

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

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, CERTIFYING
BLACK MESA CHAPTER'S COMMUNITY-BASED LAND USE PLAN WHICH HAS
REEVALUATED AND READJUSTED BLACK MESA CHAPTER'S FIRST COMMUNITY-
BASED LAND USE PLAN**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee, pursuant to 26 N.N.C. §2004(D)(2) shall certify community-based land use plans.
- B. Pursuant to 26 N.N.C. §2004(D)(2), "Every five years the plan shall be reevaluated and readjusted to meet the needs of the changing community" and such readjustment is subject to the certification of the Resources and Development Committee of the Navajo Nation Council.
- C. Pursuant to 26 N.N.C. § 2004 (B), "Community Based Land Use Plan. The chapter, at a duly-called chapter meeting shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land use plan. The community based land use plan shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and, finally with consideration for the land-carrying capacity. Such a plan may also include the following: 1. An open space plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes. 2. A thoroughfare plan which provides information about the existing and proposed road network in relation to the land use of the surrounding area. 3. A community facilities plan which shows the location, type, capacity, and area served, of present and projected or required community facilities

including, but not limited to, recreation areas, schools, libraries, and other public buildings. It will also show related public utilities and services and indicate how these services are associated with future land use."

SECTION TWO. FINDINGS

- A. Black Mesa Chapter Resolution BMC-18-10-005, attached as **Exhibit A**, approved the Black Mesa Chapter Community-Based Land Use Plan, attached as **Exhibit B**.
- B. The Resources and Development Committee of the Navajo Nation Council finds it in the best interest of the Navajo Nation to certify the Black Mesa Chapter's Community-Based Land Use Plan which has been reevaluated and readjusted to meet the needs of the changing community.

SECTION THREE. Certification of Black Mesa Chapter's Reevaluated and Readjusted Community-Based Land Use Plan

- A. The Resources and Development Committee of the Navajo Nation Council hereby certifies the reevaluated and readjusted Black Mesa Chapter's Community-Based Land Use Plan, attached hereto as **Exhibit B**.
- B. Certification of this Community-Based Land Use Plan shall not delineate adjacent chapter boundaries. Any chapter disputes rest solely with the Courts of the Navajo Nation.

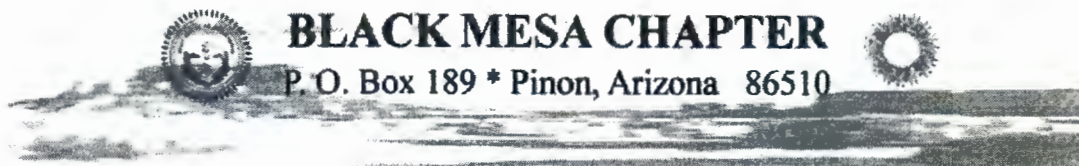
CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Black Mesa Chapter, Black Mesa, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 14th day of February, 2018.



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

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete



**RESOLUTION OF THE
BLACK MESA (Kits'illi) CHAPTER**

BMC-18-10-005

**Approving and Adopting the Black Mesa Chapter Community based Land Use Plan
Pursuant to 26 NNC, Section 2004.**

Whereas:

1. The Navajo Nation Council by Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26, Section B 1 & 2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with matters consisted with Navajo Nation laws including customs and tradition and to make decisions over local matters; and
3. Pursuant to Title 26, Section 2004 subsection B 1 & 2 & 3, the chapter, at a meeting duly-called chapter meeting, shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land used plan; and
4. By Chapter Resolution Black Mesa Chapter established the Community based Land Use Planning Committee (CLUPC) who held meetings updating an older Land Use Plan. CLUPC also held several public hearings educating the public and allowing comments and input into the plan, members also updated the chapter membership numerous times during their regular called chapter meetings; and
5. The Black Mesa Chapter CLUPC worked to facilitate the policy process and prepare the final report; and
6. It is in the best interest of the chapter to adopt and submit the manual to the Resources and Development Committee, Navajo Nation Council for their consideration and recertification for implementation at the local level.

Now, therefore be it Resolved that:

The Black Mesa Chapter hereby approves and adopts pursuant to NCC 26, Subsection 2004, B 1 & 2 & 3, the chapter's Community based Land Use Plan, 2017 and further request the Resources and Development Committee, Navajo Nation Council to consider its approval and recertification for implementation at the local community.

Marvin Yellowhair
Chapter President

Caroline Bemore
Chapter Vice-President

Marlene Biltah
Chapter Secretary/Treasurer

Francis Honie
Grazing Committee Member

Dwight Witherspoon
Council Delegate

RESOLUTION NO. BMC-18-10-005

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 27 in favor, 00 opposed, and 08 abstained, on this 13th day of October, 2017.

Motioned by: Dorothy Yazzie

Seconded by: Ella Tallis


Maryn Yellowhair, President


Caroline Bemore, Vice President


Marlene Biltah, Secretary/Treasurer


Dwight Witherspoon, Council Delegate

BLACK MESA CHAPTER,
COMMUNITY BASED LAND USE PLAN



Prepared by:
Black Mesa Chapter and the
Community Land Use Planning
Committee (CLUPC)

2017 to 2022

Acknowledgements

Black Mesa Chapter
Navajo Route N 8066
Post Office Box 189
Pinon, AZ 86510
Telephone: (928) 675-0009
blackmesa@navajochapters.org

COMMUNITY LAND USE PLANNING COMMITTEE

| 2015 | 2017 |
|-------------------------------|-----------------------------|
| Ray Gilmore, President | Larry Biltah, President |
| Daisy Kiyaani, Vice-President | Ella Tallis, Vice-President |
| Dorothy Yazzie, Secretary | Dorothy Yazzie, Secretary |
| Ella Tallis, Member | |

BLACK MESA CHAPTER OFFICIALS/ADMINISTRATION

| 2015 | 2017 |
|--------------------------------------|-------------------------------|
| Larry Biltah, President | Marvin Yellowhair, President |
| Caroline Bemore, Vice-President | Edbert Little, Vice-President |
| Marlene Biltah, Secretary/Treasurer | |
| Francis Honie, Grazing Officials | |
| Dwight Witherspoon, Council Delegate | |

Albert Lee, Community Services Coordinator
Leticia Jodie, Accounts Maintenance Specialist

CONTRIBUTORS

Navajo Division of Community Development -
Capital Projects Management Project Department
Navajo County
Navajo Land Department
Navajo Tribal Utility Authority
Black Mesa Community School
Navajo Housing Authority
Bureau of Indian Affairs
Pinon Unified School District
US Army Corp of Engineers
Little Colorado River Watershed Chapter Association

BLACK MESA CHAPTER COMMUNITY BASED LAND USE PLAN

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CHAPTER 1-INTRODUCTION AUTHORITY, PURPOSE, PROCESS

1.1 Introduction

The Black Mesa Chapter of the Navajo Nation initially applied to participate in the NAHASDA Chapter Land Use Plan project under sponsorship of the Office of Navajo Government Development. The Chapter worked with a consultant to create the first edition of the Land Use Plan, completed in 2002.

The Black Mesa Chapter and the CLUP committee worked together to update the Land Use Plan beginning in 2015. After a series of meetings, the revised Chapter Land Use Plan was completed in October of 2017.

Presented herein is the revised work that represents a description of the various elements that are collectively formulated into the Black Mesa Chapter Land Use Plan. This manual is to be treated as a general guide and planning tool as the community progresses toward realizing its goals of community and economic development. The will provide development guidance over the next five years.

1.2 Background

In response to the request for new housing throughout Indian Country by Native American leadership, the United States Congress approved the Native American Housing Assistance and Self Determination Act (NAHASDA). Although the bulk of the NAHASDA funds was intended for the development of new housing, a significant amount of funding was made available for the planning of potential development sites by interested chapters/communities.

The opportunity for communities to learn the planning process for new housing, and other elements of community and economic development was a welcomed departure from the practice of the central government planning for the communities and thus dictating the manner of development to the communities.

This opportunity is consistent with the principles of Self Determination, Self Sufficiency, Self-Reliance, Decentralization, Local Empowerment and Local Governance. Further this opportunity is consistent with the time honored and paramount edict of T'AA HO A JI' T'EEGO or "do for yourself" meaning "achieve success through your own efforts, with initiative and determination."

1.3 Authority

The Navajo Nation Council through Resolution CAP-34-98 enacted the Navajo Nation Local Governance Act (LGA). The LGA is codified as/at Title 26, Navajo Nation Code. The LGA confers certain authorities upon the Navajo Nation Chapters to engage in a local governance process, including the authority to conduct all manner of local planning for the community.

The Local Governance Act of 1998 contains explicit authorities scheduled to be granted to governance-certified Navajo Chapters to "do for themselves." These provisions include:

Subchapter 1, B. Purpose

- 1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition.*
- 2. Enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Dinē leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation.*

The Local Governance Act provides specific authorities that give governance-certified Chapters the means to exercise decision-making powers on the following elements that pertain to the regulation and planning-in-general of land. The Chapters would enact ordinances via Chapter resolution to affect these authorities.

Subchapter 3, Section 103, Chapter Authority

- 1. To issue home and business site leases or permits.*
- 2. To amend the land use plan to meet changing needs of the community.*
- 3. To acquire property by eminent domain.*
- 4. To adopt zoning ordinances consistent with the land use plan*

The Local Governance Act further provides the following authorities for governance-certified Chapters to maintain a Community Based Land Use Plan.

Subsection 7, Section 2004; Zoning, Community Based Land Use Plans, Land Use Variations.

- 1. Chapters may enact zoning ordinances.*
- 2. Chapters shall enforce zoning ordinances.*
- 3. Chapters can approve land use variation.*

The Land Use Plan is developed by the Chapter appointed Chapter Land Use Planning

Committee (CLUP) and the CLUP recommends the Land Use Plan for consideration and adoption by Chapter resolution.

1.4 Purpose

The purpose of updating the Black Mesa Chapter Land Use Plan is to have in place a document that describes the community's hopes and aspirations for community and economic development based on the stated vision of the CLUP Committee on behalf of the people. The process for the development of the plan results in several benefits for the community, including:

1.4.1 To have the CLUP Committee, the Chapter leadership and the community members learn the community land use planning process. A process that can be applied to other community based planning efforts.

1.4.2 Development of a community capacity building process to generate interest, develop community support; and participation of community members in the planning process.

1.4.3 To enhance regulated community growth.

1.4.4 To assure availability of infrastructure systems for anticipated community growth.

1.4.5 To initiate a plan for facilitating comprehensive community development, viable economic development, and sustainable funding in the community.

1.4.6 To insure that future generations have adequate housing and sufficient space to live and grow.

1.4.7 To leverage the Community Land Use Plan in identifying and obtaining the resources necessary to accomplish the desired development

1.5 Overall Project Planning Process

1.5.1 Updated the data as appropriate to prepare the updated Land Use Plan. The latest data was used to update the report.

1.5.2.1 Survey data was collected in 2015 and used to update the Land Use Plan.

1.5.3 Public meetings have been held to share with the community the updates to the Land Use Plan, and input from the public meetings has been included in the revised version.

1.5.4 Reviewed the final report of the updated Land Use Plan with the community.

1.5.5 The Black Mesa Chapter has approved the Land Use Plan and the plan will be presented to the Resource and Development Committee of the Navajo Nation.

1.6 Community Participation Process

The following articulates the process that was generally followed in the Black Mesa Chapter Land Use Planning update.

1.6.0 Chapter/Community Orientation

The Black Mesa Chapter Land Use Plan (CLUP) Committee adopted five primary components for land use planning process:

- Community Assessment
- Land Suitability Analysis
- Infrastructure Analysis
- Land Use Plan
- Final Report with Implementation Recommendations

1.6.1 Identification of Potential Development Sites

The community members were consulted by the CLUP Committee and the Grazing Official when the development sites were identified. There was two potential land sites, during the planning process for the updated Land Use Plan, that were deemed to have potential for the planning of new community development. These sites are important potential development sites for the Black Mesa Chapter.

1.6.2 Cultural Significance and Traditional Sensitivity

During the I Land Suitability Analysis, cultural significance concerns of the proposed development areas became issues that need to be addressed as sites 1 and 2 have culturally significant areas. Resultantly, the development of these sites will be undertaken in compliance with the Navajo Historic Preservation Department requirements to preserve the cultural resources. This assessment will also determine the sections of the sites that will be open to development.

1.6.3 Land Use Plan Concept

The CLUP Committee has established concepts for sites 1 and 2. The proposed design concepts was presented on aerial maps as well as site plans to show the proposed development plans in full detail.

1.6.4 Comprehensive Report and Implementation Recommendations

The CLUP Committee and Chapter leadership presented the final comprehensive report to the community members upon the completion of the updated Land Use Plan. The community members were informed on the process

and conclusions. With the full review of the Implementation Recommendations, the community understood the steps they will need to take to proceed with development. The CLUPC meeting are included herein:

1.6.5 List of Meetings- Black Mesa Chapter Land Use Planning Committee

| Date | Type of Meeting | Purpose/Results |
|--------------------|--|---|
| 2012 to 2018 | CLUPC | PREPARATION FOR THE 2021 UPDATE |
| February 2018 | <i>Resources Development Committee</i> | <i>RDC recertification of Updated Manual</i> |
| January 17, 2018 | CLUPC | Regular meeting; RDC presentation |
| October 13, 2017 | <i>Chapter Meeting</i> | <i>Approval & Adoption of Updated Manual</i> |
| September 28, 2017 | CLUPC | Work session to finalize updates @ Pinon NPL |
| September 22, 2017 | CLUPC | Work session to complete updates @ Pinon NPL |
| September 13, 2017 | CLUP Committee | Navajo County, Holbrook, AZ Regular Meeting |
| August 3, 2017 | CLUP Committee | Regular Meeting |
| July 20, 2017 | Public Hearing | CLUP manual update Public Hearing |
| July 19, 2017 | CLUP Committee | Navajo County, Holbrook, AZ Regular Meeting |
| June 2017 | CLUP Committee | Regular Meeting |
| May 10, 2017 | CLUPC | Regular Meeting |
| May 22, 2017 | Public Hearing | Present draft for Update and input from the Community |
| April 21, 2017 | Public Hearing | Update for Community |
| April 2017 | CLUP Committee | Regular Meeting |
| March 21, 2017 | CLUP Committee | Navajo County, Holbrook, AZ Regular Meeting |
| February 2017 | CLUP Committee | Regular Meeting |
| January 2017 | CLUP Committee | Regular Meeting |
| December 2016 | CLUP Committee | Regular Meeting |
| November 21, 2016 | CLUPC | Navajo County Holbrook, Arizona |
| November 09, 2016 | CLUPC | Regular Meeting |
| October 19, 2016 | CLUPC | Regular Meeting |
| September 29, 2016 | CLUPC | Navajo County Holbrook |
| August 02, 2016 | CLUPC & Rural Add | Window Rock NN DCD |
| July 20, 2016 | CLUP Committee | Regular Meeting |
| June 27, 2016 | Regular Meeting | Black Mesa Chapter House |
| May 25, 2016 | Regular Meeting | Black Mesa Chapter House |
| April 20, 2016 | CLUP C | Navajo County Office – Court House, Holbrook |
| April 18, 2017 | Public Hearing | CLUP manual update Public Hearing |
| March 23, 2016 | CLUPC | Regular Meeting |
| February 05, 2016 | CLUPC | Regular Meeting |
| January 29, 2016 | CLUPC Work session | Black Mesa CLUPC Navajo County Holbrook |
| December 17, 2015 | CLUPC/NNA | FDC Data and rural addressing Black Mesa |
| December 17, 2015 | CLUPC/NNA | FDC Data and rural addressing Black Mesa |
| December 16, 2015 | CLUPC/RDBO | Work Session at Chinle RDBO |
| November 03, 2015 | CLUP Committee | Work Session/Meeting @ Holbrook |
| October 13, 2015 | CLUP Committee | Work Session/Meeting @ Holbrook |
| September 17, 2015 | CLUP Committee | Navajo County Office Complex – Code Talkers |
| August 24, 2015 | CLUP Committee | Revise with Navajo County |
| August 20, 2015 | CLUP Committee | Review With Chapter Leadership |
| August 04, 2015 | CLUP Committee | Work Session/Meeting @ Holbrook |
| July 20, 2015 | CLUP Committee | Work session at Holbrook with Navajo County |
| June 23, 2015 | CLUP Committee | Regular Meeting |
| May 6, 2015 | CLUP Committee | Regular Meeting |

| | | |
|--------------------|----------------|----------------------------|
| April 16, 2015 | CLUP Committee | Regular Meeting |
| March 30, 2015 | CLUP Committee | Work Session |
| February 10, 2015 | CLUP Committee | LSGA Office, Chinle Agency |
| January 13, 2015 | CLUPC/NNAA | Discussion on NNAA |
| October 20, 2014 | CLUP Committee | Regular Meeting |
| September 29, 2014 | CLUP Committee | Regular Meeting |
| July 13, 2014 | CLUP Committee | Regular Meeting |
| March 23, 2014 | CLUP Committee | Regular Meeting |
| July 14, 2013 | CLUP Committee | Regular Meeting |
| April 28, 2013 | CLUP Committee | Regular Meeting |
| March 17, 2013 | CLUP Committee | Regular Meeting |
| February 03, 2013 | CLUP Committee | Regular Meeting |
| January 06, 2013 | CLUP Committee | Regular Meeting |
| November 18, 2012 | CLUP Committee | Regular Meeting |
| October 07, 2012 | CLUP Committee | Regular Meeting |
| September 30, 2012 | CLUP Committee | Regular Meeting |
| August 05, 2012 | CLUP Committee | Regular Meeting |
| April 20, 2012 | CLUP Committee | Regular Meeting |

1.7. Conclusion

Having the community understand the process and the Implementation Recommendations assures that there is support for the effort, it protects the integrity of the project and helps the community pursue the project. With these ingredients the potential of the community achieving the desired results becomes practical and achievable.

The local Governance Act has provided authority to chapters to develop land use plans. The Black Mesa Chapter has adopted a five-component land use planning process that addresses community assessment, land suitability analysis, infrastructure analysis, land use planning and a comprehensive report with implementation recommendation. The land use plan includes two sites for future Development. The CLUP committee has shared the land use plan along with the two development sites with the community to insure support for the effort. With this process the potential of the community to achieve the desired results is practical and achievable

BLACK MESA CHAPTER LAND USE PLAN
CHAPTER 2 -COMMUNITY ASSESSMENT



Prepared by:
Black Mesa Chapter and the
Community Land Use Planning
Committee (CLUP)

CHAPTER 2- COMMUNITY ASSESSMENT

2.1 General Chapter Information

The Black Mesa Chapter is one of the northwestern Chapters of the Chinle Agency, 45 miles Northwest of Chinle on Navajo Route 8066. The Black Mesa Chapter has approximately 157,320 acres of land within its boundary according to the Navajo Land Department. The primary area where a majority of the Black Mesa Chapter members reside is in and surrounding the Black Mesa community proper. Within the community, there are a number of facilities including the Chapter House, Warehouse, Navajo Housing Authority (NHA) and the Black Mesa Community School. There is also the BIA school housing area in the vicinity

2.3 Vision Statement:

Our vision is to empower Black Mesa Chapter community to develop capacity and resiliency in conservation of water and land for present and future life needs.

2.4 Mission Statement:

Our mission is to provide services through working together to meet the needs of the Black Mesa Community. To inform the community of the chapter goals that are implemented by the chapter officials and administration. To provide a proper and responsible local government so that everyone can enjoy the benefits of living and working in the Black Mesa Chapter Community.

2.5 Existing Land Status

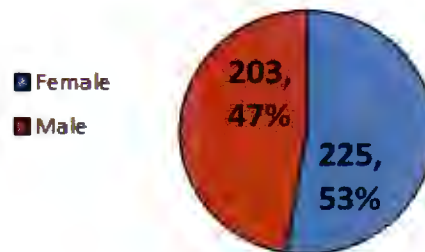
The Black Mesa Chapter shares its borders with the Rough Rock, Tachee/Blue Gap, Pinon, Forest Lake and Chilchinbeto Chapters. The 157,320 acres claimed by the Black Mesa Chapter is all Diné Trust Land. Land Status Map is in Exhibits.

2.6 Community Demographics

A survey form was circulated by the CLUP members to ascertain data that would provide a description of the demographics of the community. The survey was circulated and utilized to gather community input for the second edition of the Land Use Plan. The survey input remains valid and the survey instrument is shown on Exhibit 2.9.3. The tabulated information from the 100 completed surveys is presented herein, interspersed with data extrapolated from the 2010 Census and the 2013 American Community Survey (ACS).

2.6.1 Population

The Black Mesa Chapter/Community population for the year 2010 is 428 according to the Census count. There were 225 females for 53% and 203 males counted for 47% in gender representation



Of the surveyed homes there were 47 family members who live out of the area including Phoenix, Albuquerque, Salt Lake City, Flagstaff, San Diego, Colorado Springs, Denver, St. George and other Chapters. Their data is shown as "non-local"

2.6.2 Median Age

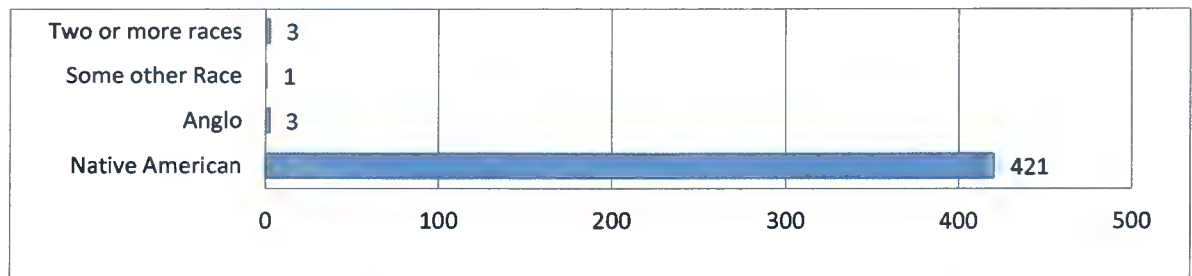
The Census count reported that the median age of the members of the households surveyed is 28 years of age.

2.6.3 Household Members

The 2010 U.S. Census count results show that there is an average of 3.08 persons living in the households.

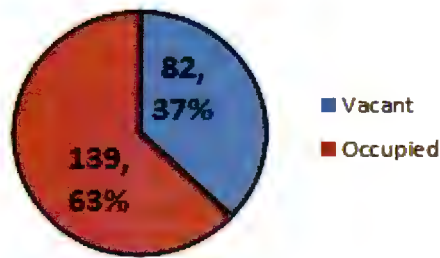
2.6.4 Chapter Population by Ethnic Group

The 2010 Census reports that of the 428 counted in the Black Mesa Chapter that 421 are Native American, 3 are Anglos, 1 is some other race, and 3 are two or more races



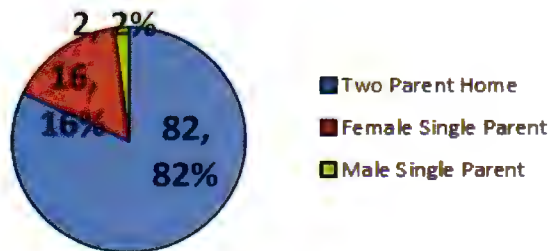
2.6.5 Households

The 2010 Census shows that there are 221 houses with 82 vacant, leaving 139 occupied households in the Black Mesa community area. Many of the vacant housing are seasonal homes, ceremonial hogans, and houses in advanced stages of dilapidation.



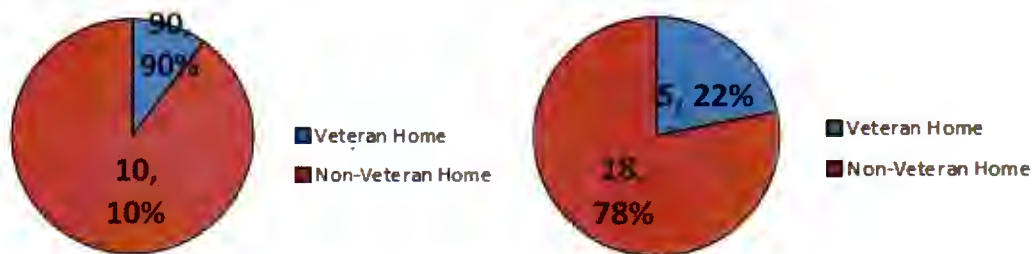
2.6.6 Single Parent Home

Out of the 100 homes there are 18 homes that are single parent homes for 18% and of which 2 were male single parent for 02% and 16 of the homes were female single parent homes for 16%.



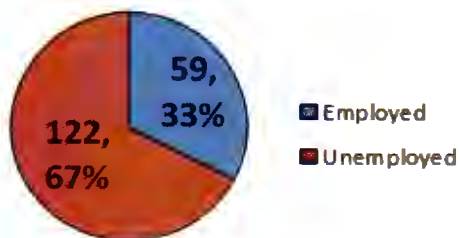
2.6.7 Veterans

There are 10 Veterans that are noted in the 100 homes which suggest that there are 10% of the Black Mesa homes that have Veterans.

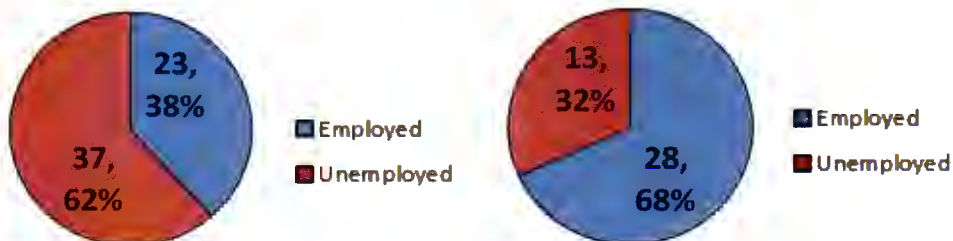


2.6.8 Employed/Unemployed

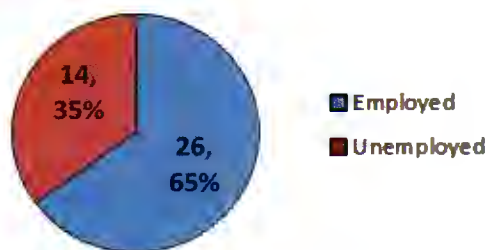
Of the 181 employable persons over the age of 18 in the 100 surveyed homes, there are 59 that are employed for 33% and there are 122 that are unemployed or 67%.



The Employment and Labor Force data the 2013 ACS reports are compiled on Black Mesa Chapter members 16 years of age and over who are in the labor force. The first chart is of 60 males in the labor force of whom 23 are employed and 37 are unemployed. The second chart is of 41 females of whom 28 are employed and 13 are unemployed.

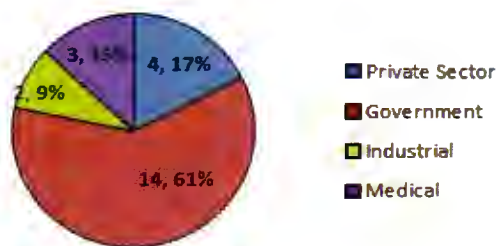


There are a significant number of family members who travel to and live away from home for the sake of obtaining employment and that is the case of the non-local Chapter members who live elsewhere for work, their employment/unemployment data is as follows.



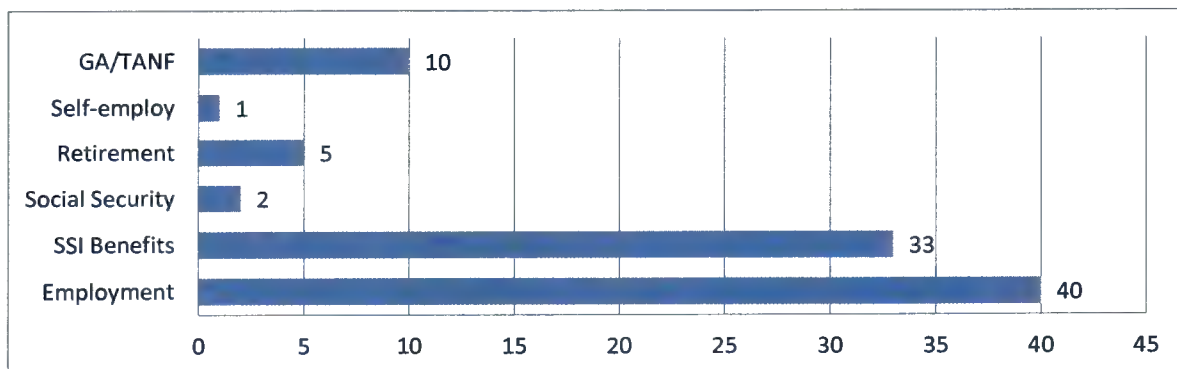
2.6.9 Employment Category

Of the 34 community members who said that they were employed, these individuals work at a variety of different job categories that include 4 in the private sector, 14 in government, 2 in the industrial field and 3 in the medical field.



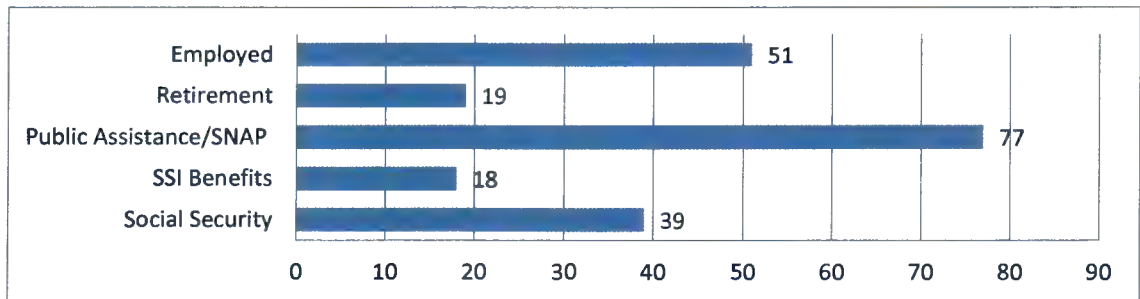
2.6.10 Sources of Income

Through the survey assessment there are 91 family members who provided Sources of Income information in the 100 homes and they include wage employment, SSI benefits, Social Security, Retirement, Self-employment, Food Stamps and Stocks.



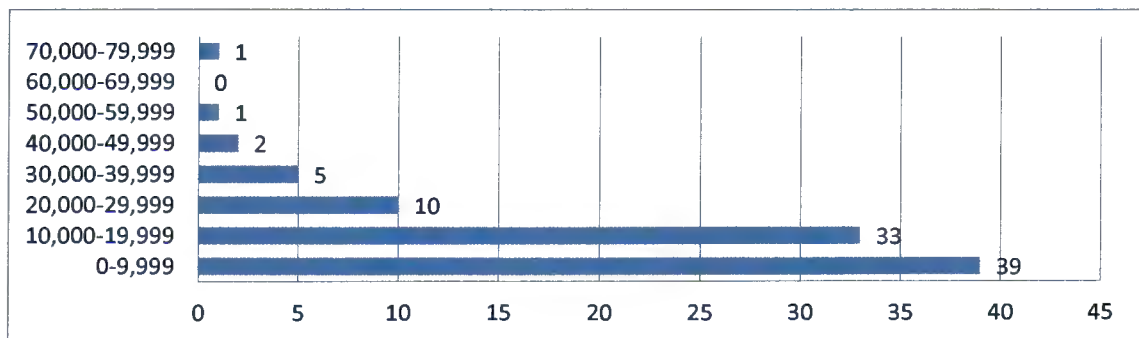
The 2000 Census report provides the following data on the same Sources of Income

category, Employment, SSI, Social Security, Retirement, Self-employment, Public Assistance and Other Income.

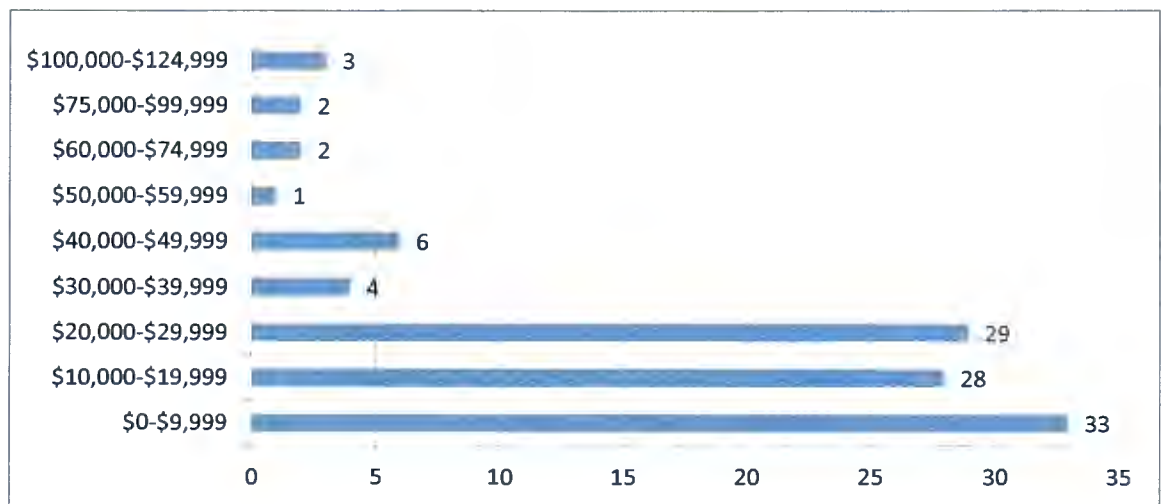


2.6.11 Household Income Levels

Through the survey assessment the following data was ascertained regarding the household income levels of the 100 homes surveyed in the Black Mesa Chapter community.

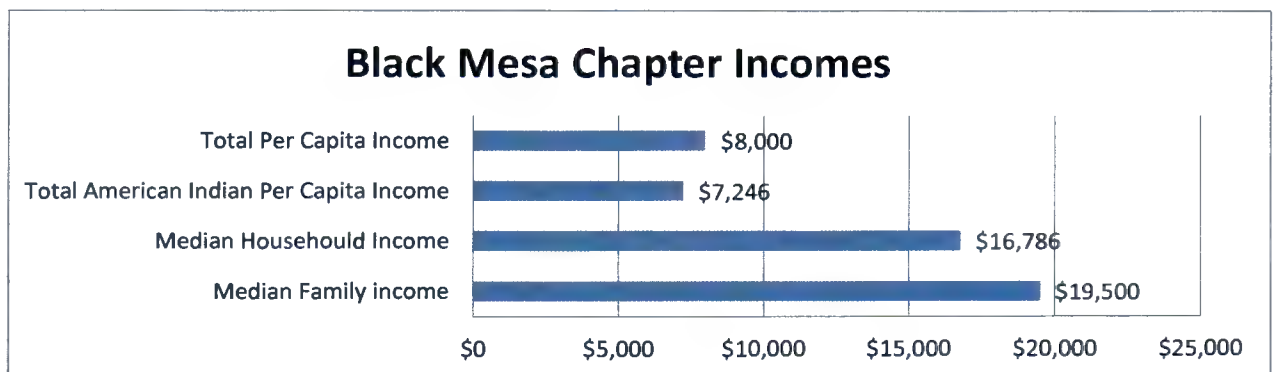


The 2013 ACS data concerning the same information on the household income levels of the homes in the Black Mesa Chapter community is provided as follows.

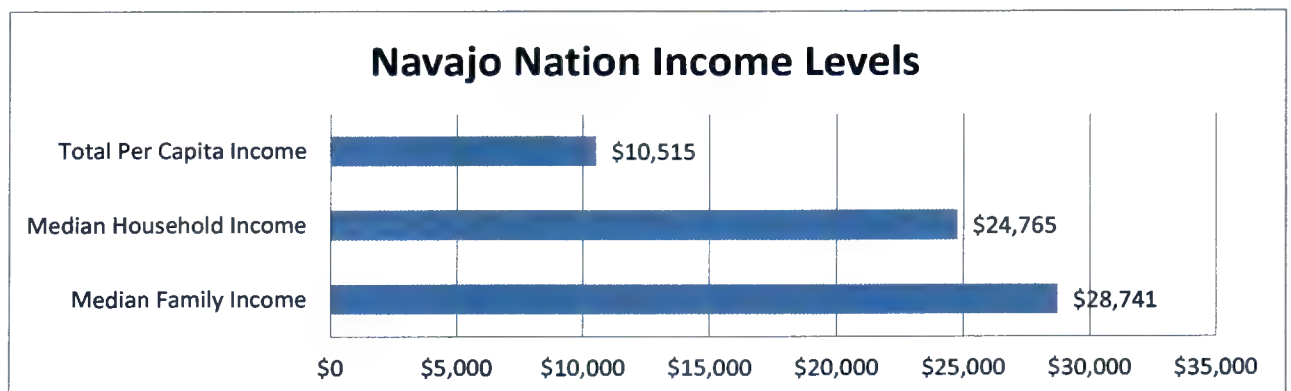


2.6.12 Income

The 2013 ACS compiled data reflects that the Per Capita Income for the total Black Mesa Chapter population is \$8,000 and the Per Capita Income for American Indians in Black Mesa Chapter is only \$7,246. Furthermore, according to the ACS, the median household income for 2013 was \$16,786 and the median family income for the year 2013 was \$19,500.



Comparatively, income for the Navajo Nation as a whole is significantly higher than for the Black Mesa Chapter. For the Navajo Nation, Per Capita Income is \$10,515, Median Household income is \$24,765, and Median Family income is \$28,741



2.6.13 Poverty Level

The 2013 ACS finding on the level of poverty in the Black Mesa community is that of the 364 community members considered, there were 195 determined to be living below the poverty level.

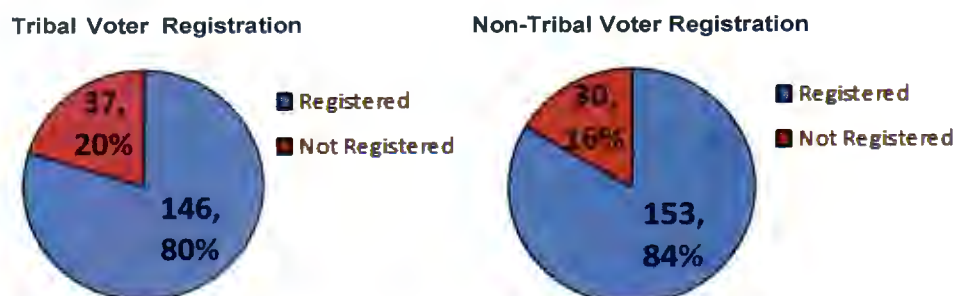


When compared to the 2013 ACS data for the entire Navajo Nation, it becomes clear the Black Mesa Chapter's Poverty Level is considerably higher.

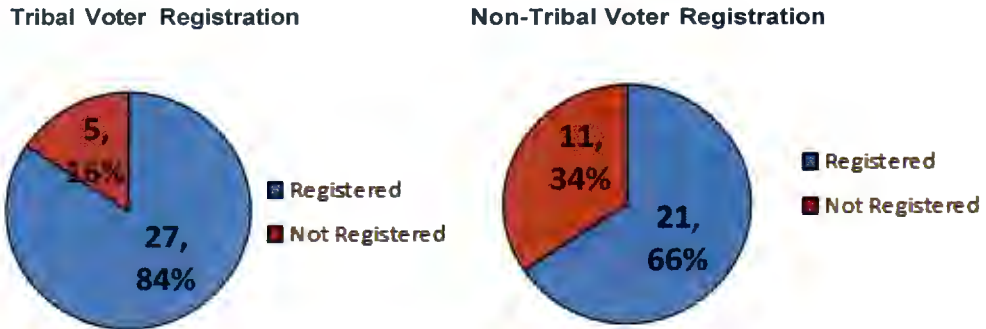
2.6.14 Voter Registration

Of the 183 persons who are 18 and over 146 are registered to vote in Tribal elections and 37 are not registered.

Of the 183 persons who are 18 and over 153 are registered to vote in the outside elections and 30 are not registered.



The survey indicates that the family members who live away from home are not registered to vote, perhaps because of the distances involved to get home to register and vote. The following data was provided by the family members at home.

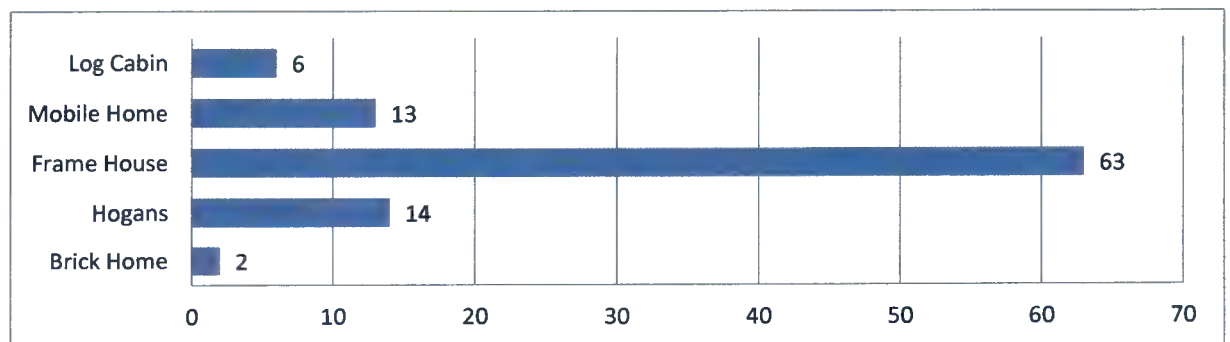


2.7 Housing Data

According to the 2010 Census data, the estimated number of households is 221 households, of which 82 were listed as vacant, thereby leaving 139 as the number of the households that are occupied. The number of surveys that were completed was 100 which are approximately 72% of the total number of occupied households. This base number of 100 is used in the following data tabulations.

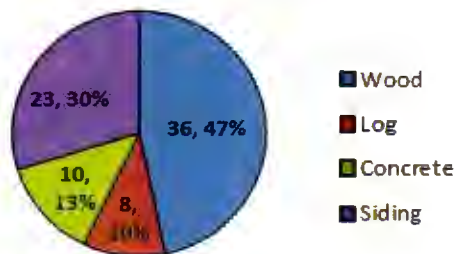
2.7.1 Types of Dwellings

Of the surveyed 100 households, 14 of the homes are hogans, 63 are frame houses, 13 are mobile homes, 6 are log cabins and 2 are brick homes (only 29 surveys completed).



2.7.2 Types of Exterior Walls

The exterior walls of the 100 households surveyed have a variety of materials used in the construction of the exterior walls of the homes; these include wood, stone, concrete (cinder blocks), and metal.

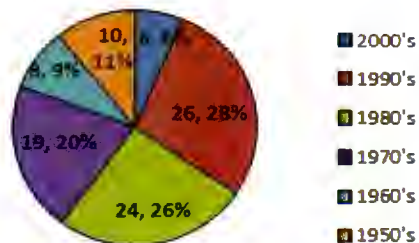


2.7.3 Median Value of Homes

The 2013 ACS data states that the median value of the homes in the Black Mesa Chapter area is 50,200.

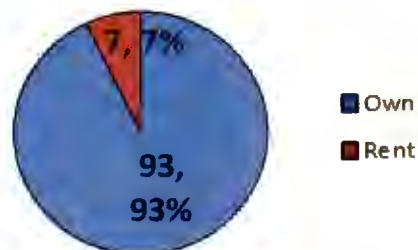
2.7.4 Years of Construction

Of the 100 homes, there are 6 of the houses that were constructed in the year 2000, 26 were built in the 1990's; there are 24 of the homes that were built in the 1980's. There are 19 of the houses that were constructed in the 1970's, there are 8 of the dwellings that were built in the 1960's and there are 10 of the houses that were built in the 1950's or earlier.



2.7.5 Home Ownership

The majority of the respondents said they own their homes, which are 25 households for a total of 73%. There are 5 or 15% who are renting, and 4 or 12% who are in the process of buying their homes.

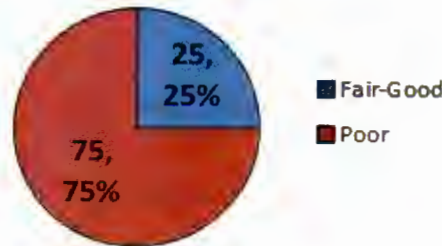


2.7.6 Condition of Dwellings

There are 25 or 25% who said that their houses were in good condition, with some needing minor repair work. There were 75 households for a total of 75% that stated their houses were in poor condition, they specified a number of problems they were

experiencing with their houses.

Some of these reported conditions include; houses being too small, leaking roofs, deteriorating floors and walls, broken doors and windows, water piping breaking down and generally various stages of dilapidation and disrepair.

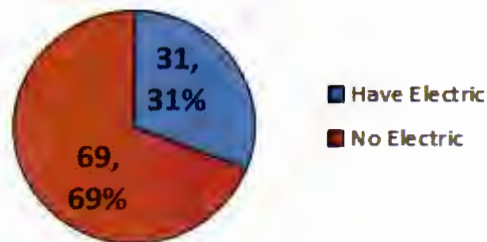


2.7.7 Utilities of Dwellings

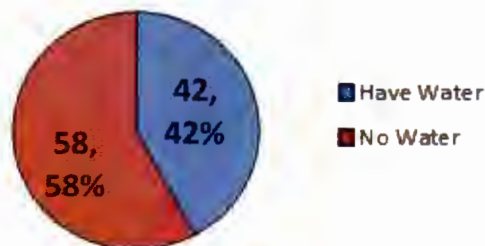
The immediate community area is served by water that is developed from wells maintained by NTUA. The electric systems are operated and maintained by the NTUA

There is no commercial gas in the community. The community is served with a telephone system by the Navajo Communications Co. The following utility data was generated through the survey:

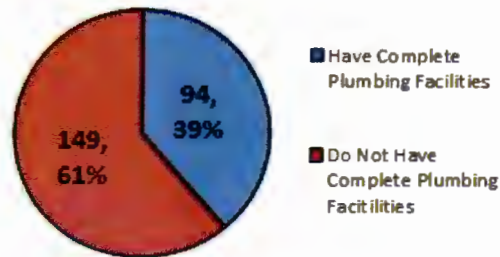
2.7.7.1 Electricity - 31 of the dwellings have electricity and there are 69 of the homes without electricity.



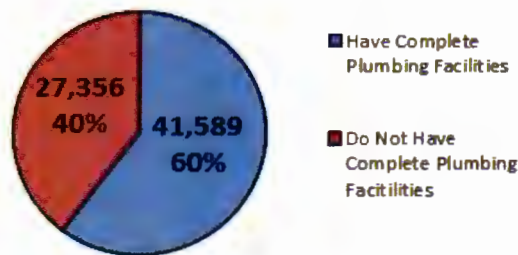
2.7.7.2 Water - There are 42 of the homes that have domestic running water and 58 without water.



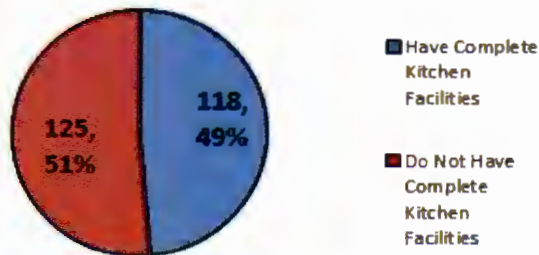
The 2013 ACS data says that 149 of the 243 housing units do not have complete plumbing facilities for 61%, this suggests that 94 homes have complete plumbing facilities for 39%



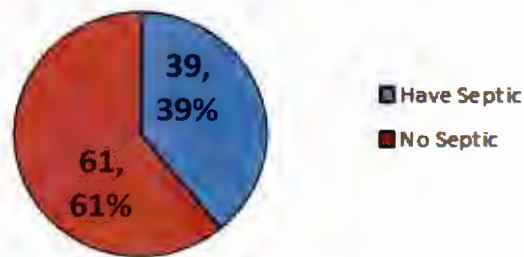
When compared to the data for the entire Navajo Nation, these numbers show a significant difference. On the Navajo Nation 40% do not have complete plumbing facilities, and 60% do have complete plumbing facilities



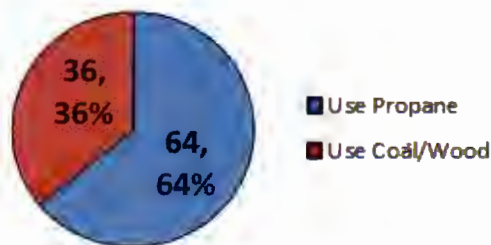
The 2013 ACS data further states that 125 of the 243 households do not have complete kitchen facilities for 51%, this suggests that 118 homes have kitchen facilities for 49%.



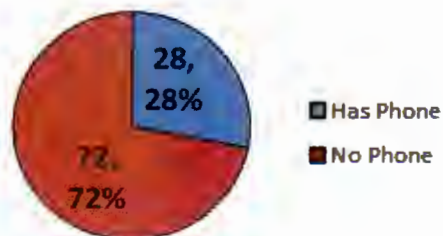
2.7.7.3 Sewer/Septic - 39 of the homes have septic service and 61 are without septic systems.



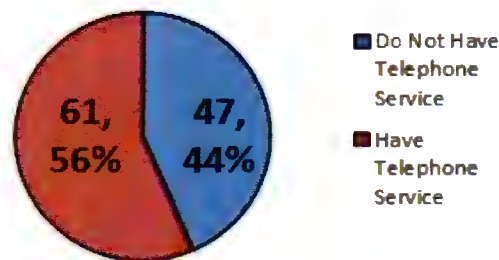
2.7.7.4 Gas/Propane - There are 64 of the dwellings that have a propane system and 36 without propane or gas for heating and cooking. These latter households rely on wood/coal burning stoves.



2.7.7.5 Telephone- There are 28 of the surveyed homes that have phones and there are 72 of the homes that do not have phones, the survey did not account for the cell phones, which are in significant supply.

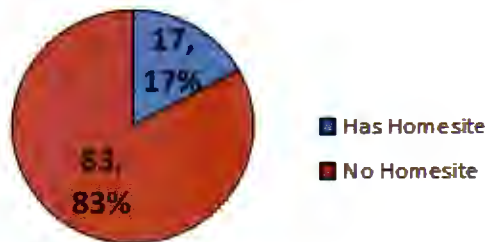


The 2013 ACS data states that 61 of 108 occupied households have telephones for 56%; this suggests that 47 or 44% do not have telephones; this number may include cell phones. This statistic is disputed by the CLUP Committee and the Chapter Officials as it is their knowledge that substantially more than half of the homes do not have telephone service. Cell phones are seen as an answer to the needs of the community as many of the community members have cell phones.



2.7.7.6 Solid Waste - The community opened a 1-acre landfill in 1984. This was closed and need clean up. The community does not have access to a Transfer Station and has a small dumpster that gets weekly service. Many families continue to burn their trash and dump the remains in landfill or ravines and washes near their homes.

2.7.7.7 Homesite Leases and Scattered Housing Sites - Of the 100 households, 17 had approved homesite leases and 83 households said they did not have homesite leases.



2.7.8 Housing Need

2.7.8.1 Background - The Black Mesa Chapter is experiencing a serious housing need; there are too many community families that live in housing with dilapidated conditions. The Chapter and pertinent Tribal programs have limited resources that can be used to help the families get the resources to build new homes or to substantially improve their existing housing.

2.7.8.2 Consequences - Due in part to these conditions, community members are finding their children and other family members relocating to areas away from the community, where these family members have ready access to more resources, including employment, schools and housing.

This is detrimental to the traditionally close-knit Dinē family that is accustomed to living close to each other for family support and the building on, of traditional familial values. This phenomenon of families moving away, IS contributing to a breakdown of the Dinē family unit.

In these "modern" times, it is also a disturbing trend that families who live in

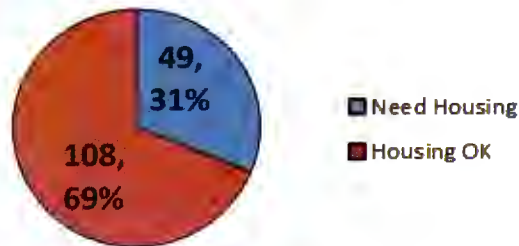
overcrowded and dilapidated housing conditions experience a high incidence of social ills, including exposure to alcoholism, family abuse and violence. Some of the resulting psychological and physical damage is devastatingly permanent.

It is essential that families, particularly growing children have adequate living space. They all need their own space. The families who have to live in houses with dilapidated and overcrowded conditions suffer, in terms of the impact the poor housing has on their self-esteem. The younger school age family members would suffer more, perhaps from ridicule and embarrassment.

2.7.8.3 The Housing Need - The Black Mesa Chapter Officials have a standing needs list that seldom changes, only in terms of the unfortunate need of adding more names

There are 75 families who stated that they have problems with their housing. From the survey there is indication that a total of 31 who are in dire need of new housing or need substantial work on their housing. Many if not all of these families would be on the Chapter housing needs list, so the number of 31 families in need of housing are used in the calculations, this translates to 31% of the households that participated in the community survey.

This number is high considering that the reported number of occupied households in the Black Mesa Chapter area is 158. The total number of families needing housing assistance in relation to the total number of occupied households; show that approximately 31% or 49 of the occupied community households need new housing.



The estimated number of occupied households in 10 years or the year 2025 is {214 This number not updated}. If the housing needs are not effectively addressed, there could be as many as 65 families in dire need of housing at that time.

2.8 Grazing and Agricultural Information

The Chapter Images, 1996 edition reports that the Chapter has several types of natural resources. The natural resources noted include the Chapter area has sand and gravel and coal.

Although the Chapter has significant natural resources, particularly the coal, the Chapter and community people receive little or no benefit. Some families do receive benefit from personal use of these resources, but collectively the benefit is limited, as there is no commercial/industrial level use or production that the Chapter derives direct benefit from.

2.8.1 Water

The primary source of water for the community is the NTUA water system. There are 4 developed wells, 7 windmills that often require repairs, and some natural springs throughout the Chapter area. There are 10 reservoirs and livestock ponds that provide water for the livestock of community members and all need some repair.

2.8.2 Agriculture

The Black Mesa area has a various number of agricultural activity. In years of moisture there are families who planted small family vegetation fields in the past, despite the current drought conditions there are still traditional farming. There is significant community interest in gardening and farming based on culture, health, and building a sustainable community.

2.8.3 Grazing

Black Mesa Chapter has approximately 55,000 acres of land that are open to grazing activities. In the past as many as 35 to 40 families possessed grazing permits despite it being invalidated. The livestock owners continue to use the land for grazing and rely on the water retained within manmade dams and the windmill drawn water for their animals. The livestock are fed the natural grass forage supplemented with alfalfa and other feed.

The future of the grazing industry is dependent on a variety of factors including the interest of younger family members to carry on the livestock raising traditions, the condition of the land, the availability of water and feed and the economics of the industry and the re-instatement of the grazing permits. The elderly and traditional community family members have every intent to carry on the tradition.

The problems the livestock owners contend with are the same problems that are universal among livestock owners, including shortage of water and forage and the concerns with overgrazing. The Federal Government and Navajo Nation have not provided any support for water source development or offered any support to better manage range land. The present drought conditions are a severe impediment to any successful livestock raising.

Grazing and Agricultural Information summary survey data appended as Exhibit 2.9.4.

2.9 Community and Public Facilities Information

2.9.1 Public Facilities Inventory

The community has a Chapter House, a storage/warehouse building and newly built head start building. The Chapter House was built in 1982 and renovated in 1987 and 2002.

2.9.2 Streets-Pavement

The street to the Chapter House and the Chapter parking lot are not paved. There are a number of dirt roads that are heavily used in the community area and roads to the residences of community members that are not paved. The Chapter does have plans to eventually pave the Chapter House parking lot and some of the streets and roads. The streets are currently either named or numbered. The Chapter is working on rural addressing for the Black Mesa Chapter region.

2.9.3 Trash Disposals

The community has access to a dumpster that is serviced by Navajo Sanitation through a weekly pickup at the chapter house. The dumpster overfills before the pickup date and presents health and sanitation issues. Some residents take their household trash and deposit them in receptacles in Pinon, and other regional communities. Most families continue to burn their trash and dump the remains in landfill or ravines near their homes.

2.9.4 Police Station/Fire Station

The community does not have a Police Substation or a fire station. The closest Police Substation and fire station is located in Chinle, Arizona which is about 65 miles. This distant causes a slow rate of response time (~1 hour) to the Black Mesa area.

2.9.5 Health/Medical Facilities

There are no health care facilities available in the community and the closest health clinic is the Pinon Health Station and the closest comprehensive health care facility is located in Chinle. The only ambulance services available is provided from the Pinon Health service.

2.9.6 Schools

The Black Mesa Community School begun in 1972 is a grant school utilizing federal funds and it has an enrollment of 55 students at grade levels K through 8th grade with a staff of 20. The older students attend the Rough Rock and Pinon Schools and many have had to and continue to attend regional boarding schools. The head start school will begin operation in fall 2017 as well.

2.9.7 Postal Service

The Black Mesa Chapter community does not have a local Post Office. Community Members have to either travel to Chinle or Pinon in order to send or receive mail. FedEx and United Postal Service are the only services that will travel here to deliver packages.

2.9.8 Employment Opportunities

The Black Mesa Chapter suffers from high unemployment rate due to limited job opportunities, these limited opportunities are a result of the chapter's remote location and the reluctance of new businesses to move into the area.

2.9.9 Proposed Development.

The community has plans for construction of various facilities:

Veteran Facility

Senior Center

Community cemetery

Major Renovation of the Chapter House

New Housing Complex

Multipurpose Building

Transfer Station

Small Business Development

On Line Learning Center

Convenience Center and Gas Pumps

Potable Water System – Wells and Distribution

2.10. Business and Industrial Development

The Black Mesa Chapter/community because of its isolation, the minimal "outside" traffic and lack of infrastructure do not have any commercial establishments. There are not any active business site leases nor any immediate plans for the development of any businesses.

2.11 Conclusion

Through the community survey process, important information was obtained on what the community members felt were their greatest needs. These needs are listed in priority order in Exhibits.

The Black Mesa community has the basic resources and the leadership necessary to formulate and implement plans that are intended to provide the community with a blueprint that will guide the community in all aspects of community and economic development.

BLACK MESA CHAPTER, NAVAJO NATION
LAND USE PLAN



Prepared by:
Black Mesa Chapter and
the Community Land Use
Planning Committee
(CLUP)

CHAPTER 3 - LAND SUITABILITY ANALYSIS

3.1 Background

The Black Mesa chapter selected site 1 (chapter tract) that is considered as a potential site for new development for the Black Mesa Chapter community. An initial Biological Survey was performed on the site which is located within the Black Mesa Chapter House tract and is reported on herein, see location map in Exhibits.

The Land Suitability Analysis of the 10-acre site, was completed by surveys to identify all the vegetation and evidence of wildlife and recorded other significant observations of cultural and/or traditional significant value. Also noted was the evidence of surface water, soil and topographic conditions.

The Black Mesa Chapter tract has considerable activity and pedestrian traffic throughout the site rendering it largely disturbed. It has the Chapter House, Head Start, and warehouse. This site is anticipated to host a new Veterans' center, a Senior Citizens building, and in the future an office building for Tribal and Chapter programs.

3.2 Existing Environment

3.2.1 Climate

The Black Mesa region is situated at approximate 6650 feet elevation, with a semi-arid climatic condition. Temperatures of 100 degrees (F) rarely occur during the summer and sub-zero temperatures often occur during the coldest parts of winter. The monthly mean annual temperature in the region ranges from 44-46 degrees (F). Precipitation occurs primarily during two periods in the year from mid to late summer and mid-winter through the late-winter months. Summer precipitation occurring as rainfall, generally exceeds that of the winter months. The mean annual precipitation is estimated to be about 14-16 inches. Regional prevailing winds blow from the southwest

3.2.2 Geology

The proposed project tract is located on Quaternary age alluvial deposited sediments derived from Cretaceous age bedrock that is exposed along slopes of scattered mesas that sit atop Black Mesa Range. The valleys and talus slope bedrock consists of middle Upper Cretaceous Wepo Formation, an alternating sequence of grayish- yellow sandstone, gray siltstone and coal lens. The tan-brown sandstone caprock above the Wepo, is the Yale Point Sandstone. Both the Wepo Formation and Yale Point Sandstone are part of the Mesa Verde Group of the Black Mesa Basin. Yale Point Sandstone type section is located at Yale Point several miles northeast.

3.3 Site Analysis Elements

3.3.1 Ground and Surface Water

Surface Water: No surface flowing streams are located within the boundaries of the proposed project area. Beyond the northern boundary is Oraibi Wash a headward erosional entrenched ephemeral stream channel that drains westward. Within the tract are small headward erosional channels with round bank slopes, these channels drain southwest into Oraibi Wash. These drainage channels control seasonal rainfall runoff within the study area.

Ground Water: The general region is considered part of the Black Mesa Hydrologic Basin. Groundwater in the Black Mesa region is a table aquifer, small water yields from the sandstone units of the Wepo and Toreva Formations. Wells drilled are drill to a depth of greater than 400 feet (Cooley and Others, 1969). The Yale Point Sandstone yields water along the upper flanks of Black Mesa range where water is released as springs below the Yale Point Sandstone caprock. An existing water well is located southeast of the study tract at a distance of 1000 to 1200 feet. An existing wind mill located next to a water trough and two large water tanks. The well provides water for domestic and livestock use.

3.3.2 Soils

The proposed development site is located on soil complexes derived from alluvial deposited weathered Cretaceous age bedrock. On site observation of generalized soils type has indicated overall texture of clayey to silty-clay soils prevalent throughout the study area.

3.3.3 Topography

The project area is located on a disturbed area within the fenced off Black Mesa Chapter House complex tract. The site is characterized by northeast sloping alluvial terrace just south of the Oraibi Wash drainage. The north and eastern edge of the survey boundary is bordered by a bladed dirt road. To the southwest is a small north trend ridge that approaches the western boundary.

Immediately beyond to the south are several home sites with livestock corrals and a small family burial plot. The southwest corner is about 60-70 feet higher than the north and eastern boundary with moderate slopes of 5-6% grade. Several small head ward erosional channels began in the southwest corner and drains north to Oraibi Wash. The Black Mesa Chapter House and Head Start complex is located in the northeastern corner of the surveyed tract. The chapter warehouse is located on the southeast of the chapter land tract.

3.3.4 Vegetation and Wildlife

3.3.4.1 Vegetation

Vegetation community cover types were determined by visual observation of the existing flora

throughout the project area. Dominant and/or co-dominant plant species, other associated plant species and estimated total percent plant cover were all determined during the initial survey.

There were Pinyon-Juniper Woodland and Grassland- Shrub vegetative plant community types observed during the botanical survey. A complete list of vascular plant species observed within the project area can be found in Exhibits.

Pinyon-Juniper Woodland: Plant community dominated by open canopy Pinyon Pine and Utah Juniper. Shrub associates include Greene Rabbitbrush, Four-winged Saltbush, Broom Snakeweed and Prickly Pear Cactus. Limited grass cover consists of Blue Grama, Western Wheatgrass and Galleta. Total vegetation cover ranges from 25 to 30%. Soils are generally silty to silty-clay. This plant community lies mainly beyond the boundary of the surveyed tract along the mesa tops.

Grassland-Shrub: Vegetative community type is characterized by Co-dominant Western Wheatgrass, Blue Grama grass with Greene Rabbitbrush and scattered Four Winged Saltbush. Total vegetative cover is up to 20%. Alluvial deposited soils are silty to silty-clay. The surveyed tract falls within this community type on gentle to moderately sloping alluvial deposited swales.

3.3.4.2 Wildlife

Wildlife field data was developed based on field observation of wildlife tracks, droppings, habitat inventory, animal occurrence and other life forms analysis. See Exhibit for list of species occurrence or signs of occurrence within the study area.

Rodents: Minor rodent activity was noted within the project area. Small burrows of Field mice and Kangaroo Rats are noted. No active or inactive prairie dog burrows were located within the study area.

Carnivores: No signs of carnivore species were observed during the survey. Carnivores that have been historically documented include: Black Bears, Gray Wolf, Mountain Lion and Bobcat. However, it is very unlikely any of these species reside in or near the study area at the present time. Habitat exists for Mountain lions, Bobcats and possibly Black Bears within the wooded slopes and rocky mesas scattered nearby.

Raptors: No Raptors of concern was found near the study area. Potential raptors in the nearby Black Mesa Mountains include: Golden Eagle, Peregrine Falcon and Ferruginous Hawk. Good potential raptor utility areas occur along the eastern Black Mesa escarpment several miles to the east, as well as the numerous scattered caprock mesas. No white wash or raptor nest sites were observed within the immediate vicinity of the proposed site.

The proposed community development project will have minimal impact on wildlife

inhabiting the area. These impacts should be limited to small rodents and reptiles.

Domestic and/or feral animal activity within the study area includes tracks made by cattle, sheep, horse and feral dogs occur throughout the survey area. Livestock are grazed throughout the valley region.

3.3.5 Culturally Significant Areas

Through a Class I records check with the Navajo Historic Preservation Department it is determined that a Cultural Resources Survey was done in the immediate vicinity of development site 1. This cultural survey site which is limited in size is documented as Site AZ-J-41-05 in Project Report No. NNAD-93-375.

Through the Cultural Resources Survey there was a site identified towards the southwest corner of the 10 acres that is classified as a cultural resources site. There is evidence found that there has been human habitation of the site that is over 100 years old.

The Navajo Historic Preservation Department Archeologists recommend that there be no development in close proximity to the Site AZ-J-41-05 and that there be a 50-foot buffer established to protect the integrity of the cultural site.

Resultantly, the technical support, the Chapter leadership and the CLUP Committee are planning the development well away from the site. The planned development as articulated herein will occur toward the front portion of the 10-acres immediately around the Chapter House.

3.3.6 Traditionally Sensitive Areas

It was ascertained that there are no significant traditionally sensitive areas in the vicinity of the proposed development site, as no traditional ceremonies have been performed there in recent memory or other significant traditional activity. It was determine that there are no traditional sensitive areas that will hinder the proposed development.

3.3.7. Environmentally Sensitive Areas - (Endangered, Threatened and Sensitive species)

Federally funded agencies are prohibited from authorizing or carrying out any development projects or activities that may jeopardize the existence of any federal listed species under the Endangered Species Act of 1973 (as amended). Therefore it is very important to inventory potential habitats for any plants and animals that are endangered, threatened and sensitive before any construction activities are proposed.

3.3.7.1. Endangered, Threatened and Sensitive Flora.

Federal, State and Navajo Tribal plant Species of Concern found growing near the proposed community development project area, Navajo County, Arizona include: *Aletes Macdougallii* (Macdougall False- carrot) and *Asclepias cutleri* (Cutler Milkweed).

3.3.7.2 Aletes macdougalii Coult. & Rose

(Macdougal False-carrot)

Federal Status: Species of Concern

Navajo Heritage Status: Species of Concern

Description: Acaulescent perennial from a thick caudex; many stems branched from the caudex, 6-25 mm tall ; leaves pinnate to bipinnate, 2-6 opposite pairs of lateral, linear to oblong leaflets, entire; inflorescence in solitary umbels ; flowers yellow; fruit 3-8 mm long, oblong with small corky wing ribs; flowers in May to early June.

Known Distribution: A Colorado Plateau Endemic, San Juan and McKinley Counties, New Mexico, northeastern Arizona, southwestern Colorado and southeastern Utah.

Habitat: Sandstone rim rock, slick rock, ledges, benches, talus slopes and rarely sandy alluvial bottoms. Mainly in the Mesa Verde Group, Entrada Sandstone and Wingate Sandstone Formations. Pinyon-Juniper Woodland community at 2000-2275 meters elevation.

Remarks: The plant is rare throughout its range. The nearest populations occur at Yale Point Area, several miles to the northeast. Growing on talus slopes and caprock at the locality. No potential habitat exists within the surveyed tract area.

3.3.7.3 Asclepias cutleri Woodson

(Cutler Milkweed)

Federal Status: Species of Concern

Navajo Heritage Status: Species of Concern

Description: Small slender perennial , single to few branching from the base; stems 6-13 mm long; Leaves linear to filiform, sessile, 3-8 mm long and 1-2 mm wide; Terminal flowers solitary, small; Corolla reflex-rotate, Pale green-rose to pink-purple; Fruit a follicle pendulous to spreading on a weekly ascending pedicel. Flowering period Late April to early June.

Known Distribution: Grand and San Juan Counties, Utah; Apache and Navajo Counties, Arizona.

Habitat: Sand sheets and dunes in mixed Sand desert shrub and Pinyon-Juniper communities. Elevation 4200- 4700 feet.

Remarks: A Colorado Plateau endemic that is rarely noted by surveyors. An easily overlooked species due to its small and inconspicuous growth habit. There are no suitable habitat that exists within the vicinity of the proposed tract.

3.3.7.4 Endangered, Threatened and Sensitive Flora

Animals of concern found in or near the proposed project area Navajo County, Arizona include: *Aquila chrysaetos* (Golden Eagle), *Falco peregrinus* (Peregrine Falcon), *Buteo regalis* (Ferruginous Hawk), *Asio tammous* (Burrowing Owl) and *Mustella nigripes* (Black-footed Ferret). No active Prairie dog colonies were located therefore; it is not likely the Burrowing Owl and the Black-footed Ferret are present within the study area.

Aquila chrysaetos (Golden Eagle)

Federal Status: Federal Sensitive Species

Remarks: Golden Eagles are occasionally reported hunting or hovering overhead within the general area. Good habitat for nesting exists along the top Black Mesa Mountain range where there are scattered tall Ponderosa pines and high sandstone caprock mesas scattered throughout the top of Black Mesa.

Falco peregrinus (Peregrine Falcon)

Federal Status: Federally protected

Remarks: No potential nesting sites were seen in or near the proposed project area. Potential habitat exists within the general area along mesa tops that are scattered across the top of Black Mesa where high protruding sandstone caprock forms extensive cliffs. No Peregrine Falcons were observed within the surveyed area.

Buteo regalis (Ferruginous Hawk)

Federal Status: Federal Candidate Species

Remarks: Ferruginous Hawks inhabits dry, open country. Often in eroded badlands type of topography. No Ferruginous Hawks were observed during the survey and no suitable habitat exists for this raptor of concern.

3.3.8. Compilation of Field Data and Methodology

Field survey was conducted on approximately 10 acres of disturbed rangelands within the Black Mesa Chapter house complex. The field survey was completed and documented in the prior manual.

Methodology used during the field survey consists of walking out the entire survey boundary by walking 15 feet intervals, transecting the entire 10-acre block back and forth to ensure that 90-95% total ground cover was achieved. A 25-50 foot buffer zone was also surveyed beyond the required survey boundary.

Raptor surveys were conducted by visual surveys of all powerline poles, fence lines and any

protruding high areas with the aid of binoculars and field spotting scopes.

3.3.9. Summary of Survey Results

The survey results conclude that no plant or animal species of concern grow or reside within the proposed project area. The proposed development tract is situated within the existing fenced Black Mesa Chapter House compound. The tract is somewhat disturbed and is suitable for development. Existing powerlines and waterlines are located nearby the tract. Access roads lead up to the Chapter house and the proposed site.

Moderate gradient of 12 - 15 degrees (5-6% slope) characterize the site, however the southwestern corner of the site needs to be leveled to even out with the northern and eastern areas of the site. The northern and eastern edge is bounded by an existing bladed dirt road that continues eastward to the Black Mesa Community School. The southern edge is bordered by several home sites scattered along the hillslope of a small north trending ridge.

Also near the midpoint of the southern fenced boundary is a small family burial plot with several gravesites. Minor headward erosional drainages occur in the western half of the tract. The minor channels drain north towards Orabi Wash situated about 1,000 feet to the north. Headward erosional features and small eroded areas in the eastern edge expose sandstone bedrock that underlies the alluvial valley fill.

Any proposed development may best be situated near the western edge of the survey tract. This will provide quick and easy access to any facilities from the bladed dirt road that bounds the northern edge. Privacy for facilities can be achieved by locating it in the southwestern corner of the tract with the Head Start and business site along the southeastern corner.

3.4 Accessibility

The proposed development site is located within the Black Mesa Chapter House complex. The site is accessible via Navajo Route 8066, which is the main access for the Black Mesa community.

3.5 Conclusion

The proposed development site selected by the Black Mesa CLUP Committee and Chapter leadership is in a good location. It has positive attributes in addition to its location, such as, moderate to good soil conditions, good slope for drainage, no vegetation or animal species of concern and all utility infrastructure on/near the site. The site has excellent aesthetics. There are no traditionally sensitive areas of concern issues and there is community support.

The one issue that the community needs to be cognizant of is the cultural significant site that is located to the southwest of the Chapter House; there will need to be a buffer of 50 feet at the minimum to protect the site. The other concern is the family burial area outside the south

boundary of the property; it is recommended that a high wall be placed there to provide a buffer from the anticipated development planned for the Chapter House tract.

The Black Mesa Chapter recognizes the potential that the selected development site represents, and with the committed determination of the Black Mesa CLUP Committee and the Chapter leadership, the development site can provide long term and well-deserved success by the Black Mesa community.

SITE ANALYSIS- SITE 2

3.6 Background

The Black Mesa Chapter selected another location (site 2-Yale Point) that was considered as a planning site for housing development for the Black Mesa Chapter community. The site located 12 miles east of the Black Mesa Chapter House was biologically assessed and is reported on herein, see location map in Exhibits.

Once the Black Mesa CLUP Committee identified the potential housing development site, the CLUP Committee reviewed and included the prior Consultant and Geo Botanist report with the Land Suitability Analysis of the 25-acre site, consistent with the Phase III requirements of the NAHASDA Chapter Land Use Plan and Housing Planning Project.

A pedestrian survey was reported in the prior manual to identify all the vegetation and evidence of wildlife and recorded other significant observations of cultural and/or traditional significant value. The evidence of surface water, soil and topographic conditions was noted.

The presence of pottery shards was ascertained and it was determined that the site was a cultural significant area. It was initially felt that the site would not be feasible for any development consideration. However, with the consideration that the Black Mesa has limited potential development sites that the Chapter will work with the Navajo Historic Preservation Department and other appropriate entities to have a Cultural Resources Survey conducted to determine the extent of the cultural resources and to also determine what portions of the site are open to development.

3.7 Existing Environment

3.7.1. Climate

The Black Mesa - Yale Point region is situated at approximate 7350 feet elevation, with a semi-arid climate. Temperatures of 100 degrees (F) rarely occur during the summer. Sub-zero temperatures often occur during the coldest parts of winter. The monthly mean annual temperature in the region ranges from 44-46 degrees (F). Precipitation occurs primarily during two periods in the year from mid to late summer and mid-winter through the late winter

months. Summer precipitation occurring as rainfall, generally exceeds that of the winter months. The mean annual precipitation is estimated to be about 14-16 inches. The prevailing winds blow from the southwest.

3.7.2. Geology

Proposed project tract is located on Quaternary age alluvial deposited sediments derived from Cretaceous age bedrock that is exposed as caprock of scattered mesas that sit atop Black Mesa Range. The valleys and talus slope bedrock consists of middle Upper Cretaceous Wepo Formation, an alternating sequence of grayish- yellow sandstone, gray siltstone and coal lens. The tan-brown sandstone caprock above the Wepo is the Yale Point Sandstone. Both the Wepo Formation and Yale Point Sandstone are part of the Mesa Verde Group of the Black Mesa Basin.

3.8 Site Analysis Elements

3.8.1 Slopes and Topography

The project area is located on relatively undisturbed rangeland west- southwest of Black Mesa chapter house. The site is characterized by several small knolls located adjacent to a broad west sloping alluvial terrace valley that drains towards Oraibi Wash 1200 feet to the west. The eastern edge of the surveyed project area is bordered by scattered mesas that sit atop Black Mesa range. The mesas are covered by Pinyon-Juniper and the adjacent valley covered by Greasewood community. An existing dirt road comes off the main dirt road from Pinon and heads east bisecting the surveyed area, the road leads eastward towards several home site leases.

Two minor entrenched head ward erosional channels drain from the knoll tops heading southwest and northwest towards Oraibi Wash drainage. The head ward erosional channel dimensions are 5 feet depth and up to 3 feet width at its widest section. Also, included within the survey block is an existing waterline and electrical located on the surveyed tract or within close proximity.

3.8.2 Soils

The proposed housing development site is located on soil complexes derived from alluvial and minor eolian deposited weathered Cretaceous age bedrock. On site observation of generalized soils type has indicated overall texture of clayey to silty clay soils prevalent throughout the study area. Soils on knoll tops are derived from wind-blown sand and are silty to silty sand.

3.8.3 Vegetation

Vegetation community cover types were determined by visual observation of the existing flora throughout the project area. Dominant and/or co-dominant plant species, other associated plant species and estimated total percent plant cover were all determined during the initial survey.

Grassland-Shrub plant community type was observed during the botanical survey. A complete list of vascular plant species observed within the project area can be found in Exhibits.

Grassland-Shrub: Community type determined by Co-dominant Galleta, Blue Grama grass with Viscid Rabbitbrush and sparsely scattered Four Winged Saltbush. Total vegetative cover is up to 20%. Alluvial deposited soils are silty to siltyclay. The majority of the surveyed tract falls within this community type on moderately sloping alluvial deposited swales.

3.8.4 Culturally Significant Areas

There have not been any Cultural Resources Surveys done in the immediate vicinity of the proposed development site. However with the significant presence of pottery shards that was ascertained it was determined that the site was an obvious cultural significant area.

The Black Mesa Chapter will arrange to have the site be archeologically surveyed to determine the extent of the cultural resources that are present in the area. The Cultural Resource Survey will determine what portions of the site that will be open for development. As the Black Mesa community has limited land area that are available for development and that enjoy the support of the land users, the Chapter plans to develop the portions of this site that are suitable.

3.8.5 Compilation of Field Data and Methodology

It was reported in the prior manual that a field survey was conducted on approximately 25 acres of undisturbed area. Methodology used during the field survey consists of walking out the entire survey boundary in small manageable blocks of 1 acre each.

Raptor surveys were conducted by visual surveys of all power line poles, fence lines and any protruding high areas with the aid of binoculars and field spotting scopes.

3.8.6 Summary of Survey Results

Survey results conclude that no plant or animal species of concern grow or reside within the proposed project area. However, the tract will require site preparation work with earth moving equipment to get the site suitable for housing development as the area is bounded by undulated topography of small hills. The areas with remains of pottery shards will have a Cultural Resources Survey done.

The region is currently used for grazing sheep, goats, cattle and horses on a daily basis.

3.9 Accessibility

The proposed development site is located approximately 12 mile east of the Black Mesa Chapter on the road that goes towards Yale Point on the Navajo Route 8088. The site is accessible via Navajo Route 8066 which is the main access for the west Black Mesa community. Another accessible route from the east side coming from Blue Gap community would be Navajo Route 8028.

3.10 Conclusion

This site proposed for development needs a Cultural Resources Survey to determine the extent of the archeologically significant cultural resources. Further the Cultural Resources Survey will also determine the portions of the site that could be made available for housing development.

BLACK MESA (KITS' IILI'), NAVAJO NATION



Prepared by:
Black Mesa Chapter and
the Community Land Use
Planning Committee
(CLUP)

CHAPTER 4 - INFRASTRUCTURE ANALYSIS

4.1 Background

The Black Mesa Chapter selected 2 development sites for the Black Mesa community, including the development of housing and other facets of community development.

Site 1 is located within the Black Mesa Chapter House 10-acre tract and thus is in immediate proximity of the existing community utility infrastructure. The Chapter House tract is approximately 18 miles northeast of Navajo Route 41. The closest paved road, N8066, to the community ends approximately six miles from the Black Mesa Chapter house.

Site 2 is located 12 miles east of the Black Mesa Chapter House and 3 miles east of the junction of Navajo Routes N8028 and N8088. The 8-acre site is accessible via Navajo Route 8088.

The Land Suitability Analysis of the sites previously recorded in the original manual are fair to good for development considering the utility elements reviewed and analyzed.

Site 1 is good to excellent for development considering the utility elements reviewed and analyzed in this Infrastructure Analysis.

Site 2 will need further review for compliances with all requirements.

4.2 Infrastructure Analysis Elements

4.2.1 Electric

Site 1- This site is less than 200 feet from a single-phase electric power line is immediately available to the site.

Cost calculation for development will be based on the formula used by the NTUA wherein the cost to extend a powerline including pole and the standard distance between power poles is 350 feet at the maximum.

The conclusion is that the electrical power source is accessible and the cost to obtain electrical power is reasonable.

Site 2- This site is less than 150 yards from a single-phase electric power line and is available to the site.

4.4.2 Water

Site 1 – has immediate access to the community water supply and thus the cost to tap into the existing system would be minimal based on the formula that is generally used by the IHS Office of Environmental Health wherein the cost to extend is 6 inch waterline times the footage.

Site 2 - This site is adjacent to the local water system that is supplied by well water. The estimate to bring water to the site will be based on calculation that the well supplies sufficient water to be determined through the engineering studies of the IHS Office of Environmental Health. Further determination to be made by the OEH will be whether the well would need to be upgraded. The community is contemplating housing units at this site.

4.4.3 Gas

There is no commercial natural gas available in the vicinity of the sites, thus any new development will need to rely on propane for heating and cooking.

4.4.4 Waste Water

Site 1 – There is no lagoon in the Site 1 area. The facilities in the chapter tract use septic tanks.

Site 2 – A community sewer lagoon/waste water management system will need to be developed for the housing project. The costs will be determined.

4.4.5 Telecommunications

The Black Mesa community does not have landline telephone service in the region. This would require extending landline service to the area. 6 cell towers provide cell phone services

4.4.6 Solid Waste

The community does not have a solid waste disposal system. The chapter provides a dumpster for disposal of solid waste. The community members burn their trash or dispose of trash illegally in the washes and ravines. Some people transport their solid waste to trash bins located in Rough Rock, Chinle and/or Pinon. The community needs to plan and implement a solid waste disposal system with the development the community is anticipating.

4.3 Conclusion

The conclusion of the Black Mesa Chapter is that the development of infrastructure to serve the two sites is feasible. The costs estimates using base calculation formula help in determining costs. The community understands further that detailed costs will be developed with the pre-engineering studies that will be done by NTUA and OEH prior to development.

With the provision of the utility infrastructure systems, the proposed sites can be made ready for development. The Chapter leadership, CLUPC and the administration will continue a close collaboration with the Navajo Tribal Utility Authority, the IHS Office of Environmental Health, the Navajo Communications Co. and other pertinent agencies in order that the utility infrastructure are brought to the proposed development areas.

BLACK MESA CHAPTER, NAVAJO NATION
LAND USE PLAN



Prepared by:
Black Mesa Chapter
Community Land Use Planning Committee (CLUP)

CHAPTER 5 - LAND USE SITE PLAN NARRATIVE

5.1 Background

The Land Suitability and the Infrastructure Analyses conclusion supports the viability of the potential development sites and thus substantiate the formulation of this Land Use Plan for the specified development sites.

5.2 Site Access

Development Site 1 is located within the Black Mesa Chapter House tract. The site is located along N8066, 1/2 mile west of the Black Mesa Community School and as such the site is located off of the primary immediate community roadway used by the Black Mesa residents. The site is easily accessible.

The proposed Development Site 2 is located approximately 12 miles east of the Black Mesa Chapter House and 3 miles east of the junction of Navajo Routes N8028 and N8088, these roads lead to Blue Gap/Cottonwood and Black Mesa/Rough Rock/Pinon and east to the development site. The site is accessible via N8088 which is the main access for the east Black Mesa community. Thus the site has relatively easy accessibility thus shown in Exhibits.

5.3 Site Related Elements

5.3.1 Manmade improvement Structures

Site 1 within the Black Mesa Chapter House withdrawn area has some development limitations. One consideration is the site has 5% to 6% slopes to the south and west sides and there is a high ridge outside the west border. The only developments on the 10 acres presently are the Chapter House, warehouse and Head Start. There are home sites and other domestic development to the south. The road to the Chapter House is well-used, as is the dirt road that borders the site to the north and east. These roads lead to N8066 and to the Black Mesa Community School and the home sites. Future development will complete the purposed pavement on route N8066 leading into Black Mesa Chapter and Black Mesa Community School.

Future developments for Site 1 shall include a Senior Center, Veterans facility, and, a multipurpose building. Related improvements incorporated into these projects would be wastewater system upgrades, water system upgrades, and additional parking and road improvements.

Site 2 description (Yale Point)

There are no existing structures or improvements of any kind on the second development site that are under continued use except for a livestock corral to the northeast corner of the site that is used periodically by the host land user family. Recently completed was an archeological study done on the area purposed for use. There is a primary access dirt road that borders the area to the south; the road is used only by local residents. There is an old water well with a storage tank outside the west side of the site; this water is used to provide water for livestock and agricultures uses.

5.3.2 Utilities

Site 1 has an electrical power line, water and wastewater systems infrastructure located within the 10-acre Chapter House tract. These utility infrastructures are in close proximity that the further development of the site is reasonable. There will be a need to expand the waste water system for the site.

Site 2 has a primary community road going through it and has an adequate electrical utility system which ends at the western border of the site. The existing water well storage facilities will need to be developed; there is reportedly sufficient groundwater for the development of the well and its appurtenances. Studies will need to take place to make sure that water is viable for usage for communities. Another option that could be executed will be extending a water line 3 miles to site 2. There will be a need to develop a new waste water system for the site.

The conclusion of the prior consultants is that the development of the sites is feasible with the water, electrical utility and telecommunications infrastructure in close proximity. The waste water system capacity will need to be developed for both sites.

5.3.2 Contamination

As there has been limited development within the two sites or their peripheral area, there is little chances of contamination. Prior to any construction activities the Black Mesa chapter will do the required environmental and archeological studies to ensure there are no contaminants currently or with future developments within the Black Mesa Chapter.

5.3.3 The Environmental Assessment

Archeological surveys have been completed on Site 1. The environmental and biological assessment have been completed on Site 1.

Site 2, the Cultural Resources Survey has not been done in compliance with the Navajo Nation requirements, an initial Biological Survey has been performed of the site, primarily to identify the vegetation and wildlife. The data collected through the Biological Survey can be referenced when the Cultural Resources Survey and other clearance surveys are being performed.

A primary objective of the Biological Survey is to determine if there are any vegetation or wildlife that are Species of Concern considering the dictates of the Federal Endangered Species Act (ESA). There are no findings at Site 2 that would qualify for consideration under the ESA.

The community is continuing with the planning of the development sites, the Cultural Resources Survey and other relevant surveys need to be performed and completed.

These would include securing the Finding of No Significant Impact (FONSI) statement, the Cultural Resources Survey, as well as completing the land withdrawal process for the 8 acres through the Navajo Nation.

The conclusion in the prior manual is that there are not any known cultural resources of concern found in the vicinity of the 8 acres.

5.4 Description of Land Use Site Plan

5.4.1 Housing Subdivision

The planned housing subdivision for site 2 is on approximately 8 acres. Housing unit lots that are planned for families will be distributed evenly within the land proposed.

5.4.2 Multi-Purpose Building

There is some land set aside for development in site 1 for a facility for community usage. This building will be utilized on a weekly basis for various community activities. Importantly it will be a resource for shelter during emergency situations.

5.4.3 Elderly Care Group Home

One of the great needs that the community wants to address is the unfortunate institutionalization of elderly to off reservation elderly nursing homes, the CLUP Committee and the Chapter Leadership wants to develop an Elderly Care Group Home. The Chapter leadership and CLUP Committee are still in the process of identifying the location for this facility.

5.4.4 Clinic

The community has to travel a distance to get medical attention and with the growing population of Black Mesa. The community would like to have a day health clinic established in the immediate community area. To facilitate this plan the community planners have reserved some land.

5.4.5 Streets

In addition to the various components of the Land Use Plan discussed, there are also basic elements of the streets, sidewalks, landscaping and access to the different parts of the development area accounted for.

5.4.8 Commercial

The community wishes to host the development of convenience store/gas station business enterprises, as well as other business development possibilities. However the sites that are identified are not conducive to economic development and the community is advised that another site needs to be selected for the development of commercial development.

5.5 Conclusion

The sites proposed for a housing subdivision and the different components of community development are well chosen sites. With the advent of bringing all necessary utility infrastructure systems to the sites and with the aggressive advocacy for development by the community leadership, with support from the Navajo Nation, the Indian Health Services and the Bureau of Indian Affairs, the Black Mesa community can have and experience the positive attributes of development into the future that it deserves.

**BLACK MESA, NAVAJO NATION
CHAPTER LAND USE PLAN**



Prepared by:
Black Mesa Chapter
Community Land Use Planning Committee (CLUP)

CHAPTER 6- IMPLEMENTATION RECOMMENDATIONS

6.1 Black Mesa Chapter Land Use Policies

These internal policies that provide general direction for the Chapter government, as the community proceeds with its Land Use Plan.

These policies are intended to provide guidance in the most general terms, specific issues not addressed by these policies shall be governed by pertinent Navajo Nation laws and regulations. Further, those localized issues not provided for herein and not specifically provided for in Navajo Nation law or regulations, shall be subject to the recommendations of the Black Mesa Chapter leadership for deliberation and decision of the Chapter leadership and community members.

6.1.1 Chapter Policy

It is recognized that there are no "official" Chapter boundaries that are formally accepted by the Black Mesa Chapter, the Navajo Nation and the Bureau of Indian Affairs. It is understood that the Black Mesa Chapter has approximately 157,320 acres within its jurisdiction of Trust Lands according to the Navajo Land Department.

The Black Mesa Chapter located in the northwestern section of the Chinle Agency shares its borders with the Rough Rock, Tachee/Blue Gap, Pinon, Forest Lake and Chilchinbeto Chapters. The 157,320 acres within the Black Mesa community is all Navajo Trust Land.

In instances where there are Black Mesa Chapter members who have physical residences in other Chapter areas will be addressed through dialogue with other chapters to determine chapter membership /client service areas.

The policy of the Black Mesa Chapter will be to protect the integrity of the land areas recognized by the Black Mesa Chapter and to diligently engage in discussions and negotiation with other jurisdictions to conclusively resolve any potential discrepancies.

6.1.2 Cultural and Traditional Resources Preservation Policy

A prerequisite in the process of community and economic development is the assessing of the cultural and traditional resources located on and adjacent to the proposed development sites.

The Chapter leadership will assure that the knowledge of community members of such resources are considered in the predevelopment assessment processes. Cultural resources include areas where there were previous human habitation and burial sites. Traditional sacred areas are those areas currently used for traditional ceremonial activities.

In addition to this responsibility, the Chapter Leadership will assure that all relevant laws and regulations are complied with, including but not limited to the Navajo Nation Cultural Resources Preservation Act, the National Historic Preservation Act, Archeological Protection Act and the National American Graves Protection and Repatriation Act.

6.1.3 Environmentally Sensitive Areas Policy

Another prerequisite in the process of community and economic development is the assessing of the environmental conditions and resources located on and adjacent to proposed development sites. The Chapter leadership will assure that in the assessment of proposed development areas, all relevant laws and regulations are complied with, including but not limited to the Navajo Nation Environmental Protection Act, the Federal Environmental Protection Act, Endangered Species Act and the Clean Water Act.

6.1.4 Grazing and Agricultural Land Management Policy

The prudent practices of land use for grazing and agricultural activities are time-honored activities the Black Mesa community members are accustomed to. The regard for the land use and the proper care thereof, has been central to traditional livelihood throughout the history of the people and is a sacred trust and birthright.

The Chapter leadership shall assure the continuance of the proper caring of the land and natural resources by advancing and advocating appropriate land management practices. The policy of the Black Mesa Chapter shall be to continue traditionally learned land management practices, in addition to referring to and utilizing the dictates of the Navajo Nation grazing regulations and other pertinent laws and regulations.

6.1.5 Land Use Approval Policy

The Land Use Plan as approved by the Chapter membership shall dictate the manner and process of the various land use proposals. The Land Use Plan is subject to periodic review and amendment by the Chapter leadership.

All requests for Chapter land development shall be first presented to the Black Mesa Chapter Land Use Planning Committee for initial review. The CLUP Committee shall submit their recommendations to the Chapter Planning Committee prior to presentation to the Chapter membership.

The Chapter leadership shall insure that all appropriate information is secured before the land use proposal is forwarded to the Chapter membership. This information shall include verification of land availability, regulatory clearances, development plans and conformance with the Land Use Plan. Appropriate Tribal and other laws and regulations shall be complied with.

6.1.6 Chapter Land Master Leasing Policy

To expedite the planning and development of land, the policy of the Black Mesa Chapter shall be to make concerted effort to withdraw land for comprehensive planning for housing, commercial, industrial and other appropriate development. These large withdrawn tracts of Chapter lands shall be surveyed and field cleared in a comprehensive manner to secure all required regulatory clearances. Black Mesa Chapter may host sites to aid in financial stability for the Black Mesa Chapter.

6.1.7 Chapter Housing Development Policy

Chapter leadership in conjunction with various providers shall determine a strategy to address the community housing need.

The basic considerations in the formulation of the housing development strategy shall include the land areas identified for housing development, required infrastructure systems, funding sources, types of housing development and building materials, housing designs, and long-term maintenance and operation of the projects.

6.1.8. Identification of New Areas for Development Policy

The Black Mesa Chapter leadership and the Chapter Land Use Planning Committee shall continually assess the need to identify new development areas to

meet the anticipated growth of population and community. Areas that are considered for new development shall be assessed for land suitability, including all appropriate surveys and regulatory clearances. Areas that are determined to be available and suitable for future development shall be dedicated as such, with inclusion to the Land Use Plan.

6.1.9. Infrastructure Needs Policy

The consideration for and identification of new development areas requires that the infrastructure necessary to serve the new areas be analyzed and planned. In addition to the future planning for infrastructure, the Chapter leadership must be cognizant of the condition of infrastructure systems with the purpose of assuring the viability of the systems. This function is necessary to determine the portions or components of the systems that need replacement or upgrade to ensure that the infrastructure needs of the community membership are met.

6.1.10. Commercial and Industrial Development Policy

The policy of the Black Mesa Chapter and community shall be to encourage local community members and other interested parties to develop within the Black Mesa Chapter. The community would also encourage the establishment of light industrial development to provide employment opportunities. The development of such commercial and industrial interests shall be provided for within the established Land Use Plan. The community leadership shall do all things necessary to assist the prospective entrepreneurs to establish their business concerns in the community.

6.2 Additional Implementation Recommendations

6.2.1 Learning and Working with Existing Laws and Regulations

The Black Mesa Chapter leadership and CLUP Committee shall gain familiarity with authorities of pertinent existing Navajo Nation laws and Bureau of Indian Affairs regulations as they relate to the Black Mesa development process.

The Local Governance Act of 1998 grants certain authorities to the Chapter government for the planning and regulation of local affairs and issues, there will remain continued oversight of community local governance activities by the central Dinē government and the BIA.

It is therefore incumbent upon the community leadership to understand these pertinent laws and regulations to be able to exercise the greatest measure of local governance that is feasible. The community will better achieve its goals and

objectives if there is understanding and working within the parameters of the oversight laws and regulations.

6.2.2 Establishment of Chapter Land Development Code

As the Chapter leadership and community membership understand their position in relation to existing laws and regulations and further understanding the mechanisms in developing and maintaining the Comprehensive Land Use Plan, there will be the need to develop appropriate Land Development Codes to provide additional guidance in the orderly development of the Black Mesa Chapter area.

6.2.3 Enforcement of Land Use Development Code

Even the most well-developed and well-intentioned Development Code is not practical, if they lack enforcement procedures. The Black Mesa Chapter and community will establish appropriate enforcement processes to assure the viable and successful exercise of the Black Mesa Land Use Development Code, once the chapter has been certified by the Resource and Development Committee of the Navajo Nation Council.

6.2.4 Zoning

To ensure that the various components of community and economic development occur in a prescribed and orderly fashion, specific sites for these components will be described beforehand using appropriate zoning mechanisms and delineating them in the Land Use Plan.

The Chapter Leadership and CLUP Committee will require that all development occur in conformity with the zoning policies, except where the community membership makes formal exceptions to the zoning policies. Such exceptions shall be accomplished through Chapter resolution and with appropriate adjustments to the Black Mesa Land Use Plan.

6.2.5 Regulatory Clearances

With the provision of land for the proposed development pursuant to the Land Use Plan and attendant zoning requirements, the Chapter leadership shall assure that there is compliance with all pertinent legal and regulatory clearance requirements.

These include, but are not limited to legal survey, cultural resources (archeological) survey, environmental assessments, biological studies, and with the Finding of No Significant Impact (FONSI) statement.

6.2.6 Building Code

The Chapter leadership will consider the development of Building Codes to provide guidance on the manner of acceptable construction of public facilities and housing. Building Codes would ensure quality construction and would thus assure the protection of the safety and health of the citizens in this respect.

6.2.7 Community Education

It is incumbent on the Chapter leadership and the CLUP Committee to insure that the community membership understands the purpose and intent of the Black Mesa Chapter Land Use Plan and all its particulars.

The Chapter leadership and the CLUP Committee shall continue an orientation process on the Land Use Plan to establish ownership and acceptance of the Plan as a guiding tool for the orderly future growth and development of the community.

6.2.8 Review and Update of the Land Use Plan

The Chapter leadership and the CLUP Committee shall continually assess the Land Use Plan and present recommendations to the Chapter membership on any elements of adjustment and updating that are appropriate and necessary.

This Land Use Plan will provide reasonable planning guidance over the next five years or through the year 2022. At the end of the five year period, the Plan should undergo critical review and updating, or as needed.

6.2.9 Rural addressing

Black Mesa Chapter, the CLUPC and the Navajo Nation Addressing Authority are in the process of completing the rural addressing of the community. Rural Addressing is the "physical" address of a house dwelling for the purposes of emergency response. A rural address could also be used by other service providers to deliver mail, packages, installation activities or other services to clients. The rural addressing involves Field Data Collection to identify homes and buildings to be addressed, hold public hearings to officially adopt the road names, and purchase street/road signs and install them. Centerline configuration will complete the project. The process will be followed to add other homes to the Rural Addressing once the system is in place.

6.2.10 Cemetery

The Black Mesa Chapter leadership and the CLUPC will aggressively pursue this effort. Current family plots and burial sites will be identified and mapped. Public hearings will be scheduled and policies written.

6.2.11 Watershed

Black Mesa community desires to build a community capacity and resilience to respond to increasing drought condition and climate change by identifying and developing sustainable good quality surface and ground water supplies for the present and future life needs. Black Mesa plans to support all effort for improvement of land, water, plants, livestock, wildlife, and all natural resources. Information will lead to develop and submit priority community-based water and natural resources conservation plans.

6.3 Special Site Development Requirements

6.3.1 Utility Infrastructure Development

The Chapter Officials will continue a close collaborative relationship with the Office of Environmental Health, the Navajo Tribal Utility Authority, the Navajo Communications Co. and other appropriate vendors in order that the utility infrastructure are brought to the fruition in a timely manner.

6.4 Legal Considerations

6.4.1 Development Site Land Withdrawal

The land withdrawal for all planned development sites will need to be processed through the Chapter, Navajo Nation and the BIA.

6.5 Conclusion

These policies of the Black Mesa Chapter will provide guidance for future development in the community.

BLACK MESA CHAPTER, NAVAJO NATION LAND USE PLAN

CHAPTER 7- SUMMARY



Prepared by:
Black Mesa Chapter
Community Land Use Planning Committee
(CLUP)

CHAPTER 7-SUMMARY

The Black Mesa Chapter and community has the unique opportunity to reflect in a process of assessing its special inherent qualities. The assessment by the community has brought the community and the Chapter leadership to the realization that it has the ability to plan the development of the community to a successful future.

The Chapter leadership, the CLUP Committee and the community recognize that in spite of the limited development, that there is potential for the eventual development of the community area.

The Black Mesa Land Use Plan document is to be regarded as a tool in the planning and development process of the community. The plan is intended to provide general guidance in the planning process. The plan is a living document, such that it should not be stagnant, but ever changing and growing as the community continues to refine the document by working with it. It is further accepted that the Plan is intended to provide general community planning and development guidance for a period not to exceed five years or as needed.

The Black Mesa Chapter leadership and community membership appreciate that the developed Land Use Plan represents a crucial element in the satisfaction of the requirements to attain certification under the Local Governance Act. The Black Mesa Chapter leadership and community membership believe that their aspirations and hopes for development and progress has been enhanced through the community capacity building and community empowerment that is made evident through participation in Chapter Land Use Planning project.

Summary Analysis

On December 22, 1974, the United States District Court for the District of Arizona entered a Judgment of Partition, which Judgment divided the Former Joint Use Area (FJUA) between the Diné Nation and Hopi Tribes. The court decreed that "no construction in the area partitioned to the Hopi Tribe shall be commenced or continued by the Diné Nation, or any member thereof, without the written authorization of the Hopi Tribe." Moreover, pursuant to Hamilton vs. Mac Donald, the United States District Court of Arizona issued an Order of Compliance on October 17, 1972 canceling all grazing permits on the FJUA, pending a reassessment of range carrying capacities and the determination of its stocking rates. Since 1978, no grazing permits have been reissued after cancelation of Navajo Partition Land (NPL). Long before the entry of the Judgment of Partition, and on October 14, 1972, the court also entered an order prohibiting Diné residing within the FJUA from undertaking any new construction within FJUA without consent of Hopi Tribe.

Under these orders, Dinē not only experienced diminishment of their land base, but they were not allowed to build homes, clinics, paved roads, bridges, schools, even extend electrical and water lines to their homes. Life in the FJUA and NPL were difficult to maintain.

Dinē residents were forbidden to gather firewood, herbs, maintain homes and even outhouses without a permit from the Hopi tribe which lead to a difficult life.

In an effort to survive this unique catastrophe and retain their values and traditional way of life the residents of Black Mesa seek to salvage some vestige of their ancestral way of life and blend it with modern organizational survival methods and techniques. Through the Navajo Tribal Councils which are empowered by the US Federal Government, the Black Mesa Chapter and the Community Land Use Planning Committee has undertaken the task of developing a Community Land Use Plan Committee (CLUPC).

Modern planning techniques will be a valuable tool and asset. As presented and practiced, sections within this land use plan will guide the systematic future development of the Black Mesa Chapter. The CLUPC overview is that the traditional T'AA HO A JI' T'EEGO "do for yourself" Dinē vitality is the people of the Black Mesa community. The end goal include retaining the Dinē language, traditional values, and way of life.



BLACK MESA CHAPTER

P. O. Box 189 * Pinon, Arizona 86510



RESOLUTION OF THE BLACK MESA (Kits'illi) CHAPTER

BMC-18-10-005

Approving and Adopting the Black Mesa Chapter Community based Land Use Plan Pursuant to 26 NNC, Section 2004.

Whereas:

1. The Navajo Nation Council by Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26, Section B 1 & 2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with matters consisted with Navajo Nation laws including customs and tradition and to make decisions over local matters; and
3. Pursuant to Title 26, Section 2004 subsection B 1 & 2 & 3, the chapter, at a meeting duly-called chapter meeting, shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land used plan; and
4. By Chapter Resolution Black Mesa Chapter established the Community based Land Use Planning Committee (CLUPC) who held meetings updating an older Land Use Plan. CLUPC also held several public hearings educating the public and allowing comments and input into the plan, members also updated the chapter membership numerous times during their regular called chapter meetings; and
5. The Black Mesa Chapter CLUPC worked to facilitate the policy process and prepare the final report; and
6. It is in the best interest of the chapter to adopt and submit the manual to the Resources and Development Committee, Navajo Nation Council for their consideration and recertification for implementation at the local level.

Now, therefore be it Resolved that:

The Black Mesa Chapter hereby approves and adopts pursuant to NCC 26, Subsection 2004, B 1 & 2 & 3, the chapter's Community based Land Use Plan, 2017 and further request the Resources and Development Committee, Navajo Nation Council to consider its approval and recertification for implementation at the local community.

Marvin Yellowhair
Chapter President

Caroline Bemore
Chapter Vice-President

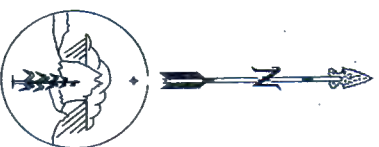
Marlene Bittah
Chapter Secretary/Treasurer

Francis Honie
Grazing Committee Member

Dwight Witherspoon
Council Delegate

EXHIBITS

Black Mesa Chapter, Navajo Nation



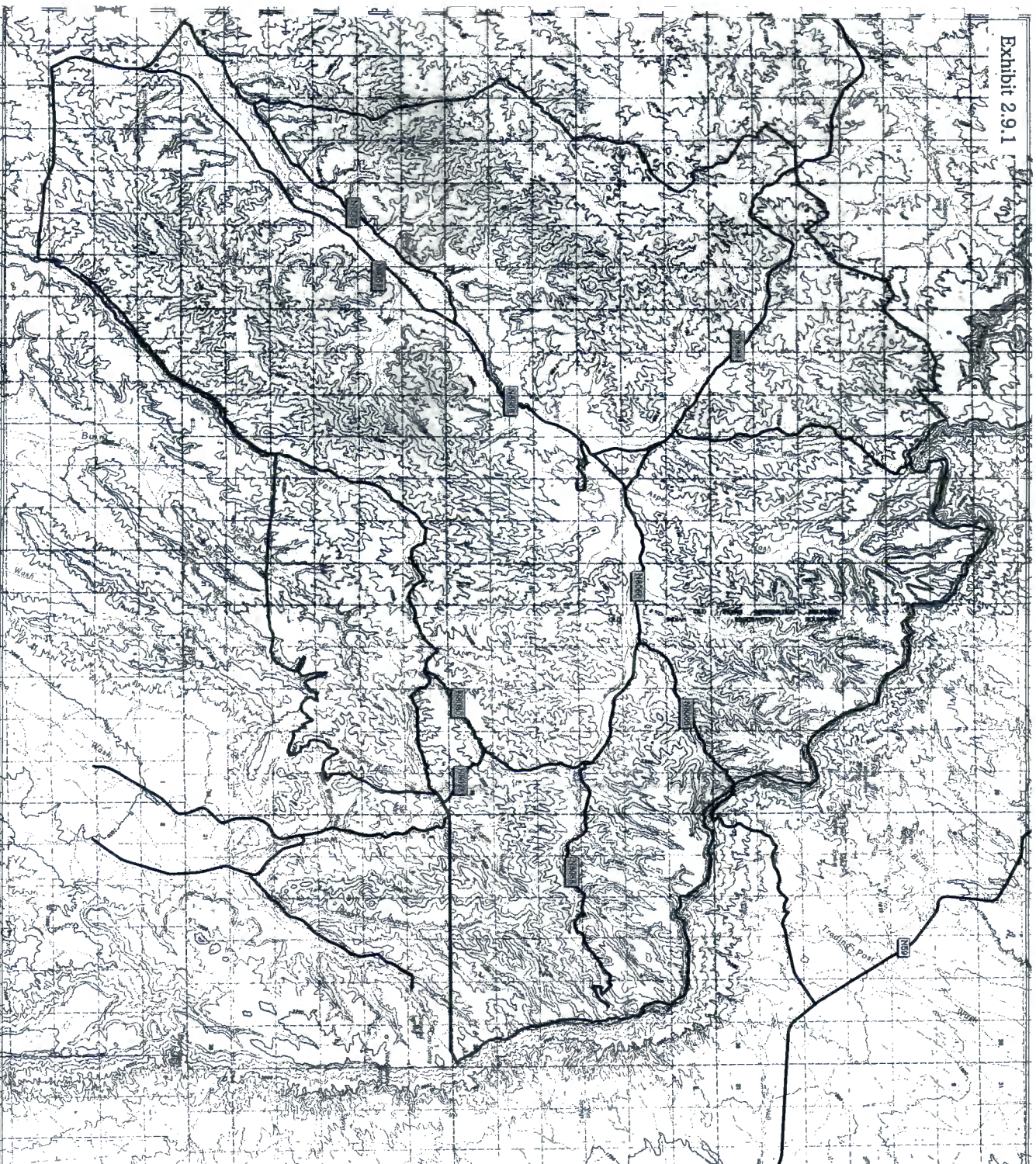
Red Star Point

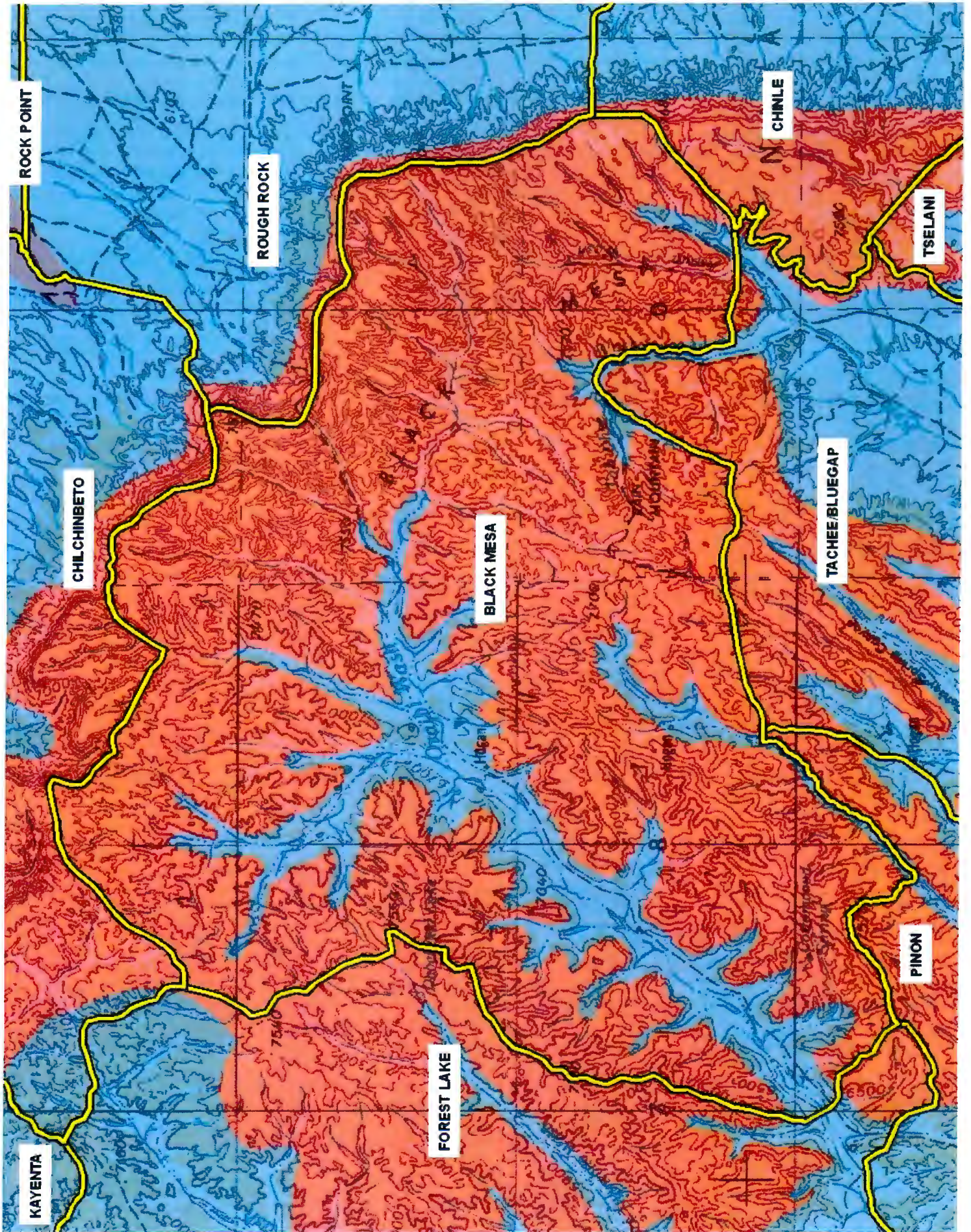
Map Prepared By: Lance H. Yazzie
04 Sept 05

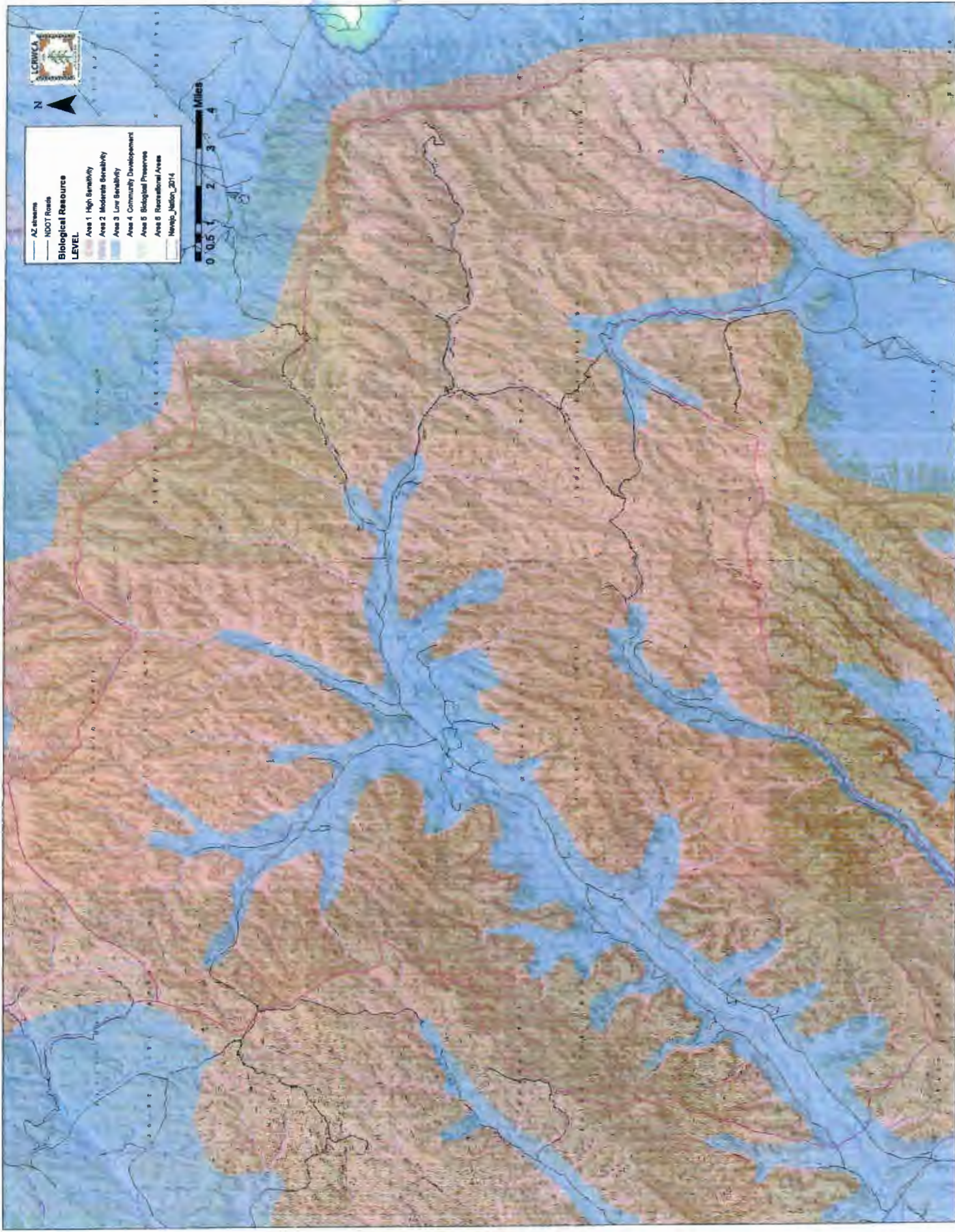


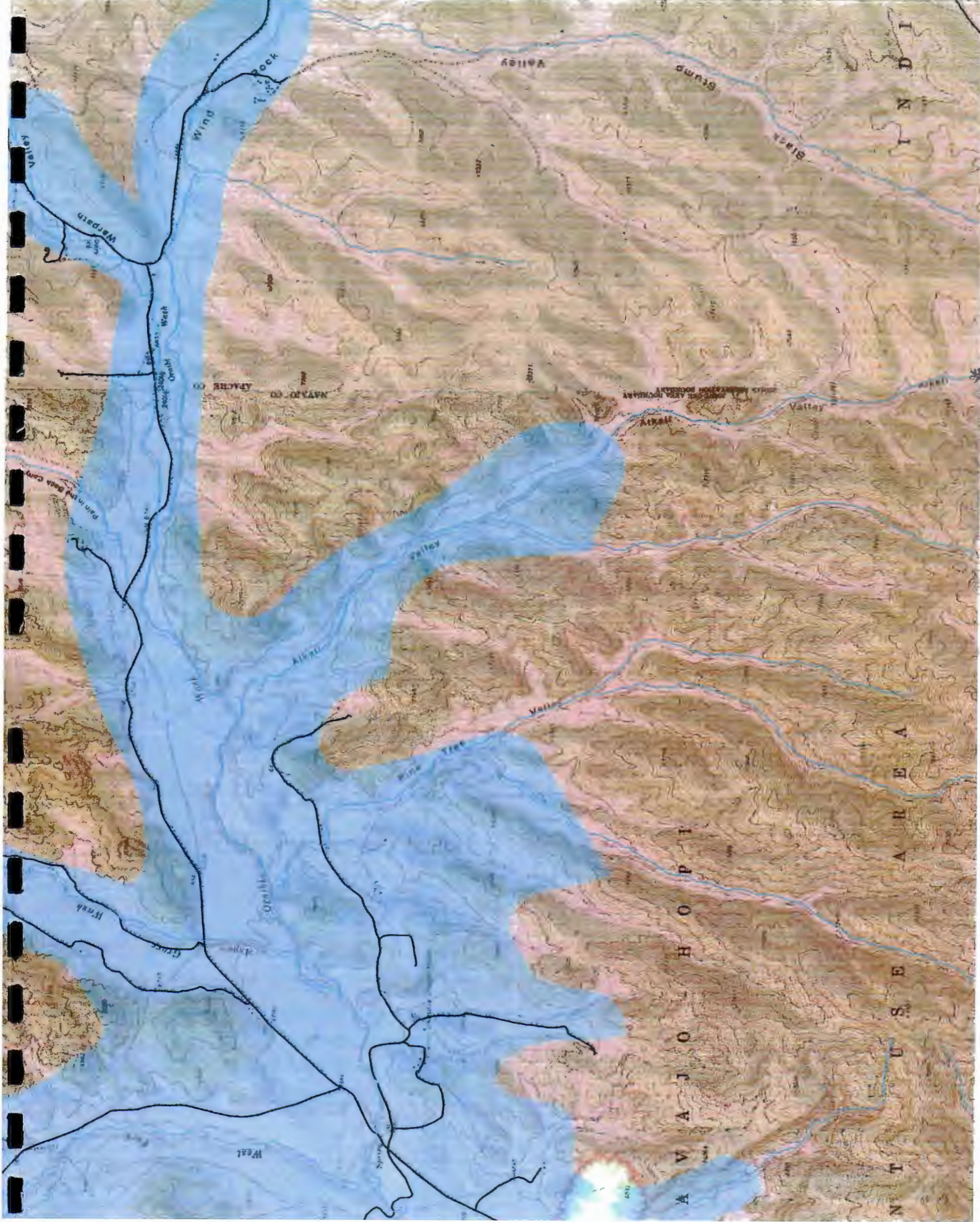
LEGEND

-  Chapter Planning Area
-  Chapter House
-  Roads

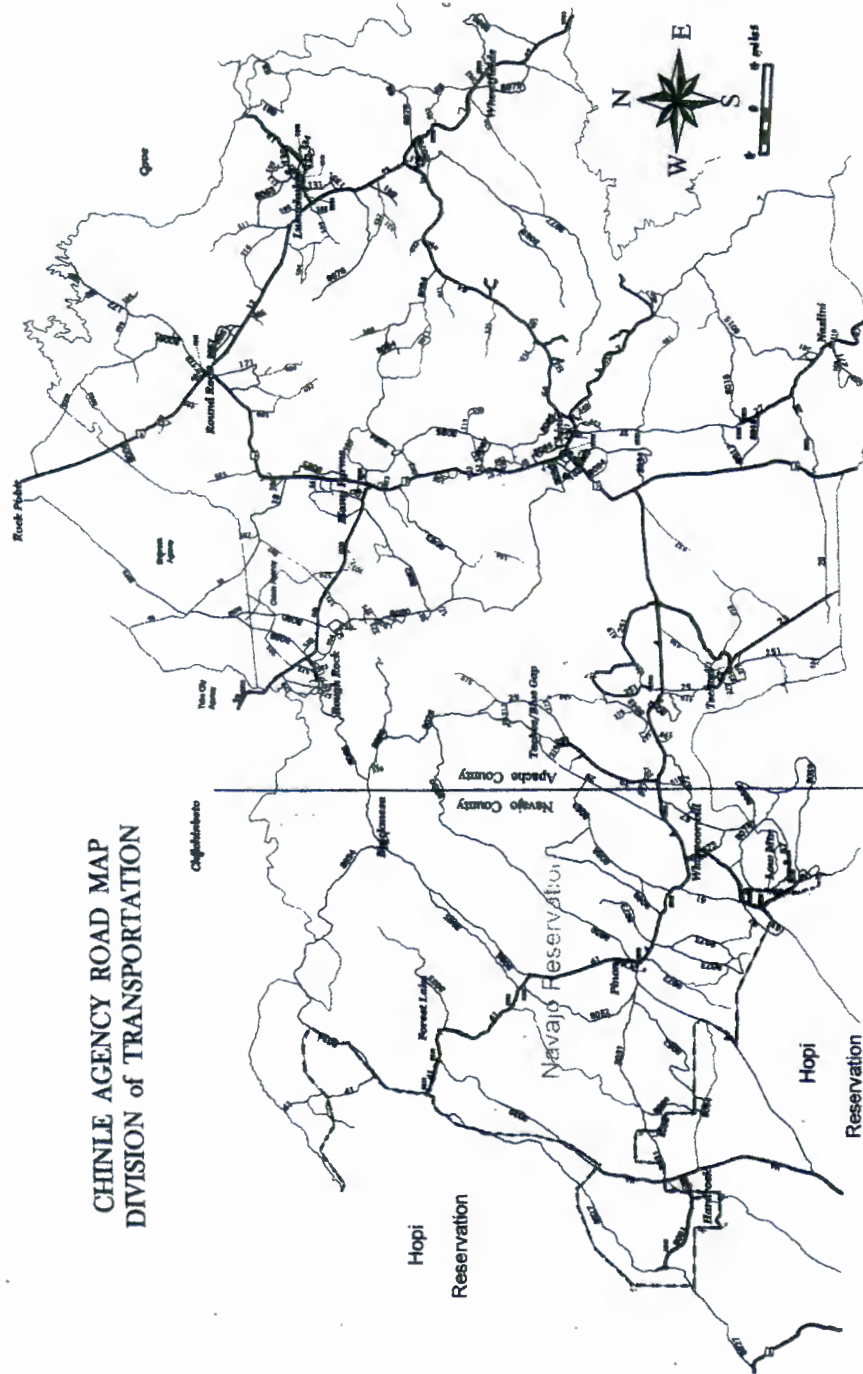






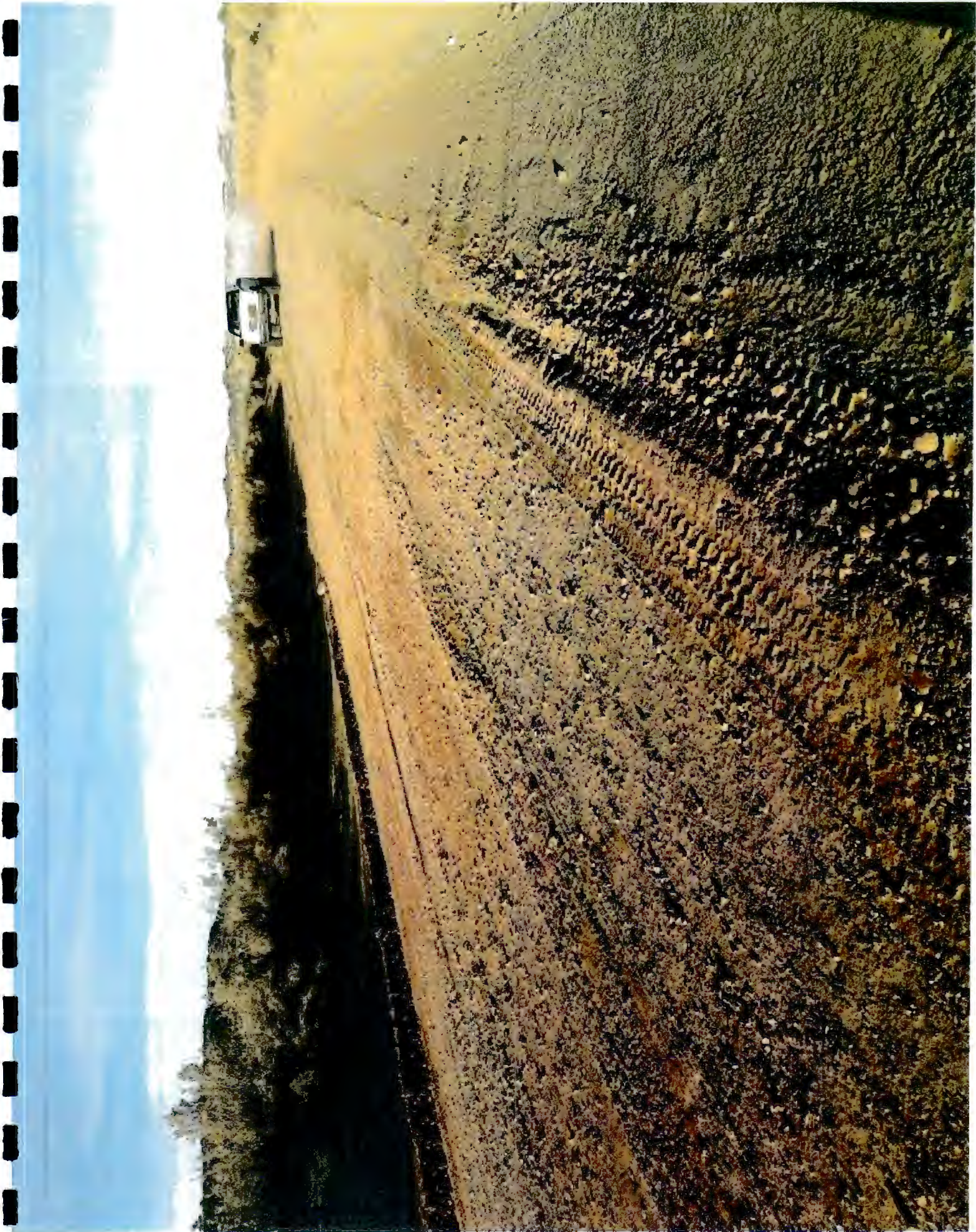


EXHIBITS





EXHIBITS^f



 Black Mesa Planned Area Development

Exhibit Black Mesa Chapter Map

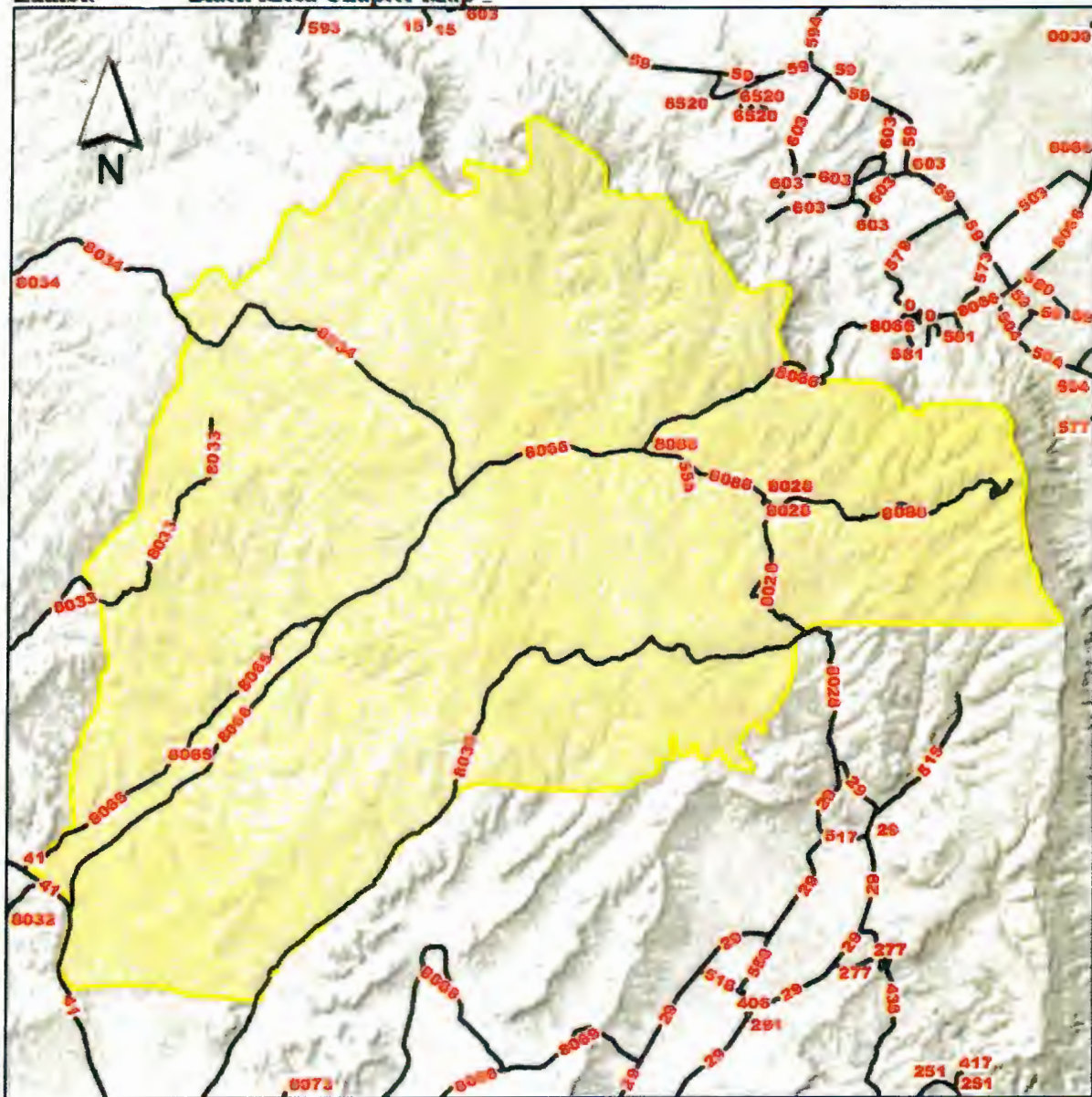


Exhibit 2.9.3 Survey Form

**NAHASDA Chapter Land Use Plan Project
Phase 1-Community Assessment
Survey Instrument – Black Mesa**

No: _____

Date: _____

Interviewer: _____ **Location of Residence:** _____

In Home:

| No. | AGE | M | F | TRIBE | RACE | EDUC. LEVEL | IN- SCHOOL | VETERAN Y N | EMPLOYED Y N | OCCUP SKILLS | VT REGIS NN ST | CHAPTER |
|-----|-----|---|---|-------|------|----------------|---------------|----------------|-----------------|-----------------|-------------------|---------|
| 1. | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | |
| 6. | | | | | | | | | | | | |
| 7. | | | | | | | | | | | | |
| 8. | | | | | | | | | | | | |
| 9. | | | | | | | | | | | | |
| 10. | | | | | | | | | | | | |

Out of Home:

| NO. | AGE | M | F | CEN. Y N | EDUC. | IN- SCH. | VETERAN Y N | E.M.P Y N | OCCUP. SKILLS | LIVE WHERE | REGIS NN ST | CHAPTER |
|-----|-----|---|---|-------------|-------|-------------|----------------|--------------|------------------|---------------|----------------|---------|
| 1. | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | |

- A. Where employed? _____ B. How long? _____
 C. Total household annual income? _____ D. Source of income? _____
 E. Type of home? _____ F. Year built? _____ G. Own or rent? _____
 H. Type of exterior wall? _____ I. Problems with dwelling? _____
 J. Electricity? _____ K. Water? _____ L. Sewer? _____ M. Gas? _____ N. Phone? _____
 O. Grazing permit? _____ P. Land use permit? _____ Q. Homesite Lease? _____
 R. Where does family buy food? _____
 S. Where does family buy gas? _____
 T. Where does family buy clothes? _____
 U. Where does family buy vehicles? _____
 V. Where does family go for medical care? _____
 W. Do family members attend Chapter meetings? _____ X. Civic Organizations? _____
 Y. What do you feel are your greatest needs? _____

Notes: _____

Exhibit Community and Public Facilities Information:

The Black Mesa Chapter community has the following community and public facilities; the Chapter House which was built in 1982 and renovated in 1987 and 2002 and the Storage Warehouse.

Grazing and Agricultural Information Land Status:

- Number of Acres in Chapter area? 157,320
- Legal Classification of Land? Trust Land and Navajo Partitioned Lands (NPL)
- Are any Chapter land areas under lease to Navajo Nation or
- other? No

Water:

- What is the Communities water source? NTUA
- Does the Community claim any water rights? Yes
- Are there any natural springs? Yes
- Are there Wells developed? Yes
- How Many?: 4
- How many windmills are there?: 6
- How many are not working?: Two not working and needs repair
- Are there any solar powered windmills?: No
- Are there manmade dams/reservoirs in Chapter area?: Yes
- How many livestock ponds are there in Chapter area?: 10
- How many need repair?: They all need repair work

Agriculture:

The community currently does have active farms managed by individual families.

Grazing:

- How many acres are reserved for Grazing?: Approximately 55,000 acres
- Are these grazing acres actively used?: Yes
- How many families have Grazing Permits?: 35-40
- Does the Chapter assist the permittees?: Yes
- Approximate number of sheep in Chapter area? Sheep 1000, 500 Goats, 500 Cattle, 250 Horses 160.
- Is there a Ranching Cooperative?: No
- What is the source of water for Livestock?: Water wells/Wind mills/
- Feed?: Grazing, Grain, Alfalfa
- Primary problems experienced by Permittees?: Lack of rain, drought conditions, grazing regulations

- Are there Range Management Units?: Yes; 308, 309, 310, 311

Streets- Pavement:

- Is Chapter parking lot paved?: No
- Is the road to the Chapter House paved?: No
- Does Community have streets?: No
- Are there plans to pave parking lot and streets?: Yes

Landfill/Transfer Station:

- Is there a Community Landfill?: No
- Who maintains the trash?: Chapter has a dumpster
- Does Community have access to Transfer Station?: Not locally

Police Station/Fire Station:

- Is there Police Station in Community?: No
- If no, where is nearest Police station?: Substation in Pinon and District Station in Chinle
- Is there a Fire Station in the Community? No
- If no, where is nearest station? Substation in Pinon and District Station in Chinle

Health/Medical Facilities:

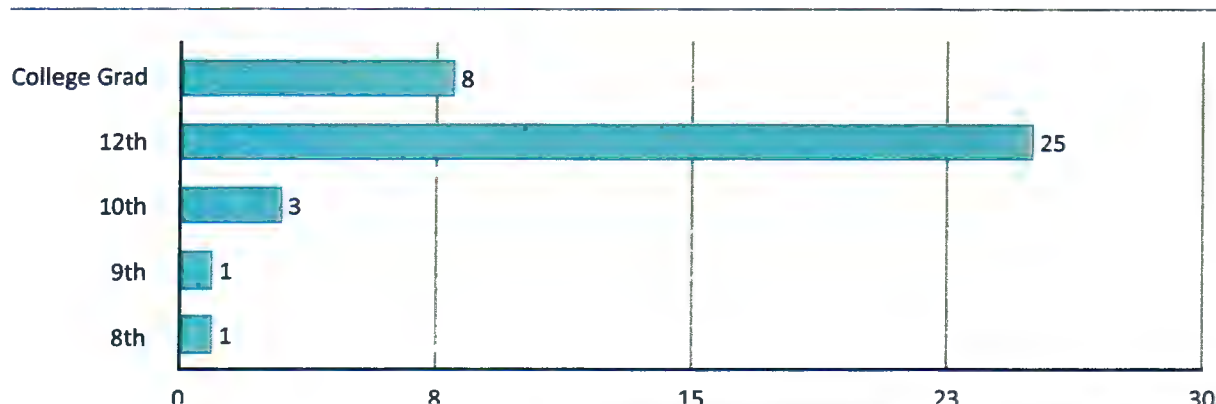
- Is there a Health/Medical facility in the Community? No
- If no, where is nearest health facility? Clinic in Pinon and Comprehensive Care in Chinle

Education:

| Name of School | Type of School | Year | Enrollment | Grades |
|-----------------|-----------------|------|------------|--------|
| Black Mesa Com. | Contract School | Est. | Staff | |

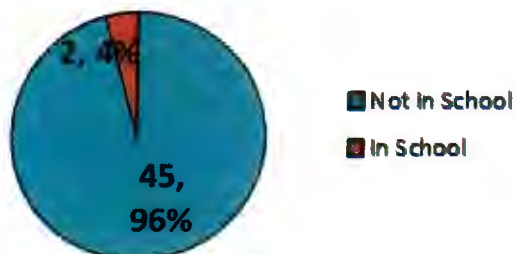
From the survey conducted of the 100 homes, the following information was obtained concerning the level of education completed by the family members.

From the information received about the family members who are non-local, the level of education achieved is significantly different from the previous chart. The data on the non-

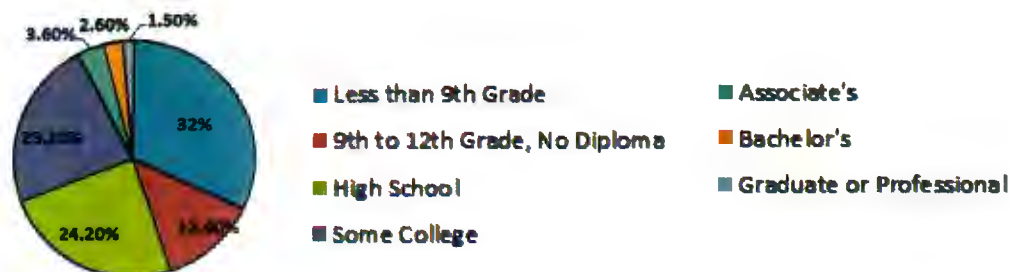


locals level of education achieved is as follows.

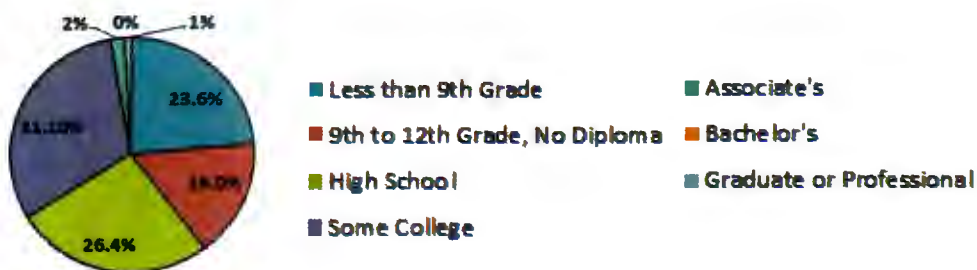
Of the 47 family members who are non-local, there are 2 that are in school.



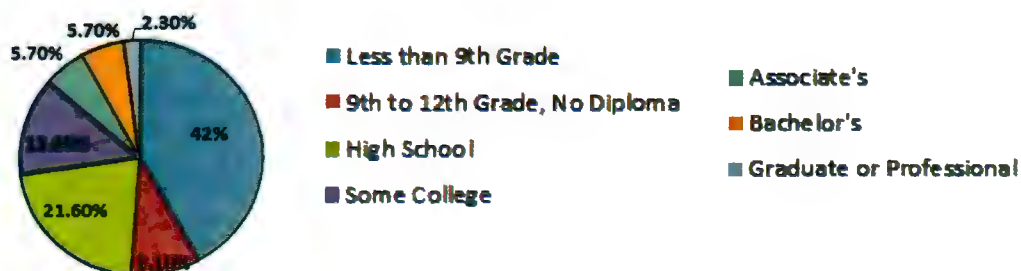
The 2013 ACS data describes the Educational Attainment of the Black Mesa Chapter total population using 194 as a base of the 25 years and older group.



The 2013 ACS using the base number 194 of the 25 years and older group defines the educational attainment level of 106 males.

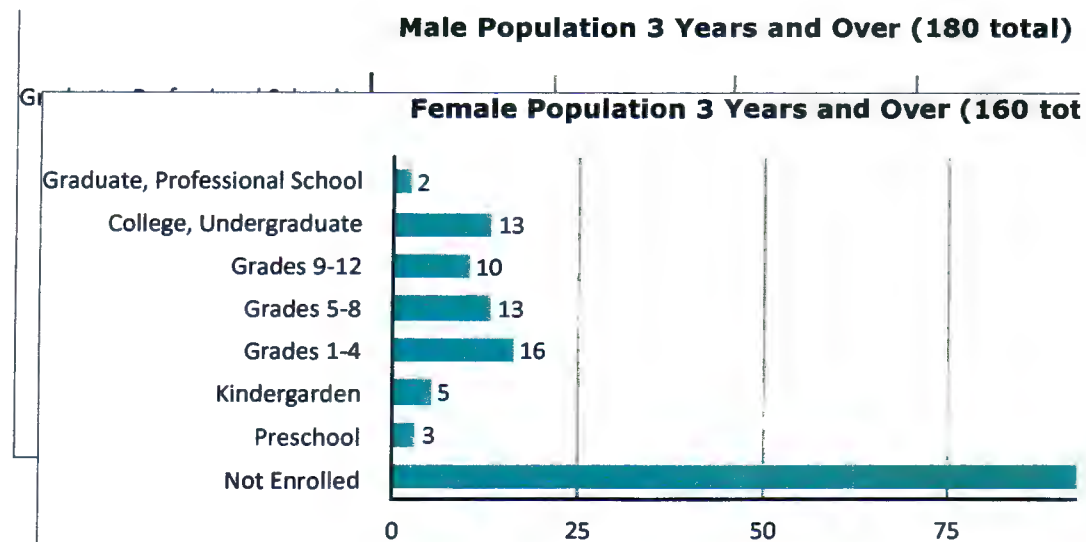


The 2013 ACS using the base number 194 of the 25 years and older group defines the educational attainment level of 88 females.



The 2013 ACS provides a final education specific data on School Enrollment of the Black Mesa Chapter community.

Planned Construction:



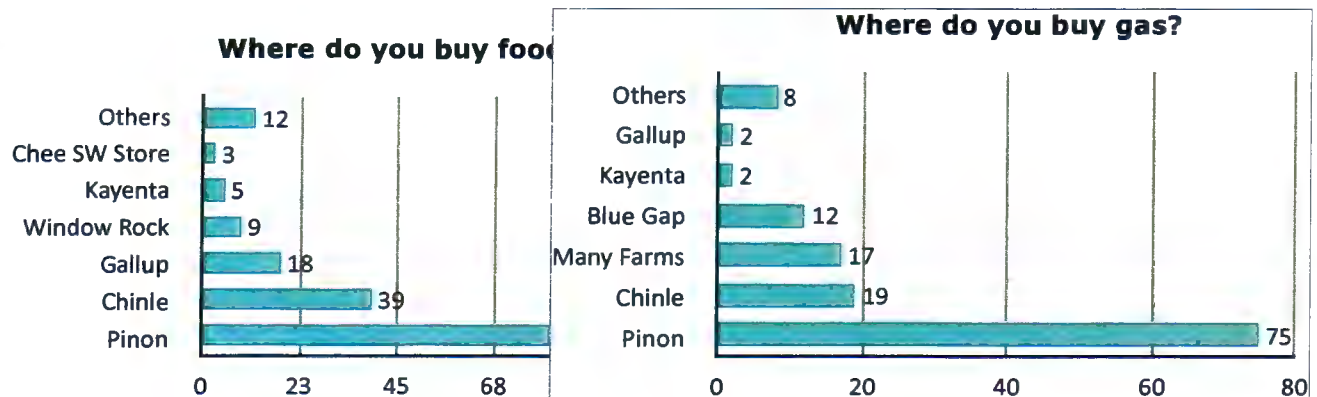
| Facility | Stage of Project | No. of People to Benefit |
|---------------------------|------------------|--------------------------|
| 1. Veterans Center | Planning Stage | 60 |
| 2. Senior Citizens Center | Planning Stage | 100 |

Commercial and Industrial Development Information Data

Existing Businesses Inventory:

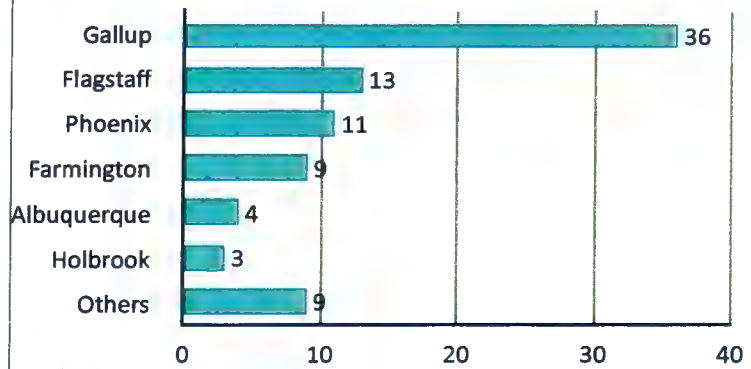
- There are no commercial businesses in Black Mesa
- Proposed New Businesses: a convenience store with gas pump.

The survey of the 100 households recognized the buying trends of the community as the

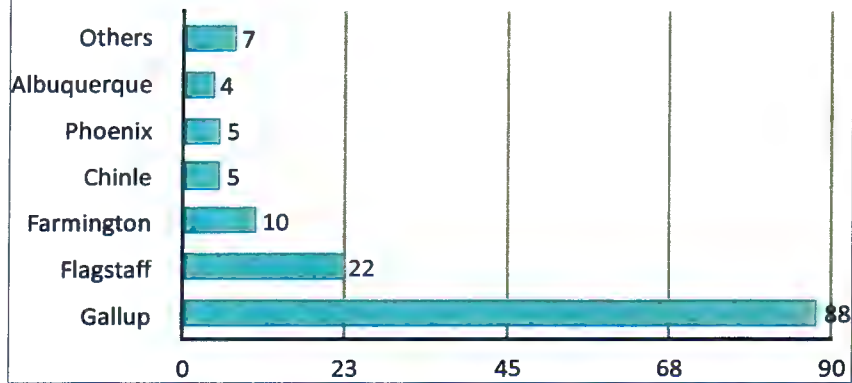


residents described their preferences on where they buy certain items.

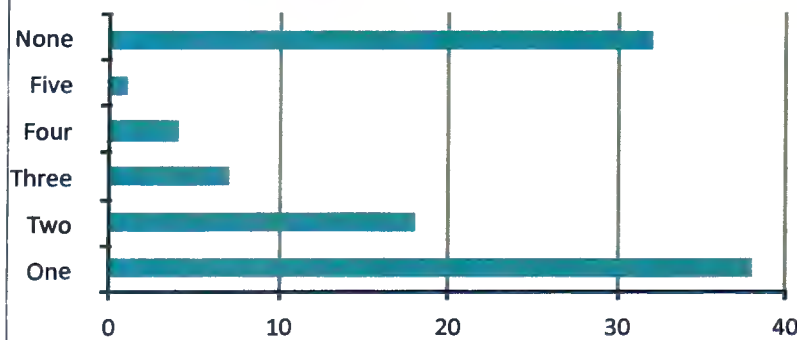
Where do you buy vehicles?



Where do you buy clothes?



How many vehicles family has



List of Greatest Needs

Through the community survey process, important information on what the community members felt were their greatest needs was assessed. These needs expressed are listed below in priority order. The number in parenthesis indicates the number of respondents who listed the items as the greatest needs of their households.

Electric Hook-up (56)
Domestic Water (48)
Wastewater (37)
Home Improvement (13)
Store/Gas Station (7)
Gas Line (7)
Medical Clinic (7)
Fuel-Wood/Coal (5)
New Chapter House (3)
Cell Phone Tower (2)

Road Improvement (56)
Telephone (44)
New Home (18)
Employment (8)
Senior Citizens Center (7)
New School (7)
Transfer Station (6)
Social Service Visit (5)
Safe Ride (2)
Live Stock Water (2)



BLACK MESA CHAPTER

P.O. Box 189 * Pinon, Arizona 86510



RESOLUTION OF THE BLACK MESA (Kits'illi) CHAPTER

BMC-17-06-107

**APPROVING THE UPDATED BLACK MESA CHAPTER ESSENTIAL CAPITAL
IMPROVEMENT PROJECTS AND PROJECTS PRIORITY LISTING FOR CONTINUOUS
BLACK MESA COMMUNITY DEVELOPMENT TO SUSTAIN THE HEALTH, SAFETY,
EDUCATION, SOCIAL AND ECONOMIC WELL-BEING OF THE COMMUNITY.**

WHEREAS:

1. The Black Mesa Chapter of the Navajo Nation acts on the resolution pursuant to the authority conferred to the Chapter through Navajo Nation Code Title 26, Chapter I, Section B, Purpose, which states, "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition,"; and
2. The Black Mesa Chapter members recognizes that their community has numerous needs despite limited funds; and
3. The Black Mesa Chapter members have continuously address their needs to Navajo Nation leaders at every level; and
4. The Black Mesa Chapter members strongly supports the following updated Black Mesa Chapter infrastructure and project priority listing for continuous community development to improve the livelihood of its members:

A. Waterline and sewer infrastructure constructions:

- i. East Oraibi & Wind Rock Valley (Chapter house to Yale Point) including new homes.
- ii. Black Rock Wash Valley (From Hole-in-Rock to Oak Ridge).
- iii. Wepo Wash Valley

B. Power line Extension

- i. Northwest Valley up to Oak Ridge
- ii. Wepo Wash Valley

C. Road Constructions/improvements – Pavements/bridges/culverts/graveling

- i. Phase III Construction Project (completion to Black Mesa Community School)
- ii. Phase III Road Construction bridges – N8065 Oraibi Wash Bridge

Marvin Yellowhair
Chapter President

Caroline Bernore
Chapter Vice-President

Marlene Biltah
Chapter Secretary/Treasurer

Francis Honie
Grazing Committee Member

Dwight Witherspoon
Council Delegate

EXHIBITS

MARVIN YELLOWHAIR
CHAPTER PRESIDENT

CAROLINE BEMORE
CHAPTER VICE-PRESIDENT

MARLENE BILTAH
CHAPTER SECRETARY/TREASURER



DWIGHT WITHERSPOON
COUNCIL DELEGATE

FRANCIS HONIE
GRAZING COMMITTEE MEMBER

ALBERT LEE
COMMUNITY SERVICE COORDINATOR

HEAD START FACILITY DEDICATION Black Mesa Chapter New Head Start Facility

August 25, 2017
10:00 AM

| | |
|-------------------------------|--|
| Master of Ceremony | Marvin Yellowhair, President Black Mesa Chapter |
| Presentation of Colors | Black Mesa Chapter Veterans |
| National Anthem Song (Navajo) | Miss BMCS 2016-2017 Princess, Shawnille Begaye |
| Invocation | Jonathan Nez, Navajo Nation Vice President |
| Welcome Address | Dorothy Yazzie, Black Mesa CLUPC |
| Dedication Ceremony | Joe Ned Begay, Many Farms, AZ |
| Statement of Appreciation | Marvin Yellowhair, President Black Mesa Chapter |
| Blessing of Food | Community member |

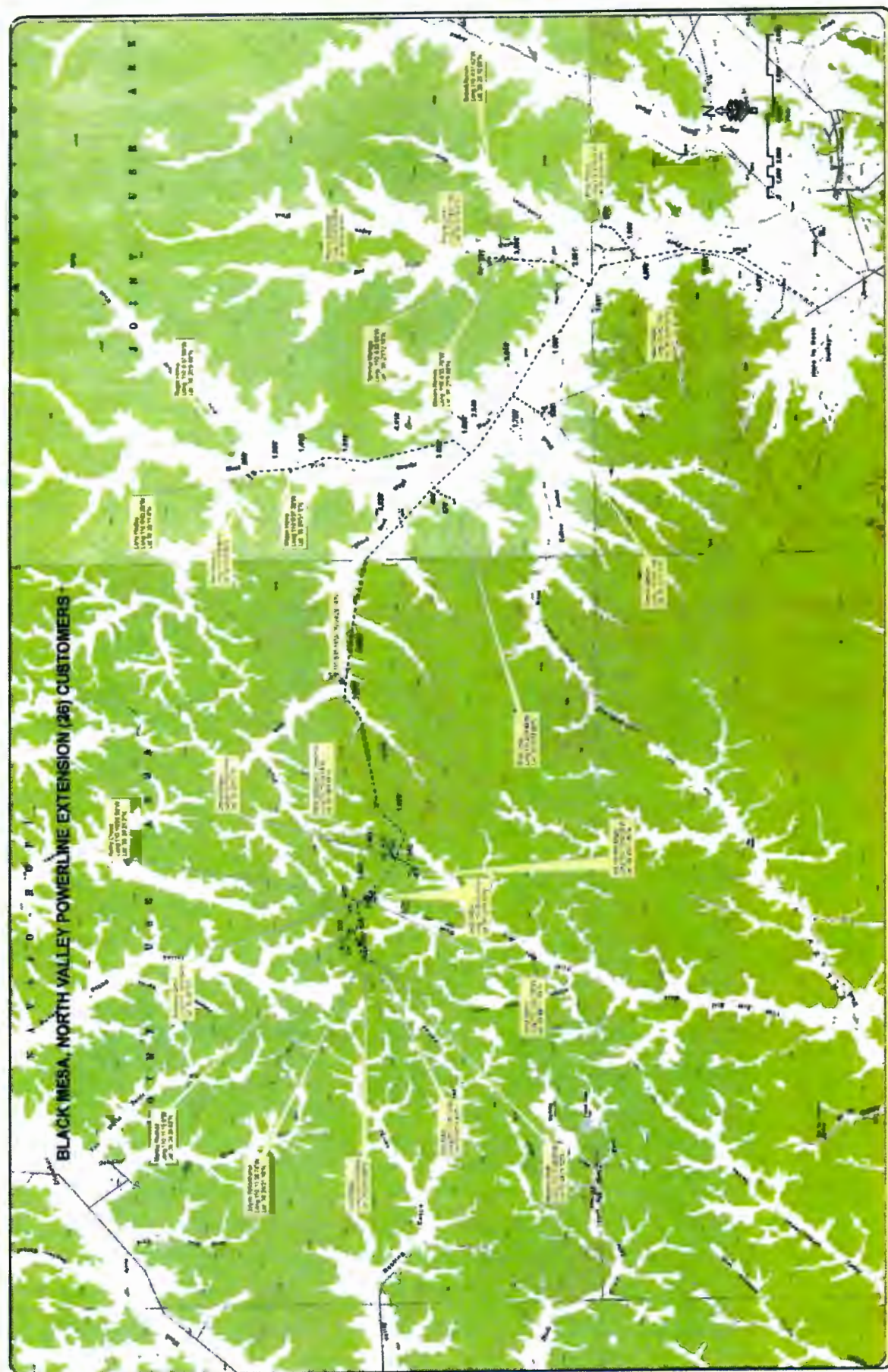
Reception/community meal for everyone.



BLACK MESA (KITS'IILI) CHAPTER P.O. BOX 189, PINON ARIZONA 86510 (928) 675-0009

EXHIBITS





Black Mesa (Kits'ihii) Chapter
P.O. Box 189 • Pinon, AZ 86510 (928) 675-0009

**RESOLUTION OF THE
BLACK MESA (Kits'ihii) CHAPTER**

BMC-16-07-110

RESPECTFULLY REQUESTING THE RESOURCES AND DEVELOPMENT COMMITTEE OF THE 23rd NAVAJO NATION COUNCIL AND THE NAVAJO DIVISION OF TRANSPORTATION TO INCLUDE (AS AN ADDENDUM) THE PAVING OF BLACK MESA CHAPTER PARKING LOT AND ACCESS ROAD INTO THE N8066(3)/N8065(1) 2.4 PROJECT SCOPE OF WORK TO THE EXISTING PROJECT AND TO SCHEDULE PRELIMINARY ENGINEERING FUNDS IN THE NAVAJO NATION TRIBAL TRANSPORTATION IMPROVEMENT PROGRAM (NNTTP) IN FISCAL YEAR 2017

WHEREAS:

1. Pursuant to Navajo Nation Council Resolution CAP 084-98 Navajo Nation Code Title 26, Navajo Nation Local Governance Act. The Black Mesa Chapter Government is officially certified and delegated governmental authority with respect to local matters; and
2. Black Mesa Chapter passed resolution BMC-16-02-057, "Requesting the Bureau of Indian Affairs, Navajo Department of Transportation and Resources and Development Committee and Navajo Nation Council to include the access roads into entrance into both Black Mesa Community School parking lot" on February 12, 2016; and
3. Black Mesa Chapter is requesting to improve the parking lot and access road with asphalt construction (pavement); and
4. The parking lot and access road to the Black Mesa Chapter House gets difficult to traverse during periods of inclement weather; and
5. Community members need all-weather access to the chapter for services provided by the chapter; and
6. Navajo Region BIA estimates that the preliminary engineering to include chapter access road and parking lot will cost approximately \$25,000; and
7. Black Mesa Chapter House is one of two chapters on the Navajo Nation that does not have paved access.

NOW THEREFORE BE IT RESOLVED THAT:

1. Black Mesa Chapter requests the Resources and Development Committee of the 23rd Navajo Nation Council and the Navajo Division of Transportation to include (as an Addendum) the paving of Black Mesa Chapter parking lot and access road into the N8066(3)/N8065(1) 2.4 Project Scope of Work to the existing project and to schedule preliminary engineering funds in the Navajo Nation Tribal Transportation Improvement Program (NNTTP) in Fiscal Year 2017.
2. The Black Mesa Chapter is requesting that \$25,000 from the Federal Highway Trust Fund be scheduled and utilized for the preliminary engineering in the 2017 NNTTP.

Larry Biltah
Chapter President

Caroline Bemore
Chapter Vice-President

Marlene Biltah
Chapter Secretary/Treasurer

Francis Honie
Grazing Committee Member

Dwight Witherspoon
Council Delegate

RESOLUTION NO. BMC-16-17-110

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 17 in favor, 00 opposed, and 02 abstained, on this 14th day of July, 2016.

Motioned by: Dorothy Yazzie

Seconded by: Andrew Benallie


Larry Biltah, President


Caroline Bemore, Vice President


Marlene Biltah, Secretary/Treasurer


Dwight Witherspoon, Council Delegate

EXHIBITS



BLACK MESA CHAPTER

P. O. Box 189 * Pinon, Arizona 86510



RESOLUTION OF THE BLACK MESA (Kits'iili) CHAPTER

BMC-17-09-133

Supporting and Approving the Funding Request for Planning & Design and Construction of the Black Mesa Chapter Veterans Organization Facility.

WHEREAS: -

1. The Black Mesa Chapter of the Navajo Nation acts on the resolution pursuant to the authority conferred to the Chapter through Navajo Nation Code Title 26, Chapter I. Section B. Purpose, which states, "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition; and
2. The Black Mesa Chapter Community Land Use Plan (CLUP), pursuant to CAP-34-98, 26 N.N.C and certified by N.N.C, TCDC on July 28, 2005 fully supports the construction of the Black Mesa Chapter Veterans Organization; and
3. The Black Mesa Chapter Veterans Organization fully supports the construction of the Black Mesa Chapter Veterans Organization Facility to empower them to address and promote their needs for benefits, health, education, housing and employment in a timely manner without any restraints or hindrances and help them recapture their independence with their civilian livelihood; and
3. The Black Mesa Chapter has listed Veterans facility as number (1) on their facility construction priority list, and all clearances have been completed; and
4. The Black Mesa Chapter members acknowledge and honor the service and sacrifice Veterans has made for the Navajo Nation and our Country by fully supporting them in whatever efforts, and specifically construction of their facility to empower them to address and promote to meet their needs; and

THEREFORE BE IT RESOLVED THAT:

1. The Black Mesa Chapter hereby supports and approves the funding request for Planning & Design, and Construction (The cost estimate in the amount of one million, three hundred eleven thousand, three hundred thirty dollars (\$1, 311, 330.)) of the Black Mesa Chapter Veterans Organization Facility within the 10 acre Black Mesa Chapter land tract.
2. The Black Mesa Chapter further request full support from Navajo Nation Capital Project Management Department on ensuring timely effort on securing Planning & Design, and Construction process.


RESOLUTION NO. BMC-17-09-133

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 13 in favor, 00 opposed, and 03 abstained, on this 7th day of September, 2017.

Motioned by: Billy Biltah

Seconded by: Victor Yellowhair


Maryin Yellowhair, President


Caroline Bemore, Vice President


Marlene Biltah, Secretary/Treasurer


Dwight Witherspoon, Council Delegate

Exhibit Photos of Development Site 1



Photo 1 taken from south side of site



Photo 2 taken from east side of site

1 2



U.S. Fish and Wildlife Service

National Wetlands Inventory

Black Mesa Chapter



August 3, 2017

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

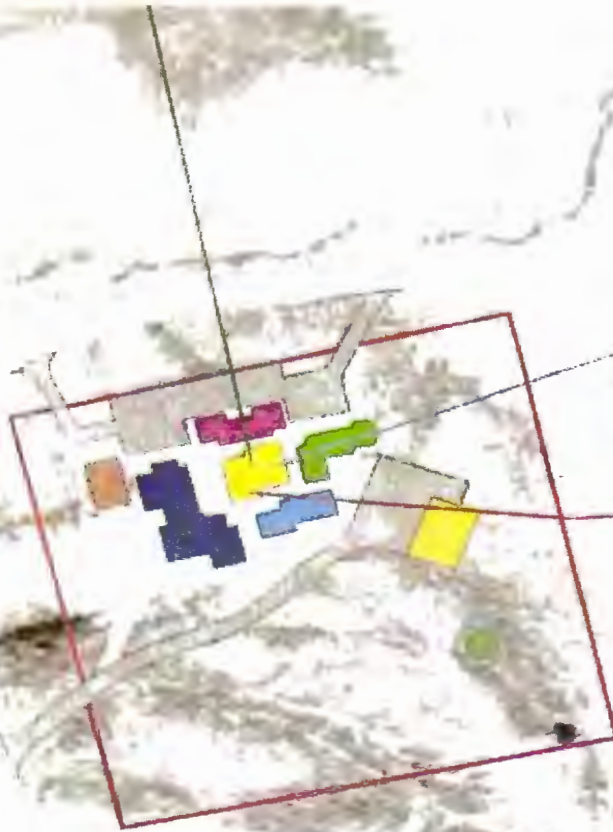
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Exhibit 5.02

Black Mesa Development Site Plat



EXHIBITS

Schneider Electric is providing this map to you as a courtesy. Schneider Electric makes no representations or warranties, whether expressed or implied, as to the accuracy, correctness, defensibility, completeness or any other standard or measure of quality or adequacy or as to its use or intended use for any particular purpose. Schneider Electric disclaims all warranties, expressed or implied, including the warranty of fitness for a particular purpose. You are solely responsible for selecting this map to use and you are solely responsible for any consequences resulting from your use. Reproduction, duplication, or modification of this map is not allowed without written permission from Schneider Electric GIS Services.

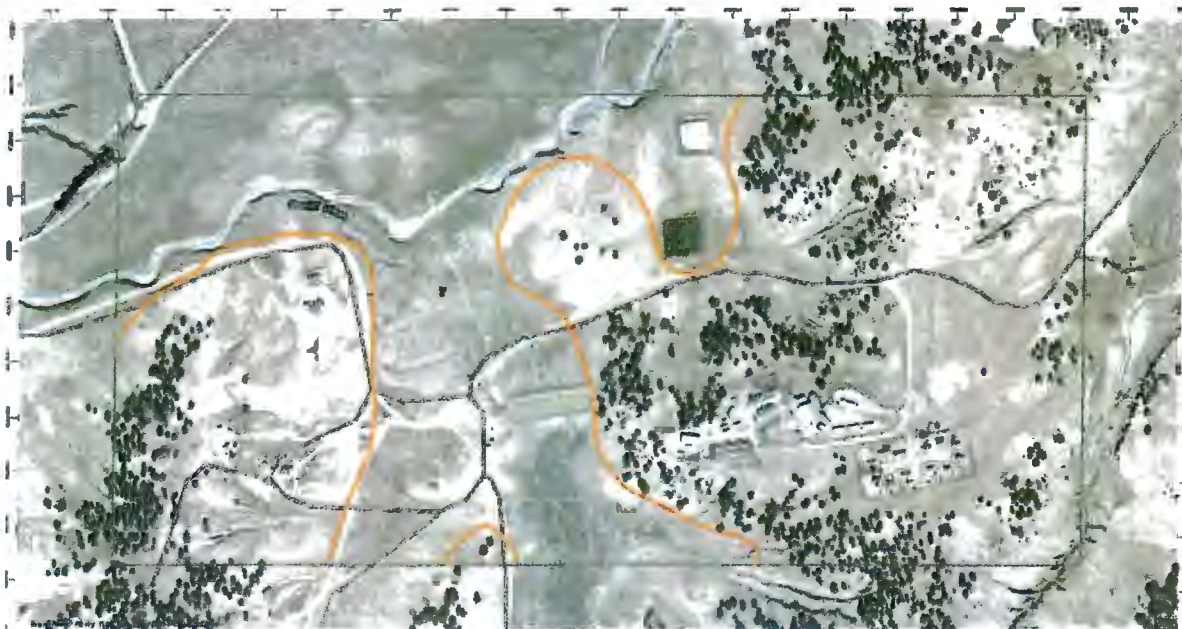


Schneider
Electric

100m



1/26/2018



EXHIBITS

NAVAJO NATION
DIVISION OF NATURAL RESOURCES
DEPARTMENT OF FISH AND WILDLIFE

NAVAJO ENDANGERED SPECIES LIST
Resources Committee Resolution
No. RCS-41-08

September 10, 2008

GROUP 1: Those species or subspecies that no longer occur on the Navajo Nation.

GROUP 2 (G2) & GROUP 3 (G3): "Endangered" -- Any species or subspecies whose prospects of survival or recruitment within the Navajo Nation are in jeopardy or are likely within the foreseeable future to become so.

G2: A species or subspecies whose prospects of survival or recruitment are in jeopardy.

G3: A species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future.

GROUP 4: Any species or subspecies for which the Navajo Nation Department of Fish and Wildlife NNDFW does not currently have sufficient information to support their being listed in G2 or G3 but has reason to consider them. The NNDFWL will actively seek information on these species to determine if they warrant inclusion in a different group or removal from the list.

The NNDFW shall determine the appropriate group for listing a species or subspecies due to any of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat;
2. Over-utilization for commercial, sporting or scientific purposes;
3. The effect of disease or predation;
4. Other natural or man-made factors affecting its prospects of survival or recruitment within the Navajo Nation; or
5. Any combination of the foregoing factors.

NAVAJO ENDANGERED SPECIES LIST – May 2008

| | Scientific name | Common name |
|-----------------|--|---|
| GROUP 1: | | |
| MAMMALS | <i>Canis lupus</i> <i>Lontra canadensis</i> <i>Ursus arctos</i> | Gray Wolf Northern River Otter Grizzly or Brown Bear |
| FISHES | <i>Gila elegans</i> | Bonytail |
| GROUP 2: | | |
| MAMMALS | <i>Mustela nigripes</i> | Black-footed Ferret |
| BIRDS | <i>Coccyzus americanus</i> <i>Empidonax traillii extimus</i> <i>Haliaeetus leucocephalus</i> | Yellow-billed Cuckoo Southwestern Willow Flycatcher Bald Eagle |
| AMPHIBIANS | <i>Lithobates pipiens</i> | Northern Leopard Frog |
| FISHES | <i>Gila cypha</i> <i>Gila robusta</i> <i>Ptychocheilus lucius</i> <i>Xyrauchen texanus</i> | Humpback Chub Roundtail Chub Colorado Pikeminnow Razorback Sucker |
| PLANTS | <i>Astragalus cutleri</i> <i>Astragalus humillimus</i> <i>Erigeron rhizomatus</i> <i>Pediocactus bradyi</i> <i>Sclerocactus mesae-verdae</i> | Cutler's Milk-vetch Mancos Milk-vetch Rhizome Fleabane Brady Pincushion Cactus Mesa Verde Cactus |
| GROUP 3: | | |
| MAMMALS | <i>Antilocapra americana</i> ¹ <i>Ovis canadensis</i> ² | Pronghorn ¹ Bighorn Sheep ² |
| BIRDS | <i>Aquila chrysaetos</i> <i>Buteo regalis</i> <i>Cinclus mexicanus</i> <i>Strix occidentalis lucida</i> | Golden Eagle Ferruginous Hawk American Dipper Mexican Spotted Owl |
| INVERTEBRATES | <i>Speyeria nokomis</i> | Western Seep Fritillary |
| PLANTS | <i>Allium gooddingii</i> <i>Asclepias welshii</i> <i>Astragalus cremnophylax</i> var. <i>hevroni</i> <i>Astragalus cronquistii</i> <i>Astragalus natunitensis</i> <i>Carex specuicola</i> <i>Erigeron acomanus</i> <i>Errazurizia rotundata</i> <i>Lesquerella navajoensis</i> <i>Pediocactus peeblesianus</i> ssp. <i>fickeiseniae</i> <i>Penstemon navajoa</i> <i>Perityle specuicola</i> <i>Platanthera zothecina</i> <i>Zigadenus vaginatus</i> | Gooding's Onion Welsh's Milkweed Marble Canyon Milk-vetch Cronquist Milk-vetch Naturita Milk-vetch Navajo Sedge Acoma Fleabane Round Dunebroom Navajo Bladderpod Fickeisen Plains Cactus Navajo Penstemon Alcove Rock Daisy Alcove Bog-orchid Alcove Death Camas |

NAVAJO ENDANGERED SPECIES LIST – May 2008

| | Scientific name | Common name |
|---------------------|--|---|
| GROUP 4: MAMMALS | <i>Corynorhinus townsendii</i> | Townsend's Big-eared Bat |
| | <i>Dipodomys microps</i> | Chisel-toothed Kangaroo Rat |
| | <i>Dipodomys spectabilis</i> ³ | Banner-tailed Kangaroo Rat ³ |
| | <i>Microtus mogollonensis</i> | Navajo Mountain Vole |
| | <i>Perognathus amplus cineris</i> | Wupatki [Arizona] Pocket Mouse |
| | <i>Vulpes macrotis</i> | Kit Fox |
| BIRDS | <i>Accipiter gentilis</i> | Northern Goshawk |
| | <i>Aechmophorus clarkia</i> | Clark's Grebe |
| | <i>Aegolius acadicus</i> | Northern Saw-whet Owl |
| | <i>Athene cunicularia</i> | Burrowing Owl |
| | <i>Ceryle alcyon</i> | Belted Kingfisher |
| | <i>Charadrius montanus</i> | Mountain Plover |
| | <i>Dendragapus obscurus</i> | Dusky Grouse |
| | <i>Dendroica petechia</i> | Yellow Warbler |
| | <i>Empidonax hammondii</i> | Hammond's Flycatcher |
| | <i>Falco peregrinus</i> | Peregrine Falcon |
| | <i>Glaucidium gnoma</i> | Northern Pygmy-Owl |
| | <i>Gymnogyps californianus</i> | California Condor |
| | <i>Otus flammeolus</i> | Flammulated Owl |
| | <i>Patagioenas fasciata</i> | Band-tailed Pigeon |
| | <i>Picoides dorsalis</i> | American Three-toed Woodpecker |
| | <i>Porzana carolina</i> | Sora |
| | <i>Tachycineta bicolor</i> | Tree Swallow |
| | <i>Vireo vicinior</i> | Gray Vireo |
| REPTILES | <i>Lampropeltis triangulum</i> | Milk Snake |
| | <i>Sauromalus ater</i> | Chuckwalla |
| FISHES | <i>Catostomus discobolus</i> | Bluehead Sucker |
| | <i>Cottus bairdi</i> | Mottled Sculpin |
| INVERTEBRATES | <i>Oreohelix strigosa</i> | Rocky Mountainsnail |
| | <i>Oreohelix yavapai</i> | Yavapai Mountainsnail |
| | <i>Oxyloma kanabense</i> | Kanab Ambersnail |
| PLANTS | <i>Aliciella formosa</i> | Aztec Gilia |
| | <i>Amsonia peeblesii</i> | Peebles Blue-star |
| | <i>Asclepias sanjuanensis</i> | San Juan Milkweed |
| | <i>Astragalus beathii</i> | Beath Milk-vetch |
| | <i>Astragalus heilii</i> | Heil's Milk-vetch |
| | <i>Atriplex garrettii</i> var. <i>navajoensis</i> | Navajo Saltbush |
| | <i>Camissonia atwoodii</i> | Atwood's Camissonia |
| | <i>Cirsium rydbergii</i> | Rydberg's Thistle |
| | <i>Cypripedium parviflorum</i> var. <i>pubescens</i> | Yellow Lady's Slipper |
| | <i>Cystopteris utahensis</i> | Utah Bladder-fern |
| | <i>Ericameria arizonica</i> | Grand Canyon Goldenweed |
| | <i>Erigeron sivinskii</i> | Sivinski's Fleabane |
| | <i>Eriogonum lachnogynum</i> var. <i>sarahiae</i> | Sarah's Buckwheat |
| | <i>Phacelia indecora</i> | Bluff Phacelia |
| | <i>Primula specuicola</i> | Cave Primrose |
| | <i>Psoralea arborescens</i> var. <i>pubescens</i> | Marble Canyon Dalea |
| | <i>Puccinella parishii</i> | Parish's Alkali Grass |
| | <i>Salvia pachyphylla</i> ssp. <i>eremopictus</i> | Arizona Rose Sage |
| | <i>Sclerocactus cloveriae</i> brackii | Brack Hardwall Cactus |
| | <i>Symphotrichum welshii</i> | Welsh's American-aster |

NAVAJO ENDANGERED SPECIES LIST – May 2008

Footnotes (Exclusions)

¹ G3 designation **excludes** NNDFW Management Unit 16 'New Lands', the boundaries of which are: From Sanders, AZ east along Unit 4 boundary to the Zuni boundary; south along the boundary past AZ Hwy 61 to the Navajo Nation/state boundary; west along the boundary past US Hwy 666 to the Navajo Nation/state boundary; north along Rd 2007 to Navajo, AZ; west to the north and south of Interstate 40 to the state/Petrified Forest National Park boundary; north along the boundary to the Unit 8 boundary; east along the boundary to US Hwy 191; south to Chambers and east to Sanders. For a Unit 16 map, contact NNDFW, P.O. Box 1480, Window Rock, AZ, 86515, 928 871-6451.

² Special hunts of *Ovis canadensis* may be conducted in Management Unit 11 for management purposes.

³ Group 4 status for this species pertains only to the populations in Arizona and Utah; populations in the New Mexico portion of the Navajo Nation are not considered for this designation.

Exhibit

Flora of the Proposed Black Mesa Chapter Development Site 2 Black Mesa, Navajo Nation

ASCLEPIADACEAE - Milkweed Family

Asclepias subverticillata (Gray) Vail Whorled Milkweed

ASTERACEAE (COMPOSITAE) - Sunflower Family

| | |
|---|--------------------|
| <u>Carduus nutans</u> L. | Nodding Thistle |
| <u>Chrysothamnus Greenei</u> (Gray) Greene | Green Rabbitbrush |
| <u>Chrysothamnus nauseosus</u> (Pallas) Britt. | Rubber Rabbitbrush |
| <u>Cirsium</u> sp. | |
| <u>Gutierrezia sarothrae</u> (Pursh) Britt. & Rusby | Broom Snakeweed |
| <u>Heterotheca villosa</u> (Pursh) Shinn. | Hairy Goldenaster |
| <u>Hymenopappus filifolius</u> Hook. | Hyalineherb |
| <u>Leucelene ericoides</u> (Torr.) Greene | Rose-heath |
| <u>Taraxacum officinale</u> Weber ex Wiggers | Common Dandelion |
| <u>Townsendia</u> sp. | |
| <u>Tragopogon dubius</u> Scop. | Yellow Salsify |

BORAGINACEAE - Borage Family

| | |
|--|-------------------|
| <u>Cryptantha crassiseppala</u> (T. & G.) Greene | Plains Cryptanth |
| var. <u>elachantha</u> Johnston | |
| <u>Lappula occidentalis</u> (Wats.) Greene | Western Stickseed |

BRASSICACEAE (CRUCIFERAE) - Mustard Family

| | |
|--|-----------------------|
| <u>Descurainia pinnata</u> (Walter) Britt. | Pinnate Tansy-mustard |
| <u>Malcomia africana</u> R. Br. in Ait. | African Mustard |
| <u>Sisymbrium altissimum</u> L. | Tumbling Mustard |

CACTACEAE - Cactus Family

| | |
|---------------------------------|---------------------|
| <u>Opuntia polyacantha</u> Haw. | Plains Prickly Pear |
|---------------------------------|---------------------|

CHENOPODIACEAE - Goosefoot Family

| | |
|---|----------------------|
| <u>Atriplex canescens</u> (Pursh) Nutt. | Four-winged Saltbush |
|---|----------------------|

Ceratoides lanata (Pursh) J. T. Howell

Winterfat

Chenopodium fremontii Wats.

Fremont Goosefoot

var. incanum Wats.

Salsola iberica Sennen & Pau

Tumbleweed

ECONVOLVULACEA - Morning Glory Family

Convolvulus arvensis L.

Field Bindweed

CUPRESSACEAE - Cypress Family

Juniperus osteosperma (Torr.) Little

Utah Juniper

GERANIACEAE - Geranium Family

Erodium cicutarium (L.) L'Her.

Storksbill

LILIACEAE - Lily Family

Allium sp.

Wild Onion

LINACEAE - Flax Family

Linum puberulum (Engelm.) Heller

MALVACEAE - Mallow Family

Sphaeralcea coccinea (Nutt.) Rydb.

Common Globemallow

PINACEAE - Pine Family

Pinus edulis Engelm.

Pinyon Pine

PLANTAGINACEAE - Plantain Family

Plantago patagonica Jacq.

Wooly Plantain

POACEAE (GRAMINAE) - Grass Family

Aristida purpurea Nutt.

Purple Threeawn

Bouteloua gracilis (H.B.K.) Lag. ex Steudel

Bluegrama

Bromus tectorum L.
Elymus smithii (Rydb.) Gould
Festuca octoflora Walter
Hilaria jamesii (Torr.) Benth.
Oryzopsis hymenoides (R. & S.) Ricker

Cheatgrass
Western Wheatgrass
Sixweeks Fescue
Galleta
Indian Ricegrass

***POLEMONIACEAE* - Phlox Family**

Gilia inconspicua (J.E. Sm.) Sweet
Leptodactylon pungens (Torr.) Nutt.

Exhibit

Fauna of the Proposed Black Mesa Chapter Development Site 2 Black Mesa, Navajo Nation

Mammals

| | |
|-------------------------------|-------------------|
| <i>Bovis sp.</i> | Cattle |
| <i>Canis domesticus</i> | Feral Dog |
| <i>Canis latrans</i> | Coyote |
| <i>Felis domesticus</i> | Feral Cat |
| <i>Equus sp.</i> | Horse |
| <i>Mus musculus</i> | House Mouse |
| <i>Ovis sp.</i> | Sheep |
| <i>Peromyscus maniculatus</i> | Deer Mouse |
| <i>Sylvilagus auduboni</i> | Desert Cottontail |

Birds

| | |
|----------------------------------|--------------|
| <i>Chondestes grammacus</i> | Lark Sparrow |
| <i>Corvus corax</i> | Common Raven |
| <i>Gymnorhinus cyanocephalus</i> | Pinyon Jay |

Exhibit

Photos of Development Site



Photo taken from south side of site



Photo taken from west side of site

Exhibit



Exhibit



EXHIBITS

Black Mesa Development Site



Rez Star Point

Map Prepared By: Lance H. Yazzie



Legend



Site Development



.5 Ac. Housing Lots



Park 1 Ac.

Proposed Road

Wells



Exhibit

**Flora of the Proposed Black Mesa Development Site 1
Black Mesa - Yale Point, Navajo Nation**

APIACEAE (UMBELLIFERAE) - Parsley Family

Cymopterus sp.

ASTERACEAE (COMPOSITAE) - Sunflower Family

Artemisia dracunculus L.

Terragon

Artemisia tridentata Nutt.

Big Sagebrush

Chaenactis douglasii (Hook.) H. & A.

Douglas Dustymaiden

Chrysothamnus Greenei (Gray) Greene

Green Rabbitbrush

Chrysothamnus viscidiflorus (Hook.) Nutt.

Viscid Rabbitbrush

Gutierrezia sarothrae (Pursh) Britt. & Rusby

Broom Snakeweed

Heterotheca villosa (Pursh) Shinn.

Hairy Goldenaster

Hymenoxys richardsonii (Hook.) Cockerell

Colorado Rubberweed

Leucelene ericoides (Torr.) Greene

Rose-heath

Lygodesmia juncea (Pursh) D. Don

Gray Hoary Aster

Machaeranthera canescens (Pursh)

Stephanomeria

Tetradymia canescens DC.

Gray Horsebrush

BORAGINACEAE - Borage Family

Cryptantha bakeri (Greene) Payson

Baker Cryptanth

Lappula occidentalis (Wats.) Greene

Western Stickseed

BRASSICACEAE (CRUCIFERAE) - Mustard Family

Descurainia sophia (L.) Webb ex Prantl.

Flixweed

Sisymbrium altissimum L.

Tumbling Mustard

CACTACEAE - Cactus Family

Coryphantha vivipara (Nutt.) Britt. & Rose

Ball Cactus

Opuntia polyacantha Haw.

Plains Prickly Pear

***CHENOPODIACEAE* - Goosefoot Family**

| | |
|---|----------------------|
| <u>Atriplex canescens</u> (Pursh) Nutt. | Four-winged Saltbush |
| <u>Ceratoides lanata</u> (Pursh) J. T. Howell | Winterfat |
| <u>Chenopodium botrys</u> L. | Jerusalem-oak |
| <u>Chenopodium fremontii</u> Wats. | Fremont Goosefoot |
| var. <u>incanum</u> Wats. | |
| <u>Chenopodium leptophyllum</u> (Moq.) Wats. | Narrowleaf Goosefoot |
| <u>Kochia scoparia</u> (L.) Schrader | Summer Cypress |
| <u>Salsola iberica</u> Sennen & Pau | Tumbleweed |
| <u>Sarcobatus vermiculatus</u> (Hook.) Torr. in Emory | Greasewood |

***EUPHORBIACEAE* - Spurge Family**

| | |
|---|--------------------|
| <u>Euphorbia brachycera</u> Engelm. in Emory. | Shorthorn Spurge |
| <u>Euphorbia glyptosperma</u> Engelm. in Emory. | Ridgeseeded Spurge |

***CUPRESSACEAE* - Cypress Family**

| | |
|---|--------------|
| <u>Juniperus osteosperma</u> (Torr.) Little | Utah Juniper |
|---|--------------|

***GERANIACEAE* - Geranium Family**

| | |
|---------------------------------------|------------|
| <u>Erodium cicutarium</u> (L.) L'Her. | Storksbill |
|---------------------------------------|------------|

***LOASACEAE* - Stickleleaf Family**

| | |
|----------------------|-------------|
| <u>Mentzelia</u> sp. | Stickleleaf |
|----------------------|-------------|

***MALVACEAE* - Mallow Family**

| | |
|---|--------------------|
| <u>Sphaeralcea coccinea</u> (Nutt.) Rydb. | Common Globemallow |
| <u>Sphaeralcea parvifolia</u> A. Nels. | Nelson Globemallow |

***NYCTAGINACEAE* - Four O'Clock Family**

| | |
|--|-------------------------|
| <u>Mirabilis linearis</u> (Pursh) Heimerl | Narrowleaf Umbrellawort |
| <u>Mirabilis multiflora</u> (Torr.) Grant in Torr. | Colorado Four O'Clock |
| <u>Mirabilis oxybaphoides</u> Gray | |

ONAGRACEAE - Evening Primrose Family

Oenothera caespitosa Nutt.

Morning-lily

PINACEAE - Pine Family

Pinus edulis Engelm.

Pinyon Pine

Pinus ponderosa Lawson

Ponderosa Pine

PLANTAGINACEAE - Plantain Family

Plantago patagonica Jacq.

Wooly Plantain

POACEAE (GRAMINAE) - Grass Family

Bouteloua gracilis (H.B.K.) Lag. ex Steudel

Bluegrama

Bromus tectorum L.

Cheatgrass

Hilaria jamesii (Torr.) Benth.

Galleta

Munroa squarrosa (Nutt.) Torr.

False Buffalograss

Oryzopsis hymenoides (R. & S.) Ricker

Indian Ricegrass

Sitanion hystrix (Nutt.) J.M. Sm.

Squirreltail

Stipa sp.

Needle-Thread Grass

POLEMONIACEAE - Phlox Family

Gilia aggregata (Pursh) Sprengel

Scarlet Gilia

Ipomopsis longiflora (Torr.) V. Grant

Phlox hoodii Richards.

Carpet Phlox

PORTULACAEAE - Purslane Family

Portulaca oleracea L.

Purslane

SCROPHULARIACEAE - Figwort Family

Penstemon

SOLANACEAE - Potato Family

Lycium pallidum Miers

Pale Wolfberry

Exhibit 3.7.9

Fauna of the Proposed Black Mesa Housing Development Site 1 Black Mesa - Yale Point, Navajo Nation

Mammals

| | |
|-------------------------------|-------------------|
| <i>Bovis sp.</i> | Cattle |
| <i>Canis domesticus</i> | Feral Dog |
| <i>Canis latrans</i> | Coyote |
| <i>Felis domesticus</i> | Feral Cat |
| <i>Equus sp.</i> | Horse |
| <i>Mus musculus</i> | House Mouse |
| <i>Ovis sp.</i> | Sheep |
| <i>Peromyscus maniculatus</i> | Deer Mouse |
| <i>Sylvilagus auduboni</i> | Desert Cottontail |

Birds

| | |
|----------------------------------|--------------------|
| <i>Chondestes grammacus</i> | Lark Sparrow |
| <i>Corvus corax</i> | Common Raven |
| <i>Gymnorhinus cyanocephalus</i> | Pinyon Jay |
| <i>Sturnella neglecta</i> | Western Meadowlark |

Navajo Nation Sensitive Species List 2008

MAMMALS

Castor canadensis
Euderma maculatum
Eumops perotis
Lasionycteris noctivagans
Microtus pennsylvanicus
Mustela vison
Neotoma lepida
Notiosorex crawfordi
Perognathus longimembris
Peromyscus eremicus
Puma concolor
Sciurus aberti
Sigmodon fulviventer
Sorex merriami
Sorex monticolus
Sorex vagrans

American Beaver
Spotted Bat
Western Bonneted Bat
Silver-haired Bat
Meadow Vole
Mink
Desert Woodrat
Crawford's Desert Shrew
Little Pocket Mouse
Cactus Mouse
Mountain Lion
Abert's Squirrel
Tawny-bellied Cotton Rat
Merriam's Shrew
Montane Shrew
Vagrant Shrew

BIRDS

Actitis macularia
Aechmophorus occidentalis
Aimophila ruficeps
Anas acuta
Anas crecca
Anas cyanoptera
Ardea herodias
Asio otus
Buteo swainsoni
Butorides virescens
Callipepla squamata
Catharus ustulatus
Certhia americana
Circus cyaneus
Cistothorus palustris
Gallinago delicata
Geococcyx californianus
Geothlypis trichas
Haliaeetus leucocephalus
Hirundo rustica

Spotted Sandpiper
Western Grebe
Rufous-crowned Sparrow
Northern Pintail
Green-Winged Teal
Cinnamon Teal
Great Blue Heron
Long-Eared Owl
Swainson's Hawk
Green Heron
Scaled Quail
Swainson's Thrush
Brown Creeper
Northern Harrier
Marsh Wren
Wilson's Snipe
Greater Roadrunner
Common Yellowthroat
Bald Eagle
Barn Swallow

Icteria virens
Icterus cucullatus
Megascops kennicottii
Mergus merganser
Myadestes townsendi
Nycticorax nycticorax
Pandion haliaetus
Passerina amoena
Passerina cyanea
Phainopepla nitens
Piranga flava
Podiceps nigricollis
Progne subis
Recurvirostra americana
Regulus satrapa
Spizella atrogularis
Toxostoma crissale
Tyto alba
Vermivora luciae
Vireo vicinior
Xanthocephalus xanthocephalus

Yellow-breasted Chat
 Hooded Oriole
 Western Screech-Owl
 Common Merganser
 Townsend's Solitaire
 Black-Crowned Night-Heron
 Osprey
 Lazuli Bunting
 Indigo Bunting
 Phainopepla
 Hepatic Tanager
 Eared Grebe
 Purple Martin
 American Avocet
 Golden-crowned Kinglet
 Black-chinned Sparrow
 Crissal Thrasher
 Barn Owl
 Lucy's Warbler
 Gray Vireo
 Yellow-headed Blackbird

REPTILES

Arizona elegans
Aspidoscelis inornatus
Aspidoscelis neomexicanus
Crotalus viridis abyssus
Diadophis punctatus
Eumeces multivirgatus
Eumeces obsoletus
Heterodon nasicus
Hypsiglena torquata
Lampropeltis getulus
Leptotyphlops humilis
Rhinocheilus lecontei
Xantusia vigilis

Glossy Snake
 Little Striped Whiptail
 New Mexico Whiptail
 Grand Canyon Rattlesnake
 Ringneck Snake
 Many-lined Skink
 Great Plains Skink
 Western Hognose Snake
 Night Snake
 Common Kingsnake
 Western Blind Snake
 Longnose Snake
 Desert Night Lizard

AMPHIBIANS

Ambystoma tigrinum
Bufo cognatus
Pseudacris triseriata

Eastern Tiger Salamander
 Great Plains Toad
 Western Chorus Frog

FISHES

Lepidomeda vittata

Little Colorado Spinedace

INVERTEBRATES

Anodonta californiensis

California Floater

Cicindela praetextata

A Tiger Beetle

Daihinibaenetes arizonensis

AZ GiantSandTreaderCricket

Stenopelmatus Navajo

Navajo Jerusalem Cricket

PLANTS

Abronia bolackii

Bolack's Sand Verbena

Acanthochiton wrigthii

Green-stripe Amaranth

Aletes macdougalii ssp. *breviradiatus*

San Juan False Carrot

Aliciella haydenii

San Juan Gilia

Amsonia tomentosa var. *stenophylla*

Narrowleaf Blue Star

Artemisia pygmaea

Pigmy Sagebrush

Asclepias cutleri

Cutler's Milkweed

Astragalus chuskanus

Chuska Milk-vetch

Astragalus cottamii

Cottam's Milk-vetch

Astragalus cliffordii

Clifford's Milk-vetch

Astragalus micromenus

Chaco Milk-vetch

Astragalus missouriensis var. *accumbens*

Zuni Milk-vetch

Astragalus monumentalis var. *monumentalis*

Monument Valley Milk-vetch

Astragalus oocalycis

Arboles Milk-vetch

Astragalus sophoroides

Painted Desert Milk-vetch

Astragalus tortipes

Sleeping Ute Milk-vetch

Astragalus xiphoides

Gladiator Milk-vetch

Caesalpinia repens

Creeping Rush-pea

Calypso bulbosa

Fairy Slipper

Camissonia specuicola ssp. *specuicola*

Kaibab Suncup

Ceanothus greggii var. *franklinii*

Franklin Ceanothus

Chrysothamnus molestus

Arizona Rabbitbrush

Chrysothamnus viscidiflorus ssp. *planifolius*

Yellow Rabbitbrush

Cirsium chellyense

Canyon de Chelly Thistle

Clematis hirsutissima var. *hirsutissima*

Clustered Leather-flower

Cryptantha atwoodii

Atwood's Catseye

Cymopterus acaulis var. *higginsii*

Higgins Biscuit root

Cymopterus beckii

Featherleaf Spring-parsley

Cymopterus megacephalus

Bighead Spring-parsley

Dalea scariosa

La Jolla Prairie Clover

Eremocrinum albomarginatum

Sand Lily

Erigeron canaanii

Canaan Daisy

Eriogonum clavellatum

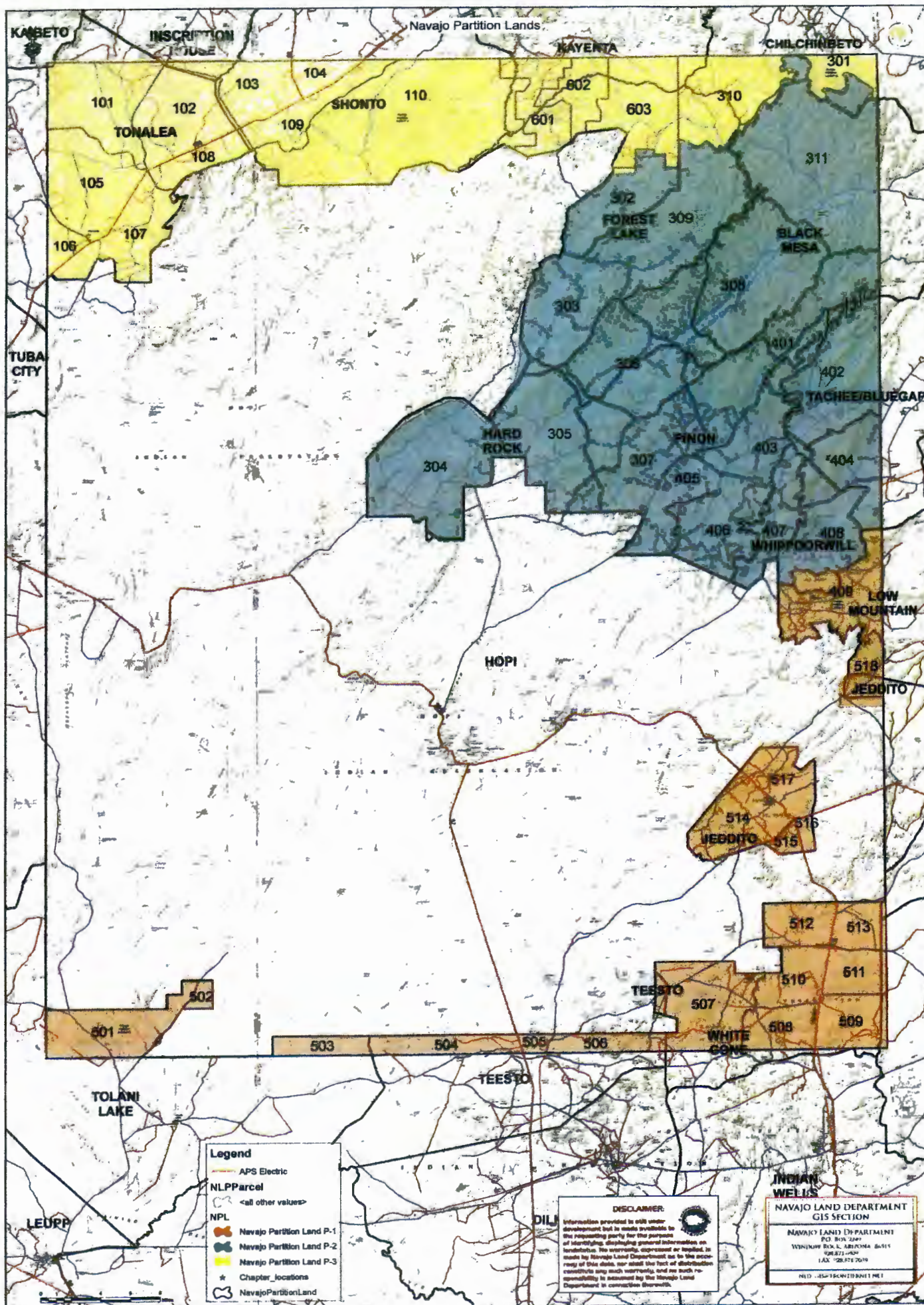
Comb Wash Buckwheat

Eriogonum lachnogynum var. *colobum*

Clipped Wild Buckwheat

Eriogonum ripleyi
Euphorbia aaron-rossii
Frittilaria atropurpurea
Hesperodoria scopulorum
Hymenoxys argentea var. *thoreauensis*
Hymenoxys jamesii
Hymenoxys helenioides
Isoetes bolanderi
Lupinus caudatus var. *cutleri*
Mammillaria wrightii var. *wrightii*
Oenothera cavernae
Ostrya knowltonii
Parthenium alpinum var. *alpinum*
Pediocactus peeblesianus var. *peeblesianus*
Pediocactus simpsonii var. *minor*
Phacelia buell-vivariensis
Phacelia howelliana
Phacelia splendens
Phacelia welshii
Phlox cluteana
Platanthera stricta
Polygala acanthoclada
Proatriplex pleiantha
Psoralidium junceum
Psorothamnus scoparius
Psorothamnus thompsoniae var. *whitingii*
Rosa stellata ssp. *abyssa*
Senecio cliffordii
Spiranthes romanzoffiana

A Buckwheat
Marble Canyon Spurge
Spotted Fritillary
Grand Canyon Evening Daisy
Thoreau woollybase *Hymenoxys*
Jame's Rubberweed
Intermountain Rubberweed
Bolander Quillwort
Cutler's Lupine
Wright Fishhook Cactus
Cave Evening-Primrose
Knowlton's Hop hornbeam
Alpine Fever-few
Peebles Navajo Cactus
Snowball Cactus
Buell Park *Phacelia*
Howell *Phacelia*
Patch *Phacelia*
Welsh's *Phacelia*
Navajo Mountain *Phlox*
Slender Bog-orchid
Thorn Milkwort
Mancos Saltplant
Western Scurf Pea
Broom Pea
Whiting Indigo Bush
Grand Canyon Rose
Clifford's Groundsel
Hooded Ladies'tresses



RESOURCES AND DEVELOPMENT COMMITTEE

**Regular Meeting
February 14, 2018**

**ROLL CALL
VOTE TALLY SHEET:**

Legislation # 0491-17: An Action Relating to Resources And Development Committee, Certifying Black Mesa Chapter's Community-Based Land Use Plan Which Has Reevaluated And Readjusted Black Mesa Chapter's First Community-Based Land Use Plan. *Sponsor: Honorable Dwight Witherspoon*

MAIN MOTION: Davis Filfred S: Leonard Pete V: 3-0-1 (VCNV)

ROLL CALL VOTE TALLY:

YEAS: Davis Filfred; Leonard Pete; and Walter Phelps

NAYS: None

NOT VOTING: Benjamin Bennett (Presiding)

EXCUSED: Jonathan Perry and Alton Joe Shepherd

AMENDMENT # 1: Extract attached Exhibit "B" from the Legislation packet and replaced with the attached revised Exhibit "B".

Amendment Motion: Walter Phelps; S: Leonard Pete; V:3-0-1 (VCNV)

Voting: Davis Filfred; Leonard Pete and Walter Phelps;

Not Voting: Benjamin Bennett)



Benjamin Bennett, Presiding Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee