>	Candidate	Member of the minnow family Cyprinidae and characterized by streamlined body shape. Color usually olive gray with silvery sides and a white belly. Breeding males develop red or orange coloration on the lower half of the cheeks and on the bases of paired fins. Individuals may reach 49.0 cm (19.3 in) but usually average 25-30 cm (9.8 - 11.8 in).	Apache, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pinal, Yavapai	1,000-7,500 ft.	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams.	Historical range of roundtail chub included both the upper and lower Colorado River basins. A 2009 status review determined that the lower Colorado River basin roundtail chub population segment (Arizona and New Mexico) qualifies as a distinct vertebrate population segment (DPS). Populations in the Little Colorado, Bill Williams, and Gila River basins are considered candidate species.
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Candidate	Medium-sized bird with a slender, long-tailed profile, slightly down-curved bill that is blue-black with yellow on the lower half. Plumage is grayish-brown above and white below, with rufous primary flight feathers.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 6,500 ft	Large blocks of riparian woodlands (cottonwood, willow, or tamarisk galleries).	Neotropical migrant that winters primarily in South America and breeds primarily in the U.S. (but also in southern Canada and northern Mexico). As a migrant it is rarely detected; can occur outside of riparian areas. Cuckoos are found nesting statewide, mostly below 5,000 feet in central, western, and southeastern Arizona. Concern for cuckoos are primarily focused upon alterations to its nesting and foraging habitat. Nesting cuckoos are associated with relatively dense, wooded, streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. Some cuckoos have also been detected nesting in velvet mesquite, neleaf hackberry, Arizona sycamore, Arizona alder, and some exotic neighborhood shade trees.
Arizona willow	<i>Salix arizonica</i>	Conservation Agreement	Woody, perennial shrub reaching up to 8.5 feet tall; grows as a prostrate mat to large hedge or thicket plant; has small, egg-shaped leaves; new branches are yellow-green, previous years branches are bright red.	Apache	> 8,000 ft	Unshaded or partially shaded wet meadows, streambeds and cienegas; typically found in or adjacent to perennial water.	Known in the vicinity of Mount Baldy, on the Apache-Sitgreaves National Forest, and private land. Conservation agreement between the Service, Forest Service, and National Park Service finalized in April 1995.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Goodings onion	<i>Allium goodingii</i>	Conservation Agreement	Herbaceous perennial plant; broad, flat, rather blunt leaves; flowering stalk 14-18 inches tall, flattened, and narrowly winged toward apex; fruit is broader than long; seeds are short and thick.	Apache, Greenlee, Pima	7,500-11,250 ft	Shaded sites on north-trending drainages, on slopes, or in narrow canyons, within mixed conifer and spruce fir forests.	Known from the White, Santa Catalina, and Chuska Mountains. Also found in New Mexico on the Lincoln and Gila National Forests. A Conservation Agreement between the Service and the Forest Service signed in February 1998.
American peregrine falcon	<i>Falco peregrinus anatum</i>	Delisted	A crow-sized falcon with slate blue-gray on the back and wings, and white on the underside; a black head with vertical "bandit's mask" pattern over the eyes; long pointed wings; and a long whistling call made during breeding. Very adept flyers and hunters, reaching diving speeds of 200 mph.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	3,500-9,000 ft	Areas with rocky, steep cliffs, primarily near water, where prey (primarily shorebirds, songbirds, and waterfowl) concentrations are high. Nests are found on ledges of cliffs, and sometimes on man-made structures such as office towers and bridge abutments.	Species recovered with over 1,650 breeding birds in the US and Canada.
Bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	Large, adults have white head and tail. Height 28 to 38 inches; wingspan 66 to 96 inches. Juveniles and subadults are dark brown with varying degrees of white mottling on chest, wings, and head.	Apache, Coconino, Gila, Graham, La Paz, Maricopa, Mohave, Pinal, and Yavapai	Varies	Large trees or cliffs near water (reservoirs, rivers, and streams) with abundant prey.	Nationwide and throughout the State of Arizona, the bald eagle is currently not listed under the Endangered Species Act. On September 30, 2010, the U.S. District Court dissolved an injunction that led to the bald eagle in the Sonoran Desert Area of central Arizona being placed on the Endangered Species list in 2008. This determination is presently (January 2011) under judicial consideration. Bald eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act) and other Federal and state statutes. The word "disturb" under the Eagle Act was recently clarified, as well as the implementation of new regulations requiring permits to incidentally "take" eagles. Retrieve more information on management and life history at http://SWBEMC.org .

Appendix D
Cultural Resources Clearance

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
AZ SHPO
XX REAL PROPERTY MGT/330
NNAD

NNHPD NO. HPD-09-1040
OTHER PROJECT NO.
NNAD 09-333

PROJECT TITLE: A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSORS: Elizabeth Johnson Cornfields Chapter P.O. Box Canada, Arizona 86505

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a business tract with associated facilities within the 25.0 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Cornfields

LOCATION: T.26N, R.26E; Sections 17 and 18; Cornfields Quadrangle; Apache County, Arizona; G&SRPM&B

PROJECT ARCHAEOLOGIST: Antoinette Kurley-Begay
NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 8/10/09 and 8/20/09

DATE OF REPORT: 9/22/09

TOTAL ACREAGE INSPECTED: 36.85

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

LIST OF CULTURAL RESOURCES FOUND:

(2) Sites AZ-P-19-52 and AZ-P-19-53, (4) Isolated Occurrences (IO)

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

(2) AZ-P-19-52 and AZ-P-19-53 and (4) IO

LIST OF ARCHAEOLOGICAL RESOURCES:

None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: Ettie Anderson

FINALIZED: October 14, 2009

Notification to
Proceed Recommended:
Conditions:

Yes XX No XX
Yes XX No XX

Allen S. Downer
Navajo Nation Historic Preservation Officer

10-22-09
Date

Navajo Region Approval:



Yes XX No XX

Regional Director

10-22-09
Date

ORIGINAL

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona AUTHOR: Antoinette Kurley-Begay		5. FIELDWORK DATES August 10 & 20, 2009
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Linda Laughing Org. Name: Navajo Nation Archaeology Department Org. Address: P. O. Box 689 Window Rock, Arizona 86515 Phone: (928) 871-6540		6. REPORT DATE September 22, 2009
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Elizabeth Johnson, Chapter Coordinator Org. Name: Cornfields Chapter Org. Address: P.O. Box 478 Ganado, Arizona 86505 Phone: mobile: (928) 755-5911		8. Permit No. NTC
		9. Consultant Report No. NNAD 09-333
13. LOCATION (MAP ATTACHED): a. Chapter: Cornfields b. Agency: Fort Defiance c. County: Apache d. State: Arizona e. Land Status: Tribal Trust f. UTM Center: See Supplemental Sheet g. Area: See Supplemental Sheet h. 7.5' Map Name(s): Cornfields, Ariz., 1972		11. SPONSOR PROJECT NO. N/A
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // a. Description of Undertaking: The Cornfields Chapter proposes to utilize the parcel of land for a proposed business tract. The parcel of land will be used to construct business buildings and associated facilities within the 25-acre business tract. The area of potential effect measures 700 feet (213.41 m) by 556.82 feet (169.76 m) by 1,037.18 feet (316.16 m) by 700 feet (213.41 m) by 1,183.53 feet (360.83 m) by 556.82 feet (169.76 m). Ground disturbance, both surface and subsurface, will be extensive. The lead federal agency for this proposed undertaking is the Bureau of Indian Affairs. b. Existing Data Review: See Supplemental Sheet c. Area Environmental & Cultural Setting: The project is located in the Cornfields Chapter. The nearest water source is the Pueblo Colorado Wash located approximately 2,349 feet (716.16 m) east of the project area. The elevation of the project area is 6140 feet (1872 m). Vegetation consists of snakeweed, rabbitbrush, Russian thistle, bunchgrass, and prickly pear cactus. Soils in the project area consist of aeolian sand and silt. The cultural setting is rural with recent development consisting of repavement of highway Navajo Route 15, a gravel road, a water line, a power line, and nearby houses. d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: See Supplemental Sheet b. Evaluation of Significance of Each Resource (above): See Supplemental Sheet		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): The isolated occurrences do not appear to Register-eligible properties, therefore, a determination of no historic properties affected for the areas containing the isolated occurrences with no further stipulations. Both of the sites appear to lack buried cultural material therefore neither site appear to be Register-eligible properties. Further, neither of the two sites appears to merit protection under ARPA or AIRFA. Thus, a determination of no historic properties affected is recommended for the area of the two sites since both sites appear to have exhausted their research potential through recordation.		
17. CERTIFICATION: SIGNATURE:  General Charge Name: Linda Laughing, ASO; Acting Department Manager		DATE: 9/24/09
SIGNATURE:  Direct Charge: Antoinette Kurley-Begay, Principal Archaeologist		DATE: September 22, 2009

13. LOCATION:

f. UTM Center	<u>Northing</u>	<u>Easting</u>				
g. Area:			<u>1/4</u> <u>1/4</u> <u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Northwest Corner	3946839	617664	SW, NW, NW	17	26N	26E
Northeast Corner	3946759	617858	SE, NW, NW	17	26N	26E
East Bend	3946585	617757	NE, SW, NW	17	26N	26E
Southeast Corner	3946321	617483	SE, SE, NE	18	26N	26E
Southwest Corner	3946512	617343	E½, SE, NE	18	26N	26E

14. REPORT:

- b. Existing Data Review: A check of Navajo Nation Historic Preservation Department (NNHPD) and NNAD Shiprock Office archival records indicated that seven projects; NNHPD 89-382, 94-615, 98-287.1, 99-22, 03-1250, 04-451, and 06-268, have been conducted within a 500-foot (152-m) radius of the project area. One previously recorded archaeological site was also recorded under NNHPD 99-22.

A Check of Van Valkenburgh (1974) revealed that the nearest sacred area is Buell Park (*Tsé zhin hodóo klizh*—Black Rock in a Blue Area), located approximately 50 miles (31 km) northwest of the project area.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by Clyde Kluckhohn, pp. 9-199. Garland Publishing, New York, New York.

- d. Field Methods: An archaeological survey was conducted by Antoinette Kurley Begay, Matthew Pettigrew, Aleda Myerson, and Alviera Lee of the NNAD. A traditional cultural property (TCP) interview with Nellie Kurley, a local resident of the area, and with Jimmy Taliman, Cornfields Chapter President, was conducted by the archaeologists after of the archaeological inventory was completed. Locational information of the project area was collected utilizing a Global Positioning System (GPS). Although the project area discussed herein was previously staked, the stakes indicating the project area corners were not relocated; therefore, points derived from a GIS ArcMap program provided the archaeologists with project area points which were uploaded into a GPS unit and utilized to identify the project area in the field. A Class III pedestrian survey was conducted on the proposed 25.00 acre (10.13 ha) business tract. This inventory also included a 50-foot (15.24-m) wide buffer zone located on all sides of the 25.00-acre proposed business tract. The project area was examined by the four NNAD archaeologists walking a series of east-west parallel transects across the project area. The parallel transects were spaced about 7 m (22.96 feet) apart. A total of 36.85 acres (14.92 ha) of land was examined under this project.

15. CULTURAL RESOURCE FINDINGS:

- a. Location/Identification of Each Resource: Two archeological sites (AZ-P-19-52 and AZ-P-19-53) and four isolated occurrences (IOs) were identified during the archaeological inventory. Both of the archaeological sites are located within the southern half of the proposed business site tract. The two archaeological sites are identified as an Anasazi specialized activity areas—artifact scatters. No features were associated with either site. IO 09-333-1 consists of one plain gray ware sherd. IO 09-333-2 consists of one plain gray ware sherd and two indented corrugated sherds. IO 09-333-3 consists of one indented corrugated sherd. IO 09-333-4 consists of one multidirectional core of a rhyolite material. Two of the IOs (09-333-2 and 4) were noted on the west-central portion of the project area, while the remaining two IOs (09-333-1 and 3) were noted within the 50-foot-wide buffer zone.
- b. Evaluation of Significance of Each Resource (above): With regard to the current legislation, sites AZ-P-19-52 and AZ-P-19-53 possess integrity of location and setting. The sites are probably not eligible for nomination to the National Register under criteria a, b, or c. They also do not appear to qualify under criterion d since neither one of them appears to retain buried cultural material. Both of the sites appear to meet the 50-year eligibility guideline; however, neither of the sites appear to be a Register-eligible property. The two sites do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA; however, neither site are considered to be of archaeological interest. Thus, the two sites do not merit protection under ARPA. Finally, the sites do not appear to merit consideration under of AIRFA since neither site contains blessed structures or features.

The four IOs lack integrity and they are probably not eligible for nomination to the National Register under criteria a, b, c, or d. The isolates do meet the 50-year eligibility guideline; however, they do not appear to be Register-eligible properties. Although the isolates do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA, the isolates are no longer of archaeological interest. Therefore the isolates do not appear merit consideration under

ARPA. The isolates do not appear to merit consideration under AIRFA.

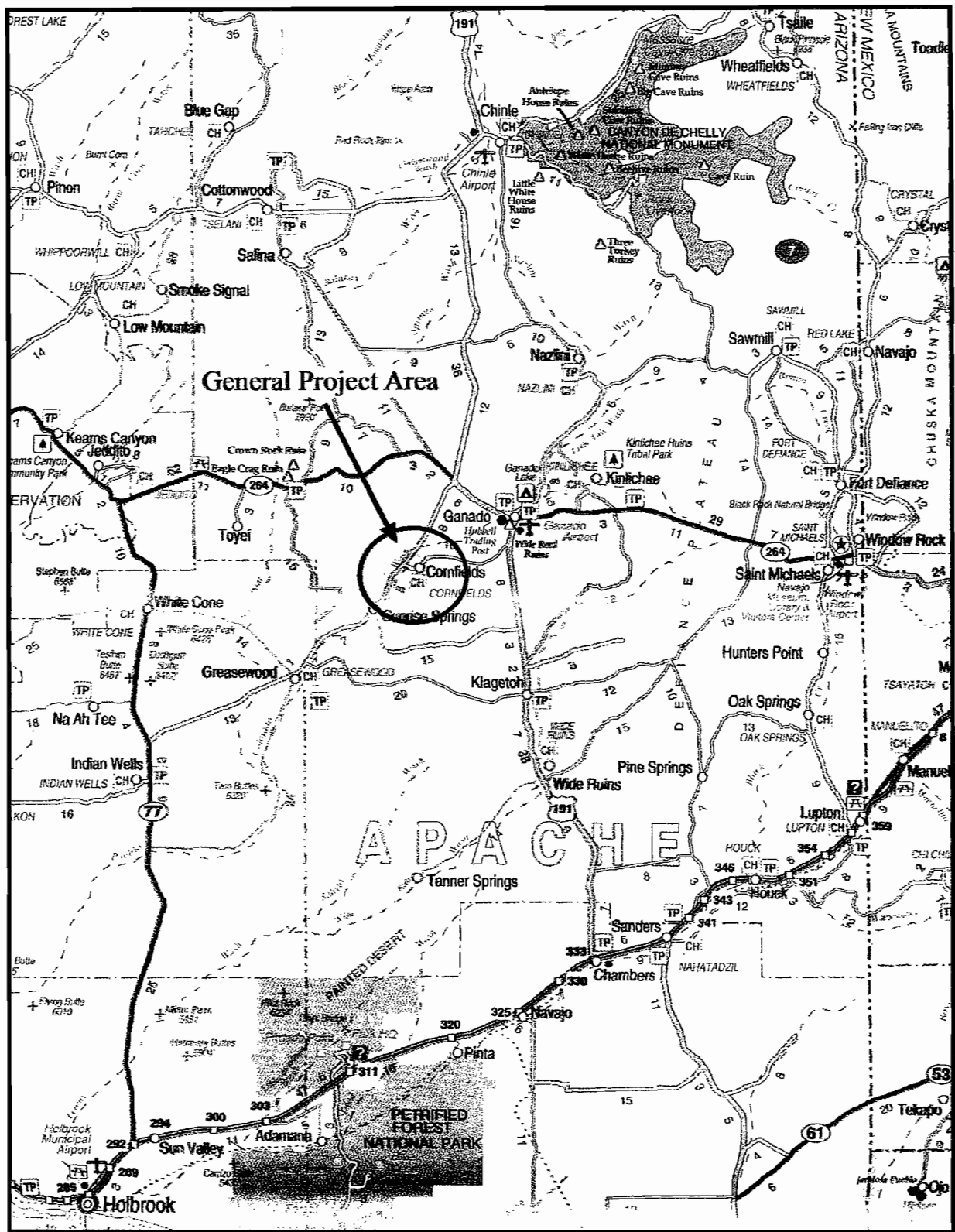


Figure 1. Vicinity map showing general project area. Indian County Regional Map, n.d., (NNAD 09-333).

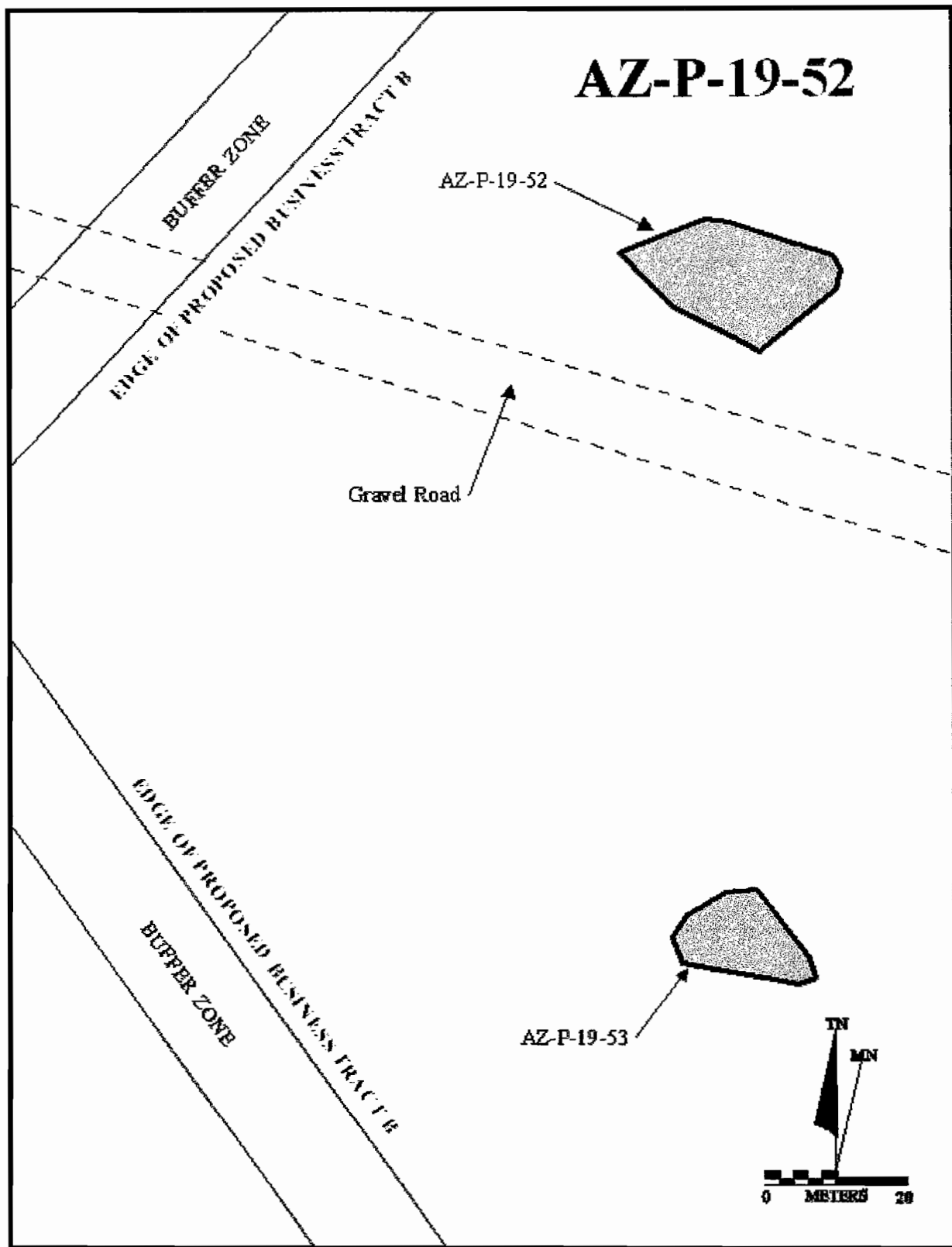


Figure 3. General plan map, Site AZ-P-19-52 (NNAD 09-333).

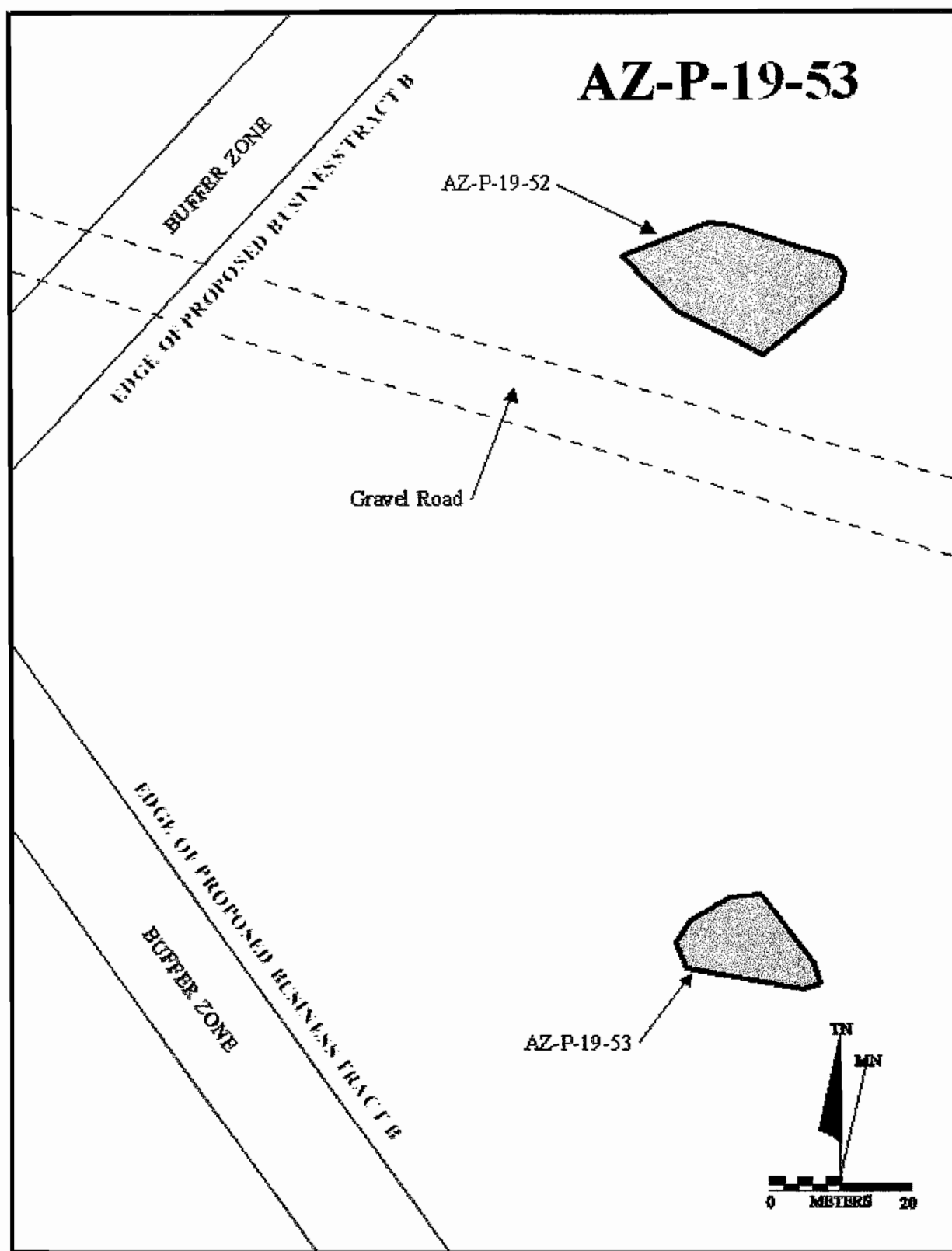


Figure 4. General plan map, Site AZ-P-19-53 (NNAD 09-333).



Cornfields Chapter

Cornfields Junction Development Parcel



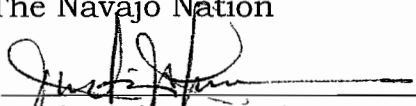


CORNFIELDS CHAPTER

P.O. Box 478, Ganado, Arizona 86505 – PH# (928) 755-5912 – FAX# (928) 755-5917

Email: cornfields@navajochapters.org Website: cornfields.nndes.org

TO : Land Administration
The Navajo Nation

FROM : 
Justin Johnson, Chapter President
Cornfields Chapter

DATE : March 10, 2014

RE : Letter of Intent to Withdraw Land for Commercial, Public
Housing and Public Facilities

This is a letter of intent by Cornfields Chapter to withdraw land for Commercial, Public Housing and Public Facilities. The Cornfields Chapter, a LGA-certified chapter, has identified a need for public housing, public facilities, as well as a need for economic development. The community has designated three sites for development and the Community Land Use Planning Committee has been working to comply with the requirements for land withdrawal.

Attached are the required documents for the Cornfields Junction Development Parcel for your review. If you should have any questions, please call the Chapter Manager at (928)755-5911, or 5912.

Thank you.

*Justin Johnson, Chapter President – Jimmie Taliman, Sr, Chapter V-President – Linda Youvella, Sec/Treasurer
- Elizabeth Johnson, Chapter Manager – Alfreda Earle, Acct. Tech. – Marilyn T. Begay, Office Specialist - Alton
Joe Shepherd, Council Delegate*

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A

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirming Resolution #CF/APRIL10-30 Supporting and Approval of the Community Land Use Planning (CLUP) Committee's Request to the Navajo Nation Land Administration to Withdraw Land for Three (3) Sites Within Cornfields Chapter Designated for Business Development

WHEREAS:

1. The Cornfields Chapter is a duly certified local governing entity recognized by the Navajo Nation Council to address the needs of the Chapter residents and the economic development of the chapter for primary benefit of the local people, and to facilitate communications between and among the local people with agencies of the Navajo Nation, the United States, and where appropriate, the State of Arizona; and
2. The Cornfields Chapter approved Resolution #CF/APRIL10-30 that supports and approves the CLUP Committee's request to Navajo Nation Land Administration to withdraw land for three (3) sites within Cornfields Chapter designated for business development; and
3. The Cornfields Chapter with CLUP Committee completed and identified the three (3) business sites, which are:
 - a. Former Sunrise Trading Post
 - b. Intersection of Route 15 and Route 151
 - c. Deer Point Business Development
4. The Cornfields Chapter believes it is in the best interest of the community to support and approve CLUP Committee's request for withdraw of land for the three (3) designated business sites.

NOW THEREFORE BE IT RESOLVED THAT:

Cornfields Chapter reaffirms and supports and approval of the Community Land Use Planning (CLUP) Committee's request the Navajo Nation Land Administration to withdraw land for three (3) sites within Cornfields Chapter designated for business development.

CERTIFICATION

We hereby certify that the foregoing Resolution was considered at a duly called regular meeting of the Cornfields Chapter at Cornfields, Navajo Nation, Arizona at which a quorum was present, and that the same was passed by a vote of 35 in favor, 0 opposed, and 1 abstained this 9th day of February 2014.


Presiding President

Motion: Cecelia White
Second: Alban Yazzie

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirming their support and approval of the Community Land Use Planning (CLUP) Committee's request to the Navajo Nation Land Administration to withdraw land for three (3) sites within Cornfields Chapter designated for business development.

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), the Cornfields Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, Section 10, and
2. Pursuant to 26 N.N.C., Section 1 (B), Cornfields Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and to make recommendations to the Navajo Nation and other local agencies for appropriate action; and
3. The Cornfields Chapter, in coordination with the local Community Land Use Planning Committee, has completed the Comprehensive Land Use Plan that identifies areas for development; and
4. At the June 17, 2003 meeting between the Cornfields Chapter CLUP Committee and the affected Grazing Permit Holders, three of the potential sites being studied were approved for land withdrawal through a unanimous verbal support as well as by signing of consent forms by the Grazing Permit Holders. The three sites are:
 - a. Former Sunrise Trading Post – approximately 25 acres
 - b. The Intersection of Route 15 and Route 151 – approximately 25 acres
 - c. A parcel of 100 acres 2 miles south of Burnside Junction on Highway N15.
5. Cornfields Chapter believes it is in the best interest of the community to support and approve the CLUP Committee's request to withdraw land for the three designated business sites.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cornfields Chapter hereby reaffirms and approves the CLUP Committee's request to the Navajo Land Administration to consider and approve the withdrawal of land for three (3) sites within Cornfields Chapter which are designated for business development.
2. Further, Cornfields Chapter requests the Resource Committee, the Economic Development Committee of the Navajo Nation and the Navajo Nation Council to acknowledge, consider and approve the withdrawal of designated parcels of land within the Cornfields Chapter boundary for the purpose of development for community facilities and commerce.

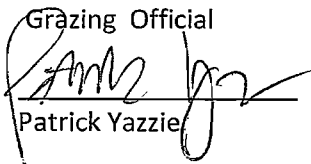
C E R T I F I C A T I O N

We, hereby, certify that the foregoing resolution was duly considered by the Cornfields Chapter of the Navajo Nation at a duly called regular chapter meeting at the Cornfields Chapter, (Arizona) at which a quorum was present and that same was passed by a vote of 29 in favor, 0 opposed, and 3 abstention(s) on this 18th day of April 2010.

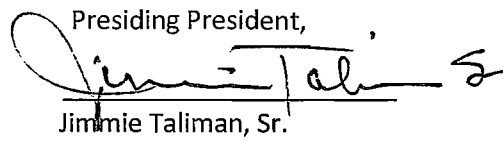
Motion: Thomas Singer

Second : Sally Thomas

Grazing Official


Patrick Yazzie

Presiding President,


Jimmie Taliman, Sr.

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirm and supporting the Community Land Use Planning (CLUP) Committee of the Cornfields Chapter for their request to the Navajo Nation Land Administration for technical assistance to seeks funds and identify funds to cover Land Studies and Land Clearance for the sites designated for development of Community Facilities and Economic Development within the Cornfields Chapter.

WHEREAS:

- 1) The Cornfields Chapter is a certified governing entity recognized by the Navajo Nation Council, and vested with the authority to plan and implement developments that are in the best interest of the people and community; and
- 2) The Cornfields Chapter and in conjunction with the local Community Land Use Planning Committee (CLUPC) have completed the Comprehensive Land Use Plans that identified areas for development; and
- 3) The Cornfields Chapter and the community members have participated in the public meetings including surveys and have appealed for improvements in living conditions and development in several areas, among these Economic Development, and public service facilities; and
- 4) The Cornfields Chapter is also aware that there is no funding available at the Chapter to begin the preliminary studies, including archeological clearance, environmental assessment, and other related land studies.

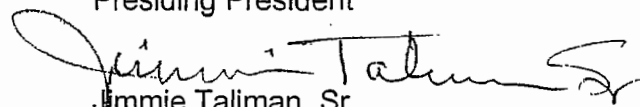
NOW, THEREFORE IT BE RESOLVED THAT:

- 1) The Cornfields Chapter hereby reaffirms the supports and approves the local Community Land Use Planning (CLUP) Committee's requests to the Navajo Nation Land Administration to seek and assist for funds to cover land studies, land clearance for the sites designated and withdrawn for the Community Facilities and Economic Development for the community members of Cornfields Chapter.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Cornfields Chapter of the Navajo Nation at a duly called regular chapter meeting at the Cornfields Chapter, (Arizona) at which a quorum was present and that same was passed by a vote of 29 in favor and 00 opposed, 01 abstain on this 09th day of November 2005.

Presiding President


Jimmie Taliman, Sr.,
Chapter President
CORNFIELDS CHAPTER

RESOLUTION OF THE CORNFIELDS CHAPTER

Approving and supporting the Community Land Use Planning Committees of the Cornfields Chapter for their request to the Navajo Nation Land Administration for technical assistance to seeks funds and identify funds to cover Land Studies and Land Clearance for the sites designated land withdrawn for development of Community Facilities and Economic Development within the Cornfields Chapter.

WHEREAS:

- 1) The Cornfields Chapter is a certified governing entity recognized by the Navajo Nation Council vested with the authority to plan and implement developments that are in the best interest of the people and community; and
- 2) The Cornfields Chapter and in conjunction with the local Community Land Use Planning Committees (CLUPC) have completed the Comprehensive Land Use Plans that identified areas for land withdrawals development; and
- 3) The Cornfields Chapter and the community members have participated in the public meetings and surveys appealed for improvements in living conditions and development in several areas, which were identified for improvements with the understanding that the Economic Development and Senior Citizens housing were considered important; and
- 4) The Cornfields Chapter is also aware that there are no funding available at the Chapter to begin the preliminary studies, including archeological clearance, environmental assessment, and other related land studies.

NOW, THEREFORE IT BE RESOLVED THAT:

- 1) The Cornfields Chapter hereby approves and supports the local CLUP Committee's requests to the Navajo Nation Land Administration to seek and assist for funds to cover land studies, land clearance for the sites designated and withdrawn for the Community Facilities and Economic Development for the community members of Cornfields Chapter.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Cornfields Chapter of the Navajo Nation at a duly called regular chapter meeting at the Cornfields Chapter, (Arizona) at which a quorum was present and that same was passed by a vote of ____ in favor and ____ opposed, on this 15th day of May 2005.

Presiding President

Jimmie Taliman, Sr.,
Chapter President
CORNFIELDS CHAPTER

RECOMMENDING TO THE CORNFIELDS CHAPTER THAT IT REQUESTS THE NAVAJO NATION DIVISION OF COMMUNITY DEVELOPMENT TO APPLY ON BEHALF OF CORNFIELDS CHAPTER FOR GOVERNMENT GRANTS AND FUNDS AVAILABLE FOR NATIVE AMERICAN ECONOMIC DEVELOPMENT FOR THE PURPOSE OF SECURING FUNDS TO COVER LAND STUDIES AND CLEARANCES FOR 50 ACRES OF LAND WITHDRAWN ALONG HIGHWAY 15 AT CORNFIELDS CHAPTER

WHEREAS:

1. Cornfields Chapter is a recognized chapter of the Navajo Nation, and
2. The Community Land Use Planning Committee of Cornfields Chapter is currently preparing a Land Use Plan that will identify areas for development, and
3. The Cornfields community people who participated in the public meeting and surveys appealed for improvements in living conditions and development in several areas. Among these, the second most important issue to them was economic development, and
4. The Cornfields Chapter has passed a resolution withdrawing several acres of land designated for business development along Highway 15 and
5. At this time, there are no funds available at the Chapter to begin preliminary studies, including legal survey & description of the land, archeological clearance, environmental assessment, and other related studies.

NOW THEREFORE BE IT RESOLVED THAT:

The Cornfields Chapter CLUP Committee recommends to Cornfields Chapter that it requests the Navajo Nation Division of Community Development to apply on behalf of Cornfields Chapter for Governments Grants & Funds available for Native American Economic Development and secure these funds to cover land studies and clearance for 50 acres of land withdrawn for business development along highway 15 at Cornfields Chapter.

CERTIFICATION

I hereby certify that the foregoing recommendation was duly considered by the Cornfields Chapter CLUP committee at a duly called meeting at the Cornfields Chapter, Navajo Nation(AZ), at present and the same was passed by a vote of 3 in favor, 0 opposed and 1 abstention, this 16th day of November 2004.

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirming the request and recommendation to enter into a three-year commitment to the Navajo Nation Tourism Department for their assistance in Development of visitor related facilities, i.e., Hotel Accommodation, Scenic byways, Restaurants or a visitor welcome center to the located at old Sunrise T.P. (Cornfields community)

WHEREAS:

1. The Cornfields Chapter is a governing entity recognized by the Navajo Nation Chapter vested with the authority to plan and implement developments that are in the best interest of the people and community; and
2. The Cornfields Chapter in conjunction with the local Community Land Use Planning Committee (CLUPC) have completed the comprehensive Land Use Plans that identified areas for land withdrawals and development; and
3. The Cornfields Chapter and the community people who participated in the public meetings. And surveyed and have appealed for improvements in living conditions and development in several areas. Among these, the second highest important issue to them was Economic Development; and
4. The Cornfields Chapter is aware that the Community Land Use Planning Committee designated 25 acres of land at the old Sunrise Trading Post for Tourism Development area; and
5. The Cornfields Chapter is aware that the Navajo Nation Tourism Department made a presentation before the CLUP Committee, showing their interest to assist the Chapter in Tourism Development through planning, feasibility studies, design and construction.

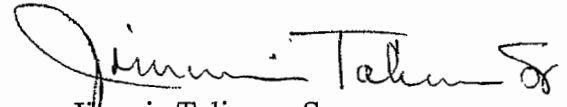
THEREFORE BE IT RESOLVED THAT:

1. The Cornfields Chapter hereby reaffirming the request and recommendation to enter into a three-year commitment to the Navajo Nation Tourism Department for their assistance in Development of visitor related facilities, i.e., hotel accommodation, scenic byways, restaurants or a visitor welcome center to the located at old Sunrise T.P. (Cornfields community)

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Cornfields Chapter of the Navajo Nation at a duly called regular chapter meeting at the Cornfields Chapter, (Arizona) at which a quorum was present and that same was passed by a vote of 28 in favor and 00 opposed, 03 abstain on this 09th day of November 2005.

Presiding President

A handwritten signature in black ink, appearing to read "Jimmie Taliman Sr.", with a stylized flourish at the end.

Jimmie Taliman, Sr.,
CORNFIELDS CHAPTER

RESOLUTION OF THE CORNFIELDS CHAPTER

Reaffirming the request and recommendation to enter into a three-year commitment to the Navajo Nation Tourism Department for their assistance in Development of visitor related facilities, i.e., Hotel Accommodation, Scenic byways, Restaurants or a visitor welcome center to be located at old Sunrise T.P. (Cornfields community)

WHEREAS:

1. The Cornfields Chapter is a governing entity recognized by the Navajo Nation Chapter vested with the authority to plan and implement developments that are in the best interest of the people and community; and
2. The Cornfields Chapter in conjunction with the local Community Land Use Planning Committee (CLUPC) have completed the comprehensive Land Use Plans that identified areas for land withdrawals and development; and
3. The Cornfields Chapter and the community people, who participated in the public meetings, surveyed and have appealed for improvements in living conditions and development in several areas. Among these, the second highest important issue to them was Economic Development; and
4. The Cornfields Chapter is aware that the Community Land Use Planning Committee designated 25 acres of land at the old Sunrise Trading Post for Tourism Development area; and
5. The Cornfields Chapter is aware that the Navajo Nation Tourism Department made a presentation before the CLUP Committee, showing their interest to assist the Chapter in Tourism Development through planning, feasibility studies, design and construction.

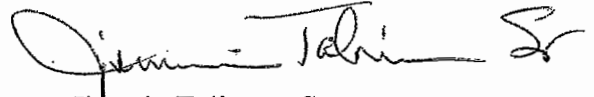
THEREFORE BE IT RESOLVED THAT:

1. The Cornfields Chapter hereby reaffirming the request and recommendation to enter into a three-year commitment to the Navajo Nation Tourism Department for their assistance in Development of visitor related facilities, i.e., hotel accommodation, scenic byways, restaurants or a visitor welcome center to be located at old Sunrise T.P. (Cornfields community)

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Cornfields Chapter of the Navajo Nation at a duly called regular chapter meeting at the Cornfields Chapter, (Arizona) at which a quorum was present and that same was passed by a vote of 28 in favor and 00 opposed, 03 abstain on this 09th day of November 2005.

Presiding President

A handwritten signature in black ink, appearing to read "Jimmie Taliman Sr.", written in a cursive style.

Jimmie Taliman, Sr.,
CORNFIELDS CHAPTER

~~B~~C

(No expected damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I, Thomas Singer, hereby grant consent to the
Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit
Cornfields Chapter of Navajo Nation, ARIZONA to

use a portion of my land use area for the following purpose (s):

Economic Development site.

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 damages 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: Cornfields N-15 Junction, 25 acres.

0321-2010

Date

Thomas G. Singer

Land User Signature (or Thumbprint)

Census No.

Permit No.

WITNESS:

3-21-10

Date

[Signature]

Grazing Committee or Land Board Member

17-3

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):

Field Agent Signature

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I, Charlie Taliman, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit Cornfields Chapter of Navajo Nation, ARIZONA to use a portion of my land use area for the following purpose(s): Economic Development site.

_____ 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 damages 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: Cornfields N-15 Junction, 25-acres.

3-21-10

Date

Charles Johnson

Land User Signature (or Thumbprint)

Census No.

Permit No.

WITNESS:

3-21-10

Date

Grazing Committee or Land Board Member

17-3

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):

Field Agent Signature

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I, Jimmie Taliman, Sr., hereby grant consent to the
Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit
Cornfields Chapter of Navajo Nation, ARIZONA to

use a portion of my land use area for the following purpose (s): _____

Economic Development site.

_____ 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 damages 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: Cornfields N-15 Junction, 25-acres.

3-21-10

Date

Jimmie Taliman Sr

Land User Signature (or Thumbprint)

Census No.

Permit No.

WITNESS:

3-21-10

Date

Steve Lee

Grazing Committee or Land Board Member

17-3

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):

Field Agent Signature

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I, Herbert & Sarah White, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit Cornfields Chapter of Navajo Nation, ARIZONA to use a portion of my land use area for the following purpose (s):

Economic Development site.

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 damages 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: Cornfields N-15 Junction, 25-acres.

3-21-10

Date

Sarah T. White

Land User Signature (or Thumbprint)

Census No.

Permit No.

WITNESS:

3-21-10

Date

[Signature]

Grazing Committee or Land Board Member

17-2

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):

Field Agent Signature

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN

I, Martha Long, hereby grant consent to the
Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit
Cornfields Chapter of Navajo Nation, ARIZONA to
use a portion of my land use area for the following purpose (s): _____

Economic Development site.

_____ 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 damages 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: Cornfields N-15 Junction, 25-acres.

3-21-10

Date

Martha Long

Land User Signature (or Thumbprint)

Census No.

Permit No.

WITNESS:

3-21-10

Date

[Signature]

Grazing Committee or Land Board Member

17-3

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):

Field Agent Signature

~~C~~ ~~B~~

CORNFIELDS CHAPTER BUSINESS SITE TRACT
IN THE NW¼ OF SEC. 17 AND THE NE¼ OF SEC. 18, T26N, R25E, G8SRM
CORNFIELDS, APACHE COUNTY, ARIZONA
February 16, 2007

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17 AND THE NORTHEAST QUARTER (NE¼) OF SECTION 18, TOWNSHIP 25 NORTH, RANGE 26 EAST, GILA AND SALT RIVER MERIDIAN, IN THE WESTERLY VICINITY OF CORNFIELDS COMMUNITY CHAPTER HOUSE, IN CORNFIELDS, APACHE COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

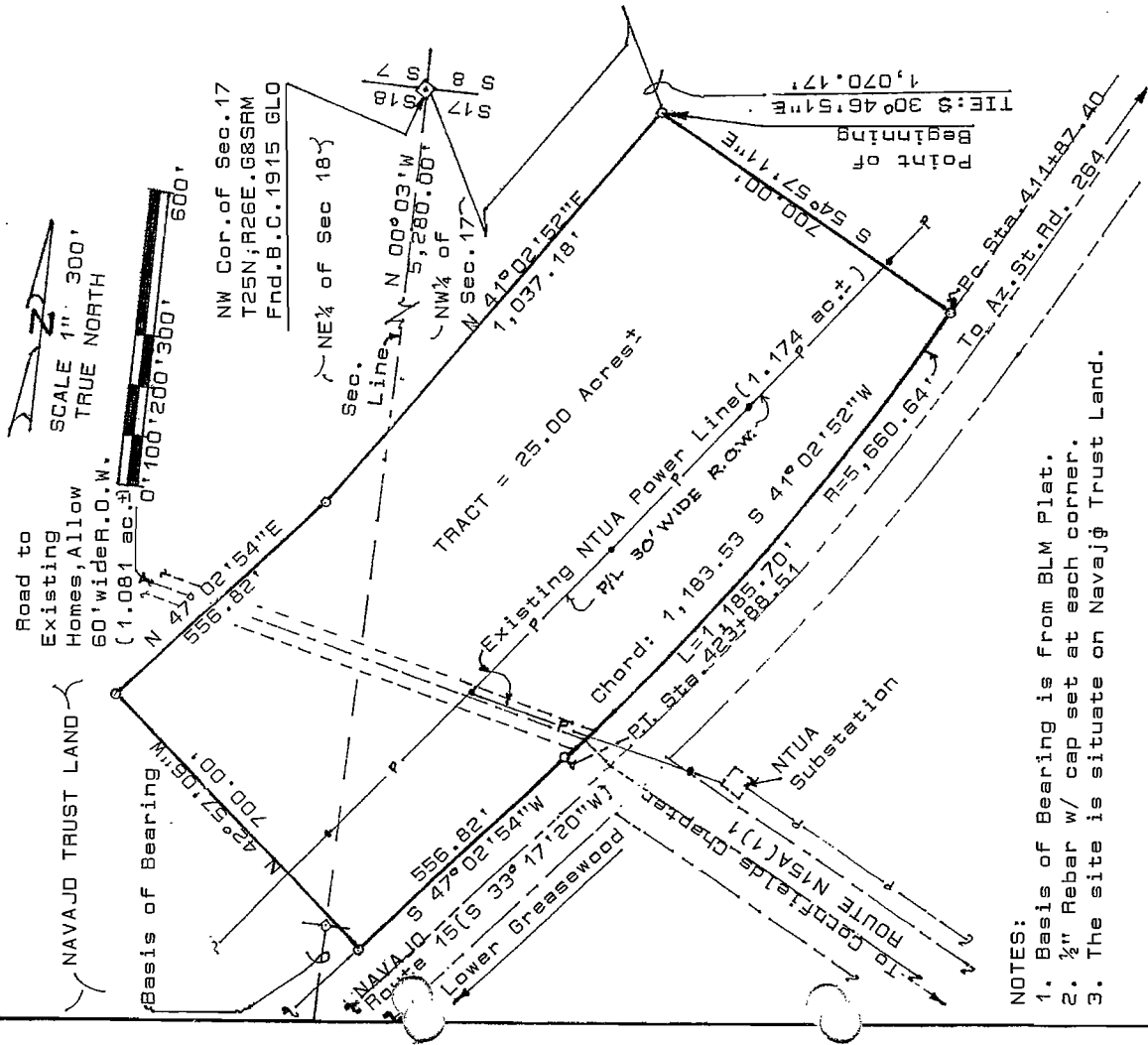
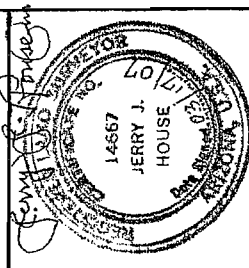
COMMENCING at a Brass Cap, the NW corner of said Section 17; thence run S 30°46'51"E a distance of 1,070.17 feet to the NW corner and the point of beginning of the herein described tract; Thence S 54°57'11"E a distance of 700.00 feet to NE corner and a point on the west R.O.W. Line of Navajo Route 15, being a point of curve, the road center line station 411+87.40; Thence along the said West R.O.W. Line and along the arc of a curve to the right, it's Long Chord bears S 41°02'52"W a distance of 1,183.53 feet; Arc length=1,185.70 feet and the radius = 5,660.64 feet, to a point of tangent, sta. 423+88.51; Thence continue of the said West R.O.W. Line S 47°02'54"W a distance of 556.82 feet to the SE corner; Thence N 42°57'06"W a distance of 700.00 feet to the SW corner; Thence N 47°02'54"E a distance 556.82 feet to a point; Thence N 41°02'52"E a distance of 1,037.18 feet to the point of beginning.

The enclosed described area comprises of 27.255 acres more or less. LESS 1.174 acres occupied by NTUA existing power line and the existing road is 1.081 acres, the remainder 25.00 acres for the business site.

SURVEYOR'S CERTIFICATION

I, Jerry J. House, a duly qualified Registered Land Surveyor under the law of the State of Arizona, do hereby certify that this survey and the plat as shown hereon were prepared from the actual survey by me or under my direct supervision and that they are true and correct to the best of my knowledge and belief.

Jerry J. House
Arizona Certification No. 46877



- NOTES:
1. Basis of Bearing is from BLM Plat.
 2. ½" Rebar w/ cap set at each corner.
 3. The site is situate on Navajo Trust Land.

D

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

NOV 2 2009

ROUTING: COPIES TO
AZ SHPO
REAL PROPERTY MGT/330
XX NNAD

NNHPD NO. HPD-09-1040
OTHER PROJECT NO.

NNAD 09-333

PROJECT TITLE: **A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona**

LEAD AGENCY: BIA/NR

SPONSORS: **Elizabeth Johnson Cornfields Chapter P.O. Box 478 Ganado, Arizona 86505**

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a business tract with associated facilities within the 25.0 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Cornfields

LOCATION: T.26N, R.26E; Sections 17 and 18; Cornfields Quadrangle; Apache County, Arizona; G&SRPM&B

PROJECT ARCHAEOLOGIST: **Antoinette Kurley-Begay**

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: **8/10/09 and 8/20/09**

DATE OF REPORT: 9/22/09

TOTAL ACREAGE INSPECTED: **36.85**

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

LIST OF CULTURAL RESOURCES FOUND:

(2) Sites AZ-P-19-52 and AZ-P-19-53, (4) Isolated Occurrences (IO)

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

(2) AZ-P-19-52 and AZ-P-19-53 and (4) IO

LIST OF ARCHAEOLOGICAL RESOURCES:

None

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

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: **Ettie Anderson**

FINALIZED: October 14, 2009

Notification to
Proceed Recommended:
Conditions:

Yes XX No
Yes No XX

Navajo Region Approval:

Yes No

for 10/21/09

Alan S. Downer
Alan S. Downer
Navajo Nation Historic Preservation Officer

10-19-09
Date

[Signature]
Regional Director

10-22-09
Date



**THE
NAVAJO
NATION
ARCHAEOLOGY DEPARTMENT**

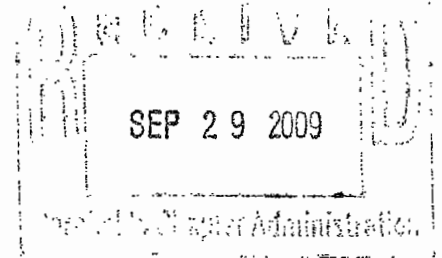


% DINÉ COLLEGE, P.O. Box 580, SHIPROCK, NEW MEXICO 87420

TELEPHONE: 505-368-1214, FAX: 505-368-1215

September 22, 2009

Elizabeth Johnson, Coordinator
Cornfields Chapter
P.O. Box 478
Ganado, AZ 86505



Dear Ms. Johnson:

Attached for your files is a copy of the Navajo Nation Archaeology Department (NNAD) report 09-333. The report details the results of the archaeological inventory and ethnographic interview of the proposed Business Site Tract B located within the Cornfields Chapter. Two archaeological sites and four isolated occurrences (IOs) were identified as a result of the archaeological inventory. A determination of no historic properties affected (archaeological approval) is recommended for the proposed undertaking since the two archaeological sites and the isolated occurrences are no longer considered significant cultural resources at this time.


Please note that receipt of this report does not constitute approval. The report has been submitted to the Navajo Nation Historic Preservation Department (NNHPD) for review on behalf of the Bureau of Indian Affairs (BIA). Once a determination of archaeological approval has been made on the proposed business tract, you will be notified by the NNHPD in the form of a compliance letter. Should you have any questions concerning this report, contact me at (505) 368-1214.

Sincerely,

Antoinette Kurley-Begay
Principal Archaeologist

Enclosure

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.								
4. TITLE OF REPORT: A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona AUTHOR: Antoinette Kurley-Begay		5. FIELDWORK DATES August 10 & 20, 2009								
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Linda Laughing Org. Name: Navajo Nation Archaeology Department Org. Address: P. O. Box 689 Window Rock, Arizona 86515 Phone: (928) 871-6540		6. REPORT DATE September 22, 2009								
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Elizabeth Johnson, Chapter Coordinator Org. Name: Cornfields Chapter Org. Address: P.O. Box 478 Ganado, Arizona 86505 Phone: mobile: (928) 755-5911		8. Permit No. NTC								
		9. Consultant Report No. NNAD 09-333								
		11. SPONSOR PROJECT NO. N/A								
		12. AREA OF EFFECT: 25.00 acres (10.13 ha) AREA SURVEYED: 36.85 acres (14.92 ha)								
13. LOCATION (MAP ATTACHED):										
<table border="0"> <tr> <td>a. Chapter: Cornfields</td> <td>e. Land Status: Tribal Trust</td> </tr> <tr> <td>b. Agency: Fort Defiance</td> <td>f. UTM Center: See Supplemental Sheet</td> </tr> <tr> <td>c. County: Apache</td> <td>g. Area: See Supplemental Sheet</td> </tr> <tr> <td>d. State: Arizona</td> <td>h. 7.5' Map Name(s): Cornfields, Ariz., 1972</td> </tr> </table>			a. Chapter: Cornfields	e. Land Status: Tribal Trust	b. Agency: Fort Defiance	f. UTM Center: See Supplemental Sheet	c. County: Apache	g. Area: See Supplemental Sheet	d. State: Arizona	h. 7.5' Map Name(s): Cornfields, Ariz., 1972
a. Chapter: Cornfields	e. Land Status: Tribal Trust									
b. Agency: Fort Defiance	f. UTM Center: See Supplemental Sheet									
c. County: Apache	g. Area: See Supplemental Sheet									
d. State: Arizona	h. 7.5' Map Name(s): Cornfields, Ariz., 1972									
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) //										
<p>a. Description of Undertaking: The Cornfields Chapter proposes to utilize the parcel of land for a proposed business tract. The parcel of land will be used to construct business buildings and associated facilities within the 25-acre business tract. The area of potential effect measures 700 feet (213.41 m) by 556.82 feet (169.76 m) by 1,037.18 feet (316.16 m) by 700 feet (213.41 m) by 1,183.53 feet (360.83 m) by 556.82 feet (169.76 m). Ground disturbance, both surface and subsurface, will be extensive. The lead federal agency for this proposed undertaking is the Bureau of Indian Affairs.</p> <p>b. Existing Data Review: See Supplemental Sheet</p> <p>c. Area Environmental & Cultural Setting: The project is located in the Cornfields Chapter. The nearest water source is the Pueblo Colorado Wash located approximately 2,349 feet (716.16 m) east of the project area. The elevation of the project area is 6140 feet (1872 m). Vegetation consists of snakeweed, rabbitbrush, Russian thistle, bunchgrass, and prickly pear cactus. Soils in the project area consist of aeolian sand and silt. The cultural setting is rural with recent development consisting of repavement of highway Navajo Route 15, a gravel road, a water line, a power line, and nearby houses.</p> <p>d. Field Methods: See Supplemental Sheet</p>										
15. CULTURAL RESOURCE FINDINGS:										
<p>a. Location/Identification of Each Resource: See Supplemental Sheet</p> <p>b. Evaluation of Significance of Each Resource (above): See Supplemental Sheet</p>										
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): The isolated occurrences do not appear to Register-eligible properties, therefore, a determination of no historic properties affected for the areas containing the isolated occurrences with no further stipulations. Both of the sites appear to lack buried cultural material therefore neither site appear to be Register-eligible properties. Further, neither of the two sites appears to merit protection under ARPA or AIRFA. Thus, a determination of no historic properties affected is recommended for the area of the two sites since both sites appear to have exhausted their research potential through recordation.										
17. CERTIFICATION: SIGNATURE: _____ DATE: _____										
General Charge Name: Linda Laughing, ASO; Acting Department Manager										
SIGNATURE: 		DATE: September 22, 2009								
Direct Charge: Antoinette Kurley-Begay, Principal Archaeologist										

13. LOCATION:

f. UTM Center	<u>Northing</u>	<u>Easting</u>				
g. Area:			$\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$	<u>Section</u>	<u>Township</u>	<u>Range</u>
Northwest Corner	3946839	617664	SW, NW, NW	17	26N	26E
Northeast Corner	3946759	617858	SE, NW, NW	17	26N	26E
East Bend	3946585	617757	NE, SW, NW	17	26N	26E
Southeast Corner	3946321	617483	SE, SE, NE	18	26N	26E
Southwest Corner	3946512	617343	E $\frac{1}{2}$, SE, NE	18	26N	26E

14. REPORT:

- b. Existing Data Review: A check of Navajo Nation Historic Preservation Department (NNHPD) and NNAD Shiprock Office archival records indicated that seven projects; NNHPD 89-382, 94-615, 98-287.1, 99-22, 03-1250, 04-451, and 06-268, have been conducted within a 500-foot (152-m) radius of the project area. One previously recorded archaeological site was also recorded under NNHPD 99-22.

A Check of Van Valkenburgh (1974) revealed that the nearest sacred area is Buell Park (*Tsé zhin hodóo klizh*—Black Rock in a Blue Area), located approximately 50 miles (31 km) northwest of the project area.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by Clyde Kluckhohn, pp. 9-199. Garland Publishing, New York, New York.

- d. Field Methods: An archaeological survey was conducted by Antoinette Kurley Begay, Matthew Pettigrew, Aleda Myerson, and Alviera Lee of the NNAD. A traditional cultural property (TCP) interview with Nellie Kurley, a local resident of the area, and with Jimmy Taliman, Cornfields Chapter President, was conducted by the archaeologists after the archaeological inventory was completed. Locational information of the project area was collected utilizing a Global Positioning System (GPS). Although the project area discussed herein was previously staked, the stakes indicating the project area corners were not relocated; therefore, points derived from a GIS ArcMap program provided the archaeologists with project area points which were uploaded into a GPS unit and utilized to identify the project area in the field. A Class III pedestrian survey was conducted on the proposed 25.00 acre (10.13 ha) business tract. This inventory also included a 50-foot (15.24-m) wide buffer zone located on all sides of the 25.00-acre proposed business tract. The project area was examined by the four NNAD archaeologists walking a series of east-west parallel transects across the project area. The parallel transects were spaced about 7 m (22.96 feet) apart. A total of 36.85 acres (14.92 ha) of land was examined under this project.

15. CULTURAL RESOURCE FINDINGS:

- a. Location/Identification of Each Resource: Two archeological sites (AZ-P-19-52 and AZ-P-19-53) and four isolated occurrences (IOs) were identified during the archaeological inventory. Both of the archaeological sites are located within the southern half of the proposed business site tract. The two archaeological sites are identified as an Anasazi specialized activity areas—artifact scatters. No features were associated with either site. IO 09-333-1 consists of one plain gray ware sherd. IO 09-333-2 consists of one plain gray ware sherd and two indented corrugated sherds. IO 09-333-3 consists of one indented corrugated sherd. IO 09-333-4 consists of one multidirectional core of a rhyolite material. Two of the IOs (09-333-2 and 4) were noted on the west-central portion of the project area, while the remaining two IOs (09-333-1 and 3) were noted within the 50-foot-wide buffer zone.
- b. Evaluation of Significance of Each Resource (above): With regard to the current legislation, sites AZ-P-19-52 and AZ-P-19-53 possess integrity of location and setting. The sites are probably not eligible for nomination to the National Register under criteria a, b, or c. They also do not appear to qualify under criterion d since neither one of them appears to retain buried cultural material. Both of the sites appear to meet the 50-year eligibility guideline; however, neither of the sites appear to be a Register-eligible property. The two sites do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA; however, neither site are considered to be of archaeological interest. Thus, the two sites do not merit protection under ARPA. Finally, the sites do not appear to merit consideration under of AIRFA since neither site contains blessed structures or features.

The four IOs lack integrity and they are probably not eligible for nomination to the National Register under criteria a, b, c, or d. The isolates do meet the 50-year eligibility guideline; however, they do not appear to be Register-eligible properties. Although the isolates do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA, the isolates are no longer of archaeological interest. Therefore the isolates do not appear merit consideration under ARPA. The isolates do not appear to merit consideration under AIRFA.

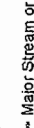
FIGURE 11

Potential Development Site - Junction of 15 & 151

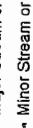
BIA Grazing Boundary



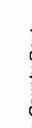
Lake or Channel



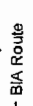
Major Stream or Wash



Minor Stream or Wash



County Route



BIA Route



Potential Development Site



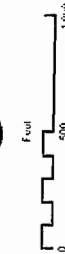
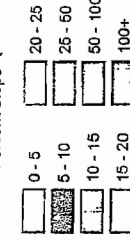
Wells



NTUA Water System



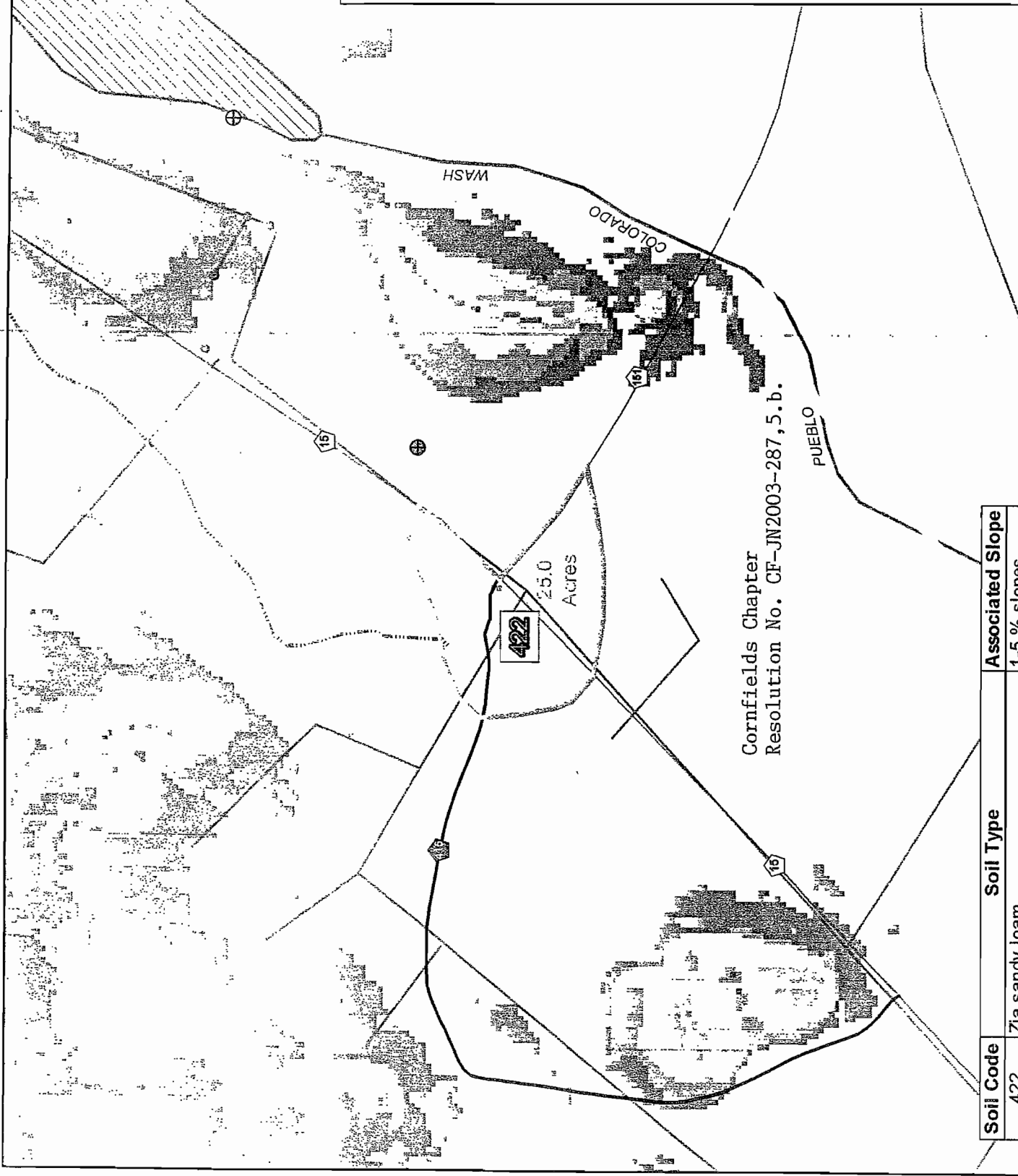
Percent Slope



Mapped by:

Jones & Stokes

May 2003



Cornfields Chapter
Resolution No. CF-JN2003-287, 5.b.

Soil Code	Soil Type	Associated Slope
422	Zia sandy loam	1-5 % slopes

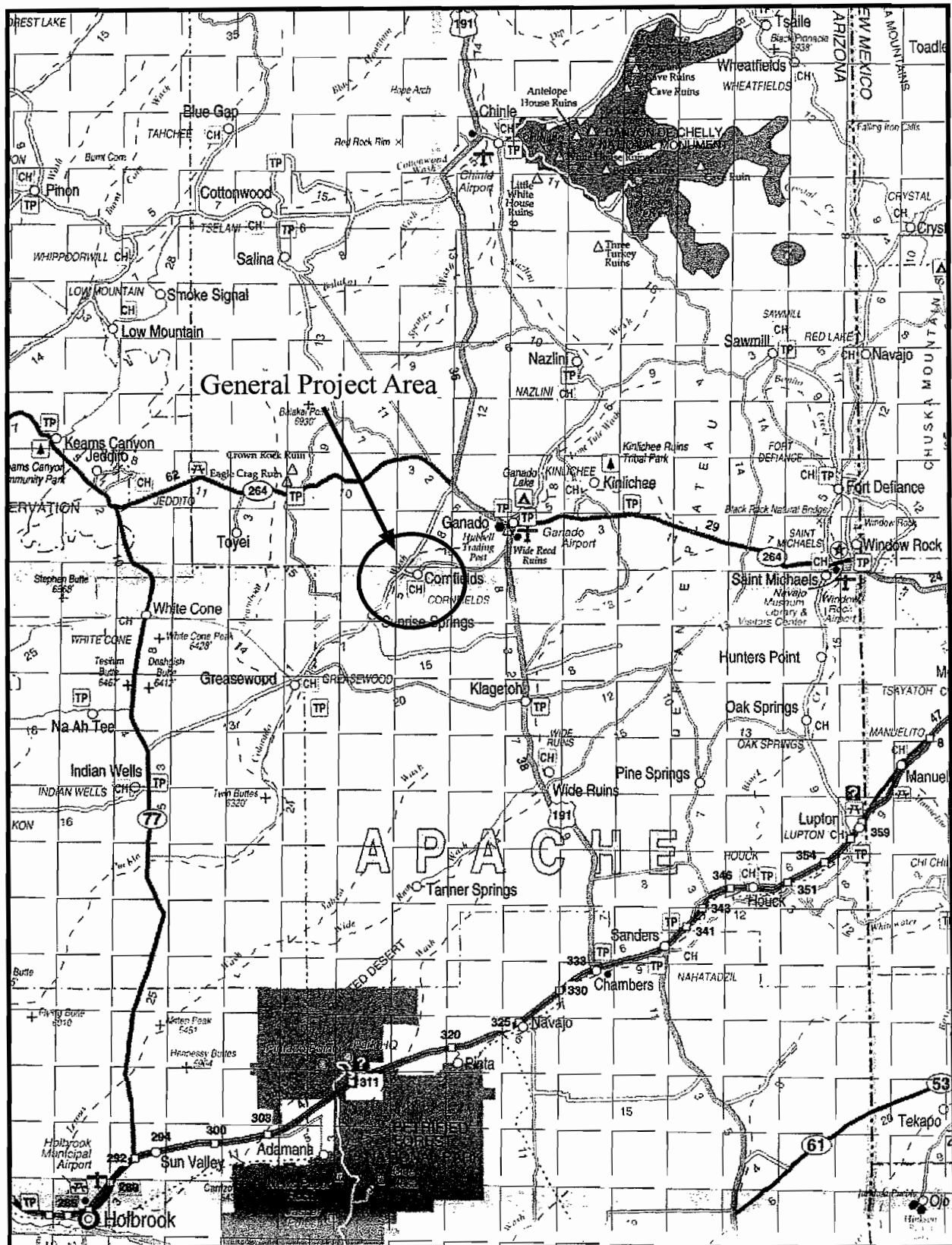


Figure 1. Vicinity map showing general project area. Indian County Regional Map, n.d., (NNAD 09-333).

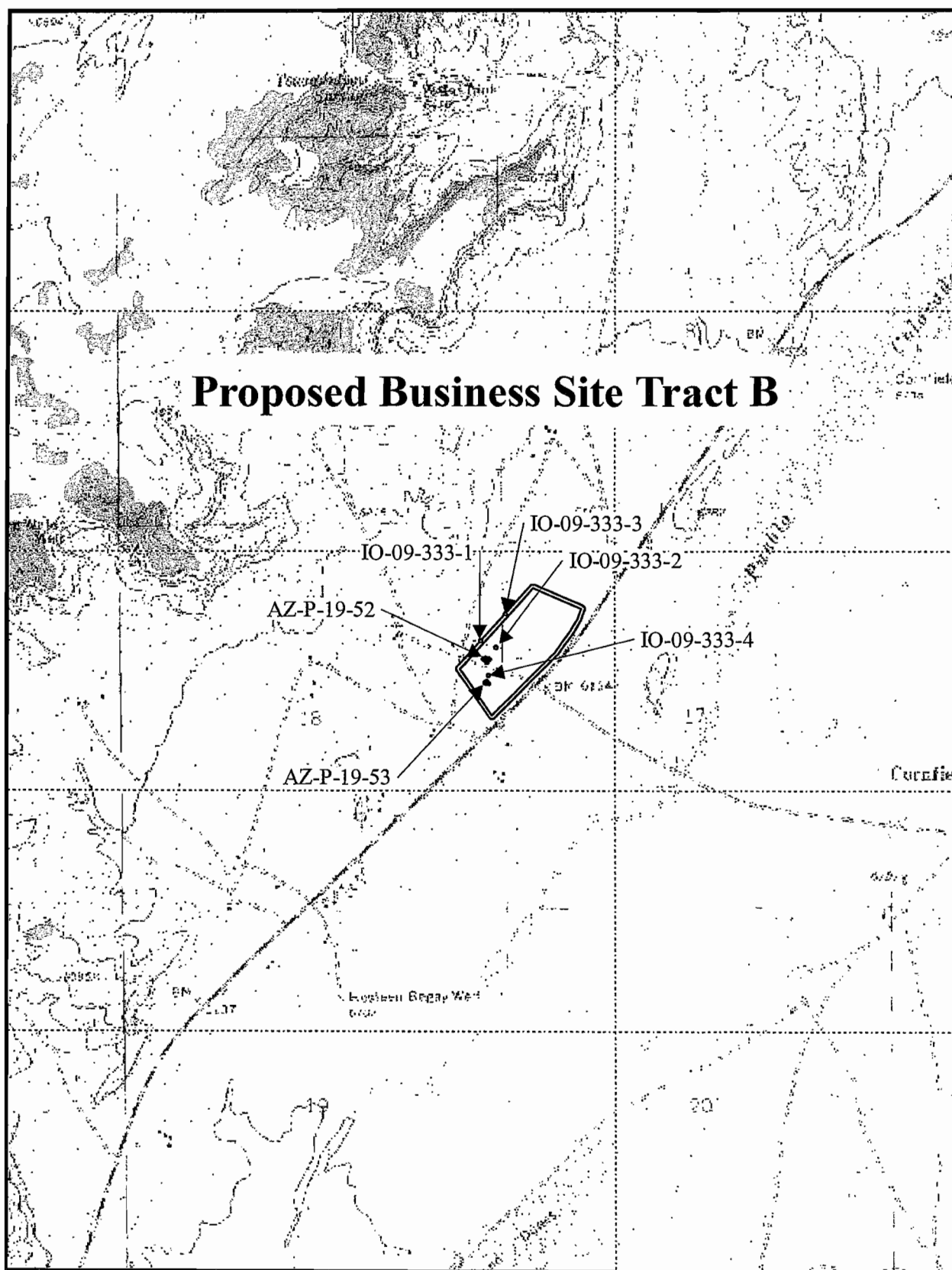


Figure 2. Location map showing project area and identified cultural resources. Cornfields, Ariz., 1972, 7.5' series USGS map; T.26N, R.26E, GSRPM (NNAD 09-333).

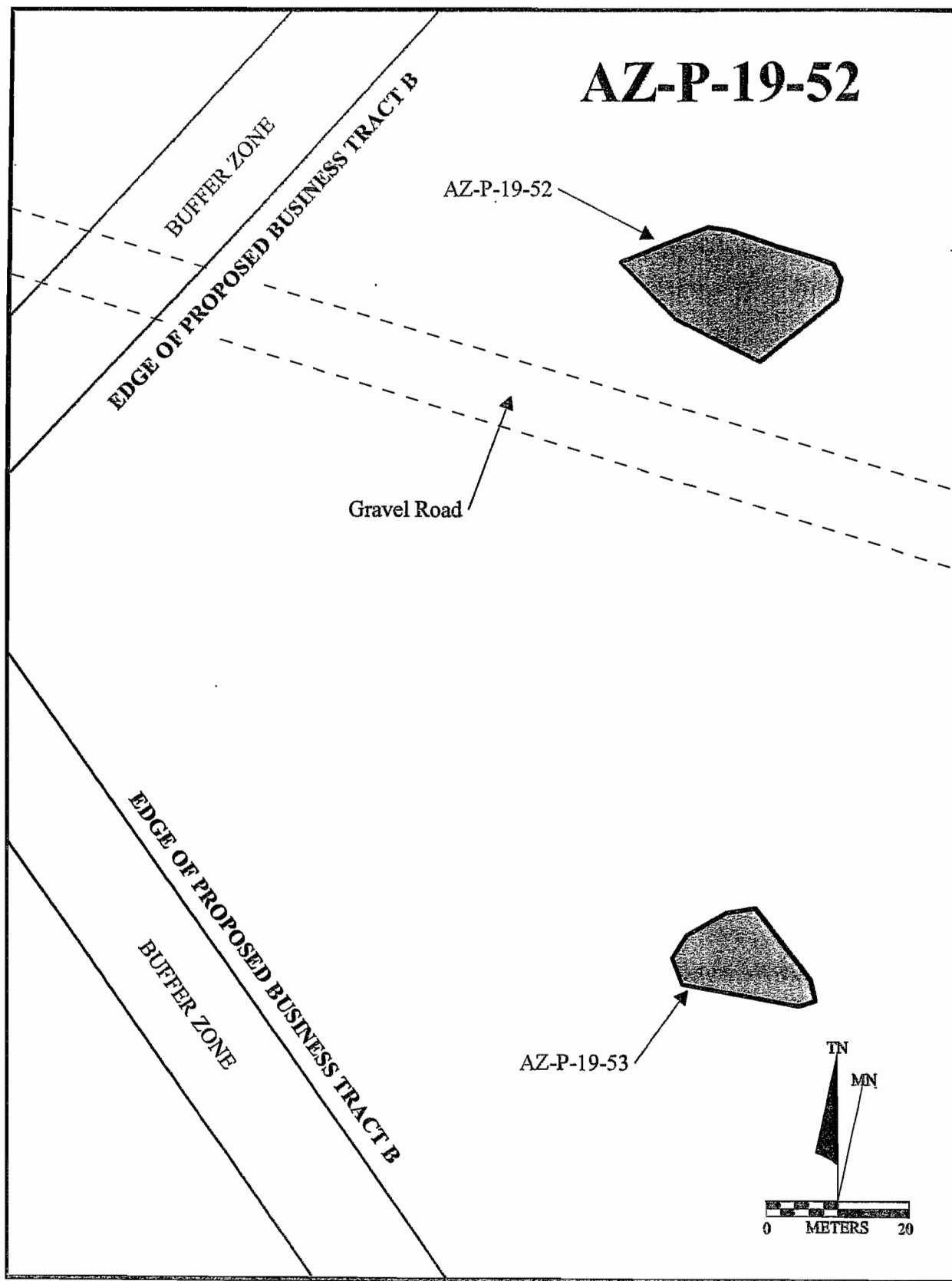


Figure 3. General plan map, Site AZ-P-19-52 (NNAD 09-333).

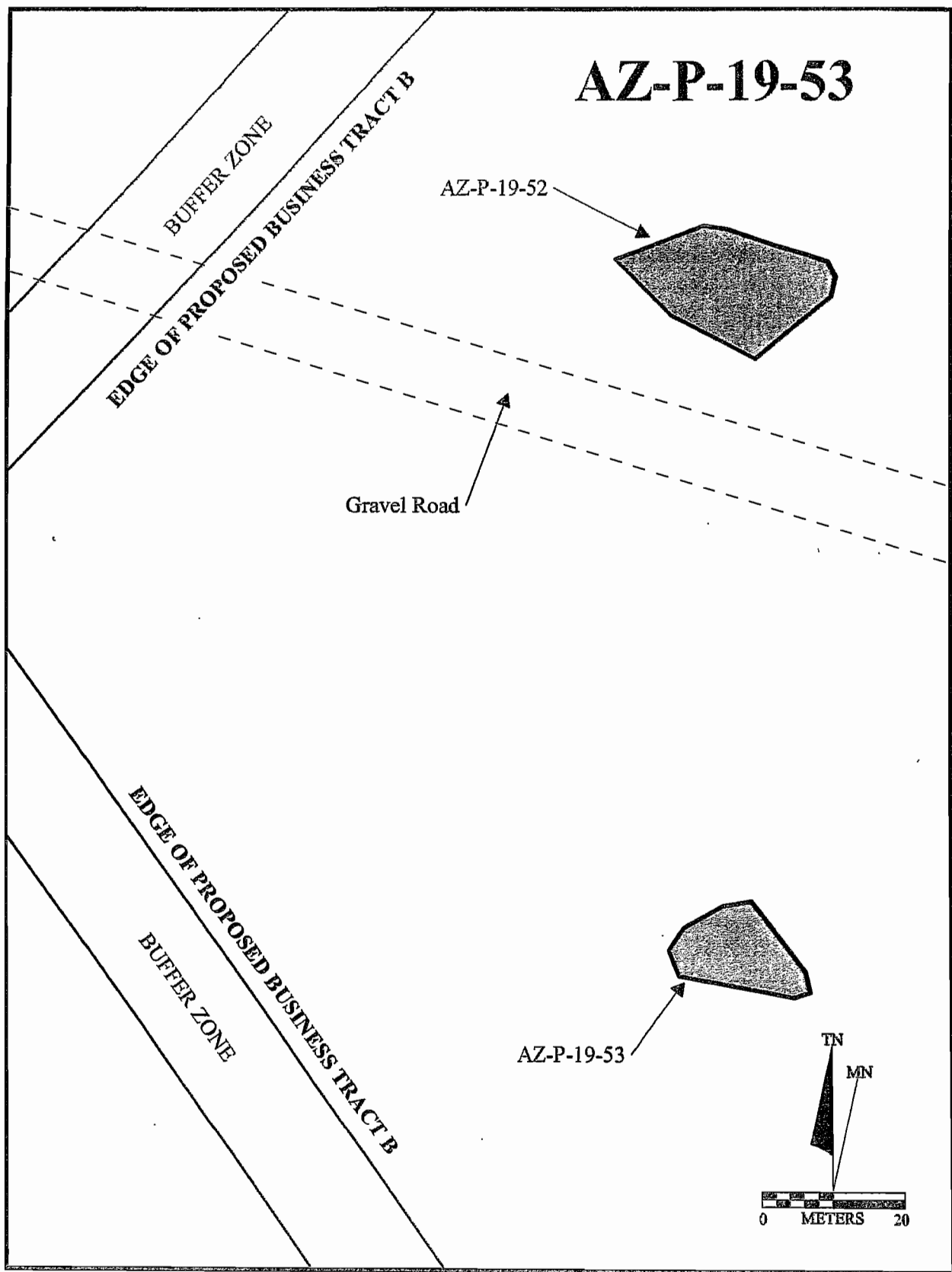
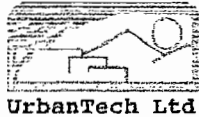


Figure 4. General plan map, Site AZ-P-19-53 (NNAD 09-333).

E



Cornfields Chapter

January 2014
Draft #2; Rev. #3

Cornfields Junction Development Parcel Environmental Assessment

In association with:



**Cornfields Chapter: Cornfields Junction
Environmental Assessment
(January 2014)**

Project: Cornfields Junction Site Development

**Prepared for: Cornfields Chapter
Navajo Nation
P.O. Box 478
Ganado, Arizona 86505**

Prepared by:

**UrbanTech Ltd.
16845 N. 29th Ave.; Suite 1-348
Phoenix, Arizona 85053**

In association with:

**Arcadis US
410 N 44th St #1000
Phoenix, Arizona 85008**

**Contact: Philip J. Entz AICP, Pres.
UrbanTech Ltd.
Tel: 602-678-0533**

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4.1.2 Soils

4.1.3 Geology Setting, Mineral, and Paleontological Resources

4.2 Water Resources

4.2.1 Groundwater and Surface Water

4.2.2 Floodplains

4.2.3 Wetlands, Riparian Areas, and Wild and Scenic Rivers

4.3 Air Quality

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4.10.3 Land Use Plans

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4.11.2 Noise and Light

4.11.3 Visual

4.11.4 Public Health and Safety

5 – LIST OF PREPARERS AND CONTRIBUTORS

6 – CONSULTATION AND COORDINATION

7 – DOCUMENT PREPARER’S SIGNATURE

8 - REFERENCES

APPENDICES

APPENDIX A Property Survey

APPENDIX B Proposed Development Plan

APPENDIX C Apache County USFWS Species List

APPENDIX D Cultural Resources Compliance

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FIGURE 2 Project Area Aerial

FIGURE 3 Topographic Map

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TABLE 1 Habitat Suitability Assessment for Sensitive Species

1 – INTRODUCTION

1.1 Project Background

The Cornfields Chapter of the Navajo Nation proposes to implement development on a 25-Acre site that runs along the western frontage of Navajo Route 15 at its intersection with Route 151, which accesses the Cornfields Chapter House and principle residential area (Appendix A for Survey). Strategic Planning, a Feasibility Study, Preliminary Development Planning and other actions have been completed in preparation for the proposed development of the site. The development of the site will require approvals from the Navajo Nation and the Bureau of Indian Affairs (BIA). The federal action triggers the National Environmental Policy Act (NEPA) process. This environmental assessment documents the potential impacts of the development of the Cornfields Junction Site on the human and natural surroundings.

1.2 Project Location and Description

The Cornfields Chapter is one of 110 recognized chapters of the Navajo Nation and is located in the southeastern portion of the Navajo Nation, within Apache County. The community of Cornfields has an estimated population of 1600 people. The development site is approximately 25-acres and is designated for economic development. The property is within the Cornfields Quadrangle, Arizona-Apache Co., 7.5-Minute Series USGS Topographic Map (2001). Figure A (following page) illustrates the nature of the site.

The currently proposed Project consists of the development of several site improvements on a portion of the 25-acre site, including a:

- Convenience Store/ Gas Station
- Auto Service/Tire Shop (two-bay)
- EMS Facility (two-bay)
- Feed & Tack Store with Outdoor Storage
- Overflow Parking for Events Arena
- RV Parking
- Truck & Trailer Parking
- Events Arena
- Youth Center with Basketball Court, Skate Park and Swimming Pool

Parking, walkways and landscaping associated with the project are contemplated, along with necessary on-site utility development.

1.3 Purpose and Need

The Cornfields Junction Property site is one of three economic development parcels available to the Cornfields Chapter of the Navajo Nation. The purpose and need for the project is to locally accessible retail opportunities and services, as well as to provide business opportunities and employment for local Tribal Members. EMS services would be incorporated into the project to

reduce current response times which often exceed ½-hour. The property's location at the entry road to the main residential area of the Cornfields Chapter provides the opportunity for such access and also is intended to attract drive-by users on Navajo Route 15. The development will provide needed income and services for both area residents and the Cornfields Chapter government. This will also provide resources for the Chapter to provide a wider variety of Public Services to their Members.



Figure 1: Aerial of Cornfields Junction area

2 – PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

Under the proposed action, the Cornfields Chapter would implement a phased development program for Cornfields Junction the site (See proposed Development Plan in Appendix B). The plan would be developed over a period of approximately five years, including final project design, obtaining funding and construction of the Project. The plan would include several economic development components, along with a small local EMS facility.

2.2. No-Action Alternative

Under the no-action alternative, the proposed project would not be constructed. No economic development would occur and the Cornfields Chapter would continue to lack local employment

and business opportunities. Emergency services, specifically fire and medical would continue to be sourced from Ganado resulting in continuing emergency response of ½-hour or longer.

2.3 Alternatives Considered but Eliminated

During the planning phases of the project, various types of development and various arrangements of elements of site development were considered. The proposed action reflects the development elements determined to be most feasible and related to the property's location adjacent to the heart of the Cornfields Chapter populated area. Other uses were removed from the plans and proposed for development on alternative sites that are being separately studied.

3 – AFFECTED ENVIRONMENT

[This Chapter describes the existing conditions both within and surrounding the subject site. This data is then used to evaluate the impacts that are discussed in Chapter 4.]

3.1 Land Resources [Physical characteristics of the site geography and soils]

3.1.1 Topography

The general topography of the site consists of a flat area with very gentle slopes. Elevations range from 6140 to nearly 6160 feet in the immediate area. Figure 2, below, illustrates the local topography.

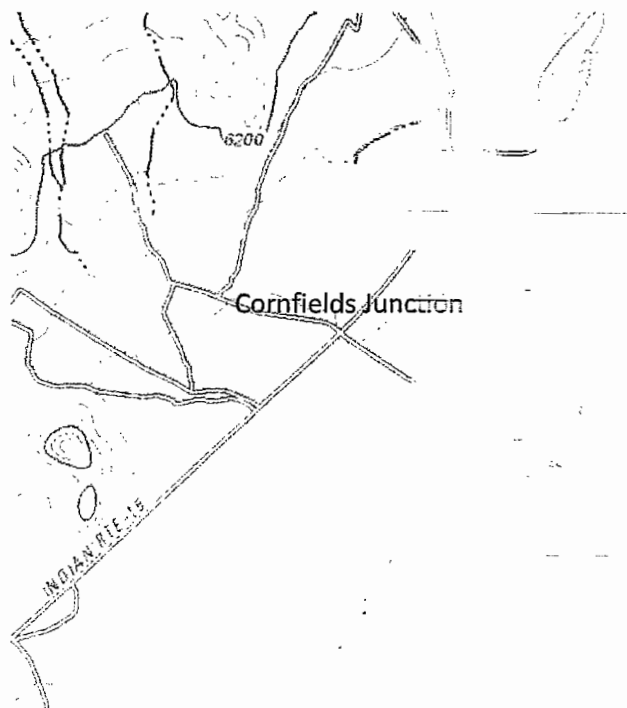


Figure 2

3.1.2 Soils

Soils in the Cornfields Junction area have been mapped in *Soil Survey of Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona, and McKinley and San Juan Counties, New Mexico* (NRCS) in 2007. The soils are identified as Zia sandy loam. This is comprised of Zia and similar soils at 85 percent, and other minor components at 15 percent, including Riverwash, Radnik, and Pinavetes family. Parent materials are eolian deposits and stream alluvium derived from sandstone and shale. Zia sandy loam is well drained, has moderately rapid permeability (2.0 to 6.0 in/hr), has low shrink-swell potential (about 2.0 percent), and has negligible flooding or ponding hazards.

3.1.3 Geology Setting, Mineral, and Paleontological Resources

The Navajo Nation is situated in the south-central region of the Colorado Plateau, an area that has remained relatively tectonically stable since late Precambrian time and only moderately unstable by the orogeny of Late Cretaceous and early Tertiary time (Cooley et.al 1969).

The reservation has been divided into several hydrogeologic subdivisions on the basis of differences in the exposed sedimentary rocks, structure and physiography (Cooley et. al 1969). The project site lies in the Chinle Valley subdivision, underlain by easily eroded Triassic sediments. It is a lowland between the scarred sandstone slopes on the Defiance Plateau and the imposing eastern escarpment of Black Mesa. In general, the area consists of gentle slopes underlain with bedrock and alluvium.

3.2 Water Resources [Surface water, Groundwater, Floodplains and conditions created by these]

3.2.1 Groundwater and Surface Water

Surface water generally drains on the site to the Southeast toward the Pueblo Colorado Wash. The drainage on the site is principally sheet flow with a few shallow braided channels as the drainageways approach IR15. Swales along IR15 then move water to existing drainage structures that carry water under the roadway to continue into the wash.

Ground water is at a shallow depth in the alluvium (200'), but increases in depth where Sandstone and Shinarump occur in the Chinle Valley multiple-aquifer system. The overall system dips westward and northwestward. The subject site is along the highest portions of the aquifer system (shallowest depth to water) [Cooley et. al.].

3.2.2 Floodplains

Based on a general definition of floodplains, the project site is not located within a floodplain. A floodplain has been defined as "lowland and relatively flat areas adjoining inland and coastal waters...." and "a nearly level alluvial plain that borders a stream and is subject to flooding

unless protected artificially”, by Presidential Executive Order 11988-Floodplain Management and the U.S. Department of Agriculture, respectively.

3.2.3 Wetlands, Riparian Areas, and Wild and Scenic Rivers

There are no wetlands or riparian areas on or near the subject site. There are no “Wild & Scenic Rivers” designated anywhere on the Navajo Reservation. Solely Fossil Creek and the Upper Verde River in Arizona have that designation.

3.3 Air Quality *[characteristics of the air and the air quality in the area]*

3.3.1 Quality/Visibility

The National Ambient Air Quality Standards (NAAQS) establish limits for pollutants considered harmful to public health and the environment. Under the NAAQS, there are six principal pollutants which are called “criteria” pollutants. They include carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter and sulfur dioxide. Air quality trends show air pollution concentrations in the southwest have improved since the standards were established. Maps posted at the U.S. EPA website (www.epa.gov/region9/air, May 2013) indicate that air quality of the Navajo Nation is within the NAAQS.

3.3.2 Climate/Meteorology

The project region experiences relatively cold winters with temperatures averaging near 10-degrees Fahrenheit. Snow depths however are minimal and snows are irregular throughout December, January and February. Precipitation averages a relatively low 9.5” annually and rains are scattered throughout the year. The average maximum temperature (early August) is 84.7° Fahrenheit but can peak in the 90’s. The average minimum temperature (mid January) is 10.1-degrees Fahrenheit (Wunderground.com -Historical Data (Ganado, AZ). Prevailing winter winds are from the northwest and summer winds are generally from the southwest. Winds are light to moderate, averaging 10 miles-per-hour or less.

3.4 Living Resources *[vegetation and wildlife of the area, included protected species and their likelihood to occur (field investigation conducted 6/4/13)]*

3.4.1 Vegetation

The project site is within an area defined as Great Basin Desert Scrub (Brown 1994). The area is associated with Upland Sonoran Desert Scrub and Great Basin Pinyon-Juniper Woodland vegetation. Species diversity is low with dominant shrubs occupying vast tracts of land. Characteristic vegetation is low growing, widely spaced hemispherical, non-sprouting shrubs with widely-spaced bunchgrasses. Dominant shrubs include big sagebrush, black sagebrush, Bigelow sagebrush, shadscale, fourwing saltbush, rabbitbrush, winterfat, hopsage, horsebrush, blackbrush, and greasewood. Associated grasses may include blue gramma, galleta grass,

Indian ricegrass, western wheatgrass, Junegrass, and several muhleys or dropseeds. Forbs include several gilia, buckwheat, penstemon, lupine, and globemallow species. Cacti number and species in Great Basin Desertscrub are relatively few in comparison to those found in warm deserts. Cactus plants are small in stature or prostrate and include several species of prickly pear, hedge hog, and cholla.

The Cornfields Junction site is covered in grasses. No major vegetation occurs within the site boundaries.

3.4.2 Wildlife

During the field survey of the Cornfields Junction Site, no wildlife was observed.

3.4.3 Federally Listed Threatened and Endangered Species

A biological evaluation was conducted to assess potential impacts to threatened and endangered and sensitive species. The evaluation was based on a list of TES species provided by US Fish and Wildlife Service (USFWS) (Appendix C) that are known to occur or have potential to occur on or near the project site. The list was supplemented by information contained in the "Navajo Nation Endangered Species List; Species Accounts; Version 3.08; August 2008". The effects are discussed in Section 4.4.2. A chart illustrating the results follows:

**Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)**

<i>Common Name (Species Name)</i>	<i>Status</i>	<i>Range or Habitat Requirements</i>	<i>Potential for Occurrence in Project Area</i>	<i>Determination of Effect</i>
Apache (Arizona) trout (<i>Oncorhynchus</i> <i>gilae apache</i>)	USFWS Threatened NESL RCS-41-08 Not Listed	Streams and rivers generally above 6,000 ft. elevation with adequate stream flow and shading; temperatures below 77 degrees F; and substrate composed of boulders, rocks, gravel and some sand and silt.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.

**Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)**

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Black-footed ferret (<i>Mustela nigripes</i>)	USFWS Endangered NESL RCS-41-08 Group 2	Grassland plains generally found in association with prairie dogs. Elevation less than 10,500 ft.	Unlikely to occur. No wild populations of this species are currently known to exist in Arizona. Reintroduced population exists in Aubrey Valley (Coconino County), Arizona.	No Effect.
California condor (<i>Gymnogyps californianus</i>)	USFWS Endangered NESL RCS-41-08 Group 4	High desert canyons and plateaus. Elevation varies.	Recovery program has reintroduced condors to Northern Arizona, but in Coconino County. The subject site does not include nesting habitat.	No Effect.
Chiricahua leopard frog (<i>Lithobates chiricahuensis</i>)	USFWS Endangered NESL RCS-41-08 Not Listed	Restricted to springs, livestock tanks, and streams in upper portion of watersheds that are free from nonnative predators or where marginal habitat for nonnative predators exists. Elevation of 3,281 – 8,890 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
Little Colorado spinedace (<i>Lepidomeda vittata</i>)	USFWS Endangered NESL RCS-41-08 Not Listed	Moderate to small streams; found in pools and riffles with water flowing over fine gravel and silt substrate. Elevation of 4,000 – 8,000 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Loach minnow (Tiaroga cobitis)	USFWS	Benthic species of small	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
	Endangered	to large perennial streams with swift		
	NESL	shallow water over		
	RCS-41-08	cobble and gravel.		
	Not Listed	Recurrent flooding and natural hydrograph important. Elev. <8000 ft.		
Mexican gray wolf (Canis lupus baileyi)	USFWS	Chaparral, woodland, and forested areas. May cross desert areas.	Unlikely to occur. Generally reintroduced in southern Apache County on the White Mountain Apache Reservation. Critical habitat was established as old-growth forests; none exist in this portion of the Navajo Reservation.	No Effect.
	Endangered	Elevation of 4,000 to 12,000 ft.		
	NESL			
	RCS-41-08			
	Not Listed			
Mexican spotted owl (Strix occidentalis lucida)	USFWS	Nest in canyons and dense forests with multi-layered foliage structure.	Unlikely to occur. There is no habitat in the project area or the surrounding vicinity.	No Effect.
	Threatened	Elev. 4100 - 9000 ft.		
	NESL			
	RCS-41-08			
	Group 3			

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

<i>Common Name (Species Name)</i>	<i>Status</i>	<i>Range or Habitat Requirements</i>	<i>Potential for Occurrence in Project Area</i>	<i>Determination of Effect</i>
Navajo sedge (<i>Carex specuicola</i>)	USFWS Threatened NESL RCS-41-08 Group 3	Found in silty soils at shady seeps and springs. There is Designated critical habitat on the Navajo Nation near the Inscription House Ruins. Also found at seep springs on vertical cliffs of pink-red Navajo sandstone at elevations of 5,700 – 6,000 ft.	Unlikely to occur. There is no habitat in the project area or the surrounding vicinity. The designated critical habitat is 100-miles northwest of the subject site.	No Effect.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	USFWS Endangered NESL RCS-41-08 Group 2	Cottonwood/willow and tamarisk vegetation communities along rivers and streams. Designated habitat in this area of Arizona only includes the Little Colorado River. Elev. < 8500 ft.	Unlikely to occur. There is neither riparian habitat nor tamarisks on-site or in the vicinity.	No Effect.
Three Forks springsnail (<i>Pyrgulopsis trivialis</i>)	USFWS Endangered NESL RCS-41-08 Not Listed	Rheocrene springs, seeps, marshes, spring pools, outflows and diverse lotic waters. Distribution limited to Boneyard Creek and Boneyard Bog Spring complexes in the North Fork of the East Fork Black River watershed. Critical habitat is designated for 17.2 acres (77 FR 23060).	Unlikely to occur. The habitat lies in southeastern Apache County, over 100 miles from the subject site.	No Effect

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Zuni bluehead sucker (<i>Catostomus discorbolus yarrowi</i>)	USFWS Proposed Endangered NESL RCS-41-08 Not Listed	Small streams in low velocity, moderate deep pools, and pool-runs with seasonal dense algae. The fish is found in two drainages on the Navajo Nation (1.) Kinlichee Creek [Little Colorado River] and (2.) Canyon de Chelly [San Juan River]. Elevations over 6,000 ft.	Unlikely to occur. The closest habitat would be Kinlichee Creek, which lies approximately 20-miles east of the subject site.	No Effect.
Zuni fleabane (<i>Erigeron rhizomatus</i>)	USFWS Threatened NESL RCS-41-08 Not Listed	Selenium-rich red or gray detrital clay soils derived from the Chinle and Baca formations at elevations between 7,300 and 8,000 ft.	Unlikely to occur. The subject site does not contain the necessary soils and is at a substantially lower elevation.	No Effect.
New Mexico meadow jumping mouse (<i>Zapus hudsonius luteus</i>)	USFWS Candidate NESL RCS-41-08 Not Listed	Nests in dry soils but also uses moist, streamside, dense riparian/wetland vegetation. The New Mexican jumping mouse is diminished to 6 populations in the White Mountains, Arizona. An inventory and status assessment throughout its historical range in Arizona is currently being conducted.	Unlikely to occur. There are no springs or riparian habitats in the vicinity. The current habitat analysis shows the populations to be in central and southern Apache County, approximately 80-miles southwest of the subject site.	No Effect.

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

<i>Common Name (Species Name)</i>	<i>Status</i>	<i>Range or Habitat Requirements</i>	<i>Potential for Occurrence in Project Area</i>	<i>Determination of Effect</i>
Northern Mexican Gartersnake (Thamnophis elegans megalops)	USFWS Candidate NESL RCS-41-08 Not Listed	Cienegas, stock tanks, large river riparian woodlands and forest, streamside gallery forests. Elevation range is 130 - 3500 ft.	Unlikely to occur. There is no habitat due to the lack of vegetation. Further, there are no riparian woodlands or forests in this area of the Reservation. There have been no observations of the species on-site.	No Effect.
Roundtail chub (Gila robusta)	USFWS Candidate NESL RCS-41-08 Group 2	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams. Elevation range is 1,000 – 7,500 ft.	Unlikely to occur. There is no permanent aquatic habitat in the vicinity that is similar to that associated with this species.	No Effect.
Yellow-billed cuckoo (Coccyzus americanus)	USFWS Candidate NESL RCS-41-08 Group 2	Large blocks of riparian woodlands (cottonwood, willow, or tamarisk galleries). Elev. < 6500 ft.	Unlikely to occur. There is no habitat. There are no riparian woodlands or forests in this area of the Reservation.	No Effect.
Arizona Willow	Conservation Agreement between USFWS, Forest Service and Park Service. NESL RCS-41-08 Not Listed	Unshaded or partially shaded wet meadows, streamsid es and cienegas; typically in or adjacent to perennial water. Known in the vicinity of Mount Baldy, on the Apache-Sitgreaves National Forest, and private land at elevations greater than 8,000 ft.	Unlikely to occur. There is no habitat and the site's elevation (6,100 ft.) is substantially below the species' range.	No Effect.

Federally Listed Species Potentially Occurring in Apache County, Arizona
(USF&W Listing 1/31/13 - current on 7/8/13 and
NAVAJO ENDANGERED SPECIES LIST – Sept 10,2008)

Common Name (Species Name)	Status	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Gooddings Onion (<i>Allium gooddingii</i>)	Conservation Agreement between USFWS, USFS. NESL RCS-41-08 Not Listed	Shaded sites on north- trending drainages, on slopes, or in narrow canyons, within mixed conifer and spruce fir forests.	Unlikely to occur. There is no habitat and the site's elevation (6,100 ft.) is substantially below the species' range.	No Effect.

3.4.4 Agriculture/Farmland

The site has not been in agricultural use. Some localized grazing has been allowed, but the land does not lie within a current livestock permitted area. There are no prime or unique farmland in the immediate project area.

3.5 Cultural Resources *[The status of Cultural Resource Investigations on the Site]*

The Navajo Nation Historic Preservation Department (NNHPD) conducted a survey of the site reflected in report #HPD-09-1040 (Appendix D). Transects 15-feet apart were performed by Antoinette Kurley-Begay of the Department in August of 2009. Two sites were found: AZ-P-19-52 and AZ-P-19-53, together with four Isolated Occurrences. It was determined that none were eligible for listing as historic properties.

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

Following reviews on-site and research, Clearance was issued in October 2009 by the Navajo Nation Archeology Department (Appendix D).

3.6 Socioeconomic Conditions *(The status of the residents of the area impacted by the proposed action)*

3.6.1 Employment and Income

According to American Factfinder (Cornfields Chapter Navajo; custom data search), there are 61 people in the Labor Force in the Cornfields Chapter, of which only 37 are employed. The unemployment rate is severe at 39.3%. Per Capita income is low at \$9,399. Primary employment categories include Educational, Recreation, Ranching and Food industries.

3.6.2 Population and Demographic Trends

According to the U.S. Census 2010 Census Summary File DP-1 for Cornfields, the total population in the census tract is 911, though the extended area served may include as many as 1600 residents. The median age was 35.4 years. The census also shows 355 housing units with 286 of them occupied. The average household size is 3.06 persons. In comparison, the U.S. average is about 2.5 people per household.

3.6.3 Lifestyle and Cultural Values

Generally speaking, the communities of the Navajo Nation comprise a variety of people and lifestyles. Residents in Cornfields are generally isolated with the nearest commercial outlet at least ten (10) miles away. Due to the remoteness of the chapter and the community, there is a lack of jobs. A majority of the people still rely on livestock and farming for subsistence, if working locally. The few people who have jobs commute out of the community. Most residents practice the traditional Navajo lifestyle or live a combination of traditional and modern lifestyles. Individual lifestyles reflect cultural values, attitudes, and expectations.

3.6.4 Community Infrastructure

The following infrastructure systems are in effect for the Cornfields Chapter area of the Navajo Reservation

- **Water:** Water services in the area are predominately provided for home sites. The Indian Health Services (IHS) designed and provided these existing services for the home sites. There is a six (6") inch main pipeline along Navajo Route 15 with lateral pipelines feeding the homesteads. After a year of operation IHS turns these water services over to NTUA for operations and maintenance. There are water sources in the vicinity of the potential development site.
- **Sewer:** The sewer conveyance piping for a central sewage collection system is not available at the site. The only central collection sewer pond system is at the Chapter House area supporting facilities around the Chapter House and the Navajo Housing Authority (NHA) housing development adjacent to the Chapter House.

- **Power:** Three phase power would be needed for the potential development sites. The subject site has both single-phase and three-phase power available. The overhead line runs longitudinally through the Cornfields Junction Property. Portions will need to be relocated to accommodate property development.
- **Natural Gas:** Natural gas service is not available in the immediate area. The service would have to be piped from Ganado, Arizona. Liquefied Petroleum Gas (LPG) may have to be considered if the development sites are going to require gas service.
- **Telecommunications:** Frontier Communications is the provider for telephone and internet services in the Cornfields Chapter area. The telephone lines and fiber optics cabling are provided adjacent to power line provider lines. This may be aerial lines on existing telephone poles or direct burial cable in the ground.

3.7 Environmental Justice

The proposed project is located in Cornfields Chapter where 98% of the population is Native American. Federal agencies are required to evaluate issues related to environmental justice where it is defined as the pursuit of equal justice and equal protection under the law for all environmental statutes and regulations without discrimination based on race, ethnicity, and/or socioeconomic status. No environmental justice issues were indentified.

3.8 Indian Trust Assets

Except for management of allotment lands, no Indian Trust Resources are found in the project area.

3.9 Hazardous Materials *[Primary Research was performed using mapping data at the EPA Envirofacts Warehouse website and the Arizona Department of Environmental Quality website.]*

3.9.1 RCRA Sites

Based on the EPA data base, there are no Subtitle C or Subtitle D sites involving hazardous waste near the proposed site. The closest RCRA sites are in the Town of Ganado.

3.9.2 RCRA Subtitle I Sites

No underground storage tanks were evidenced in a site visit and none appear on the RCRA search or in a search of ADEQ records. No underground storage tanks will be installed as part of the proposed project.

3.9.3 Toxic Substances

Based on site visits and the U.S. EPA Envirofacts website (www.epa.gov/enviro), no Toxic Substances Control Act sites occur on or near the project area. No toxic substances will be used, generated, handled, or stored on or near the project site as part of the construction or operation of the proposed project.

3.10 Resource Use Patterns *[The following resources or land uses are not found in the project area: hunting, fishing, gathering, timber harvesting, mining, or solid waste dumpsites. However, the following land uses or practices occur in this region: transportation network, land use plans, and agriculture.]*

3.10.1 Transportation Corridors

The site fronts on Navajo Route 15 at its intersection with Route 151 which access the main Cornfields governmental and residential area. NR15 is the principle corridor between Dilkon and Burnside Junction. The property sits at the top of the “tee” intersection, with NR15 being continuous and Route 151 being the “leg”. Both roads are paved two-lane roads.

Traffic utilizing the NR15 corridor access not only Cornfields, but also Ganado, Chinle and Canyon de Chelly. All other roads in the immediate area are of dirt, including a dirt road that aligns with Route 151 at the intersection. This dirt road accesses residential development that is northwest of the property.

3.10.2 Agriculture:

The 11-acre site is not and has not been in agricultural use, as referenced previously in Section 3.4.4.

3.10.3 Land Use Plans:

Several Land Use Planning exercises have been performed over the years. Documentation includes the following:

- Cornfields Chapter: Community Land Use Plan 2005 (April 29,2005); [Jones & Stokes]
- Strategic Planning: Cornfields Chapter: Among the Rabbit Brush
- Cornfields 4 Commercial Sites Economic Feasibility Study (June 2013); [Southwest Business Development Consultants]

The proposed project site and the proposed project elements are reflected in the previous Land Use Plans and Strategic Planning that has been performed.

3.11 Other Values

3.11.1 Wilderness Areas

There are no wilderness areas near the subject Cornfields Junction site.

3.11.2 Noise and Light

The primary noise generator in the area is traffic on Navajo Route 15. The traffic is not of sufficient levels to create a noise nuisance.

3.11.3 Visual

The subject site has views generally to the southeast toward the Pueblo Colorado Wash. No scenic byways or scenic areas protected by law occur in the project area.

3.11.4 Public Health and Safety

The Cornfields Chapter community is primarily served via services provided out of Ganado Arizona, approximately ½-hour away by Road. Police and Fire Services are from that location. Medical services are provided by Sage Memorial Hospital, a private facility also located in Ganado.

4 – ENVIRONMENTAL CONSEQUENCES

[This section discusses the impacts on the natural or human environment as a result of the proposed action. The section also lists mitigation measures that reduce or eliminate any impacts that are identified.]

4.1 Land Uses

4.1.1 Topography

Since the Cornfields Junction site is principally flat, the existing topography will not substantially be changed. Therefore, no impact on the site's topography is anticipated.

4.1.2 Soils

Soils will be disturbed during the construction of project elements. The extent of soil erosion will be minimal, not only due to the nature of the soils, but also because the project is designed to conform to the existing topography without appreciably altering drainage patterns.

4.1.3 Geology Setting, Mineral, and Paleontological Resources

No mining is proposed as a part of this project, so no impact to the geological or mineral resources is contemplated.

4.2 Water Resources

4.2.1 Groundwater and Surface Water

As described under "4.1.2 Soils" previously, no impact on drainage is anticipated. Due to the quantity and depth of groundwater resources in the immediate area, no appreciable impact on groundwater resources are anticipated. Water demand is also limited by the nature of facilities that are planned for the site, most of which are low-impact outdoor uses.

4.2.3 Floodplains

There are no floodplains in the immediate area of the proposed project; therefore, there will be no impacts.

4.2.4 Wetlands, Riparian Areas, and Wild and Scenic Rivers

There are no Wetlands, Riparian Areas, or Wild & Scenic Rivers in the area of the proposed project or nearby; therefore, there will be no impacts.

4.3 Air Quality

4.3.1 Quality/Visibility

The construction of the project will cause some increase in localized particulate matter that can be mitigated by implementing dust control measures during the construction period(s). The impacts will be short term and minor.

Mitigation: Minimize fugitive dust during the construction period by applying water to the ground.

4.3.2 Climate/Meteorology

The surrounding area's climate and meteorology will not be impacted by the proposed project.

4.4 Living Resources

4.4.1 Vegetation

Removal of any vegetation is limited to removal of some native grasses. Impacts on vegetation in the area will be minimal.

4.4.2 Wildlife

No wildlife was observed during site visits; therefore no impact on wildlife is anticipated.

4.4.3 Federally Listed Threatened and Endangered Species

The biological evaluation showed that the site contains no habitat for the majority of species on the Federal and Navajo lists. Individual species may have slight losses of potential habitat, but due to the proposed projects size and type, the impact will be long-term, but negligible.

4.4.4 Agriculture/Farmland

No agricultural uses exist on-property and the property is not significant as Prime farmland. There will be no impact.

4.5 Cultural Resources

The two Sites and four Isolated Occurrences have been determined to be non-eligible. Therefore, no impact on Cultural Resources is foreseen. However, construction specification shall require that any discovery of artifacts be reported.

Mitigation: Construction specifications shall state that: "In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified."

4.6 Socioeconomic Conditions

4.6.1 Employment and Income

The proposed project should have a positive impact on employment and income. The impact however will be relatively small, but will be long-term.

4.6.2 Population and Demographic Trends

No impacts on local population or demographic trends are expected to be generated by this Cornfields Junction property development project.

4.6.3 Lifestyle and Cultural Values

No impact on lifestyle or cultural values is expected to be generated by this project.

4.6.4 Community Infrastructure

Improvements will be necessary to Community infrastructure in the area. Electric, telecommunications and roadway access are developed. Water and sewer development are expected to be on-site as a portion of the proposed project's development. These will be new systems and will not impact the Community's existing water and wastewater capacities or systems.

4.7 Environmental Justice

The Community is comprised of low-income minority residents. Based on the purpose of the project and the nature of the project, only positive benefits are expected from its implementation. No negative impacts are anticipated.

4.8 Indian Trust Assets

There are no listed Trust Assets in the area; therefore no impact on trust assets is contemplated.

4.9 Hazardous Materials

There are no RCRA sites in the vicinity and no toxic substance sites, so there is no impact on the proposed project. The proposed project does not include any elements that would generate hazardous or toxic materials; therefore, there is no impact from implementing the proposed project.

4.10 Resource Use Patterns

4.10.1 Transportation Corridors

Since the purpose of the project is primarily to capture existing traffic along Navajo Route 15, only a minor impact will occur during the construction and operations of the proposed project.

4.10.2 Agriculture

There is no agricultural use existing on the property; therefore, there will be no impact.

4.10.3 Land Use Plans

The proposed project is a continuation of existing studies that have identified the site and the elements of the project on the site. The proposed project is in conformance with previous planning activities.

4.11 Other Values

4.11.1 Wilderness Areas

There are no designated wilderness areas in the vicinity; therefore, there will be no impact.

4.11.2 Noise and Light

There will be a local increase in noise during the construction period. Ambient noise would return to pre-development levels once construction is complete. The proposed project will have no long-term impact to ambient noise levels.

The installation of security lighting will increase light levels in the long-term; however, the use of "Dark Sky" fixtures and photometric design to minimize light-bleeding will contain light level increases within the project boundaries, minimizing impacts on surrounding property.

Mitigation: On-site lighting shall consist of "Dark Sky" fixtures and shall be designed to minimize any light-bleeding into surrounding properties.

4.11.3 Visual

The project includes development of a portion of the overall Cornfields Junction property with multiple buildings and parking. The buildings are of a relatively small scale and all are planned as single-story structures. The area surrounding the development property is similarly developed with sporadic single-story residences with multiple outbuildings. The impacts to the visual setting are long-term, but minimal.

4.11.4 Public Health & Safety

No negative impact to the Health & Safety of the Cornfields Community is expected to result from the proposed project. In fact, if the proposed project is implemented with the proposed EMS facility, the Health & Safety of the Cornfields Community will be enhanced.

4.12 Cumulative Impacts

The impacts resulting from project activities are minor in the form of temporary and highly localized surface disturbances. Cumulative impacts result from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency or person undertakes these actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time.

No adverse cumulative impacts are anticipated as a result of the proposed project.

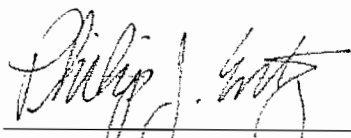
5 – LIST OF PREPARERS

Preparer/Title	Task	Company/Agency
Philip J. Entz, Pres Project Manager	Preparation of EA	UrbanTech Ltd.
Al Francis Senior Project Manager	Utilities and Regulatory Coordination	Arcadis US
Timothy O'Neill PE Engineering Consultant	Utility Demands and Drainage Considerations	O'Neill Engineering LLC
Dave Ullrich Planning Consultant	Drainage considerations and mapping	O'Neill Engineering LLC
Douglas Stroh Architectural Consultant	Architectural Considerations	Stroh Architecture Inc.
Linda Laughing ASO Cultural Resources	Cultural Resource Clearance	Navajo Nation Archeology Department
Antoinette Kurley-Begay Principal Archeologist	Cultural Resource Inventory	Navajo Nation Archeology Department

6 – CONSULTATION AND COORDINATION

Name	Title	Company/Agency
Justin Johnson	President	Cornfields Chapter
Jimmy Taliman Sr.	Vice President	Cornfields Chapter
Elizabeth Johnson	Chapter Manager	Cornfields Chapter
Cecelia White	Resident	Cornfields Chapter
Joyce Moore	Resident	Cornfields Chapter
Charlie Taliman	Resident	Cornfields Chapter
Gordon Dempsy	Resident	Cornfields Chapter
Bertha Dempsy	Resident	Cornfields Chapter
Kevin S. White	Resident	Cornfields Chapter
Alton Shepherd	Council Delegate	Navajo Nation
Ralph T. Begay	Representative	Ft. Defiance Regional Business Development Office, Division of Economic Development
Gregory Bahe	Civil Engineer	Navajo Tribal Utility Authority
Anslem Harney	Representative	CRBDO / FDRBDO

7 - DOCUMENT PREPARER'S SIGNATURE



Philip J. Entz AICP
Principal Investigator

17 January 2014

Date

8 – REFERENCES

LAWS:

The Clean Air Act as amended (42 USC 7401 et seq.)
National Historic Preservation Act, as amended (16 USC 470)
Archaeological and Historic Preservation Act
Native American Graves Protection and Repatriation Act
Archaeological Resources Protection Act
Threatened and Endangered Species Act of 1983, as amended (16 USC 1531 et seq.)
American Indian Religious Freedom Act of 1978 (42 USC 1996)
Resource Conservation and Recovery Act of 1976 (43 USC 6901, et seq.)
Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (43 USC 9615)
Clean Water Act of 1977 (33 USC 1251 et seq.)
Indian Gaming Regulatory Act (25 USC 2701, et seq.)
Energy Policy Act of 2005

EXECUTIVE ORDERS:

E.O. 12898, Environmental Justice, February 11, 1994
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E.O. 131189, Responsibilities of Federal Agencies to Protect Migratory Bird, January 10, 2001
E.O. 11990, Protection of Wetlands, May 24, 1977
E.O. 13007, Indian Sacred Sites, May 24, 1996

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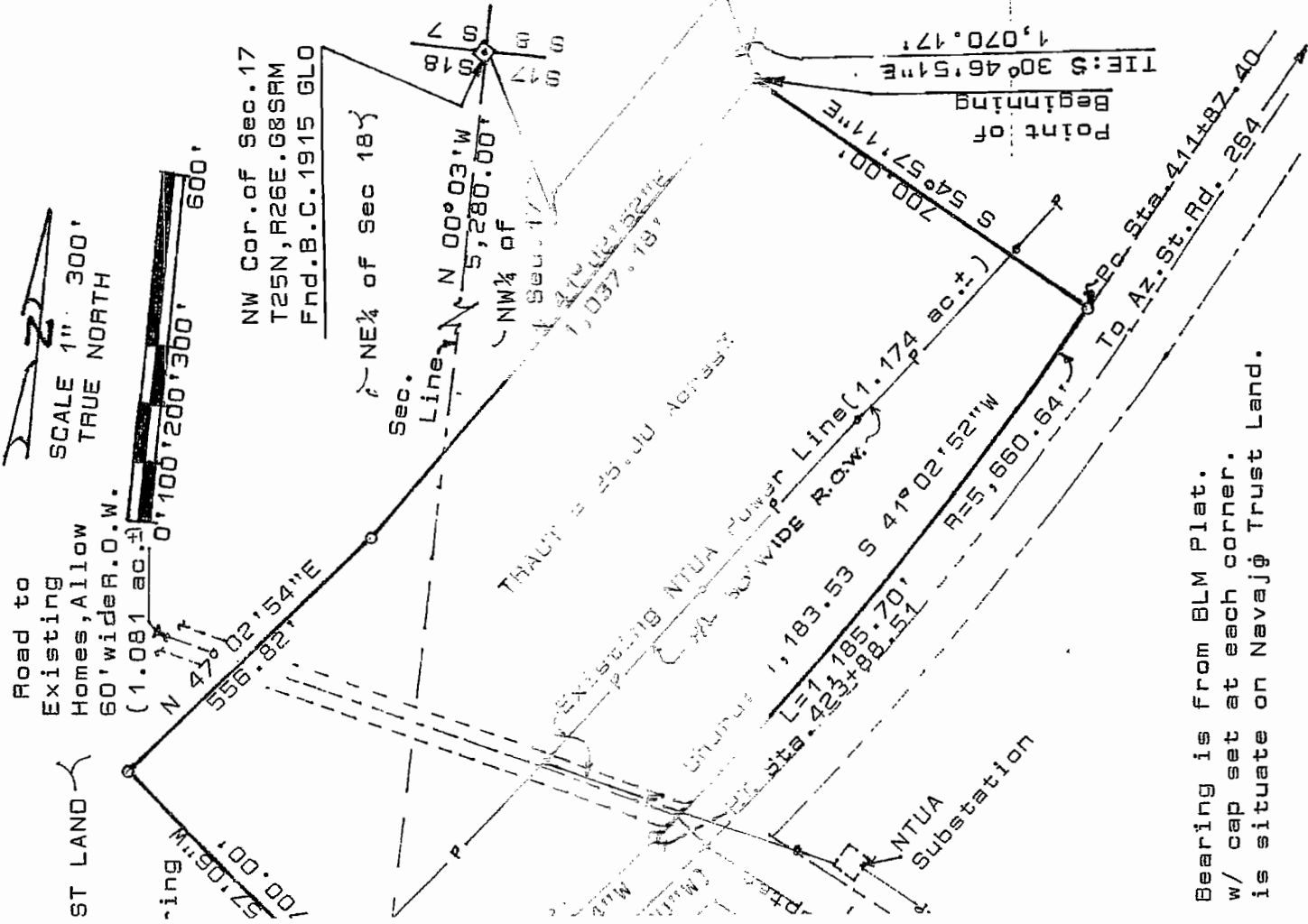
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Appendix A
Property Survey



CORNFIELDS CHAPTER BUSINESS SITE TRACT
IN THE NW¼ OF SEC. 17 AND THE NE¼ OF SEC. 18, T25N, R26E, G8SRM
CORNFIELDS, APACHE COUNTY, ARIZONA
February 16, 2007

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER (NW¼) OF SECTION 17 AND THE NORTHEAST QUARTER (NE¼) OF SECTION 25 NORTH, RANGE 26 EAST, GILA AND SALT RIVER MERIDIAN, VICINITY OF CORNFIELDS COMMUNITY CHAPTER CORNFIELDS, APACHE COUNTY, ARIZONA MORE PARTICULARLY AS FOLLOWS:

COMMENCING at a Brass Cap, the NW corner of said section 17, thence run S 30° 46' 51" E a distance of 1,070.17 feet to the corner and the point of beginning of the herein described tract, thence S 54° 57' 11" E a distance of 700.00 feet to a point on the west R.O.W. Line of Navajo Route 15, of curve, the road center line station 411+87.40; Thence along the said West R.O.W. line and along a curve to the right, its Long Chord bears S 41° 02' 52" E of 1,183.53 feet; Arc length 1,185.70 feet and the S 560.64 feet, to a point of tangency, sta. 423+88.51. Thence continue of the said West R.O.W. Line S 47° 02' 52" E of 556.82 feet to the SE corner; Thence N 42° 57' 06" W a distance of 700.00 feet to a point of beginning of the herein described tract, thence N 47° 02' 54" E a distance of 556.82 feet to a point of beginning of the herein described tract, thence N 41° 02' 52" E a distance of 1,037.18 feet to the beginning.

The enclosed described area comprises of 27.255 acres LESS 1.174 acres occupied by NTUA existing power line. Existing road is 1.081 acres, the remainder 25.00 acres business site.

SURVEYOR'S CERTIFICATION

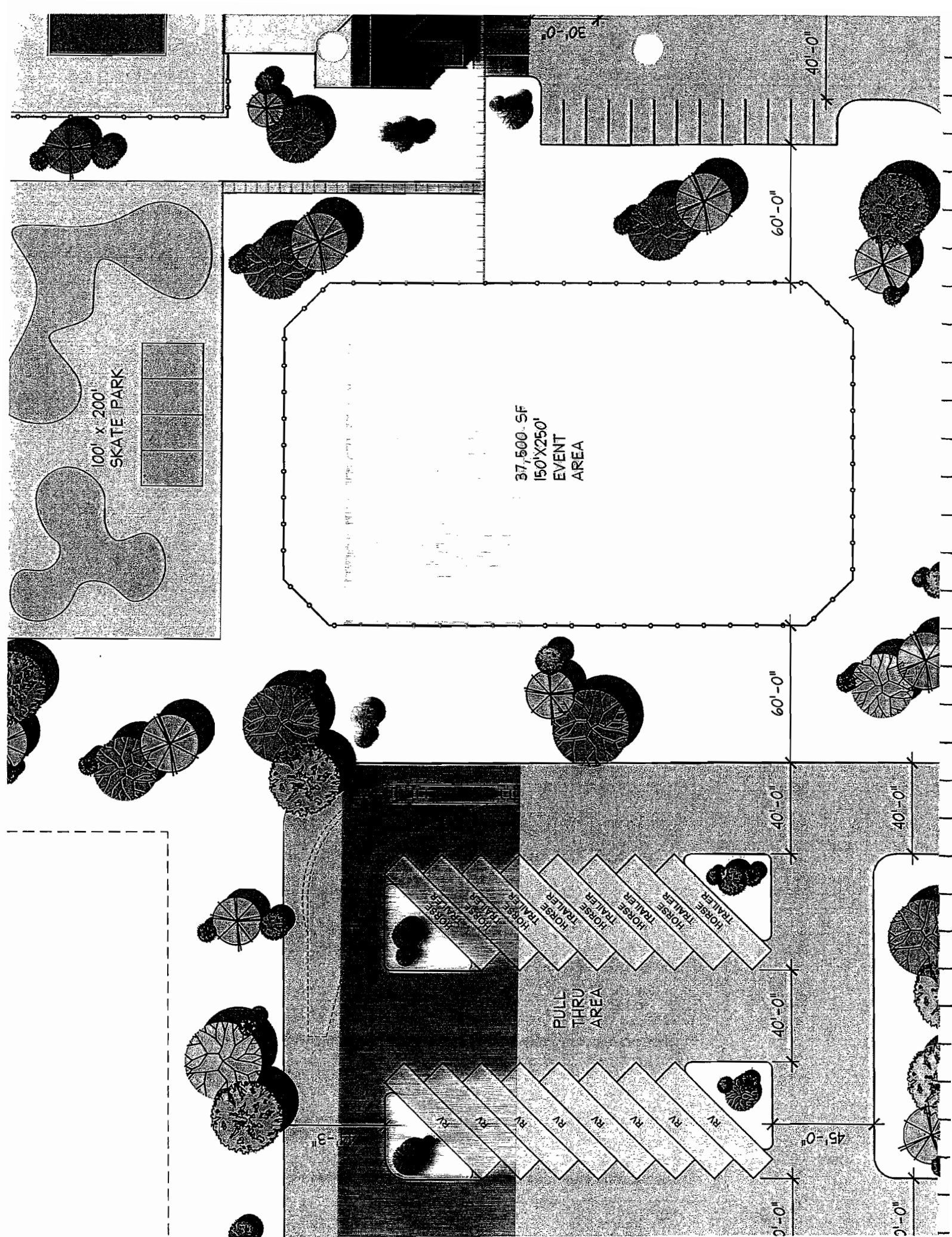
I, Jerry J. House, a duly qualified Registered Land Surveyor under the law of the State of Arizona, do hereby certify that this survey and the plat as shown hereon were prepared from the actual survey by me or under my direct supervision and that they are true and correct to the best of my knowledge and belief.

Jerry J. House
[Signature]

Arizona Certification No. 14687

Bearing is from BLM Plat. w/ cap set at each corner. is situate on Navajo Trust Land.

Appendix B
Development Plan



Appendix D
Cultural Resources Clearance

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4960
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO

AZ SHPO
XX REAL PROPERTY MGT. COO
NNAD

NNHPD NO. HPD-09-1040
OTHER PROJECT NO. _____

NNAD 09-333

PROJECT TITLE: ~~A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County,~~
Arizona

LEAD AGENCY: BIA/NR

SPONSORS: Elizabeth Johnson Cornfields Chapter P.O. Box 478 Ganado, Arizona 86505

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a business tract with associated facilities within the 25.0 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Cornfields

LOCATION: T.26N, R.26E; Sections 17 and 18; Cornfields Quadrangle; Apache County, Arizona; G&SRPM&B

PROJECT ARCHAEOLOGIST: Antoinette Kurtev-Begay

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 8/10/09 and 8/20/09

DATE OF REPORT: 9/22/09

TOTAL ACREAGE INSPECTED: 36.85

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

LIST OF CULTURAL RESOURCES FOUND:

(2) Sites AZ-P-19-52 and AZ-P-19-53, (4) Isolated Occurrences (IO)

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

(2) AZ-P-19-52 and AZ-P-19-53 and (4) IO

LIST OF ARCHAEOLOGICAL RESOURCES:

None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 371-7148.

FORM PREPARED BY: Ettie Anderson

FINALIZED: October 14, 2009

Notification to
Proceed Recommended:
Conditions:

Yes XX No _____
Yes _____ No XX

Jan S. Downer 10/22/09
Navajo Nation Historic Preservation Officer Date

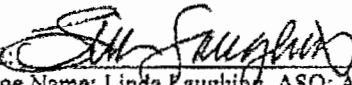
Navajo Region Approval:

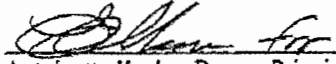
Yes 1 No _____

Regional Director 10-22-09
Date

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN 99)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona AUTHOR: Antoinette Kurley-Begay		5. FIELDWORK DATES August 10 & 20, 2009
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Linda Laughing Org. Name: Navajo Nation Archaeology Department Org. Address: P. O. Box 689 Window Rock, Arizona 86515 Phone: (928) 871-6540		6. REPORT DATE September 22, 2009
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Elizabeth Johnson, Chapter Coordinator Org. Name: Cornfields Chapter Org. Address: P.O. Box 478 Ganado, Arizona 86505 Phone: mobile: (928) 755-5911		8. Permit No. NTC
		9. Consultant Report No. NNAD 09-333
		11. SPONSOR PROJECT NO. N/A
		12. AREA OF EFFECT: 25.00 acres (10.13 ha) AREA SURVEYED: 36.85 acres (14.92 ha)
13. LOCATION (MAP ATTACHED):		
a. Chapter: Cornfields b. Agency: Fort Defiance c. County: Apache d. State: Arizona e. Land Status: Tribal Trust f. UTM Center: See Supplemental Sheet g. Area: See Supplemental Sheet h. 7.5' Map Name(s): Cornfields, Ariz., 1972		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) //		
a. Description of Undertaking: The Cornfields Chapter proposes to utilize the parcel of land for a proposed business tract. The parcel of land will be used to construct business buildings and associated facilities within the 25-acre business tract. The area of potential effect measures 700 feet (213.41 m) by 556.82 feet (169.76 m) by 1,037.18 feet (316.16 m) by 700 feet (213.41 m) by 1,183.53 feet (360.83 m) by 556.82 feet (169.76 m). Ground disturbance, both surface and subsurface, will be extensive. The lead federal agency for this proposed undertaking is the Bureau of Indian Affairs. b. Existing Data Review: See Supplemental Sheet c. Area Environmental & Cultural Setting: The project is located in the Cornfields Chapter. The nearest water source is the Pueblo Colorado Wash located approximately 2,349 feet (716.16 m) east of the project area. The elevation of the project area is 6140 feet (1872 m). Vegetation consists of snakeweed, rabbitbrush, Russian thistle, bunchgrass, and prickly pear cactus. Soils in the project area consist of aeolian sand and silt. The cultural setting is rural with recent development consisting of repavement of highway Navajo Route 15, a gravel road, a water line, a power line, and nearby houses. d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS:		
a. Location/Identification of Each Resource: See Supplemental Sheet b. Evaluation of Significance of Each Resource (above): See Supplemental Sheet		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): The isolated occurrences do not appear to Register-eligible properties, therefore, a determination of no historic properties affected for the areas containing the isolated occurrences with no further stipulations. Both of the sites appear to lack buried cultural material therefore neither site appear to be Register-eligible properties. Further, neither of the two sites appears to merit protection under ARPA or AIRFA. Thus, a determination of no historic properties affected is recommended for the area of the two sites since both sites appear to have exhausted their research potential through recordation.		

17. CERTIFICATION: SIGNATURE:  DATE: 9/24/09
General Charge Name: Linda Laughing, ASO; Acting Department Manager

SIGNATURE:  DATE: September 22, 2009
Direct Charge: Antoinette Kurley-Begay, Principal Archaeologist

13. LOCATION:

f. UTM Center	<u>Northring</u>	<u>Easting</u>	<u>1/4</u> <u>1/4</u> <u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
g. Area:						
Northwest Corner	3946839	517664	SW, NW, NW	17	26N	26E
Northeast Corner	3946759	517858	SE, NW, NW	17	26N	26E
East Bend	3946585	517757	NE, SW, NW	17	26N	26E
Southeast Corner	3946321	517483	SE, SE, NE	18	26N	26E
Southwest Corner	3946512	517343	E 1/4, SE, NE	18	26N	26E

14. REPORT:

- b. Existing Data Review: A check of Navajo Nation Historic Preservation Department (NNHPD) and NNAD Shiprock Office archival records indicated that seven projects; NNHPD 89-382, 94-615, 98-287.1, 99-22, 03-1250, 04-451, and 06-268, have been conducted within a 500-foot (152-m) radius of the project area. One previously recorded archaeological site was also recorded under NNHPD 99-22.

A Check of Van Valkenburgh (1974) revealed that the nearest sacred area is Buell Park (*Tsé zhin hodóo klizh*—Black Rock in a Blue Area), located approximately 50 miles (31 km) northwest of the project area.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by Clyde Kluckhohn, pp. 9-199. Garland Publishing, New York, New York.

- d. Field Methods: An archaeological survey was conducted by Antoinette Kurley Begay, Matthew Pettigrew, Aleda Myerson, and Alviera Lee of the NNAD. A traditional cultural property (TCP) interview with Nellie Kurley, a local resident of the area, and with Jimmy Taliman, Cornfields Chapter President, was conducted by the archaeologists after of the archaeological inventory was completed. Locational information of the project area was collected utilizing a Global Positioning System (GPS). Although the project area discussed herein was previously staked, the stakes indicating the project area corners were not relocated; therefore, points derived from a GIS ArcMap program provided the archaeologists with project area points which were uploaded into a GPS unit and utilized to identify the project area in the field. A Class III pedestrian survey was conducted on the proposed 25.00 acre (10.13 ha) business tract. This inventory also included a 50-foot (15.24-m) wide buffer zone located on all sides of the 25.00-acre proposed business tract. The project area was examined by the four NNAD archaeologists walking a series of east-west parallel transects across the project area. The parallel transects were spaced about 7 m (22.96 feet) apart. A total of 36.85 acres (14.92 ha) of land was examined under this project.

15. CULTURAL RESOURCE FINDINGS:

- a. Location/Identification of Each Resource: Two archeological sites (AZ-P-19-52 and AZ-P-19-53) and four isolated occurrences (IOs) were identified during the archaeological inventory. Both of the archaeological sites are located within the southern half of the proposed business site tract. The two archaeological sites are identified as an Anasazi specialized activity areas—artifact scatters. No features were associated with either site. IO 09-333-1 consists of one plain gray ware sherd. IO 09-333-2 consists of one plain gray ware sherd and two indented corrugated sherds. IO 09-333-3 consists of one indented corrugated sherd. IO 09-333-4 consists of one multidirectional core of a rhyolite material. Two of the IOs (09-333-2 and 4) were noted on the west-central portion of the project area, while the remaining two IOs (09-333-1 and 3) were noted within the 50-foot-wide buffer zone.
- b. Evaluation of Significance of Each Resource (above): With regard to the current legislation, sites AZ-P-19-52 and AZ-P-19-53 possess integrity of location and setting. The sites are probably not eligible for nomination to the National Register under criteria a, b, or c. They also do not appear to qualify under criterion d since neither one of them appears to retain buried cultural material. Both of the sites appear to meet the 50-year eligibility guideline; however, neither of the sites appear to be a Register-eligible property. The two sites do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA; however, neither site are considered to be of archaeological interest. Thus, the two sites do not merit protection under ARPA. Finally, the sites do not appear to merit consideration under of AIRFA since neither site contains blessed structures or features.

The four IOs lack integrity and they are probably not eligible for nomination to the National Register under criteria a, b, c, or d. The isolates do meet the 50-year eligibility guideline; however, they do not appear to be Register-eligible properties. Although the isolates do meet the 100-year age requirement necessary for classification as an archaeological resource under ARPA, the isolates are no longer of archaeological interest. Therefore the isolates do not appear merit consideration under

ARPA. The isolates do not appear to merit consideration under AIRFA.

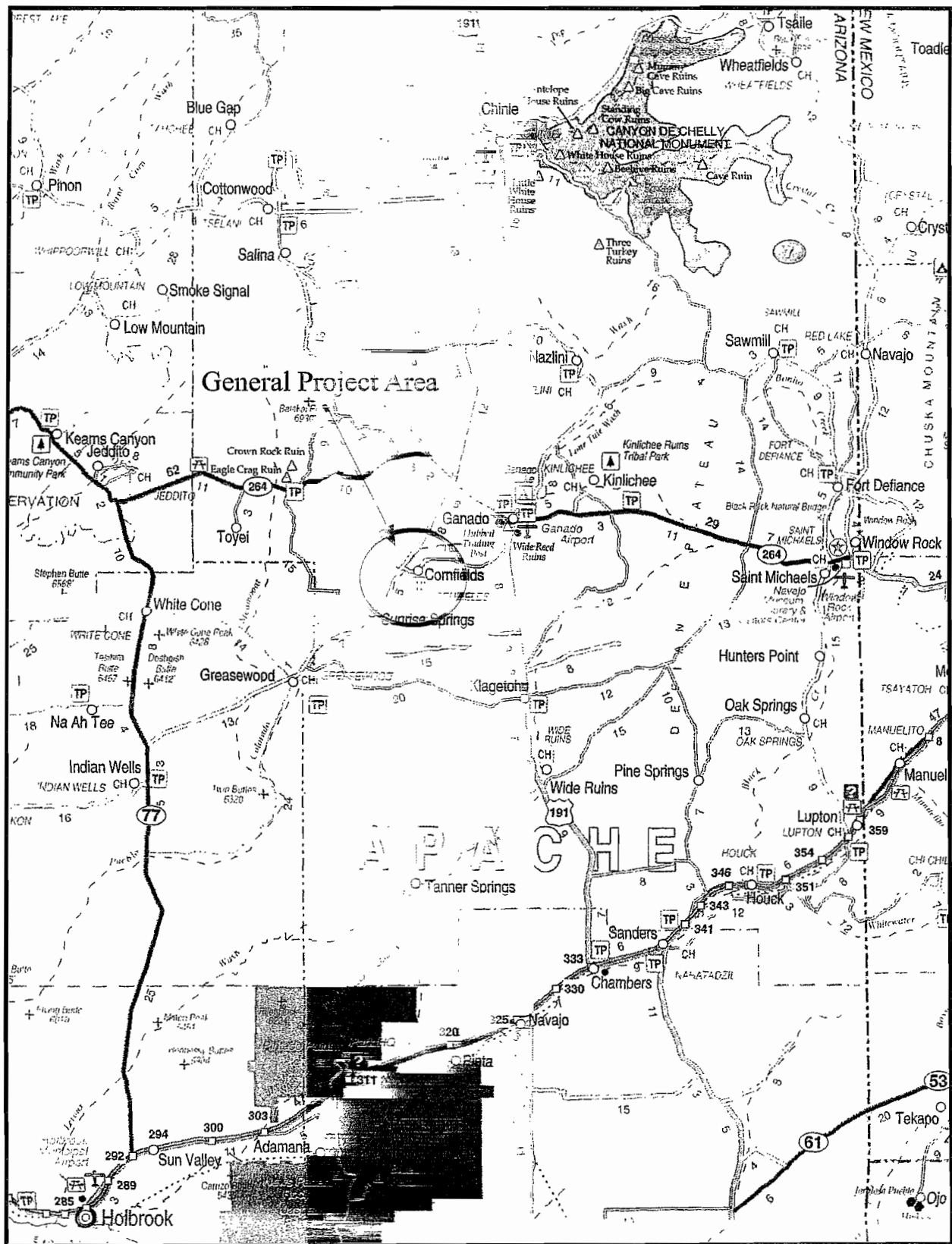


Figure 1. Vicinity map showing general project area. Indian County Regional Map, n.d., (NNAD 09-333).

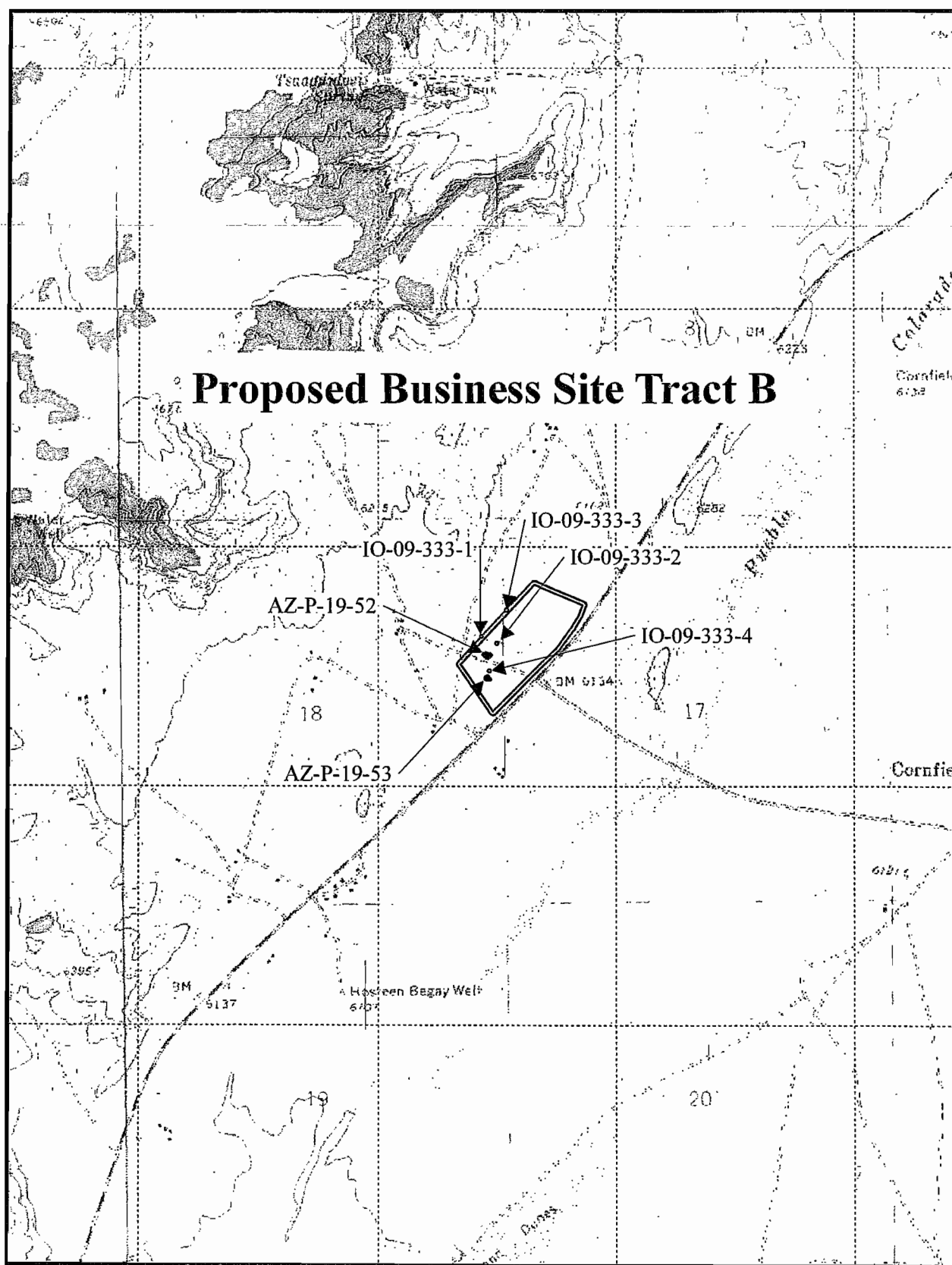


Figure 2. Location map showing project area and identified cultural resources. Cornfields, Ariz., 1972, 7.5' series USGS map; T.26N, R.26E, GSRPM (NNAD 09-333).

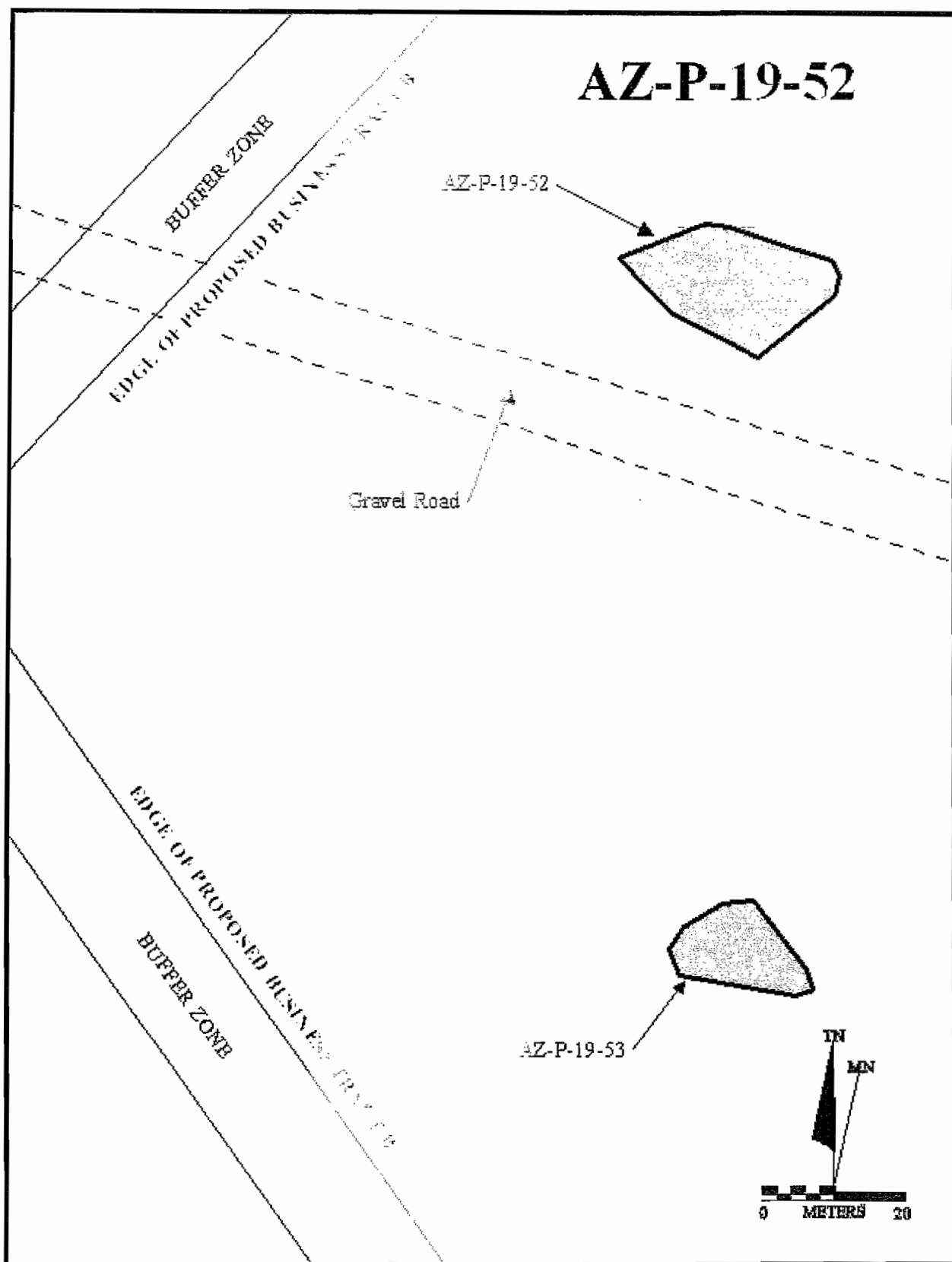


Figure 3. General plan map, Site AZ-P-19-52 (NNAD 09-333).

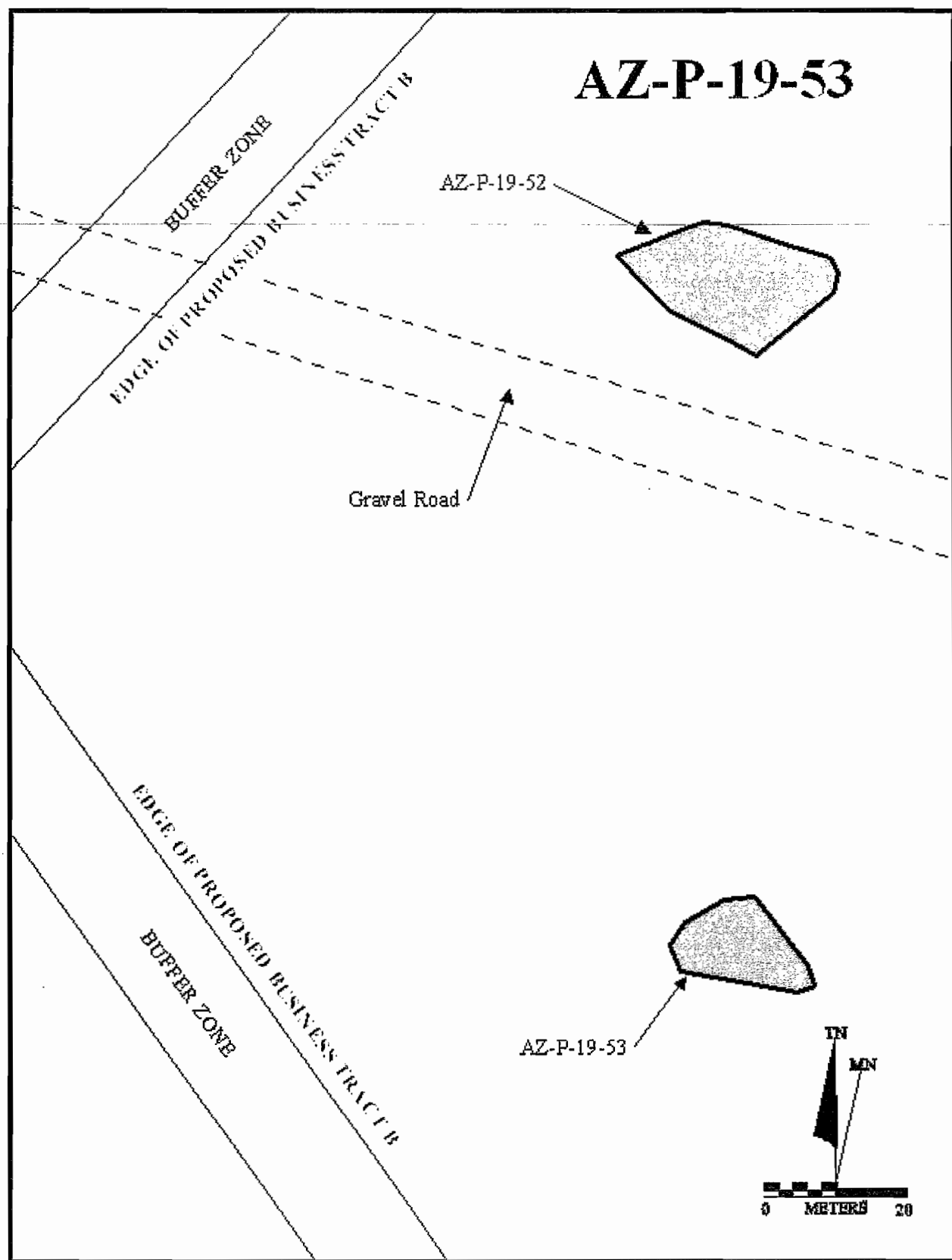


Figure 4. General plan map, Site AZ-P-19-53 (NNAD 09-333).

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Appendix C
Apache County USFWS Species

Apache County

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Apache (Arizona) trout	<i>Oncorhynchus gilae apache</i>	Threatened	Yellowish to yellow-olive cutthroat-like trout with large dark spots on body. Dorsal, anal, and caudal fins edged with white. No red lateral band.	Apache, Coconino, Gila, Graham, Greenlee, Navajo	> 5,000 ft	Streams and rivers generally above 6,000 ft. elevation with adequate stream flow and shading; temperatures below 77 degrees F; and substrate composed of boulders, rocks, gravel and some sand and silt.	Presently restricted to drainages in the White Mountains. Hybridization with introduced trout has complicated efforts to maintain the genetic purity of some populations. Special regulations (4d Rule) allow Arizona to manage the species as a sport fish (40 FR 29863).
Black-footed ferret	<i>Mustela nigripes</i>	Endangered	Weasel-like; yellow buff coloration with black on feet, tail tip, and eye mask. It has a blunt light colored nose and is 15-18 inches long and tail length is 5-6 inches.	Apache, Coconino, Navajo, Yavapai	< 10,500 ft	Grassland plains generally found in association with prairie dogs.	Unsurveyed prairie dog towns may be occupied by ferrets or may be appropriate for future reintroduction efforts. The Service developed guidelines for surveying prairie dog towns which are available upon request. No wild populations of this species are currently known to exist in Arizona. Reintroduced population exists in Aubrey Valley (Coconino County), Arizona.
California condor	<i>Gymnogyps californianus</i>	Endangered	Very large vulture (47 in., wingspan to 9 1/2 ft, weight to 22 lbs); adult plumage blackish, immature more brownish; adult wing linings white, immature mottled; head and upper parts of neck bare; yellow-orange in adults, grayish in mature.	Apache, Coconino, Mohave, Navajo, Yavapai	Varies	High desert canyons and plateaus.	Recovery program has reintroduced condors to Northern Arizona, with the first release (6 birds) in December 1996. The release site is located at the Vermillion Cliffs (Coconino County), with an experimental, nonessential area designated for most of Northern Arizona and Southern Utah. The area in Arizona is within a polygon formed by Hwy 191, Interstate 40, and Hwy 93, and extends north of the Arizona-Utah and Nevada borders. Breeding is documented in Arizona.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Chiricahua leopard frog	<i>Lithobates chiricahuensis</i>	Threatened	Cream colored tubercles (spots) on a dark background on the rear of the thigh, dorsolateral folds that are interrupted and deflected medially, and a call given out of water distinguish this spotted frog from other leopard frogs.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Navajo, Pima, Santa Cruz, Yavapai	3,281-8,890 ft	Restricted to springs, livestock tanks, and streams in upper portion of watersheds that are free from nonnative predators or where marginal habitat for nonnative predators exists.	Critical habitat is designated for 10,346 acres in Apache, Cochise, Gila, Graham, Greenlee, Pima, Santa Cruz, and Yavapai counties in Arizona; and Catron, Hidalgo, Grant, Sierra, and Socorro counties in New Mexico (77 FR 16324).
Little Colorado spinedace	<i>Lepidomeda vittata</i>	Threatened	Small (<4 inches long) silvery minnow.	Apache, Coconino, Navajo	4,000-8,000 ft	Moderate to small streams; found in pools and riffles with water flowing over fine gravel and silt substrate.	Critical habitat includes 18 miles of East Clear Creek, 8 miles of Chevelon Creek, and 5 miles of Nutrioso Creek (52 FR 35034).
Loach minnow	<i>Tiaroga cobitis</i>	Endangered	Small (<3 inches) slender, elongated fish, olive colored with dirty white spots at the base of the dorsal and caudal fins. Breeding males vivid red on mouth and base of fins.	Apache, Cochise, Gila, Graham, Greenlee, Navajo, Pinal, Yavapai	< 8,000 ft	Benthic species of small to large perennial streams with swift shallow water over cobble and gravel. Recurrent flooding and natural hydrograph important.	Presently found in Aravaipa Creek, Deer Creek, Turkey Creek, Blue River, Campbell Blue Creek, Little Blue Creek, San Francisco River, Eagle Creek, North Fork of the East Fork Black River, Boneyard Creek, and White River and East Fork White River in Arizona, and Dry Blue Creek, Pace Creek, Fieborn Creek, the San Francisco River, Tularosa River, Negrito Creek, Whitewater Creek, the East, Middle, and West Forks of the Gila River, mainstem upper Gila River, Bear Creek and Mangas Creek in New Mexico.
							Populations have been recently reintroduced in Hot Springs and Redfield canyons in Cochise and Graham counties; Fossil Creek in Gila County; and Bonita Creek in Graham County and Arizona. Critical habitat has been designated in Apache, Cochise, Gila, Graham, Greenlee, Pinal, and Yavapai counties, Arizona, as well as in Catron, Grant, and Hidalgo counties in New Mexico (77 FR 10810).

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Mexican gray wolf	<i>Canis lupus baileyi</i>	Endangered	Large dog-like carnivore. Head and feet are large in proportion to rest of body. Coat color varies with mix of brown, rust, black, gray, and white. Distinct white lip line around mouth. Adults weigh between 60-90 pounds.	Apache, Gila, Greenlee, Navajo	4,000-12,000 ft	Chaparral, woodland, and forested areas. May cross desert areas.	In January 1998, Mexican gray wolves were reintroduced as an experimental nonessential section 10(i) population under a program to re-establish the subspecies to a portion of its historical range (63 FR 1752). Wolves are released within the experimental boundary into a designated area known as the "Blue Range Wolf Recovery Area" (BRWRA) located in the Apache National Forest in Apache and Greenlee counties. Mexican gray wolves found outside of the experimental nonessential boundary are considered endangered. In 2002, the White Mountain Apache tribe (WMAT) became one of the lead agencies for the reintroduction and allowed wolves on their lands. This effectively expanded the experimental nonessential population into Apache, Gila, and Navajo counties on WMAT lands.
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened	Medium sized with dark eyes and no ear tufts. Brownish and heavily spotted with white or beige.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai	4,100-9,000 ft	Nests in canyons and dense forests with multi-layered foliage structure.	Generally nest in older forests of mixed conifer or ponderosa pine/gambel oak type, in canyons, and use variety of habitats for foraging. Sites with cool microclimates appear to be of importance or are preferred. Critical habitat was finalized on August 31, 2004 (69 FR 53182) in Arizona in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Navajo, Pima, Pinal, Santa Cruz, and Yavapai counties.
Navajo sedge	<i>Carex specuicola</i>	Threatened	Perennial forb with triangular stems, elongated rhizomes. Flower: white June and July.	Apache, Coconino, Navajo	5,700-6,000 ft	Silty soils at shady seeps and springs.	Designated critical habitat is on the Navajo Nation near Inscription House Ruins. Found at seep springs on vertical cliffs of pink-red Navajo sandstone (50 FR 19370).

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	Endangered	Small passerine (about 6 inches) grayish-green back and wings, whitish throat, light olive-gray breast and pale yellowish belly. Two wingbars visible. Eye-ring faint or absent.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 8,500 ft	Cottonwood/willow and tamarisk vegetation communities along rivers and streams.	Riparian-obligate bird that occupies migratory/breeding habitat from late April-Sept. Critical habitat was finalized on October 19, 2005 in Apache, Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, and Yavapai counties (70 FR 60886). Revised critical habitat was proposed August 15, 2011 (76 FR 50542) and includes river segments in counties currently designated plus those in La Paz, Santa Cruz, and Yuma counties. The 2005 critical habitat designation remains in effect until the current proposal is finalized. Training seminar/permits required for those conducting call playback surveys.
Three Forks springsnail	<i>Pyrgulopsis trivialis</i>	Endangered	Minute hydrobiid snail, shell ovate to narrowly conic; height 0.05 -0.17 inches; whorls 2.5-5.0	Apache	8,000-8,500 ft	Rheocrene springs, seeps, marshes, spring pools, outflows and diverse lotic waters.	Distribution limited to Boneyard Creek and Boneyard Bog Spring complexes in the North Fork of the East Fork Black River watershed. Critical habitat is designated for 17.2 acres (77 FR 23060).
Zuni bluehead sucker	<i>Catostomus discorobolus yarrowi</i>	Proposed Endangered	Fusiform, slender, with a terminal mouth. Bluish head, silvery tan to dark green above, silvery to yellowish or dirty-white below. Sexually mature bluehead suckers range between 3.5 to 8 inches in length.	Apache	> 6,000 ft	Small streams in low-velocity, moderate deep pools, and pool-runs with seasonal dense algae. Young prefer quieter shallow areas near shoreline.	Found in two drainages on the Navajo Nation (Kinlichee Creek [Little Colorado River] and Canyon de Chelly [San Juan River]) in Arizona and in the Zuni River in New Mexico on lands of the Zuni Pueblo, Forest Service, State of New Mexico, and private lands. Critical habitat is proposed for 475.3 km (291.3 mi) of streams in Apache County, Arizona and Cibola, McKinley, and San Juan counties, New Mexico. Conservation actions for the subspecies are included in the Zuni Bluehead Sucker Recovery Plan (New Mexico Department of Game and Fish) and the Arizona Statewide Conservation Program for Six Native Fish (Arizona Game and Fish Department).

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Zuni fleabane	<i>Erigeron rhizomatus</i>	Threatened	Herbaceous perennial that grows in clusters of numerous erect unbranched stems up to 2.0 feet tall. Flower heads solitary; pale blue ray flowers and yellow disk flowers.	Apache	7,300-8,000 ft	Selenium-rich red or gray detrital clay soils derived from the Chinle and Baca formations.	Only one Arizona location; other 28 sites in Sawtooth Mountains and northwestern part of the Datil Mountains in Catron County, New Mexico. Two sites also on the northwest side of the Zuni Mountains in McKinley County, New Mexico.
New Mexico meadow jumping mouse	<i>Zapus hudsonius luteus</i>	Candidate	Small rodent with extremely long tail and long hind feet. Pelage is coarse with a broad dorsal band of brown or yellowish brown darkened with brownish black hairs; sides paler; under parts white or sometimes suffused with yellowish color. Back of the forefeet and hind feet are grayish white; tail is sparsely haired and distinctly bicolor (dark brown above and yellowish white below). The head is small, narrow, and relatively high crowned. The nose is short and pointed. They are the only mammal with 18 teeth.	Apache, Greenlee	< 8,000 ft	Nests in dry soils but also uses moist, streamside, dense riparian/wetland vegetation.	The New Mexican jumping mouse is diminished to 6 populations in the White Mountains, Arizona. A inventory and status assessment throughout its historical range in Arizona is currently being conducted.
Northern Mexican Gartersnake	<i>Thamnophis eques megalops</i>	Candidate	Background color ranges from olive, olive-brown, to olive-gray. Body has three yellow or light colored stripes running down the length of the body, darker towards tail. Species distinguished from other native gartersnakes by the lateral stripes reaching the 3rd and 4th scale rows. Paired black spots extend along dorsolateral fields.	Apache, Cochise, Coconino, Gila, Graham, Navajo, Pima, Pinal, Santa Cruz, Yavapai	130-8,500 ft	Cienegas, stock tanks, large-river riparian woodlands and forests, streamside gallery forests.	Core population areas in the U.S. include mid/upper Verde River drainage, mid/lower Tonto Creek, and the San Rafael Valley and surrounding area. Status on tribal lands unknown. Distributed south into Mexico along the Sierra Madre Occidental and Mexican Plateau. Strongly associated with the presence of a native prey base including leopard frogs and native fish.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Roundtail chub	<i>Gila robusta</i>	Candidate	Member of the minnow family Cyprinidae and characterized by streamlined body shape. Color usually olive gray with silvery sides and a white belly. Breeding males develop red or orange coloration on the lower half of the cheeks and on the bases of paired fins. Individuals may reach 49.0 cm (19.3 in) but usually average 25-30 cm (9.8 - 11.8 in).	Apache, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pinal, Yavapai	1,000-7,500 ft.	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams.	Historical range of roundtail chub included both the upper and lower Colorado River basins. A 2009 status review determined that the lower Colorado River basin roundtail chub population segment (Arizona and New Mexico) qualifies as a distinct vertebrate population segment (DPS). Populations in the Little Colorado, Bill Williams, and Gila River basins are considered candidate species.
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Candidate	Medium-sized bird with a slender, long-tailed profile, slightly down-curved bill that is blue-black with yellow on the lower half. Plumage is grayish-brown above and white below, with rufous primary flight feathers.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 6,500 ft	Large blocks of riparian woodlands (cottonwood, willow, or tamarisk galleries).	Neotropical migrant that winters primarily in South America and breeds primarily in the U.S. (but also in southern Canada and northern Mexico). As a migrant it is rarely detected; can occur outside of riparian areas. Cuckoos are found nesting statewide, mostly below 5,000 feet in central, western, and southeastern Arizona. Concern for cuckoos are primarily focused upon alterations to its nesting and foraging habitat. Nesting cuckoos are associated with relatively dense, wooded, streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. Some cuckoos have also been detected nesting in velvet mesquite, netleaf hackberry, Arizona sycamore, Arizona alder, and some exotic neighborhood shade trees.
Arizona willow	<i>Salix arizonica</i>	Conservation Agreement	Woody, perennial shrub reaching up to 8.5 feet tall; grows as a prostrate mat to large hedge or thicket plant; has small, egg-shaped leaves; new branches are yellow-green, previous years branches are bright red.	Apache	> 8,000 ft	Unshaded or partially shaded wet meadows, streambanks and cienegas; typically found in or adjacent to perennial water.	Known in the vicinity of Mount Baldy, on the Apache-Sitgreaves National Forest, and private land. Conservation agreement between the Service, Forest Service, and National Park Service finalized in April 1995.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Gooddings onion	<i>Allium gooddingii</i>	Conservation Agreement	Herbaceous perennial plant; broad, flat, rather blunt leaves; flowering stalk 14-18 inches tall, flattened, and narrowly winged toward apex; fruit is broader than long; seeds are short and thick.	Apache, Greenlee, Pima	7,500-11,250 ft	Shaded sites on north-trending drainages, on slopes, or in narrow canyons, within mixed conifer and spruce fir forests.	Known from the White, Santa Catalina, and Chuska Mountains. Also found in New Mexico on the Lincoln and Gila National Forests. A Conservation Agreement between the Service and the Forest Service signed in February 1998.
American peregrine falcon	<i>Falco peregrinus anatum</i>	Delisted	A crow-sized falcon with slate blue-gray on the back and wings, and white on the underside; a black head with vertical "bandit's mask" pattern over the eyes; long pointed wings; and a long wailing call made during breeding. Very adept flyers and hunters, reaching diving speeds of 200 mph.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	3,500-9,000 ft	Areas with rocky, steep cliffs, primarily near water, where prey (primarily shorebirds, songbirds, and waterfowl) concentrations are high. Nests are found on ledges of cliffs, and sometimes on man-made structures such as office towers and bridge abutments.	Species recovered with over 1,650 breeding birds in the US and Canada.
Bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	Large, adults have white head and tail. Height 28 to 38 inches; wingspan 66 to 96 inches. Juveniles and subadults are dark brown with varying degrees of white mottling on chest, wings, and head.	Apache, Coconino, Gila, Graham, La Paz, Maricopa, Mohave, Pinal, and Yavapai	Varies	Large trees or cliffs near water (reservoirs, rivers, and streams) with abundant prey.	Nationwide and throughout the State of Arizona, the bald eagle is currently not listed under the Endangered Species Act. On September 30, 2010, the U.S. District Court dissolved an injunction that led to the bald eagle in the Sonoran Desert Area of central Arizona being placed on the Endangered Species list in 2008. This determination is presently (January 2011) under judicial consideration. Bald eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act) and other Federal and state statutes. The word "disturb" under the Eagle Act was recently clarified, as well as the implementation of new regulations requiring permits to incidentally "take" eagles. Retrieve more information on management and life history at http://SWBEMC.org .

F

APPENDIX A

NNAD Site Survey and Management Forms, and USGS Map Locations

NAVAJO NATION ARCHAEOLOGY DEPARTMENT

Site Survey and Management Form

SITE NO.: AZ-P-19-52

FIELD OR OTHER NAME: Site 11

DATE RECORDED: 8-20-09

PROJECT NUMBER & NAME: NNAD 09-333—A Cultural Resource Inventory of Proposed Business Site Tract B for the Cornfields Chapter, Apache County, Arizona

ORGANIZATION: NNAD ARCHAEOLOGIST(S): Antoinette Kurley-Begay, Aleda Myerson, Alviera Lee, and Matthew Pettigrew

USGS MAP REFERENCE: Cornfields, Ariz., 1972, 7.5' series

LEGAL LOCATION: Unplatted Section; T.26N, R.25E; GSRPM

UTM: Zone 12; Northing 3946548, Easting 617473

STATE: Arizona

COUNTY: Apache

CHAPTER: Cornfields

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Ground visibility 95%, vegetation coverage 5%

TOPOGRAPHY: The site is situated within an open valley area situated west of Pueblo Colorado Wash.

DRAINAGE: Pueblo Colorado Wash is located about 2952 feet (900 m) east of the site.

ELEVATION (ft/m): 6140/1871 m

SLOPE & DIRECTION: Less than 2° sloping east

SOIL TYPE: Sand

OTHER: silt

VEGETATION PRESENT: Snakeweed, saltbush, bunchgrass, Russian thistle, muhly, rabbitbrush, narrow-leaf yucca, and prickly pear cactus.

CULTURAL AFFILIATION: Anasazi

SITE TYPE: Specialized Activity Area—Lithic and ceramic scatter

PERIOD(S) OF OCCUPATION (Date, if known): Late PII-III (A.D. 1000-1300)

HOW DATED: Ceramic typology

DIMENSIONS OF SITE (l x w): 49 m by 33 m

TOTAL AREA (sq. m): 1270 sq. m—area of an oval

How Determined: Measured with GIS software.

ARCHITECTURE PRESENT? No

ARTIFACTS OBSERVED/COUNTED: Observed—less than 30 ceramic artifacts and less than 10 lithic artifacts

COLLECTIONS MADE? No

PHOTOS TAKEN: Yes

COLOR: Roll (SR) 09-2; Digital Frame: P1010125

SITE DESCRIPTION: Site AZ-P-19-52 consists of an Anasazi specialized activity area—artifact scatter. The site contains scattered lithic and ceramic artifacts. No features are associated with the site. The site is situated within an open valley area west of Pueblo Colorado Wash.

There is less than 30 ceramic artifacts scatter on the site area. The ceramic artifacts consisted of plain gray ware sherds, indented corrugated sherds, banded gray ware sherds, black-on-white ware sherds, and plain white ware sherds. Several of the black-on-white ware ceramics were identified as Holbrook Black-on-white sherds.

Six lithic artifacts were observed on the site. The ceramic artifacts consisted of 3 primary flakes, 1 secondary flake, 1 tertiary flake, and 1 multidirectional core. The lithic material types represented on the site included chert, silicified wood, quartzite, and Narbona Pass chert.

The condition of the site is poor with disturbances resulting from natural erosion. The site appears to lack deposition as the site is located in the bottom of an open valley. A gravel road is located to the south of the site at a distance of 8 m.

The site is interpreted as an Anasazi specialized activity area—lithic and ceramic scatter that may be associated with prehistoric farming activities in the area. Possible food gathering activities may have occurred on this site, as well as a limited amount of lithic reduction activities. The site appears to be affiliated with an Anasazi Pueblo II to Pueblo III occupation,

CONDITION OF SITE: Poor

Causes of disturbance: Natural erosion

LOCATION OF SITE RELATIVE TO PROJECT AREA: The site is located within the southern half of the proposed business site tract.

EXTENT OF INVESTIGATION TO DATE: Survey records including site form, sketch map, and photographs.

RESEARCH POTENTIAL: The site appears to have exhausted its research potential.

RECOMMENDATIONS: Since the site does not appear to be a Register-eligible property, a determination of no historic properties affected is recommended for the proposed undertaking to occur within the area of the site.

SITE ASSESSMENT UNDER 36 CFR 60.4 (National Register):

INTEGRITY: The site lacks integrity. The qualities of location, setting, design, feeling, materials, association, and workmanship do not appear to apply.

and CRITERIA a-d: The site does not appear to represent a property which is potentially eligible for inclusion on the National Register of Historic Places under criteria a, b, or c. The site also does not appear to be eligible under criterion d because the site's research potential has been exhausted through recordation.

EXCLUSIONS: The site does not appear to fall into categories a-g, thus it does not qualify as an exclusion. The site does meet the 50-year guideline.

SITE ASSESSMENT UNDER 43 CFR 7.3 (Archaeological Resources Protection Act): The site is not of archaeological interest. It does meet the 100-year age requirement. It does not merit protection under ARPA.

SITE ASSESSMENT UNDER AIRFA (American Indian Religious Freedom Act): The site does not merit protection under the provisions of AIRFA.

PROVIDE A SITE MAP (including site designation, north arrow, scale, recognizable features, landmarks, and relationship to project area).

HOW CAN THE SITE BE REACHED? (See attached USGS map.)

OTHER COMMENTS: None

EXECUTIVE OFFICIAL REVIEWTitle of Document: CornfieldsJct.Dev.Parcel.w/draw25acre Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net 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: _____ | □ | □ |

OCT 7 2014

☐ 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 *see Ltr of 8/15/14* *Daton* Date: *16 July 14* ☒ ☐
2. F&W *see Ltr of 8/15/14* *Daton* Date: *8/11/14* ☒ ☐
3. HPD *Daton* Date: *7-25-14* ☒ ☐
~~4. Minerals _____ Date: _____ ☐ ☐~~
5. NNEPA *Daton* Date: *9-30-2014* ☒ ☐
6. DNR *Daton* Date: *10/9/14* ☒ ☐
7. DOJ *Daton* Date: *10/14/14* ☒ ☐
IC *OPV* *Daton* Date: *11/5/15* ☒ ☐

☐ Rights of Way

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

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

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

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

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

☐ OTHER:

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

RECEIVED
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NATIONALS DEPARTMENT
TO NATION



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationnepa.org

M E M O R A N D U M

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

FROM:

A handwritten signature in black ink, appearing to read "Rita Whitehorse-Larsen".

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

DATE: September 30, 2014

SUBJECT: 164 EOR 2259 Cornfields Junction Development Parcel Withdrawal 25 Acres

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **conditional approval** for proposed twenty five (25) acres land withdrawal in Cornfields, Apache County, Arizona. The 25-acres land withdrawal is for the following:

- a. Convenience Store/Gas Station
- b. Auto Service/Tire Shop (two-bay)
- c. EMS Facility (two-bay)
- d. Feed and Tack Store with Outdoor Storage
- e. Overflow Parking for Events Arena
- f. RV Parking
- g. Truck and Trailer Parking
- h. Events Arena
- i. Youth Center [Basketball Court, Skate Park and Swimming Pool]

1. *Navajo Nation Clean Water Act:*

1 Arcadis. Cornfields Chapter Cornfields Junction Development Parcel Environmental Assessment. January 2014.

164 EOR 002259 Cornfields Junction Development land withdrawal

Page 1 of 3

9/30/14

- 164 EOR 002259 Cornfields Junction Development land withdrawal
Page 2 of 3
9/30/14

5. ***Navajo Nation Comprehensive, Environmental Response, Compensation and Liability Act (CERLA):***

- a. Gasoline will be stored, distributed and sold at the proposed convenience store/gasoline station.
- b. Automotive fuel and associated fluids will be stored at the proposed auto service/tire bay.
- c. Large quantity of chlorine and other chemicals needed for the swimming pool will be stored at the proposed swimming pool.
- d. According the Navajo CERCLA, petroleum is considered hazardous material and any spills ≥ 25 gallons should be reported to NNEPA Office of Executive Director/Administration at 928/871-7692.

6. ***Navajo Nation Storage Tank Act (NNSTA) (formerly Underground Storage Tank (UST) Act; amended February 2012):***

- a. Gasoline will be stored, distributed and sold at the proposed convenience store/gasoline station, the plans must meet the design specifications as outlined by NNEPA Storage Tank Program. The specifications must be approved by the Storage Tank Program. Contact Warren Roan, Tanya Yazzie and/or Nathaniel Yazzie at 928/871-7993.
- b. NNEPA Storage Tank Program staff will need to be onsite before installing any above and underground storage tanks.

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

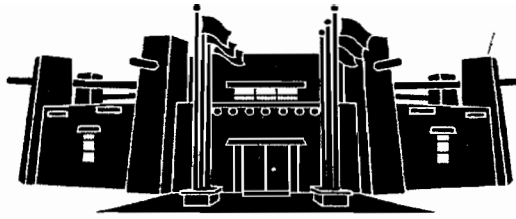
- a. Business owner(s)/land user(s) are subject to control and prevent the spread of invasive and noxious weeds.
- b. Contact the NNEPA Pesticide Program at 928/871-7815/7810 before applying any pesticides and herbicides to control noxious and invasive plant species to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
- c. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.

8. ***Others To Contact Within Navajo Nation:***

- a. Jack Utter, Division of Natural Resources, Department of Water Resources, Water Code Program at 928/871-6595 to ensure sufficient water is available for the new and proposed Cornfields land withdrawal business development.
- b. Existing public roads will be used for access during the construction activities.

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

CC: Cornfields Chapter, PO Box 478, Ganado, Arizona 86505
Jack Utter, Division of Natural Resources, Dept of Water Resources, Water Code Program
NNEPA Water Quality, PWSSP; Air Quality, OPP; Pesticides; Superfund; RCRP; Storage Tank
Program; Administration chrono file



MEMORANDUM

TO: Honorable Alton Shepherd
Jeddito, Cornfields, Ganado, Kinlichee, Steamboat Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: April 30, 2015

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 25.00 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS FOR CORNFIELDS CHAPTER CORNFIELDS JUNCTION DEVELOPMENT PARCEL LOCATED AT CORNFIELDS CHAPTER VICINITY, NAVAJO NATION (APACHE COUNTY, ARIZONA)

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.


Thank you for your service to the Navajo Nation.



May 4, 2015

MEMORANDUM

TO : *Honorable Members*
Resources and Development Committee

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources and Development Committee;

Legislation No. 0149-15

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 25.00 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS FOR CORNFIELDS CHAPTER CORNFIELDS JUNCTION DEVELOPMENT PARCEL LOCATED AT CORNFIELDS CHAPTER VICINITY, NAVAJO NATION (APACHE COUNTY, ARIZONA).

As the Committee assigned to consider the legislation, Legislation No. 0149-15 must be placed on the Resources and Development Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0149-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Alton Joe Shepherd, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0149-15_____

SPONSOR: Alton Joe Shepherd

TITLE: An Action Relating To Resources and Development; Approving the Withdrawal of 25.00 Acres, More or Less, of Navajo Nation Trust Lands For Cornfields Chapter Cornfields Junction Development Parcel, Located at Cornfields Chapter Vicinity, Navajo Nation (Apache County)

Date posted: May 6, 2015 at 3:51pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-15

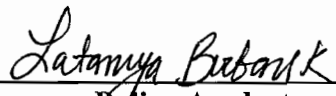
SPONSOR: Honorable Alton Joe Shepherd

TITLE: Relating To Resources And Development; Approving The Withdrawal Of 25.00 Acres, More Or Less, Of Navajo Nation Trust Lands For Cornfields Chapter Cornfields Junction Development Parcel, Located At Cornfields Chapter Vicinity, Navajo Nation (Apache County).

Posted: May 6, 2015 at 3:51 pm

5 DAY Comment Period Ended: May 11, 2015

Digital Comments received: *No comments were received.*



**Policy Analyst
Office of Legislative Services**



Date/Time