

LEGISLATIVE SUMMARY SHEET

Tracking No. 0180-18

DATE: May 21, 2018

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE NAVAJO - GALLUP WATER SUPPLY PROJECT REACH 12.2 LOCATED ON TRIBAL TRUST LAND IN TSEYATOH CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)


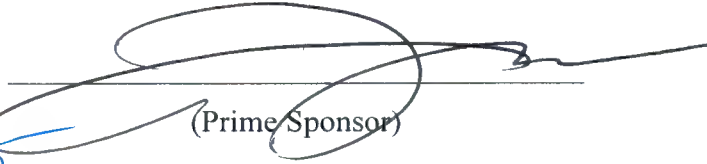
PURPOSE: This resolution, if approved, will approve the grant of a Right-of-way and Temporary Construction Easement to the U.S. Bureau of Reclamation to construct, operate and maintain the "Reach 12.2-Navajo Gallup Water Supply Project" located on Navajo Nation Trust Lands in the Tseyatoh Chapter vicinity, McKinley County, New Mexico. Waivers of consideration, bond and valuation are requested.

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

5-DAY BILL HOLD PERIOD: SNOTAH
Website Posting Time/Date: 5:24pm 5.22.18
Posting End Date: 5/27/2018
Eligible for Action: 5/28/2018

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY

 
(Prime Sponsor)

TRACKING NO. 0180-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-
WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF
RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE NAVAJO -
GALLUP WATER SUPPLY PROJECT REACH 12.2 LOCATED ON TRIBAL TRUST
LAND IN TSEYATOH CHAPTER VICINITY (MCKINLEY COUNTY, NEW
MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington,
New Mexico 87401 has submitted a right-of-way and a temporary construction

1 application to construct, operate and maintain the Reach 12.2 Navajo Gallup
2 Water Supply Project located on, over and across Navajo Nation Trust Lands in
3 the Tseyatoh Chapter vicinity, McKinley County, New Mexico attached hereto
4 and incorporated herein as **Exhibits D-1 and D-2.**

5 B. The proposed right-of-way and temporary construction easement consists of
6 Navajo Nation Trust Lands located in McKinley County, New Mexico and the
7 location is more particularly described on the description and survey maps
8 attached hereto and incorporated herein as **Exhibit B.**

9 C. The General Land Development Department, Field Investigation for Bureau of
10 Reclamation Reach 12.2 ROW Consent dated April 20, 2018, attached as **Exhibit**
11 **C,** has determined that land users have been identified and given consent.

12 D. The Bureau of Reclamation requests a waiver of the consideration because the
13 project will provide a public benefit to the Navajo Nation.

14 E. The Resources and Development Committee finds a waiver of the bond
15 requirement, 25 C.F.R. § 169, is in the best interest of the Navajo Nation

16 F. The Resources and Development Committee finds a waiver of valuation, 25
17 C.F.R. § 169.110 is in the best interest of the Navajo Nation.

18 G. The environmental and archaeological studies have been completed and are
19 attached hereto as **Exhibit G.**

20 H. The Navajo Nation Executive Order No. 07-2017, attached as **Exhibit E,**
21 designates the Navajo-Gallup Water Supply Projects as a priority project of the
22 Navajo Nation.

23 I. The Tseyatoh Chapter through Resolution TSA-03-04-2013, attached as Exhibit
24 F, supports the design, construction and implementation of the Navajo-Gallup
25 Water Supply Project.

26 J. The applications for the Right-of-Way and Temporary Construction Easement as
27 submitted by the United States Bureau of Reclamation have been reviewed by the
28 Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental
29 Protection; Division of Natural Resources and the Department of Justice and
30 "Approved" or found "Sufficient.". See **Exhibit G.**

1 SECTION THREE. APPROVAL

2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 grants approval of a Right-of-Way and Temporary Construction Easement to the U.S.
4 Bureau of Reclamation to construct, operate and maintain Reach 12.2 of the Navajo
5 Gallup Water Supply Project located on Navajo Nation Trust Lands in the Tseyatoh
6 Chapter vicinity, McKinley County, New Mexico. The location is more particularly
7 described on the map attached hereto as **Exhibit B**.

8 B. The Resources and Development Committee of the Navajo Nation Council hereby
9 approves the Right-of-Way subject to, but not limited to, the terms and conditions
10 incorporated herein as **Exhibit A-1**.

11 C. The Resources and Development Committee of the Navajo Nation Council hereby
12 approves the Temporary Construction Easement subject to, but not limited to, the
13 terms and conditions incorporated herein as **Exhibit A-2**.

14 D. The Resources and Development Committee of the Navajo Nation Council hereby
15 waives the consideration for the Right-of-Way because the Reach 12.2 of the Navajo
16 Gallup Water Supply Project will provide a public benefit to the Navajo Nation.

17 E. The Resources and Development Committee of the Navajo Nation Council hereby
18 approves waiver of the bond requirement as being in the best interest of the Navajo
19 Nation and benefiting the Navajo People.

20 F. The Resources and Development Committee of the Navajo Nation Council hereby
21 approves waiver of valuation as being in the best interest of the Navajo Nation and
22 benefiting the Navajo People.

23 G. The Resources and Development Committee of the Navajo Nation Council hereby
24 authorizes the President of the Navajo Nation to execute any and all documents
25 necessary to affect the intent and purpose of this resolution.
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**NAVAJO NATION RIGHT-OF-WAY TERM & CONDITIONS:
BUREAU OF RECLAMATION (GRANTEE)
(Navajo Gallup Water Supply Project Reach 12.2)**

1. The term of the permanent right-of-way shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the right-of-way for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project).
2. The annual consideration for the use of land is assessed at \$9,976.72 (annually adjusted), which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

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

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
 - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and re-vegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and re-vegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
15. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive, or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare of the Navajo people) over all lands, persons, and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance, and enforcement of the terms and conditions contained herein.
19. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees, and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees, and agents.
20. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.



**NAVAJO NATION ROW TEMPORARY CONSTRUCTION EASEMENT
TERMS AND CONDITIONS: BUREAU OF RECLAMATION (GRANTEE)
(Navajo Gallup Water Supply Project Reach 12.2)**

1. The term of the ROW temporary construction easement shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the ROW temporary construction easement for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project) with a maximum term of no more than four (4) years.
2. The total consideration for the use of land for the temporary construction easement is assessed at \$23,995.46, which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

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

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
 - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.

- d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and re-vegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and re-vegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation,

the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
15. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive, or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare of the Navajo people) over all lands, persons, and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance, and enforcement of the terms and conditions contained herein.
19. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees, and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees, and agents.
20. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Permanent ROW - Parcel No. RCH 12.2-01-Tribal Trust (P): Pipeline - Drawing No. 1695-529-60171:

Parcel No. 12.2-01-Tribal Trust (P) being described as a parcel of land crossing Navajo Nation Tribal Trust land lying in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5 and Lot No. 6, N.M.P.M. (BLM Cadastral Survey completed March 3, 1994 by Robert L. Harper, Plat dated February 5, 1997), located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. More particularly described as follows:

A strip of land being 60 feet wide, lying 30 feet each side of the following described centerline: Point of beginning being Reach 12.2 station 122282+32.43, which is a point on the South line of said Lot No. 6, from which the East Quarter Corner of said Section 35 bears North 87°13'41" East a distance of 1154.56 feet; thence, from the point of beginning North 54°13'07" West a distance of 864.73 feet to Reach 12.2 station 122290+97.16; thence North 60°35'03" West a distance of 1278.37 feet to Reach 12.2 station 122303+75.53, which is the point that the pipeline terminates, and from which the Northwest corner of said Section 35 bears North 02°49'33" West a distance of 1525.72 feet. Thence, continuing along the same course, North 60°35'03" West, a distance of 100.00 feet to Reach 12.2 station 122304+75.53, which is a point on the West line of said Lot No. 4, from which the Northwest corner of said Section 35 bears North 00°57'18" East a distance of 1467.87 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of said Lot No. 6 and the West line of said Lot No. 4. Parcel No. RCH 12.2-01-Tribal Trust (P) contains 3.11 acres more or less.

Temporary Construction Easement (TCE) - Parcel No. RCH 12.2-02-Tribal Trust (T): Pipeline - Drawing No. 1695-529-60171: Parcel 12.2-02-Tribal Trust (T) being described as a parcel of land crossing Navajo Nation Tribal Trust Land lying in Township 17 North, Range 21 West, Section 35, Lot No. 4 and Lot No. 5, N.M.P.M. (BLM Cadastral Survey completed March 3, 1994 by Robert L. Harper, Plat dated February 5, 1997), located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. More particularly described as follows:

A strip of land being 60 feet wide, lying 30 feet each side from station 122282+32.43 to station 122284+54.60, thence being 100 feet wide, lying 50 feet each side from station 122284+54.60 to station 122304+75.53. Point of beginning being Reach 12.2 station 122282+32.43, which is a point on the South line of said Lot No. 6, from which the East Quarter Corner of said Section 35 bears North 87°13'41" East a distance of 1154.56 feet; thence, from the point of beginning North 54°13'07" West a distance of 864.73 feet to Reach 12.2 station 122290+97.16; thence North 60°35'03" West a distance of 1278.37 feet to Reach 12.2 station 122303+75.53, which is the point that the pipeline terminates, and from which the Northwest corner of said Section 35 bears North 02°49'33" West a distance of 1525.72 feet. Thence, continuing along the same course, North 60°35'03" West, a distance of 100.00 feet to Reach 12.2 station 122304+75.53, which is a point on the West line of said Lot No. 4, from which the Northwest corner of said Section 35 bears North 00°57'18" East a distance of 1467.87 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of said Lot No. 6 and the West line of said Lot No. 4. Less Parcel No. RCH 12.2-01-Tribal Trust (P) described above, Parcel No. RCH 12.2-02-Tribal Trust (T) contains 1.87 acres more or less.

Permanent ROW – Parcel No. RCH 12.2-03-Tribal Trust (P): Pipeline - Drawing No. 1695-529-60170:

Parcel No. 12.2-03-Tribal Trust (P) being described as a parcel of land crossing Navajo Nation Tribal Trust land lying in the Northeast Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. More particularly described as follows:

A strip of land being 60 feet wide, lying 30 feet each side of the following described centerline: Point of beginning being Reach 12.2 station 122208+65.78, which is a point on the South line of the Northeast Quarter of said Section 02, from which the East Quarter Corner of said Section 02 bears South 89°47'50" East a distance of 1620.86 feet; thence, from the point of beginning North 56°11'04" West a distance of 110.52 feet to Reach 12.2 station 122209+76.30, a point on the West property boundary of said parcel, and the point of terminus from which the Northeast corner of said Section 02 bears North 33°43'29" East a distance of 3121.36 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of the Northeast Quarter and the West boundary line of said parcel. Parcel No. RCH 12.2-03-Tribal Trust (P) contains 0.15 acres more or less.

Temporary Construction Easement (TCE) - Parcel No. RCH 12.2-04-Tribal Trust (T): Pipeline - Drawing No. 1695-529-60170: Parcel 12.2-04-Tribal Trust (T) being described as a parcel of land crossing Navajo Nation Tribal Trust Land lying in the Northeast Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 100 feet wide, lying 50 feet each side of the centerline described as follows:
A strip of land being 60 feet wide, lying 30 feet each side of the following described centerline: Point of beginning being Reach 12.2 station 122208+65.78, which is a point on the South line of the Northeast Quarter of said Section 02, from which the East Quarter Corner of said Section 02 bears South 89°47'50" East a distance of 1620.86 feet; thence, from the point of beginning North 56°11'04" West a distance of 110.52 feet to Reach 12.2 station 122209+76.30, a point on the West property boundary of said parcel, and the point of terminus from which the Northeast corner of said Section 02 bears North 33°43'29" East a distance of 3121.36 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of the Northeast Quarter and the West boundary line of said parcel. Less Parcel No. RCH 12.2-03-Tribal Trust (P) described above, Parcel No. RCH 12.2-04-Tribal Trust (T) contains 0.10 acres more or less.

[Search Documents](#) ▶ [Results List](#) ▶ [Survey Details](#)

DM ID: 96420 Survey Type: Original Survey State: New Mexico

Survey Plat Details

Plat Image

Related Documents

Survey Office:

Santa Fe, New Mexico

Surv. Type Other:

Fractional:

Yes

Acreage:

490.97

Mining District:

Group Nr:

Min. Surv. Index:

Survey Nr:

Counties:

McKinley

Field Notes:

Land Descriptions

Map	State-Meridian	Twp - Rng	Boundaries
<input type="checkbox"/>	NM - New Mexico PM	017.0N - 021.0W	E, Subdivisional

Survey Activities

Activity Type	Date	Description
Survey Commenced	1/10/1893	Walter G Marmon (Cadastral Surveyor)
Survey Completed	1/10/1893	Walter G Marmon (Cadastral Surveyor)
Contracts Instr. (NM)	9/21/1893	Contract # 273

Plat Information: Original

DM ID: 96419

Duplicate Status:

Original

Supplemental:

No

Survey Based Supplemental:

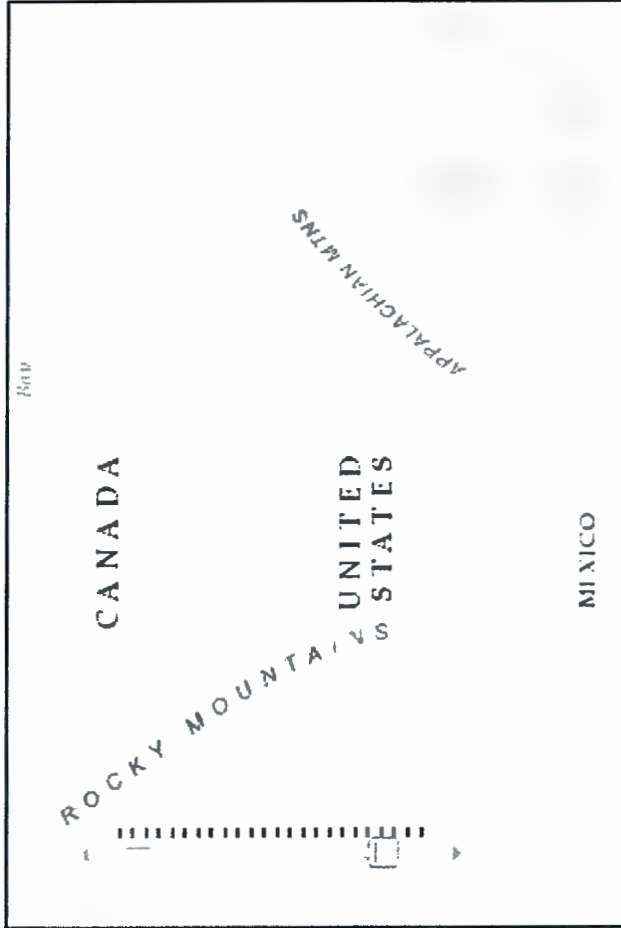
No

Parent Plat:

Child Plats:

Plat Activities

Activity Type	Date	Description
Survey Approved	7/14/1893	Edward F Hobart (Surveyor General)
Survey Accepted	9/28/1894	



Line Township No. 17, North Range No. 2 West of the New Mexico Principal Meridian

Section	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220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[Search Documents](#) ▶ [Results List](#) ▶ [Survey Details](#)

DM ID: 96428 Survey Type: Original Survey Survey Title: Navajo Indian Reservation State: New Mexico

Survey Plat Details

Plat Image

Related Documents

Survey Office: Santa Fe, New Mexico

Survey Type Other: ---

Fractional: No

Acreage: 5597.57

Mining District: ---

Group Nr: ---

Min. Surv. Index: ---

Survey Nr: ---

Counties: McKinley

Field Notes: [NM Volume 00270](#), [NM Volume W0381](#)

Survey Activities

Activity Type	Date	Description
Survey Commenced	3/16/1993	Robert L Harper (Cadastral Surveyor) <input type="checkbox"/>
Survey Completed	3/3/1994	Robert L Harper (Cadastral Surveyor) <input type="checkbox"/>

Plat Information: Original

DM ID: 96427

Duplicate Status: Original

Supplemental: No

Survey Based Supplemental: No

Parent Plat:

Child Plats: [96430](#)

Plat Activities

Activity Type	Date	Description
Survey Accepted	2/5/1997	John P Bennett (Chief Cadastral Surveyor)

Land Descriptions

Map	State-Meridian	Twp - Rng	Boundaries
<input type="checkbox"/>	NM - New Mexico PM	017.0N - 021.0W	N, E, Subdivisional

84

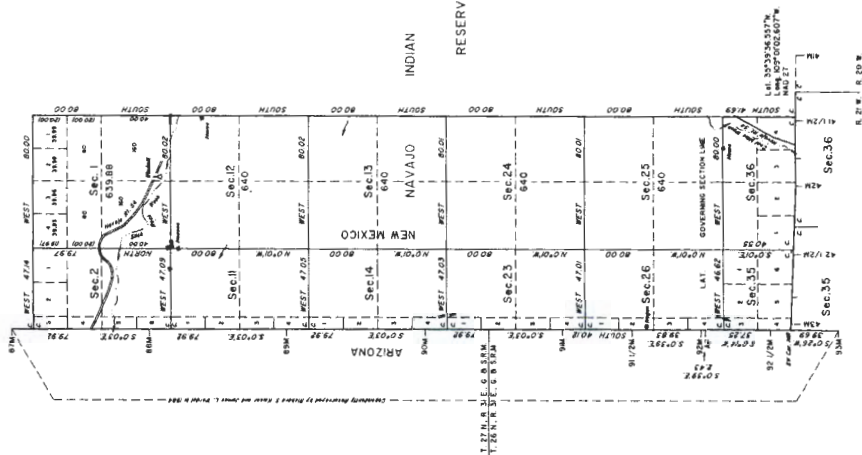
CANADA

ROCKY MOUNTAINS

UNITED STATES

MEXICO

TOWNSHIP 17 NORTH, RANGE 21 WEST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO



SEE SHEETS 2 AND 3 FOR ENLARGEMENTS
OF SECTIONS 2, 3, 4, 23, 24, 25 AND 26

The history of surveys is contained in the field notes.

This plot represents the dependent resurvey of a portion of the south boundary of the Navajo Indian Reservation, designed to restore the corners in their true original locations according to the best available evidence: the survey of the east and north boundaries and latitudinal governing section line inside the Navajo Indian Reservation, Township 17 North, Range 21 West, New Mexico Principal Meridian, New Mexico.

This survey was executed by Robert L. Harper and William F. Over, Cadastral and Supervisory Cadastral Surveyors, beginning March 16, 1993, and completed March 3, 1994, pursuant to Special Instructions dated June 19, 1992, for Group No. 871, New Mexico.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Santa Fe, New Mexico February 5, 1997

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

[Signature]

Chief Cadastral Surveyor For New Mexico



MEAN
MAGNETIC
DECLINATION
1993

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE PARTLY WITHIN THE NORTHEAST QUARTER SOUTHEAST QUARTER (NE/4SE/4), SOUTH HALF SOUTHEAST QUARTER (S/2SE/4), NORTHWEST QUARTER SOUTHEAST QUARTER (NW/4SE/4) AND SOUTHWEST QUARTER SOUTHEAST QUARTER (SW/4NE/4) OF SECTION 2, TOWNSHIP 16 NORTH, RANGE 21 WEST, NEW MEXICO PRINCIPAL MERIDIAN, IN THE COUNTY OF TSACHO, COUNTY OF MURKIN, ESTATE OF NEW MEXICO, AND IN LAND MANAGAMENT DISTRICT 18 OF EASTERN NAVAJO AGENCY, INDIAN COUNTRY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Quarter (1/4) Section Corner common to Section 1, T16N, R21W, N1/4, NW1/4, a found UNITED STATES BUREAU OF LAND MANAGEMENT Cadastral Survey monument brass cap dated 1982, SAID Corner having NAD83(1986) LATITUDE 35° 34' 48.263"N and LONGITUDE 109° 01' 25.094"W.

THENCE run on sold east section line, measured S 00° 15' 32" W, 1,333.94 feet to the Northeast Corner, a found 1/2 inch rebar with P513608 Aluminum Cap, affixed on the southerly Highway Right-of-Way (R/W) line of New Mexico Hwy 264, being the TRUE POINT OF BEGINNING of the herein described tract.

THENCE continuously on said east section line, measured S 00° 27' 19" W, 1,302.26 feet to the Southeast Corner, being the Section Corner common to Section 1, Section 2, Section 12 and Section 11, T16N,R21W, NMPW, a found UNITED STATES BUREAU OF LAND MANAGEMENT-1898 MARK STONE, a sandstone 48x16x5 inches, five feet in a crack in the east edge of sandstone ledge, marks one grove on north face, five groves on south face and no other marks visible;

THENCE on south section line of said Section 2, measured N 89° 21' 08" W, 2,645.33 feet to Southwest Corner, being the Quarter (1/4) Section Corner common to Section 2 and Section 11, T6N,R21W, N1PM, a found UNITED STATES BUREAU OF LAND MANAGEMENT Caddo Survey monument brass cap dated 1962, SAID Corner having NAD83(1996) LATITUDE 35° 38' 22.247577" N and LONGITUDE 109° 01' 56.98367" W;

THENCE on center section line of said Section 2, measured N 00° 14' 25" W, 2,826.37 feet to Northwest Corner, set 5/8 inch rebar with NavajoDOT orange plastic cap, equidistant on the southerly highway Right-of-Way (R/W) line of New Mexico Hwy 254;

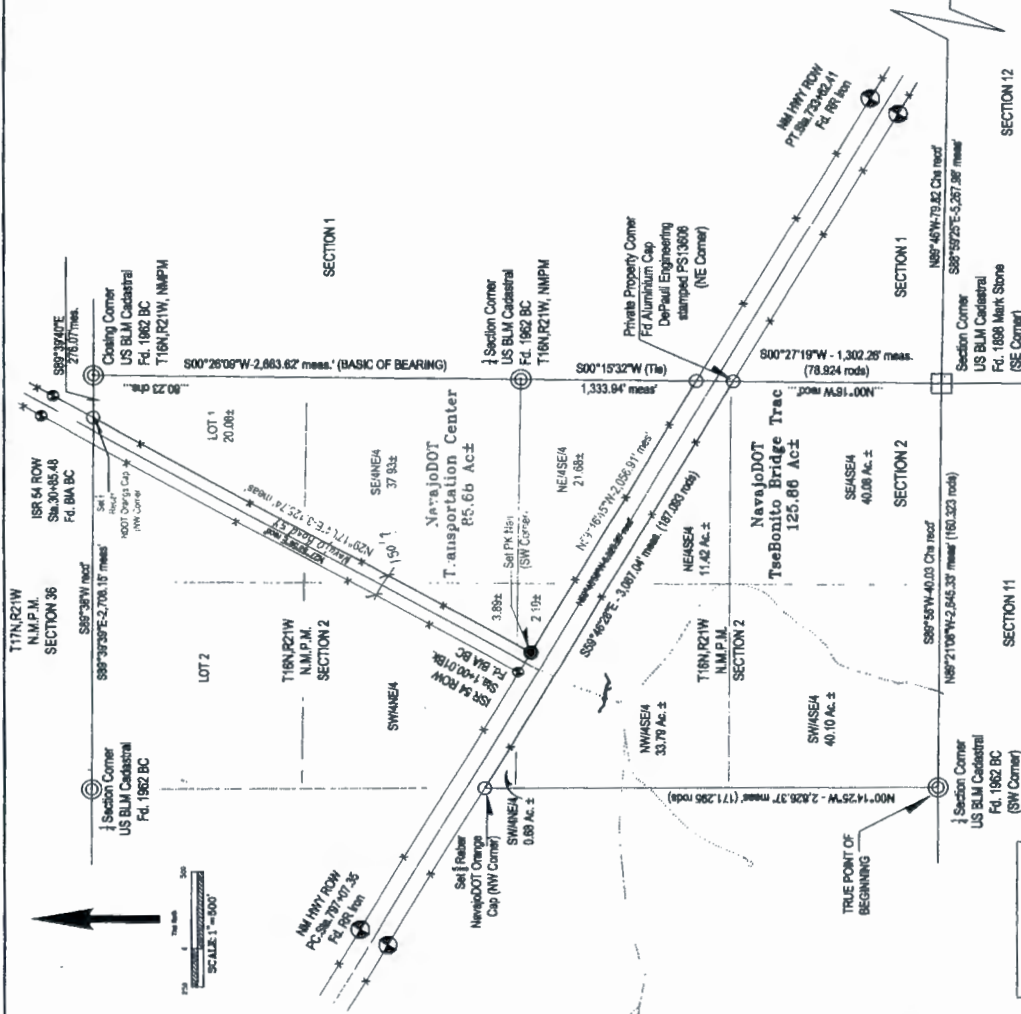
May (R/W) line
q.

The described enclosed area comprising of 125.86 acres, more or less, and being subject to any and all existing easements for underground utilities located therein.

Field survey was performed over a period of time beginning on August 25, 2008, to October 3, 2008 by the Navajo Division of Transportation, THE NAVAJO NATION, Window Rock, Arizona.

US BLM GC08		Teslinville Bridge
SW4NE4	39.59 Ac. ±	0.58 Ac. ±
NE4SE4	39.75 Ac. ±	11.21 Ac. ±
SE4SE4	40.08 Ac. ±	40.08 Ac. ±
SW4SE4	40.10 Ac. ±	40.10 Ac. ±
NW4SE4	39.43 Ac. ±	33.79 Ac. ±
Total	198.94 Ac. ±	125.66 Ac. ±

NAVAJO DEPARTMENT OF TRANSPORTATION

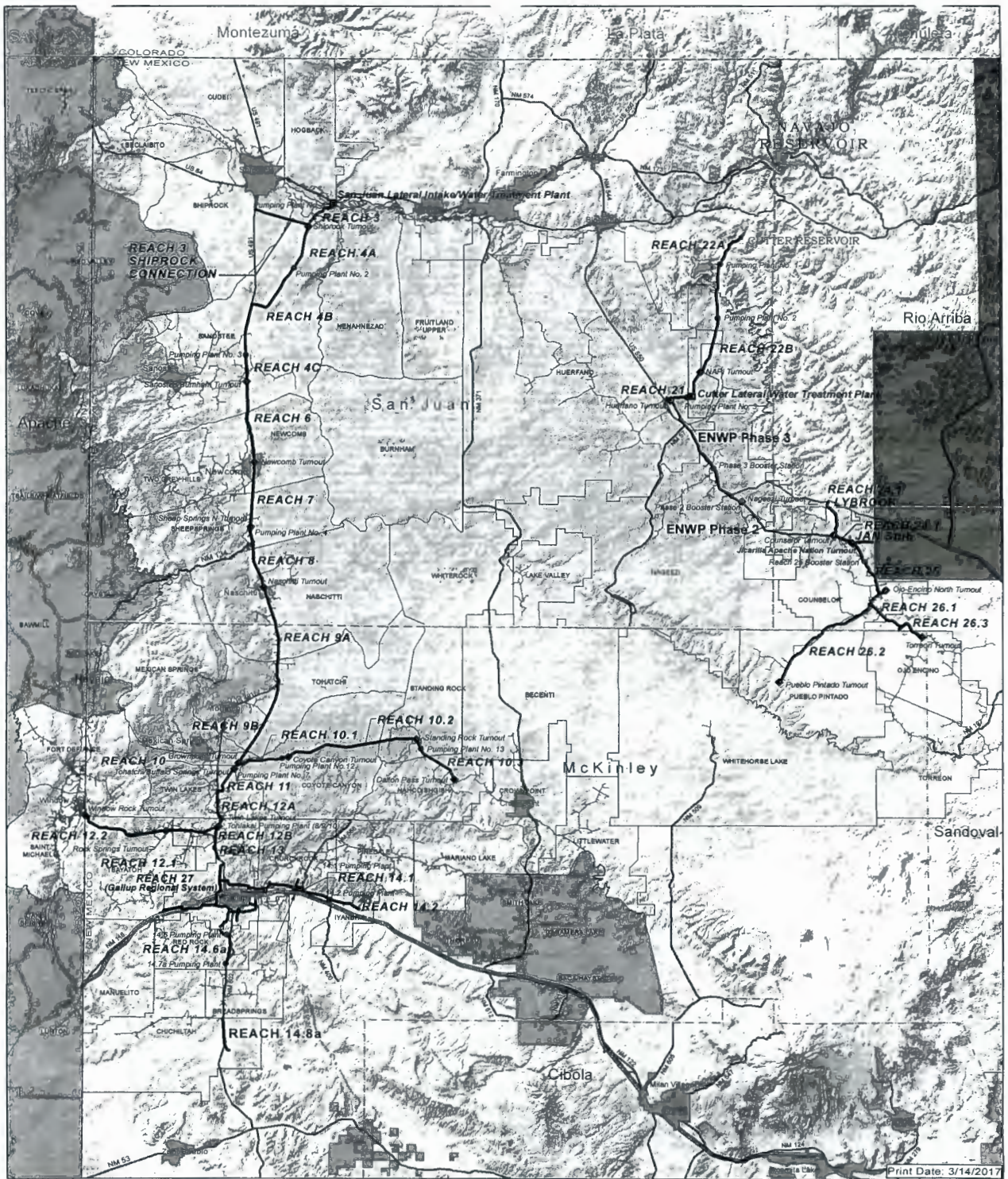
[illegible]

NOTES

1. All bearings shown hereon are referred to TRUE NORTH and all distances are ground distances. This survey was performed using the Trimble 5700 Global Positioning System (GPS) on the East-line of the Township 21N, Range 21W, Section 2, T18N, R21W, NMPM, per U.S. Department of the Interior, Bureau of Land Management, and the Northeast Quarter of said Section 2, T18N, R21W, NMPM, per U.S. Department of the Interior, Bureau of Land Management, dated July 16, 1984.
2. Average ellipsoid totals are derived from U.S. BLM Geographic Coordinate Data Base (GCSB) for Section 2, T18N, R21W, NMPM.

LEGEND

●	Fd. Section Corner Brass Cop
田	Fd. Section Corner Mark Stone 1998
●	BIA ROW Marker BC
○	Fd. Aluminium Cop stamp PS 13608
●	Set 60d Nail
○	Set 5/8 Rebar
	Orange Plastic Cop
x	Fence Line



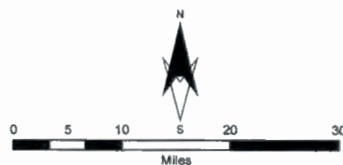
LEGEND

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

Navajo Gallup Water Supply Project RECLAMATION Managing Water in the West

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

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



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



Navajo-Gallup Water Supply Project RECLAMATION

Managing Water in the West

Reach 12.2 Feasibility Map

Date: 6/29/2015

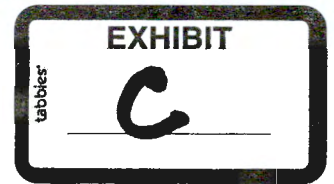
Legend

— Reach 12.2 Proposed Pipeline Alignment



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



MEMORANDUM

TO : Elerina Yazzie, Department Manager
General Land Development Department

FROM : Verna Arviso
Verna Arviso, Land Support Agent
General Land Development Department

DATE : April 20, 2018

SUBJECT : Field Investigation For Bureau of Reclamation - Reach 12.2 ROW Consent

Bureau of Reclamation of 1235 La Plata Highway, Farmington, New Mexico 87401 is requesting to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Tribal Trust Lands located in the vicinity of Tsayatoh, Navajo Chapter, McKinley, New Mexico.

Field investigation on the above project has been completed. I met with Ms. Teri Watchman the affected chapter (Tsayatoh Chapter) District 16 Land Board to identify the affected land users. After review of her records she indicated there are two Grazing Permit Holder (Deanna Skeets and Bernice Lee). They have no objections and gave their written consent.

Attached hereto are the copies of the affected land user consent. If you have any questions, I can be contacted at (928) 871-6460.

Attachments:

cc: Office File
BOR Navajo Gallup Water Supply Project

FIELD CLEARANCE CHECKLIST

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

1.) Project Identification:

Applicant: Bureau of Reclamation
Type of Project: Water Supply, Treatment Plants, Pipelines & Pumping Stations
Purpose: Temporary Construction Easement for Row of Ways
Location: Vicinity of Tsayatoh, Navajo Chapter, McKinley, New Mexico
Identification Number (s): Project #8712

2.) Amount of land affected: 125.86 Acres

3.) Land Status: Trust X Fee _____ Other _____

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

	<u>Names</u>	<u>Census Number</u>	<u>Permit Number</u>
1.	<u>Deanna Skeets</u>	<u> </u>	<u>076-0157</u>
2.	<u>Bernice Lee</u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>

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

6.) Have the Grazing committee or Land Board Member (whichever is appropriate) for the affected areas confirmed the land user list in Item 4? Yes

ACKNOWLEDGEMENT

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

4-20-18
Date

Vanna Anwin
Field Agent Signature

CONSENT FORM #1
(No expected damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN

I Bernice Lee hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit Bureau of Reclamation of 1235 La Plata Highway, Farmington, NM 87401 to use a portion of my land use area for the following purpose to grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Tribal Trust Lands located in the area of Tsayatoh Navajo Chapter, New Mexico.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

4/20/18 Bernice Lee _____
Date Land User Signature or (Thumbprint) Census No. Permit No.

WITNESS: Verna Anwar

4/20/18 [Signature] 16
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Verna Anwar
Field Agent Signature

CONSENT FORM #1
(No expected damages)

**CONSENT TO USE
NAVAJO NATION LANDS**

TO WHOM IT MAY CONCERN:

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

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

Remarks: _____

3-21-18
Date


Land User Signature or Thumbprint

Census No. 076-0157
Permit No.

Witness:  _____

3/22/18
Date


Grazing Official or Land Board Member

116
District No.

ACKNOWLEDGEMENT OF FIELD AGENT

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


Field Agent Signature



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

APPLICATION FOR CONSENT TO A GRANT OF EASEMENT FOR RIGHT-OF-WAY

(Tribal Trust Lands – NGWSP Reach 12.2)

1. **Applicant Name and Address:** The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico, 87401. Hereby petition(s) the Navajo Nation, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Bureau of Indian Affairs (BIA) Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), as applicable, a request for consent to a grant of Permanent Easement for Right-of-Way (ROW) over, under, across and through Navajo Nation Tribal Trust Lands located in the area of Tsayatoh Navajo Chapter, McKinley County, New Mexico.
2. **Tract(s) or parcel(s) affected by the right-of-way:**
Landowner Name: Navajo Nation
 - a. **Parcel No. RCH 12.2-01-Tribal Trust (P)**, a Permanent Easement for Right-of-Way, located in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5 and Lot No. 6, N.M.P.M., McKinley County, New Mexico.
 - b. **Parcel No. RCH 12.2-03-Tribal Trust (P)**, a Permanent Easement for Right-of-Way, located in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M., McKinley County, New Mexico.
3. **General Location:**
 - a. **Parcel No. RCH 12.2-01-Tribal Trust (P)**, a Permanent Easement for ROW, being described as a strip of land crossing Navajo Nation Tribal Trust land, lying in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5, and Lot No. 6, N.M.P.M. (BLM Cadastral Survey completed March 3, 1994 by Robert L. Harper, Plat dated February 5, 1997), located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment, is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15. Plats of the original BLM Cadastral Survey, dated 01-10-1893, and the re-survey of Section 35, dated 03-03-1994, are attached for visual reference. Also attached is an aerial map of the general location.
 - b. **Parcel No. RCH 12.2-03-Tribal Trust (P)**, a Permanent Easement for ROW, being described as a strip of land crossing Navajo Nation Tribal Trust Land lying in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M., located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15.
4. **Purpose:** The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The

NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

5. **ROW:** The Permanent Easement for ROW will be used for the construction, operation, maintenance and/or replacement of a 24 inch I.D. or smaller, water transmission pipeline and ancillary features and appurtenances thereto, that are necessary for the safe and efficient operation of the pipeline. Ancillary appurtenances may include but are not limited to vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, single phase utility power to support the operation of the pipeline infrastructure, and a patrol road.

6. **ROW Description:**

- a. **Parcel No. RCH 12.2-01-Tribal Trust (P), Pipeline ROW Drawing No. 1695-529-60171:** a Permanent Easement for Right-of-Way (ROW), is described as a strip of land crossing Navajo Nation Tribal Trust land lying in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5, and Lot No. 6, N.M.P.M., being approximately 2243.10 feet (0.42 mile) in length and 60 feet in width, lying 30 feet each side of the pipeline centerline, from Station 122282+32.43 to Station 122303+75.53, the pipeline point of terminus; thence, continuing along the same course a distance of 100.00 feet to Station 122304+75.53, a point on the West line of said Lot 4, and the ROW point of terminus, as illustrated on ROW Drawing No. 1695-529-60171, and Plan and Profile Drawing No.'s 1695-D-60259 and 1695-D-60260, (Sheet No. 6 and 7 of 7), (E.S. 122250+00 to E.S. 122306+32). ROW Drawing No. 1695-529-60171, attached hereto, and by reference made a part hereof, illustrates the Reach 12.2 ROW as it will cross the subject parcel.

Parcel No. RCH 12.2-01-Tribal Trust (P) is approximately 2243.10 feet (0.42 miles) in length, and contains 3.11 acres more or less.

Legal Description: **Parcel No. RCH 12.2-01-Tribal Trust (P)** is described as follows: Point of beginning being Reach 12.2 station 122282+32.43, which is a point on the South line of said Lot 6, from which the East Quarter corner of said Section 35 bears South 87°13'41" East a distance of 1154.56 feet; thence, from the point of beginning North 54°13'07" West a distance of 864.73 feet to Reach 12.2 station 122290+97.16; thence North 60°35'03" West a distance of 1278.37 feet to Reach 12.2 station 122303+75.53; which is the point that the pipeline terminates, and from which the Northwest corner of said Section 35 bears North 02°49'33" West a distance of 1525.72 feet. Thence, continuing along the same course, North 60°35'03" West, a distance of 100.00 feet to Reach 12.2 station 122304+75.53, which is a point on the West line of said Lot No. 4, from which the Northwest corner of said Section 35 bears North 00°57'18" East a distance of 1467.87 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of said Lot No. 5 and the West line of said Lot No. 4.

The total Permanent Easement for ROW requested for Parcel No. RCH 12.2-01-Tribal Trust (P) of Reach 12.2 of the NGWSP is approximately 2243.10 feet in length (0.42 mile) and will contain 3.11 acres more or less.

- b. **Parcel No. RCH 12.2-03-Tribal Trust (P), Pipeline - ROW Drawing No. 1695-529-60170,** a Permanent Easement for Right-of-Way (ROW), is described as a parcel of land crossing Navajo Nation Tribal Trust land lying in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M.,

being approximately 110.52 feet (0.021 mile) in length, and 60 feet in width, lying 30 feet each side of the pipeline centerline, from Station 122208+65.78 to Station 122209+76.30, as illustrated on ROW Drawing No. 1695-529-60170 and Plan and Profile Drawing No. 1695-D-60258 (Sheet No. 5 of 7) (E.S. 122200+00 to E.S. 122250+00). ROW Drawing No. 1695-529-60170, attached hereto and by reference made a part hereof, illustrates the Reach 12.2 ROW as it will cross the subject parcel.

Parcel No. RCH 12.2-03-Tribal Trust (P) is approximately 110.52 feet (0.021 mile) in length, and contains 0.15 acres more or less.

Legal Description: Parcel No. RCH 12.2-03-Tribal Trust (P) is described as follows: Point of beginning being Reach 12.2 station 122208+65.78, which is a point on the South line of the Northeast Quarter of said Section 02, from which the East Quarter corner of said Section 02 bears South 89°47'50" East a distance of 1620.86 feet; thence from the point of beginning North 56°11'04" West a distance of 110.52 feet to Reach 12.2 station 122209+76.30, a point on the West property boundary of said parcel, and the point of terminus from which the Northeast Corner of said Section 02 bears North 33°43'29" East a distance of 3121.36 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of the Northeast Quarter and the West boundary line of said property.

The total Permanent Easement for ROW requested for Parcel No. RCH 12.2-03-Tribal Trust (P) of Reach 12.2 of the NGWSP is approximately 110.52 feet in length (0.021 mile) and will contain 0.15 acre more or less.

7. **Term:** Reclamation requests a grant of Permanent Easement for Right-of-Way (ROW) without limitation in term, and for as long as the easement is used for the intended purpose.
8. **Ownership of Permanent Improvements:** Reach 12.2 of the NGWSP across Navajo Nation Tribal Trust land, will consist of a 24 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the NTUA. It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.
9. **Construction Schedule:**
Obtain ROW: October 9, 2018
Obtain Bids and Establish Contracts: January 29, 2018
Award Contract: March 19, 2018
Notice to Proceed Issue: October 9, 2018
Begin Construction: October 9, 2018
Construction 50% Completed by: May, 2019
Construction Complete: December 30, 2019

Required Supporting Documents - §169.102(b)

1. ROW/Legal Description: Parcel No. RCH 12.2-01(P) and 02(T)-Tribal Trust
ROW/Legal Description: Parcel No. RCH 12.2-03(P) and 04(T)-Tribal Trust
2. ROW Drawing No. 1695-529-60171 - Parcel No. RCH 12.2-01(P) and 02(T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60259 and 1695-D-60260
Plat and Cadastral Survey Documentation - BLM Original Survey - 01-10-1893

Plat and Cadastral Survey Documentation - BLM Re-Survey - 03-03-1994
ROW Drawing No. 1695-529-60170 - Parcel No. RCH 12.2-03(P) and 04(T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60256
Survey - Rch 12.2 - Navajo DOT Transportation Center
NGWSP Project Map - Drawing No. 1695-529-537 - Dated 03-13-17
Reach 12.2 Feasibility Map - Dated 06-29-15
Plan and Profile Drawings No. 1695-D-60254 thru 1695-D-60260 (CD)

3. Waiver of Bond Requirement - 25 CFR § 169.103 - Dated 12-20-16
Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 - Dated 09-09-16
4. Title Status Report – Memo Verifying Land Status – Dated 06-15-17
Permission to Survey - Granted 03-01-10
Navajo Nation Executive Order No. 07-2017 in Support of the NGWSP
Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construct NGWSP
5. Valuation:
Memo - BIA Waiver for Appraisal and Compensation - 25 CFR Part 169.12 - Dated 06-29-07
Table - Summary of ROW and TCE - Reach 12.2 - Navajo Minerals
Workbook - Tribal Lands - ROW and TCE Length, width and Acreage - Rch 12.2 Tribal Trust (CD)
6. Organizational Documents: Not Applicable, Applicant is United States DOI - BOR.
7. Biological, Cultural Resource and Environmental Documentation:
BRCF - NNDFW Review No. 13NC-08 - Approved 08-15-2014
Class III Cultural Inventory Report - Dated 04-29-14 (CD)
Class III Cultural Resources Inventory – NNHPD-15-116 and Letter of Concurrence of Eligibility
Determination - Signed 02-04-14 and 02-19-2015 - Letter Dated 12-30-14
Phase I Environmental Site Assessment - Dated 05-30-14 (CD)
Phase I Environmental Site Assessment for Reach 12.2 - Dated November 2016 (CD)
Memo - BIA - Acceptable NEPA and NHPA Sufficiency Documentation - Cultural Resources - Dated
10-29-2015
Final NEPA Sufficiency Report - Concurrence Received 10-09-14 - Dated August 2014 (CD)
Final Environmental Impact Statement and Record of Decision can be viewed at:
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

Applicant Point of Contact Information:

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

Date: August 30, 2017

Applicant Signature: [Signature]

Print Name: Robert Longworth

Bureau of Reclamation

Navajo Gallup Water Supply Project Tribal Trust Land Reach 12.2

TABLE OF CONTENTS

- 1. Application for Grant of Easement for Right-of-Way**
- 2. Application for Grant of Temporary Construction Easement**
- 3. ROW/Legal Description: Parcel No. RCH 12.2-01(P) and 02(T)-Tribal Trust
ROW/Legal Description: Parcel No. RCH 12.2-03(P) and 04(T)-Tribal Trust**
- 4. ROW Drawing No. 1695-529-60171 - Parcel No. Reach 12.2-01(P) and 02(T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60259 and 1695-D-60260
Plat and Cadastral Survey Documentation – BLM Original Survey – 01-10-1893
Plat and Cadastral Survey Documentation – BLM Re-Survey – 03-03-1994
ROW Drawing No. 1695-529-60170 – Parcel No. RCH 12.2-03(P) and 04 (T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60256
Survey-Rch 12.2 – Navajo DOT Transportation Center
NGWSP Project Map – Drawing no. 1695-529-537 – Dated 03-13-17
Reach 12.2 Feasibility Map – Dated 06-29-15**
- 5. Waiver of Bond Requirements – 25 CFR § 169.103 – Dated 12-20-16
Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 – Dated 09-09-16**
- 6. Title Status Report – Memo Verifying Land Status – Dated 06-15-17
Permission to Survey – Granted 03-01-10
Navajo Nation Executive Order No. 07-2017 in support of the NGWSP
Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construction NGWSP**
- 7. Valuation:
Memo – BIA Waiver of Appraisal and Compensation – 25 CFR Part 169.12 – Dated 06-29-07
Table – Summary of ROW and TCE – Reach 12.2 – Navajo Minerals**
- 8. Biological, Cultural Resources and Environmental Documentation:
BRCF – NNDFW Review No. 13NC-08 – Approved 08-15-2014
Class III Cultural Resources Inventory – NNHPD – 15-116 and Letter of Concurrence of
Eligibility Determination – Signed 02-04-14 and 02-19-2015 – Letter Dated 12-30-14
Memo – BIA – Acceptable NEPA and NHPA Sufficiency Documentation – Cultural Resources –
Dated 10-29-2015**



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

APPLICATION FOR CONSENT TO A GRANT OF TEMPORARY CONSTRUCTION EASEMENT

(Tribal Trust Lands – NGWSP Reach 12.2)

1. **Applicant Name and Address:** The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico, 87401. Hereby petition(s) the Navajo Nation, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Bureau of Indian Affairs (BIA) Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), as applicable, a request for consent to a grant of Temporary Construction Easement (TCE) over, under, across and through Navajo Tribal Trust Lands located in the area of Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico.
2. **Tract(s) or parcel(s) affected by the right-of-way:**
Landowner Name: Navajo Nation
 - a. **Parcel No. RCH 12.2-02-Tribal Trust (T)**, a Temporary Construction Easement, located in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5 and Lot No. 6, N.M.P.M., McKinley County, New Mexico.
 - b. **Parcel No. RCH 12.2-04-Tribal Trust (T)**, a Temporary Construction Easement, located in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M., McKinley County, New Mexico.
3. **General Location:**
 - a. **Parcel No. RCH 12.2-02-Tribal Trust (T)**, a Temporary Construction Easement, being described as a strip of land crossing Navajo Nation Tribal Trust land, lying in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5, and Lot No. 6, N.M.P.M. (BLM Cadastral Survey completed March 3, 1994 by Robert L. Harper, Plat dated February 5, 1997), located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment, is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15. Plats of the original BLM Cadastral Survey, dated 01-10-1893, and the re-survey of Section 35, dated 03-03-1994, are attached for visual reference. Also attached is an aerial map of the general location.
 - b. **Parcel No. RCH 12.2-04-Tribal Trust (T)**, a Temporary Construction Easement, being described as a strip of land crossing Navajo Nation Tribal Trust Land lying in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M., located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15.
4. **Purpose:** The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation

by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

5. **TCE:** The Temporary Construction Easement will supplement the Easement for Right-of-Way (ROW) and provide additional working space that will be used for the construction of a 24 inch I.D. or smaller, water transmission pipeline and ancillary features and appurtenances thereto, that are necessary for the safe and efficient operation of the pipeline, over, under, across, and through Navajo Nation Tribal Trust lands that will be crossed by a portion of Reach 12.2 of the San Juan Lateral, a part of the NGWSP, in the area of the Tsayatoh Navajo Tribal Chapter, located in McKinley County, New Mexico. No structure will be constructed inside the TCE, and all construction related activities will be confined to the TCE boundary.

6. **TCE Description:**

- a. **Parcel No. RCH 12.2-02-Tribal Trust (T), Pipeline ROW Drawing No. 1695-529-60171:** a Temporary Construction Easement (TCE), is described as a strip of land crossing Navajo Nation Tribal Trust land lying in Township 17 North, Range 21 West, Section 35, Lot No. 4, Lot No. 5, and Lot No. 6, N.M.P.M., being approximately 2,243.10 feet (0.42 mile) in length and 60 feet in width, containing lying 30 feet each side of the pipeline centerline from station 122282+32.43 to station 122284+54.60; thence being 100 feet wide, lying 50 feet each side from Station 122284+54.60 to Station 122303+75.53; thence, continuing along the same course a distance of 100.00 feet to Station 122304+75.53, a point on the West line of said Lot 4 and the point of terminus, as illustrated on ROW Drawing No. 1695-529-60171, and Plan and Profile Drawing No.'s 1695-D-60259 and 1695-D-60260, (Sheet No. 6 and 7 of 7), (E.S. 122250+00 to E.S. 122306+32). ROW Drawing No. 1695-529-60171, attached hereto, and by reference made a part hereof, illustrates the Reach 12.2 ROW as it will cross the subject parcel.

Less Parcel No. RCH 12.2-01(P) which contains 3.11 acres, Parcel No. RCH 12.2-02-Tribal Trust (T) contains 1.87 acres more or less.

Legal Description: **Parcel No. RCH 12.2-02-Tribal Trust (T)** is described as follows: Point of beginning being Reach 12.2 station 122282+32.43, which is a point on the South line of said Lot 6, from which the East Quarter corner of said Section 35 bears South 87°13'41" East a distance of 1154.56 feet; thence, from the point of beginning North 54°13'07" West a distance of 864.73 feet to Reach 12.2 station 122290+97.16; thence North 60°35'03" West a distance of 1278.37 feet to Reach 12.2 station 122303+75.53; which is the point that the pipeline terminates, and from which the Northwest corner of said Section 35 bears North 02°49'33" West a distance of 1525.72 feet. Thence, continuing along the same course, North 60°35'03" West, a distance of 100.00 feet to Reach 12.2 station 122304+75.53, which is a point on the West line of said Lot No. 4, from which the Northwest corner of said Section 35 bears North 00°57'18" East a distance of 1467.87 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of said Lot No. 5 and the West line of said Lot No. 4.

The total Temporary Construction Easement requested for Parcel No. RCH 12.2-02-Tribal Trust (T) of Reach 12.2 of the NGWSP is approximately 2243.10 feet in length (0.42 mile) and will contain 1.87 acres more or less.

- b. **Parcel No. RCH 12.2-04-Tribal Trust (T), Pipeline - ROW Drawing No. 1695-529-60170**, a Temporary Construction Easement (TCE), is described as a parcel of land crossing Navajo Nation Tribal Trust land lying in Township 16 North, Range 21 West, Section 02, the Northeast Quarter, N.M.P.M., being approximately 110.52 feet (0.021 mile) in length, and 100 feet in width, lying 50 feet each side of the pipeline centerline, from Station 122208+65.78 to Station 122209+76.30, as illustrated on ROW Drawing No. 1695-529-60170 and Plan and Profile Drawing No. 1695-D-60258 (Sheet No. 5 of 7) (E.S. 122200+00 to E.S. 122250+00). ROW Drawing No. 1695-529-60170, attached hereto and by reference made a part hereof, illustrates the Reach 12.2 ROW as it will cross the subject parcel.

Less Parcel No. RCH 12.2-03-Tribal Trust (P) which contains 0.15 acres, Parcel No. RCH 12.2-04-Tribal Trust (T) contains 0.10 acres more or less.

Legal Description: Parcel No. Rch 12.2-04-Tribal Trust (T) is described as follows: Point of beginning being Reach 12.2 station 122208+65.78, which is a point on the South line of the Northeast Quarter of said Section 02, from which the East Quarter corner of said Section 02 bears South 89°47'50" East a distance of 1620.86 feet; thence from the point of beginning North 56°11'04" West a distance of 110.52 feet to Reach 12.2 station 122209+76.30, a point on the West property boundary of said parcel, and the point of terminus from which the Northeast Corner of said Section 02 bears North 33°43'29" East a distance of 3121.36 feet. The sidelines of the described strip shall be lengthened or shortened, as necessary, so as to intersect the South line of the Northeast Quarter and the West boundary line of said property.

The total Temporary Construction Easement requested for Parcel No. RCH 12.2-04-Tribal Trust (T) of Reach 12.2 of the NGWSP is approximately 110.52 feet in length (0.021 mile) and will contain 0.10 acre more or less.

7. **Term:** Reclamation requests a grant of Temporary Construction Easement (TCE) for a term of 48 months (4 years).
8. **Ownership of Permanent Improvements:** Reach 12.2 of the NGWSP across Navajo Nation Tribal Trust land, will consist of a 24 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the NTUA. It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.
9. **Construction Schedule:**
Obtain ROW: October 9, 2018
Obtain Bids and Establish Contracts: January 29, 2018
Award Contract: March 19, 2018
Notice to Proceed Issue: October 9, 2018
Begin Construction: October 9, 2018
Construction 50% Completed by: May, 2019
Construction Complete: December 30, 2019

Required Supporting Documents - §169.102(b)

1. ROW/Legal Description: Parcel No. RCH 12.2-01(P) and 02(T)-Tribal Trust
ROW/Legal Description: Parcel No. RCH 12.2-03(P) and 04(T)-Tribal Trust
2. ROW Drawing No. 1695-529-60171 - Parcel No. RCH 12.2-01(P) and 02(T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60259 and 1695-D-60260

Plat and Cadastral Survey Documentation - BLM Original Survey - 01-10-1893
Plat and Cadastral Survey Documentation - BLM Re-Survey - 03-03-1994
ROW Drawing No. 1695-529-60170 - Parcel No. RCH 12.2-03(P) and 04(T)-Tribal Trust
Plan and Profile Drawing No. 1695-D-60256
Survey - Rch 12.2 - Navajo DOT Transportation Center
NGWSP Project Map - Drawing No. 1695-529-537 - Dated 03-13-17
Reach 12.2 Feasibility Map - Dated 06-29-15
Plan and Profile Drawings No. 1695-D-60254 thru 1695-D-60260 (CD)

3. Waiver of Bond Requirement - 25 CFR § 169.103 - Dated 12-20-16
Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 - Dated 09-09-16
4. Title Status Report – Memo Verifying Land Status – Dated 06-15-17
Permission to Survey - Granted 03-01-10
Navajo Nation Executive Order No. 07-2017 in Support of the NGWSP
Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construct NGWSP
5. Valuation:
Memo - BIA Waiver for Appraisal and Compensation - 25 CFR Part 169.12 - Dated 06-29-07
Table - Summary of ROW and TCE - Reach 12.2 - Navajo Minerals
Workbook - Tribal Lands - ROW and TCE Length, width and Acreage - Rch 12.2 Tribal Trust (CD)
6. Organizational Documents: Not Applicable, Applicant is United States DOI - BOR.
7. Biological, Cultural Resource and Environmental Documentation:
BRCF - NNDFW Review No. 13NC-08 - Approved 08-15-2014
Class III Cultural Inventory Report - Dated 04-29-14 (CD)
Class III Cultural Resources Inventory – NNHPD-15-116 and Letter of Concurrence of Eligibility
Determination - Signed 02-04-14 and 02-19-2015 - Letter Dated 12-30-14
Phase I Environmental Site Assessment - Dated 05-30-14 (CD)
Phase I Environmental Site Assessment for Reach 12.2 - Dated November 2016 (CD)
Memo - BIA - Acceptable NEPA and NHPA Sufficiency Documentation - Cultural Resources - Dated
10-29-2015
Final NEPA Sufficiency Report - Concurrence Received 10-09-14 - Dated August 2014 (CD)
Final Environmental Impact Statement and Record of Decision can be viewed at:
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

Applicant Point of Contact Information:

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

Date: August 30, 2017

Applicant Signature: [Signature]

Print Name: BARRY LONGWEN



United States Department of the Interior

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

IN REPLY REFER TO:

FCCO-202
LND-3.00

AUG 30 2017

HAND DELIVERED

Mr. Howard P. Draper
Program and Projects Specialist
Navajo Land Department
Project Review Section
Navajo Nation Division of Natural Resources
P.O. Box 2249
Window Rock, AZ 86515

Subject: Application for Navajo Tribal Consent to Right-of-Way (ROW) and Temporary Construction Easement (TCE) - Tribal Trust Lands - Reach 12.2 - San Juan Lateral - Navajo-Gallup Water Supply Project (NGWSP), McKinley County, New Mexico

Dear Mr. Draper:

The Bureau of Reclamation hereby requests tribal consent to a grant of ROW and TCE over, under, across and through the subject Tribal Trust lands which are located in the area of Tsayatoh Navajo Chapter, in McKinley County, New Mexico. The Bureau of Indian Affairs (BIA) requires that tribal consent be obtained by Reclamation, and that documentation of that consent be submitted with applications for ROW and TCE. Enclosed are applications for ROW and TCE for two locations, and additional pertinent documentation that is provided on CD format, respectfully submitted for your review and processing.

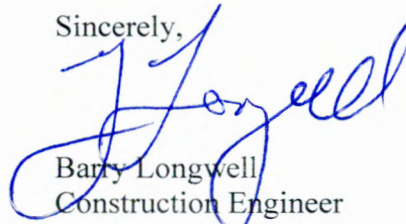
Reclamation understands that the Navajo Nation is waiving all customary fees and consideration for the ROW in accordance with the authorizing legislation in the Omnibus Public Land Management Act of 2009, Title X, Part III, Section 10602(c)(2), (Public Law 111-11).

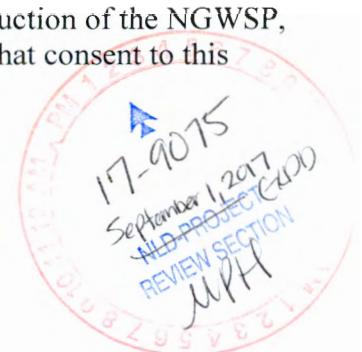
Reclamation and the Navajo Nation have negotiated terms and conditions for the ROW and TCE and it is our understanding that the documents entitled "Terms and Conditions" will be added to this application by the Navajo Nation as exhibits.

In order to maintain the congressionally mandated schedule for the construction of the NGWSP, and to allow for additional processing by the BIA, Reclamation requests that consent to this request be received on or before November 10, 2017.

If you have any questions, please contact Mike Braman at 505-324-5024.

Sincerely,


Barry Longwell
Construction Engineer



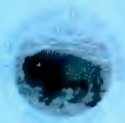
cc: See next page.

Subject: Application for Navajo Tribal Consent to Right-of-Way (ROW) and Temporary

cc: Ms. Bidtah Becker
Executive Director
Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, AZ 86515

Mr. Ray Benally
Director
Navajo Nation Department of Water Resources
P.O. Box 678
Ft. Defiance, AZ 86504

Mr. Jason John
Branch Director
Navajo Nation Department of Water Resources
Water Management Branch
P.O. Box 678
Ft. Defiance, AZ 86504
(w/o encls to ea)



OFFICE OF THE SECRETARY OF THE INTERIOR
EXECUTIVE SECRETARIAT
Correspondence Transmittal

Date ES Received: 10/05/2016

ES Tracking #: ESO-00072732

Date Forwarded for Signature: 12/13/2016

To: Roberts, Lawrence S.
From: Pinto, Sharon
BIA - Navajo Regional Office
Subject: Request for Waiver under 25 C.F. R. 1.2 of the 25 C.F.R. 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

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

Lead Response Office: IA OTS RES

Response Writer: IA OTS RES

Surnaming Office

Approved By

Date Approved

DBIA

M. Smith

11/22/2016

IA OTS

H. Riggs

11/22/2016

IA OTS RES

S. Roundface

11/22/2016

SOLDIA

J. Turner

11/22/2016

IA Advisor

C. Hastings

11/28/2016

IA COS

S. Walters

12/09/2016

Deputy Secretary

Associate Deputy Secretary

Executive Secretariat

Secretary

SIGMAC:

Other (NOT SECRETARY):

COMMENTS:




United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

NOV 22 2016

IN REPLY REFER TO:

Memorandum

To: Principal Deputy Assistant Secretary - Indian Affairs
From: Director, Bureau of Indian Affairs 
Subject: Request for Waiver under 25 CFR § 1.2 of the 25 CFR § 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

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

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

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

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

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

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

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

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

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

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

Reclamation and the BIA recognize the allottee consent process for these ROWs took nearly four years, and re-engaging with the allottees to obtain their recommendations for waiver of the bond requirement likely will not allow Reclamation to meet the President's directive that the NGWSP move forward apace. Furthermore, re-submitting trust land ROW applications to the Nation that have either gone through, or are in the process of going through, the Nation's consent approval process would result in direct impacts to impending construction contracts where these ROWs are required. Therefore, Reclamation and BIA respectfully submit this waiver request, seeking a waiver, under 25 CFR § 1.2, of the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof. Reclamation and BIA request that the Assistant Secretary expedite review of this request in order to aid the Department in moving the NGWSP forward in the face of the unforeseen slow-down created by the application of the new ROW regulations, which unexpectedly omitted the federal agency bond waiver provision from the 25 CFR Part 169 (2016) ROW regulations.

In the spirit of the President's initiative, and in order to meet the aggressive Congressionally mandated schedule for completing this high-priority project, we respectfully request that the Assistant Secretary waive the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, recognizing that doing so is in the best interest of the Navajo Nation, the Jicarilla Apache Nation, and their members, because it will permit NGWSP construction to proceed in accordance with a schedule that will allow the project to be completed as directed by the President of the United States and Congress and project benefits bargained for by the Tribes on behalf of their members pursuant to a negotiated water settlement to accrue to the benefit of the Tribal communities served as contemplated under the Navajo San Juan Water Rights Settlement. The Navajo Nation confirmed that the waiver was in the best interest of the Nation in the attached letter of support signed by President Begaye dated September 9, 2016.

For the reasons stated herein, we recommend approval of the Assistant Secretary to waive the regulatory requirement under 25 CFR § 169.103 for a bond for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof.

Concur with waiver request:



Director, Bureau of Indian Affairs

12/20/2016

Date

Do not concur with waiver request:

Director, Bureau of Indian Affairs

Date

Waiver Request is approved:



Principal Deputy Assistant Secretary - Indian Affairs

12/14/2016

Date

Waiver Request is denied:

Principal Deputy Assistant Secretary - Indian Affairs

Date

Attachment



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

September 9, 2016

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

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

Dear Assistant Secretary Roberts:

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

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

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

Sincerely,

THE NAVAJO NATION

Russell Begaye, President



IN REPLY REFER TO: 4N420

REAL ESTATE SERVICES
RIGHTS OF WAY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Eastern Navajo Agency
P.O. Box 328
Crownpoint, New Mexico 87313

OFFICIAL FILE COPY
FOUR CORNERS CONSTRUCTION OFFICE
FARMINGTON

JUN 19 2017

ACTION:
DUE DATE:

CONTROL NO:
FOLDER NO:

JUN 15 2017

MEMORANDUM

TO: Michael Braman, Realty Specialist
Bureau of Reclamation

FROM: Jerry DeGroat, Realty Officer, Bureau of Indian Affairs,
Eastern Navajo Agency, Real Estate Services

SUBJECT: Request for TSR/Address Listing, NGWSP-RCH 12.2, Tsayatoh Chapter,
McKinley County, New Mexico

Real Estate Services is in receipt of a request for a Title Status Report and Address list dated June 8, 2017 for Reach 12.2 of the Navajo Gallup Water Supply Project (NGWSP) located within the vicinity of Tsayatoh, McKinley County, New Mexico. Pursuant to the provisions of the Indian Land Consolidation Act (ILCA) Amendments of 2000, an uncertified TSR with an address list is being provided for the following allotment:

Section	Township	Range	Quarter	Land Status	Tract	Chapter	County
2	16N	21W	NW/4	Tribal Fee	-	-	-
2	16N	21W	SW/4	Indian Allotment	1628	Tsayatoh	McKinley
6	16N	20W	S/2	Public Domain	-	-	-
7	16N	20W	N/2	Private	-	-	-

We are unable to provide a TSR/Address list for Section 35, Township 17 North, Range 21 West, since these lands are within Twin Lakes Chapter which is in the jurisdiction of Fort Defiance Agency. You can contact April Bowman, Supervisory Realty Specialist for further information and processing.

The enclosed TSR cites the name and percentage owned by each individual, as provided in the Indian Land Consolidation Act Amendments of 2000. Departmental Privacy Act, 43 CFR §2.56, does not allow the disclosure of personal information on individuals kept in a Privacy Act system of records, including tribal enrollment numbers. If you need further assistance regarding this issue, you may contact Ms. Rochelle Shirley, Eastern Navajo Agency FOIA Coordinator at (505) 786-6010.

Also, pursuant to provisions of the Indian Land Consolidation Act Amendments of 2000, we are providing the last known addresses on file for the listed allotment. If you have any questions please contact Jacqueline Gibson, Realty Specialist at (505) 786-6182.

Attachment(s)



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Fort Defiance Agency
P.O. Box 619
Fort Defiance, Arizona 86504

Real Estate Services
M/C: 6N420

MAR 01 2010

Ms. Kathleen Ozga
Lands and Recreation Group Chief
Bureau of Reclamation
Western Colorado Area Office
2764 Compass Drive, Suite 106
Grand Junction, CO 81506-8785

Dear Ms. Ozga:

Reference is made to your request for permission to survey to begin a surface investigation, walk on along the proposed pipeline corridor for the Navajo-Gallup Water Supply Project (San Juan Lateral) commencing from Naschitti, San Juan County, to Gallup, McKinley County, New Mexico. This investigation will determine if any problems exist prior to doing the center line alignment survey. This authorization is for Navajo trust lands only, does not include Indian Allotments or private lands.

The Navajo Nation has given its concurrence to the survey by letter dated August 14, 2009 (copy enclosed).

Authorization is hereby granted to proceed with the necessary survey subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR. This authorization is for SURVEY ONLY. Upon completion, a formal application for right-of-way for the project should be submitted in accordance with 25 CFR 169, to the Regional Director, Bureau of Indian Affairs, Fort Defiance Agency, Attention: Real Estate Services, P. O. Box 619, Fort Defiance, Arizona 86504.

If you have any questions, please contact Oma M. Wauneka, Realty Specialist at (928) 729-7211.

Sincerely,


ACTING Regional Director

Enclosure

cc: Director, TNN, Project Review Office, Window Rock, Az

RECEIVED

MAR 12 2010

WCAO-DURANGO, CO
OFFICIAL FILE COPY
RECEIVED BOR W.C.A.O.
GRAND JUNCTION
MAR 10 2010

CLASS	INITIALS	SURNAME
3/9	120	8890
		27.7289

CA: 11031262
FH: 1123224
5.3.11 CA



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



EXECUTIVE ORDER NO. 07-2017

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

May 22, 2017

WHEREAS:

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

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

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

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

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

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

IT IS ORDERED THAT:

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

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

THEREFORE BE IT RESOLVED, THAT:

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

Executed this 30th day of May, 2017.


Russell Begaye, President
The Navajo Nation

ATTEST:


Ethel Branch, Attorney General
Navajo Nation Department of Justice



BEN SHELLY
President

REX LEE JIM,
Vice President

CHARLES S. DAMON, II,
Council Delegate

Tsayatoh Chapter
P.O. Box 86
Mentmore, NM 87319
(505)905-2649 ♦ Fax: (505)905-0537
Website: www.tsayatoh.nndes.org
E-mail: tsayatoh@navajochapters.org



DAVID LEE,
Chapter President
WALTER HUDSON,
Chapter Vice President

LUCY ANTONE,
Secretary/Treasurer

HENRY HUDSON,
Land Board

MATTHEW AUSTIN
Community Services Coordinator

MICHELLE BITSIE,
Accounts Maintenance Specialist

RESOLUTION OF TSAYATOH CHAPTER **RESOLUTION #: TSA-03-04-2013**

TSAYATOH CHAPTER SUPPORTING THE DESIGN AND CONTSTRUCTION OF THE NAVAJO GALLUP WATER SUPPLY PROEJCT

WHEREAS:

1. Pursuant to 26 N.N.C. Section 3 (A) the Tsayatoh Chapter is a duly recognized certified chapter of the Navajo Nation Government as listed at 11 N.N.C., part 1, section 10; AND
2. Pursuant to 26 N.N.C. Section 1 (B) Tsayatoh Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo nation and other local agencies for appropriate; AND
3. THE Navajo-Gallup Water Supply Project will provide reliable and sustainable municipal, industrial and domestic water supplies from the San Juan River to 43 chapters of the Navajo Nation, the City of Gallup and the southwest portion of the Jicarilla Apache Nation Reservation; AND
4. Tsayatoh Chapter is one of the 43 chapters identified to be served by the Navajo-Gallup Water Supply Project; AND
5. The Bureau of Reclamation is currently conducting pre-design surveys for design work and preparing to begin construction of the Navajo-Gallup Water Supply Project in the area.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Tsayatoh Chapter fully supports the design, construction and implementation of the Navajo-Gallup Water Supply Project; and recognizes that the project is in the best interest of the Chapter and the Tribe; AND

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Tsayatoh Chapter at a duly called meeting in Tsayatoh Chapter, Navajo Nation at which a quorum of Chapter members was present and that the same was passed by a vote of 27 in favor , 0 opposed and 2 abstained this 23rd day of April, 2013.

1st Motion: Mrs. Elizabeth Mosley

2nd Motion: Mrs. Helen Deadman

David Lee
Chapter President

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Navajo Gallup Water Supply Project - Reach 12.1 & Reach 12.2

DESCRIPTION: The USBR proposes to construct a water line 18.3 miles in length and contains both Reaches 12.1 (218.18 acres) and 12.2 (76.36 acres). Total new disturbance for the proposed pipeline and associated infrastructure would be approximately 294.54 acres.

LOCATION: St. Michaels, Tsayatoh & Rock Springs Chapters, Apache/McKinley County, Arizona/New Mexico

REPRESENTATIVE: David Johnson, Principal Projects Manager, Nelson Consulting, Inc.

ACTION AGENCY: U.S. Department of the Interior Bureau of Reclamation (USBR) - Upper Colorado Region

B.R. REPORT TITLE / DATE / PREPARER: USDOI - Bureau of Reclamation NGWSP Reaches 12.1 & 12.2

Proposed Water Line/MAY 2012/Nelson Consulting, Inc. & SWCA Environmental Consultants

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Areas 1, 3, & 4. Suitable nesting habitat for Migratory Birds is present in and adjacent to the TCE.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW concurs with the mitigation recommendations outlined in the BE, Section 6.5.

CONDITIONS OF COMPLIANCE*: NA

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

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

8/15/14

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

Representative's signature

Date



United States Department of the Interior

BUREAU OF RECLAMATION

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



IN REPLY REFER TO:

WCD-ERheume
ENV-3.00

DEC 30 2014

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Ron Maldonado
Tribal Historic Preservation Officer
Cultural Resources Compliance Section
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Subject: A Class III Cultural Resources Inventory for Navajo Gallup Water Supply Project (NGWSP)
Reach 12.1 and the Black Hat Tank Facility, Navajo Nation, McKinley County, New Mexico

Dear Mr. Maldonado:

Enclosed for your review and comment is PaleoWest's Class III Inventory Report of NGWSP Reach 12.1 pipeline alignment and Black Hat tank Facility areas. The purpose of this report is to locate and document archaeological resources that have the potential to be affected by NGWSP construction activities. Reach 12.1 is comprised of 11.96 miles of linear water pipeline segments and a water storage tank facility on Black Hat hill. The Class III survey encompassed 558.43 acres on Navajo Nation and private land. The survey was conducted under the authority of General Archaeological Investigation Permit NM-13-210-S and Navajo Nation Cultural Resources Permit B13543. Reclamation is submitting this report to your office for consultation regarding concurrence of the eligibility determinations. This report is also being consulted upon with all NGWSP signatory and consulting parties in compliance with the programmatic agreement (PA) for this project.

This survey resulted in the location of twenty five archaeological sites within the project area: eight previously recorded sites, and seventeen newly recorded sites. Twenty one isolated occurrences were identified in the project area. Isolated occurrences are not considered eligible for listing on the National Register of Historic Places (NRHP) or State Register of Cultural Properties.

The nine sites located on private land in the project area are:

Site Number	Site Description	NRHP Eligibility Determination
LA 75790	An Anasazi (A.D. 800-1000) masonry pueblo. Originally recorded in 1989 and since destroyed by Highway 264.	Not Eligible
LA 55646	An Anasazi (A.D. 900-1100) artifact scatter.	Eligible under Criterion D
LA 55647	An Anasazi (A.D. 1000-1200) artifact scatter and the remains of the historic Wildcat Springs Trading Post (A.D. 1930-1951).	Prehistoric and historic components eligible under Criterion D
LA 178098	A prehistoric/historic (A.D. 1680-1800) artifact	Prehistoric and historic

I Concur

 02/19/15

Mr. Ron Maldonado
Navajo Nation Tribal Historic Preservation Officer

WBR:ERheaume:rjames:12/19/2014:970-385-6521: A Class III Cultural Resources Inventory for Navajo Gallup Water Supply Project (NGWSP) Reach 12.1 and the Black Hat Tank Facility, Navajo Nation, McKinley County, New Mexico:T:\ADM\AAA-Durango Typing\Rheaume\NNHPD Reach 12.1 Survey Letter.docx



United States Department of the Interior

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




100

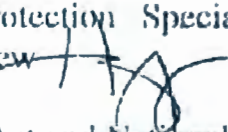
MC 670 Branch of Environmental Quality Act Compliance and Review

OCT 29 2015

MEMORANDUM

To: Supervisory Civil Engineer, Engineering & Technical Support Division

Through: Deputy Director, Trust Services 

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

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

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

For NEPA, the following documents would be considered acceptable:

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

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

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

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



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF RECLAMATION

Western Colorado Area Office

Durango Field Division

185 Suttle Street, Suite 2

Durango, Colorado 81303-7911

LETTER OF AGREEMENT

Between

THE U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

And

BUREAU OF INDIAN AFFAIRS

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


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

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

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

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

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

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

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



THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

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



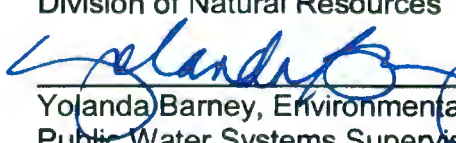
Russell Begaye
President

Jonathan Nez
Vice President

September 29, 2017

MEMORANDUM

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

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

SUBJECT: DOCUMENT No. 008712

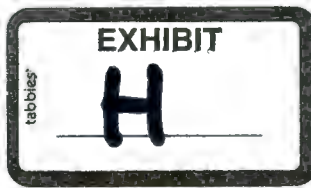
The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 008712: BOR, ROW & TCE Reach 12.2 San Juan Lateral – Tribal Trust Lands, Tse Bonito area. PWSSP recommends approval of this project.

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

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

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

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN0403000

Document No. 008712Date Issued: 09/01/2017**EXECUTIVE OFFICIAL REVIEW**Title of Document: BOR, ROW & TCE Reach 12.2 San Juan
Later - Tribal Trust Lands Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.com Phone Number: 928-871-6447

<input type="checkbox"/>				Sufficient	Insufficient
<input type="checkbox"/>	Business Site Lease				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Rights of Way**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Assignment of Mineral Lease**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|--------------------|-----------------|----------------------|-------------------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ <i>(ic)</i> | <i>✓ Blythe</i> | Date: <i>4/24/18</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | <i>✓</i> | Date: <i>2-2-18</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

☐ **OTHER:**

- | | | | | |
|----------|-------|-------------|--------------------------|--------------------------|
| 1. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
4-11-18 @ 1043a	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	008712 #2
SAS #:	
UNIT:	NAN

☒ RESUBMITTAL
(Oct 2017)

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

CLIENT TO COMPLETE

DATE OF REQUEST:	4/11/2018	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: BOR ROW & TCE REACH 12.2 - SAN JUAN LATERAL/NAVAJO GALLUP WATER SUPPLY PROJECT, TRIBAL TRUST LANDS, MCKINLEY COUNTY, NEW MEXICO			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	4.11.18 11am	REVIEWING ATTORNEY/ADVOCATE:	Erwin Chee 4.20.18
DATE TIME OUT OF UNIT:	4.24.18 3:40		

DOJ ATTORNEY / ADVOCATE COMMENTS

- I was finally able to retrieve the consent(s) forms from Tseyah DGC member 3 from NLD ROW Agent. Two land user's consent are now

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Erwin Chee	4/23/18	V. Blackhat	4/24/18 8:37am

DOJ Secretary Called: Stevie for Document Pick Up on 4-24-18 at 2:40 By: [Signature]


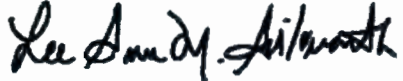



PICKED UP BY: (Print)	DATE / TIME:
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NNDJ/DRRF-July 2013

✓ Attached. Document is now legally sufficient.
Thx - ic

Tier 1 Document Voting Results

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	03-Oct-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. *CONDITIONAL* Please contact our office concerning the area on Navajo, regarding the waterway to be crossed. A 401 Certification may be needed for this project. BOR is familiar with our process and we look forward to working with on this upcoming project. You may contact our office at (928) 871-7690 or at lamartinez@navajo-nnsn.gov. Thank you.	1. No Reply	27-Sep-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	25-Sep-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #13NC-08	1. No Reply	26-Sep-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	26-Sep-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. The final EA for the project states "Reclamation or the contractor would be required to obtain CWA discharge permits from the appropriate regulatory agency. A CWA	1. No Reply	25-Sep-2017	

NPDES storm water permit would also be obtained." Construction of each project reach would seek coverage under the federal Construction General Permit for storm water discharges from construction sites.

Robert Allan Deputy DNR
DNR Director
(Navajo Land DNR
Title Data
System -
Windowrock
AZ)

Approved 1. Add Navajo 1. No Reply 04-Oct-2017

Nation Terms
and
Conditions as
applicable

Robert O. Allan

Tamara Billie HPD
NNHP Reviewer
(Navajo Land
Title Data
System -
Windowrock
AZ)

Approved 1. HPD-15-116 1. No Reply 26-Sep-2017

Tamara Billie







Yolanda Public
Barney EPA Water
(Navajo Land System
Title Data Supervision
System - Program
Windowrock
AZ)

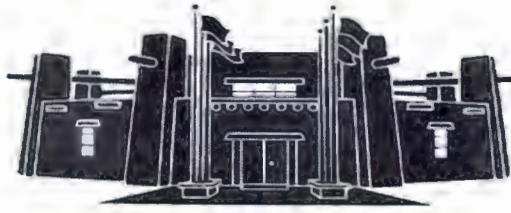
Approved 1. Please see 1. No Reply 29-Sep-2017

attached
memo
approving the
project.

Yolanda

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. Please see comments from Minerals Dept.	1. No Reply	19-Oct-2017	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	11-Oct-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and USEPA environmental laws.	1. No Reply	04-Oct-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	11-Oct-2017	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. Please include the two uploaded Terms & Conditions documents with the final approval documentation.	1. No Reply	17-Oct-2017	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	no comments	No Reply	05-Oct-2017	



MEMORANDUM

To : Honorable Seth Damon
Bááhááí, Chilchiltah. Manuelito, Red Rock, Rocksprings, Tsayatoh Chapters

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

Date : May 21, 2018

Re : PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE NAVAJO - GALLUP WATER SUPPLY PROJECT REACH 12.2 LOCATED ON TRIBAL TRUST LAND IN TSEYATOH CHAPTER VICINITY (MCKINLEY COUNTY, NEW MEXICO)

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5). If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Thank you for your service to the Navajo Nation.

18-273-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0180-18_

SPONSOR: Seth Damon

TITLE: An Action Relating To Resources And Development; Approving A Right-Of-Way And Temporary Easement To U.S. Bureau Of Reclamation To Construct, Operate And Maintain The Navajo - Gallup Water Supply Project Reach 12.2 Located On Tribal Trust Land In Tseyatoh Chapter Vicinity (McKinley County, New Mexico)

Date posted: May 22, 2018 at 5:24 PM

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

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

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

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

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

LEGISLATION NO.: 0180-18

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating To Resources And Development; Approving A Right-Of-Way And Temporary Easement To U.S. Bureau Of Reclamation To Construct, Operate And Maintain The Navajo - Gallup Water Supply Project Reach 12.2 Located On Tribal Trust Land In Tseyatoh Chapter Vicinity (McKinley County, New Mexico)

Posted: May 22, 2018 at 5:24 PM

5 DAY Comment Period Ended: May 27, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Vincent H. Yazzie; Flagstaff, Arizona
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

5/29/2018 8:20 AM

Date/Time

No to 0180-18. Page 14 of 66 not legible. Invalid survey instrument.

Vincent Yazzie <vinceyazzie@yahoo.com>

Wed 5/23/2018 10:58 AM

To: comments <comments@navajo-nsn.gov>;

1 attachment

exhibit_b_illegible.JPG;

May 23, 2018

Vincent H. Yazzie
10080 Palomino Road
Flagstaff, AZ 86004
(928) 380-3198
e-mail: vinceyazzie@yahoo.com

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

Subject: No to 0180-18. Page 14 of 66 not legible. Invalid survey instrument.

Dear Honorable Council Delegates,

Page 14 of 66 not legible. Invalid survey instrument.

Bureau of Reclamation needs to resubmit application and all Navajo departments have to review again. How did this illegible document slide through all the Navajo departments?

Sincerely,

Vincent H. Yazzie

No to 0180-18. Page 28 of 66 is missing Navajo read consent form. Page 28 and 29 of 66 missing map showing location of project.

Vincent Yazzie <vinceyazzie@yahoo.com>

Wed 5/23/2018 12:05 PM

To: comments <comments@navajo-nsn.gov>;

2 attachments

land_user_consent_lee_skeets.JPG; due_notice.JPG;

May 23, 2018

Vincent H. Yazzie
10080 Palomino Road
Flagstaff, AZ 86004
(928) 380-3198
e-mail: vinceyazzie@yahoo.com

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

Subject: No to 0180-18. Page 28 of 66 is missing Navajo read consent form. Page 28 and 29 of 66 missing map showing location of project.

Dear Honorable Council Delegates,

Verna Awion is also the Witness and the Field Agent. Witness and Field Agent need to be separate people which creates a conflict of interest.

Page 28 of 66 is missing Navajo read consent form in Navajo language. Page 28 of 66 english land user consent form version is present, but not the Navajo version. Page 28 and 29 of 66 missing map showing location of project. The map is on the back of the consent form, but not in 0180-18.

On page 27 of 66, Verna says 2 individuals claim 125.86 acres of land. Verna also claims notice was given to the community, but no evidence is given of newspaper publishing or flyers that were posted in public places. No certified mail/return receipts giving notice to the 2 individuals.

Land User consent forms need to be redone and all Navajo departments have to review again. Page 28, Land User Consent for Bernice Lee in written Navajo language not present. How did this incomplete land user consent form slide through all the Navajo

departments? No evidence that notice was given to the community by Verna. Witness and Field agent have conflict of interest. No to 0180-18.

Sincerely,

Vincent H. Yazzie

(ROW) over, under, across and through Navajo Nation Tribal Trust Lands located in
the area of Tsayatoh Navajo Chapter, New Mexico.

as shown on the map
showing the location of the proposed project on the back of this consent form.

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

REMARKS:

4/26/18
Date

Bauer
Land User Signature or (Thumbprint)

Census No. 1

Permit No.

WITNESS:

Verna Anwar
Date

4/20/18
Date

Grazing Committee or Land Board Member

District No.

14

Acknowledgement of Field Agent

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

Verna Anwar
Field Agent Signature

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

1.) Project Identification:

Applicant: Bureau of Reclamation
Type of Project: Water Supply, Treatment Plants, Pipelines & Pumping Stations
Purpose: Temporary Construction Easement for Row of Ways
Location: Vicinity of Tsayatoh, Navajo Chapter, Mckinley, New Mexico
Identification Number (s): Project #8712

2.) Amount of land affected: 125.86 Acres

3.) Land Status: Trust X Fee _____ Other _____

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

	<u>Names</u>	<u>Census Number</u>	<u>Permit Number</u>
1.	<u>Deanna Skeets</u>	<u>076-0157</u>	<u>076-0157</u>
2.	<u>Bernice Lee</u>	<u>_____</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>_____</u>

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

6.) Have the Grazing committee or Land Board Member (whichever is appropriate) for the affected areas confirmed the land user list in Item 4? Yes

ACKNOWLEDGEMENT

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

No to 0180-18. Page 61 of 66 is not legally sufficient.

Vincent Yazzie <vinceyazzie@yahoo.com>

Wed 5/23/2018 1:14 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

doj_legal_sufficient.JPG;

May 23, 2018

Vincent H. Yazzie
10080 Palomino Road
Flagstaff, AZ 86004
(928) 380-3198
e-mail: vinceyazzie@yahoo.com

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

Subject: No to 0180-18. Page 61 of 66 is not legally sufficient.

Dear Honorable Council Delegates,

Page 61 of 66 is not legally sufficient. DOJ Document Review Form entered DOJ on 4/11/18 around 11 am. Irwin Chee says he was able to obtain 2 land user consent forms on 4/20/2018. Verna Arviso Exhibit C(pages 26-29 of 66) to on 4/20/2018 claims that notice was given to community on 4/20/2018 and signed by Bernice Lee on 4/20/2018. Looks like the local community was not given notice and Bernice Lee was pressured to sign. No proof that notice was given to community. No map of where the pipeline will be crossing the land users land.

Looks like a rush job to obtain land user consent. No notice was given to the community. No to 0180-18 as DOJ Document Review Form is not legally sufficient.

Sincerely,

Vincent Yazzie



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
4-11-18 @ 1043a
DATE / TIME
☐ 7 Day Deadline
DOC #: 008712 #2
SAS #:
UNIT: NAW

☒ RESUBMITTAL
(Oct 2017)

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

CLIENT TO COMPLETE

DATE OF REQUEST:	4/11/2018	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: BOR ROW & TCE REACH 12.2 - SAN JUAN LATERAL/NAVAJO GALLUP WATER SUPPLY PROJECT, TRIBAL TRUST LANDS, MCKINLEY COUNTY, NEW MEXICO			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	4.11.18 112m	REVIEWING ATTORNEY/ADVOCATE:	Frum Chee 4.20.18
DATE TIME OUT OF UNIT:	4.24.18 3:40		

DOJ ATTORNEY / ADVOCATE COMMENTS

- I was finally able to retrieve the consent forms from Tseyatsh DGC number 3 from NLD ROW Agent. Two land user's consent are now

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Emmie Hase	4/23/18	V Blackbut	4/24/18 8:37am
DOJ Secretary: Emme Stenie	for Document Pick Up on		4.24.18 at 2:40 By: p

PICKED UP BY: (Print)	DATE / TIME:
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NNDJ/DRRF-July 2013

✓ Attached. Document is now
legally sufficient.
Thx-ic

RESOURCES AND DEVELOPMENT COMMITTEE

Regular Meeting

May 30, 2018

ROLL CALL

VOTE TALLY SHEET:

Legislation # 0180-18: An Action Relating to Resources and Development Committee; Approving a Right-of-Way and Temporary Construction Easement to the U.S. Bureau of Reclamation to Construct, Operate and maintain the Navajo-Gallup Water Supply Project Reach 12.2 Located on Tribal Trust Land in Tseyatoh Chapter Vicinity (McKinley County, New Mexico). *Sponsor: Honorable Seth Damon; Co-Sponsor: Honorable Jonathan Perry*

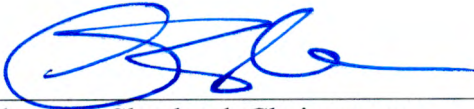
MAIN MOTION: Jonathan Perry S: Benjamin Bennett V: 3-0-1 (CNV)

ROLL CALL VOTE TALLY:

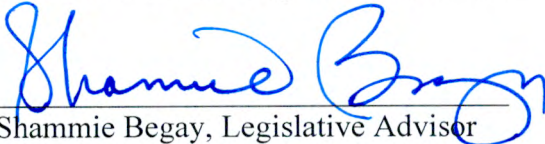
YEAS: Alton Joe Shepherd, Leonard Pete, and Jonathan Perry

NAYS:

EXCUSED: Davis Filfred and Walter Phelps



Alton Joe Shepherd, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee