



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Wade Phelps, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 117-15.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

Wade Phelps

DATE:

6-30-15

LEGISLATIVE SUMMARY SHEET

Tracking No. 0117-15

DATE: March 27, 2015

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE WITHDRAWAL OF 7.362 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LAND FOR COMMERCIAL PURPOSES IN THE VICINITY OF TONANEESDIZI CHAPTER, NAVAJO NATION (COCONINO COUNTY, ARIZONA)

PURPOSE: The purpose of the resolution is for the Resources and Development Committee to approve the withdrawal of 7.362 acres of Navajo Nation Trust Land within the Tonaneesdizi Chapter. The land is to be used for commercial purposes.

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

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

INTRODUCED BY


(Sponsor) (Walter Phelps)

TRACKING NO. 0117-15

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE WITHDRAWAL OF 7.362 ACRES, MORE OR LESS, OF
NAVAJO NATION TRUST LAND FOR COMMERCIAL PURPOSES IN THE
VICINITY OF TONANEESDIZI CHAPTER, NAVAJO NATION (COCONINO
COUNTY, ARIZONA)

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. §501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of land withdrawals on Navajo Nation trust land; and
- B. Tonaneesdizi Local Government Resolution TND-12-06-2014, attached hereto as Exhibit A, supports and approves the withdrawal of 7.362 acres, more or less, of Navajo Nation Trust Lands within the vicinity of Tonaneesdizi Chapter, Navajo Nation (Coconino County, Arizona) for economic purposes; and
- C. The proposed land withdrawal consists of 7.362 acres, more or less, of Navajo Nation Trust Lands located within Section 21, Township 32 North, Range 11 East, G&SRM, Tonaneesdizi Chapter, Navajo Nation (Coconino County, Arizona) that is more particularly described on the survey map attached hereto and incorporated herein as Exhibit B; and

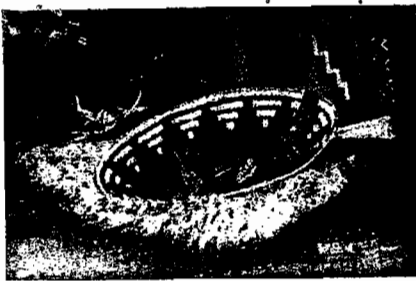
1 D. The letter from Angela M. Begay, Grazing Officer of ToNaneesdizi Chapter states
2 that the land is not a grazing area and there are no land users. The letter is attached
3 hereto as Exhibit C; and

4 E. The Environmental Assessment, the Environmental Summary, the Biological Resources
5 Compliance Form and the Cultural Resources Compliance Form are attached as Exhibits
6 D, E, F and G respectfully.
7

8 **Section Two. Approving the Withdrawal of 100 Acres**

9 A. The Navajo Nation hereby approves the withdrawal of 7.362 acres, more or less, of
10 Navajo Nation Trust Land for commercial purposes in the Tonaneesdizi Chapter. The
11 location is more particularly described on the survey map attached hereto as Exhibit
12 B.

13 B. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute
14 any and all documents necessary to implement the intent and purpose of this
15 resolution.
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TO'NANEES'DIZI LOCAL GOVERNMENT

"An Enterprise of the Navajo Nation"

P.O. Box 727, Tuba City, Arizona 86045
Telephone: 928-283-3284 Fax: 928-283-3288
<http://www.tubacity.nndes.org>
Email: tonaneesdizi@navajochapters.org



Angela Begay, Grazing Committee Member
Vacant, Executive Manager
Joshua Lavar Butler, Council Delegate

Resolution# TND-12-06-2014

RESOLUTION OF TONANEESDIZI LOCAL GOVERNMENT

**AMEND RESOLUTION TND-04-0103-2014: SUPPORTING AND APPROVING A
LAND WITHDRAWAL FOR COMMERICAL PURPOSE IN TUBA CITY,
ARIZONA, NAVAJO NATION.**

WHEREAS:

1. The To'Nanees'Dizi Council of Naat'aanii pursuant to Resolution No. TCDC# TCDC-18-04, is a certified and recognized Chapter by the Navajo Nation Council, vested with the authority and responsibility to provide and address local planning within its community, and
2. Pursuant to 26 N.N.C., Section 1 (B) 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 actions, and
3. The To'Nanees'Dizi Local Government recognizes and supports business and economic development opportunities and creation of employment, goods and services for the Navajo people. To'Nanees'Dizi Chapter is in support of community enhancement through positive business and economic development, and
4. The To'Nanee'Dizi Local Government is supporting the request for amendment for land withdrawal of 7.362 acres.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The To'Nanees'Dizi Local Government hereby supports and approves the request for amendment for land withdrawal of 7.362 acres for commercial purpose within the vicinity of the Tuba City community.
2. The To'Nanees'Dizi Local Government requests the proper offices of the Navajo Nation and Bureau of Indian Affairs to do all things necessary to carry out the intent and purpose of this resolution.

We hereby certify that the foregoing resolution was duly considered by the To'Nanees'Dizi Local Government, at a duly called regular meeting at the To'Nanees'Dizi Local Government of Tuba City (Navajo Nation), Arizona; at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, and 1 abstained on this 7th day of December, 2014.

Motioned By: Angie Williams Seconded By: Nora Tallman

Gerald Keetso
Gerald Keetso, Chapter President

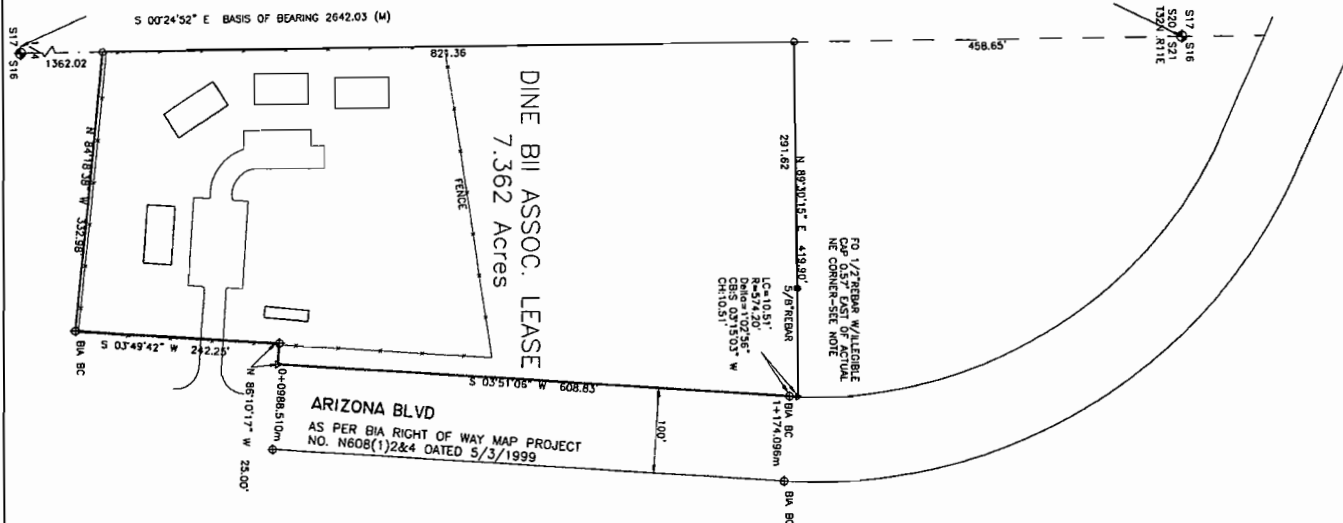
Velma Maloney-Begaye
Velma Maloney-Begaye, Secretary/Treasurer

Benjamin S. Davis
Benjamin S. Davis, Vice President

Angie Williams
Angie Williams, Council Member

Nora Tallman
Nora Tallman, Council Member

Joshua Lavar Butler
Joshua Lavar Butler, Council Delegate



LEGAL DESCRIPTION

A parcel of land situated in the Northwest quarter of Section 21, Township 32 North, Range 11 East of the Gila and Salt River Base and Meridian in Coconino County, Arizona, described as follows:

COMMENCING, for reference, at the Northwest corner of said Section 21;

THENCE South 00°24'52" East along the West line of Section 21 a distance of 458.85 feet to the TRUE POINT OF BEGINNING of this description;

THENCE North 89°30'15" East a distance of 419.90 feet to a point along the Westerly right of way line of Arizona Boulevard, said point being the beginning of a non-tangent curve, concave to the West;

THENCE Southerly along said Westerly right of way line and curve to the right with an arc length of 10.51 feet, through a central angle of 0°10'56", the radius of said curve is 574.20 feet, the chord of which bears South 03°15'03" West for a distance of 10.51 feet to a found BIA brass cap at station 1+174.035m;

THENCE South 03°15'06" West a distance of 608.83 feet to a jog in said Westerly right of way;

THENCE North 89°10'17" West a distance of 25.00 feet to a jog in said Westerly right of way line, said point being a found BIA brass cap at station 0+0988.510m;

THENCE continuing along said Westerly right of way line South 03°49'42" West a distance of 242.23 feet to found BIA brass cap;

THENCE North 84°18'38" West a distance of 332.98 feet to a point along the West line of Section 21;

THENCE North 00°24'52" West along said West line of Section 21 a distance of 821.36 feet to the point of beginning.

Said parcel of land contains 7.362 acres, more or less.

SURVEYOR'S NOTE:

The purpose of this survey was to verify a previous survey of this tract done by Harold Bolden in February 2009 and to change the name of the road to Arizona Boulevard. The survey was conducted on 11/23/2014. The survey was significantly in error (the bad 351.07' distance of the measured distance of 458.85') in addition it was found that the curve was not taken into account the jog in the right of way of Arizona Blvd nor the curve was found during this survey.

This is to certify that I, Alisa J. Templeton, a registered land surveyor, under the laws of the State of Arizona, that this map and the accompanying data were prepared in accordance with the standards for land surveys and is true and correct to the best of my knowledge and belief.



0' 100' 200' 300'

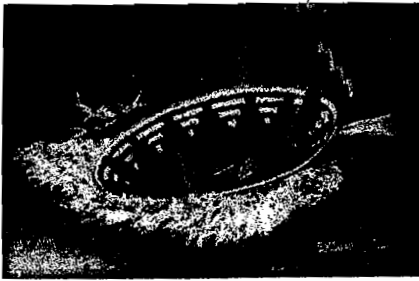


EXPIRES 11/23/2016

RESULTS OF SURVEY OF A TRACT OF LAND SITUATED IN THE NW1/4 SECTION 21, TOWNSHIP 32 NORTH, RANGE 11 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, TUBA CITY CHAPTER, WESTERN NAVAJO AGENCY, COCONINO COUNTY, ARIZONA

EXTREME MEASURES LAND SURVEYS, INC.
10800 NIGHTHAWK LANE FLAGSTAFF, ARIZONA 86004
928-853-3881 extrememeasures@q.com

SCALE: 1"=100'
SURVEYOR: ALISA TEMPLETON
DRAWN: ALISA TEMPLETON
CLIENT: DINE BII ASSOC
DATE: 18 NOVEMBER 2014



TO'NANEES'DIZI LOCAL GOVERNMENT

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EXHIBIT

C

Velma

tabbles

Angela Begay, Grazing Committee Member

Regina Allison, Executive Manager

Delilah Endishee, Executive Assistant

Otto Tso, Council Delegate

January 14, 2015

Genevieve Keetso-Bighorse
Western RBDO
Tuba City, Arizona 86045

Dear Mrs. Bighorse:

This letter is to confirm the approval of a land withdrawal on 7.362 acres in Tuba City, Arizona. This land is not in a grazing area, and there is no grazing activity and no land users in this area.

Thank you,

Angela M. Begay
Angela M. Begay, Grazing Officer
ToNaneesdizi Chapter

Environmental Assessment

To Naneesdizi (Group Home) Project

Tuba City, Coconino County, Arizona



Prepared for:

Dine' Bii Association for Disabled Citizens, Inc.
P.O. Box 2320
Tuba City, Arizona 86045

By:

ETD, Inc.
2101 North Fourth St., Suite 201
Flagstaff, AZ 86004
(928) 779-6032

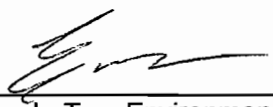
February 1, 2011

Responsible Entity: Navajo Nation
Certifying Officer Joe Shirley, President, Navajo Nation
Project Name: To Naneesdizi Project (Group Home)
Project Location: Tuba City, Arizona
Estimated project cost: \$ 3,500,000
Grant Recipient: Dine' Bii Association for Disabled Citizens, Inc. (DADC)
Recipient Address: P.O. Box 2320, Tuba City, AZ 86045
Project Representative: Edith Widefoot, Executive Director
Telephone Number: (928) 283-3060
Conditions of Approval: A NPDES permit for General Construction including a storm water pollution prevention plan will be required as a part of the construction efforts since the construction activities will disturb more than one-half acre.

Finding

☒ Finding of No Significant Impact

☐ Finding of Significant Impact

Preparer Signature:  Date: September 21, 2009
Title/Agency: Eunice L. Tso, Environmental Specialist
ETD, Inc.

Approving Official Signature: _____ Date: _____
Title/Agency

Statement of Purpose and Need

Dine Bii Association for Disabled Citizens, Inc. (DADC) is proposing to construct a group home facility in Tuba City, Arizona. The purpose and need for the project is to allow DADC to continue providing services for people with development disabilities. DADC is operating its facility on land that is privately owned (Indian allotment). The land owner has requested DADC to seek an alternative location. Over the past few years, DADC has obtained a Chapter approval and the land users consent for the project site, and development plans are underway. This project qualifies for a model-type activity under NAHSDA. Therefore, DADC will be requesting construction funding from HUD for construction cost of the new facility.

Project Location

The project is located in northwest region of Tuba City, Arizona within To Naneesdizi Chapter of the Navajo Nation, Coconino County, Arizona (**Figure 1**). The legal description is Township 32 and Range 11 Section 21. From Highway 160 in Tuba City, the project site is assessed by traveling north from Highway 160 on to Peshlakai Avenue for 0.95 miles to a four-way stop sign, and continuing north on Arizona Boulevard for about 1.2 miles (**Figure 2**). The site is situated on the west side of the road.

Existing Conditions and Trends

1.0 REGIONAL SETTING

This region is characterized as the transition zone between Black Mesa located 35 miles to the northeast and the Little Colorado River Valley located 20 miles to the southwest. It is a desert environment with large and small sand dunes that are derived from surrounding sandstone formations. The Moenkopi Wash is the main stream flowing on the southern end of the town of Tuba City. It flows from southern flanks of Black Mesa to the Little Colorado River.

2.0 TOPOGRAPHY

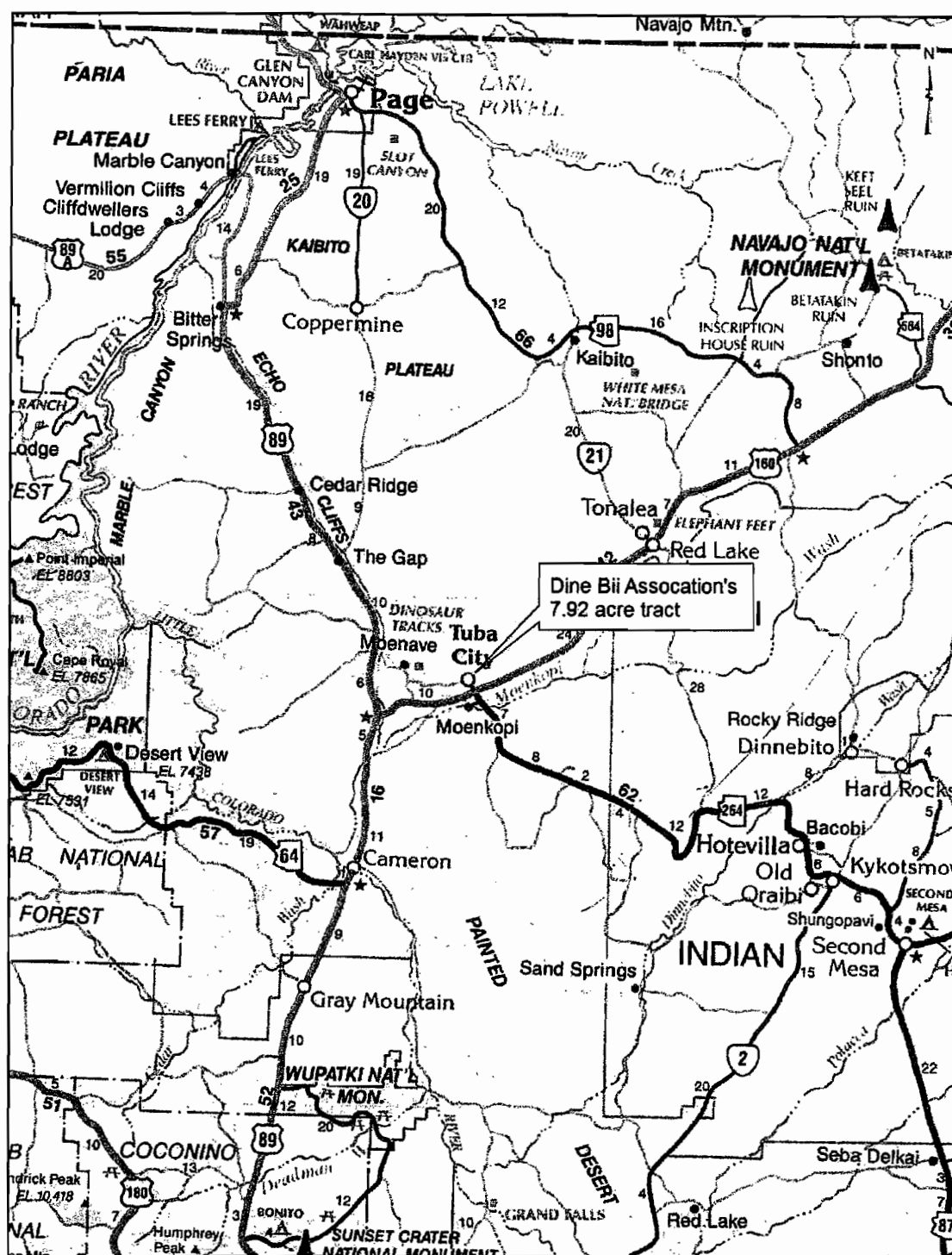
The project area is characterized by high and low rolling hills with large outcrops of sandstone rock. The elevation in the project area ranges from 5,300 sandy dunes and hills in the northern part of Tuba City community to 4,500 feet at Moenkopi Wash. The project site lies at 4,990 feet elevation (**Figure 3**).

3.0 CLIMATE

This regional climate in northern Arizona is semiarid to arid with extremes of temperature and precipitation. The broad range of climate is strongly correlated with altitude, resulting in moderate summers and severe winters at higher altitudes and intense summer heat and mild winters at lower altitudes. The Western Regional Climate Center (wrc@dr.edu) reports that Tuba City receives a total annual precipitation of 6.5 inches and the average snow depth of 6.5 inches. The average maximum temperature is 93.7° F and the average minimum is 21° F. Summer temperatures range from 80° to 100° Fahrenheit. Winter temperatures range from -5° to 45° Fahrenheit. Winds are generally from the southwest.

4.0 SOILS

Soil at the site is classified as Sheppard-Fruitland-Rock Outcrop Association, described as deep, coarse and moderately coarse-textured, nearly level to rolling soils and rock outcrop on plains. This Association consists of somewhat excessively drained and well-drained soils and rock outcrop on plains and plateaus. Sheppard soils make up about 35 percent of the association, Fruitland soils 35 percent, rock outcrop about 15 percent and minor areas of associated soils and dune land and Badland about 15 percent. Limitations for potential homesite development on these soils are few. The sandy texture of the Sheppard soils, however, is a severe limitation to shallow excavations (Hendricks 1985).



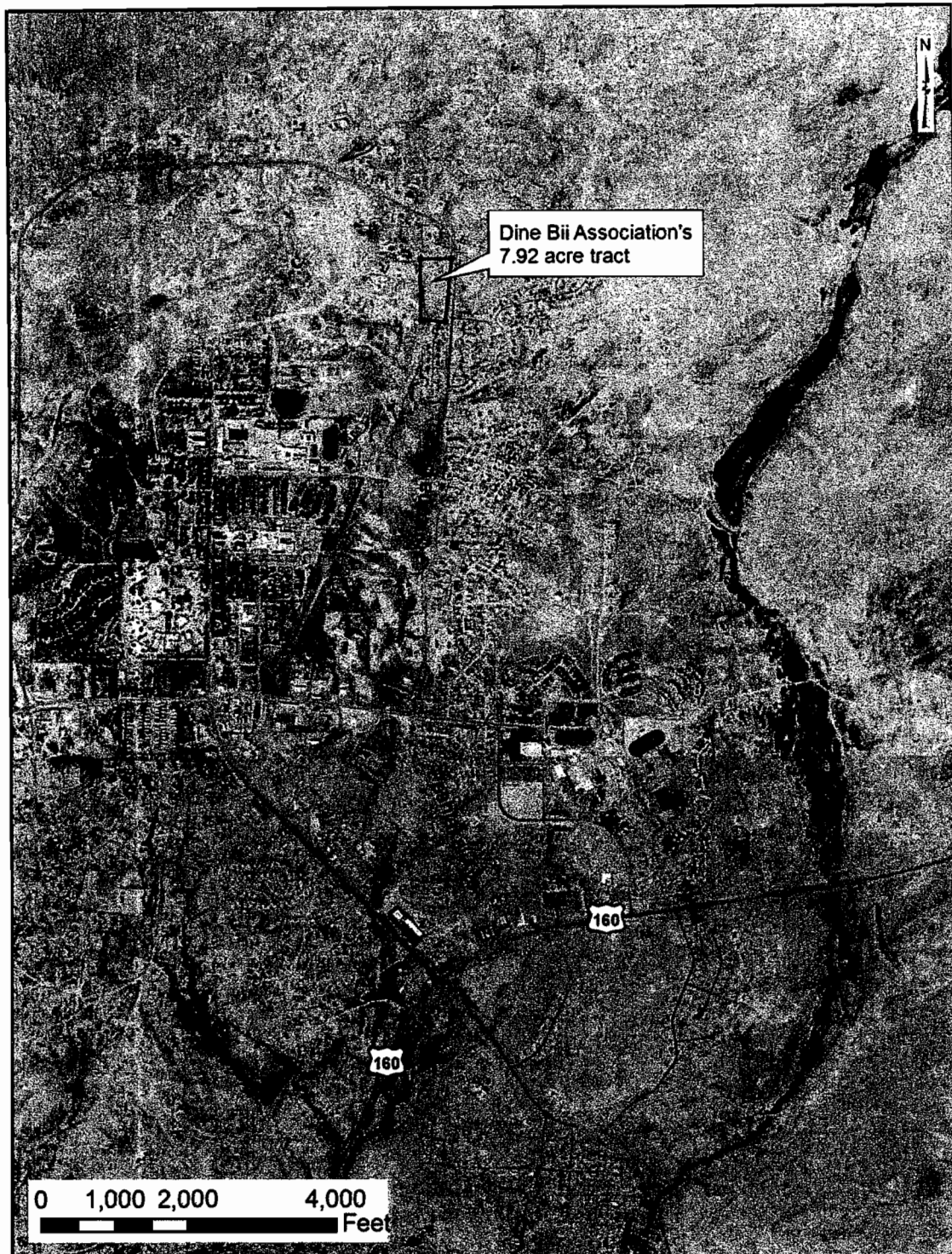


Figure 2. Aerial photo of DADC site and surrounding developments (Arizona State Land Department 2005).

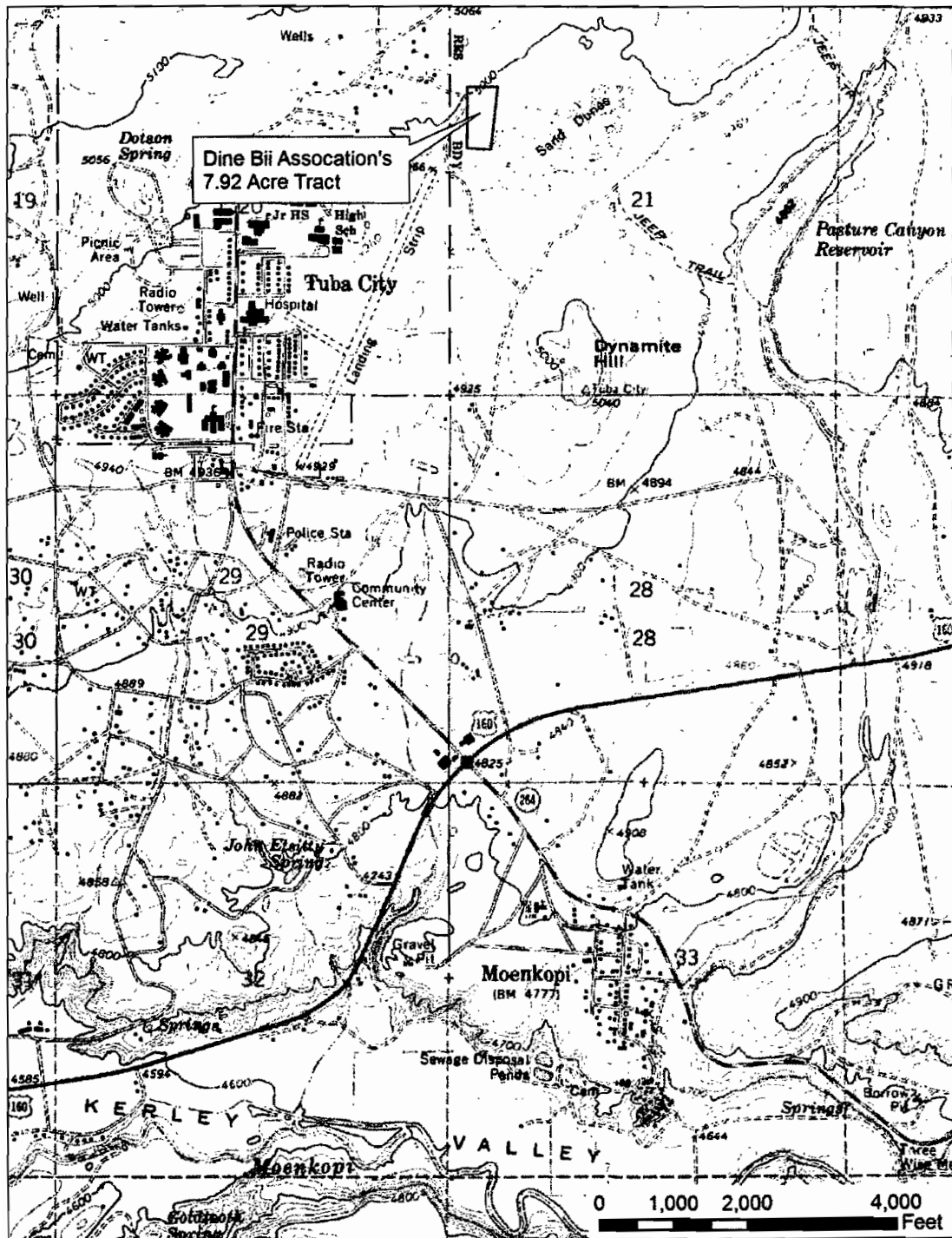


Figure 3. Topographic map of the project site and surrounding areas (Base map: USGS 7.5' Map: Tuba City, Arizona).

5.0 WATER

5.1 Surface Water

The primary surface waters in Tuba City include Moenkopi Wash and Pasture Canyon Reservoir and a number of springs that flow from rock formations that crop out on the south side of the community; specifically at the base of the Navajo Sandstone and the top of the Kayenta Formation. The Moenkopi Wash flows along the floor of Kerley Valley, 2.8 miles south of the project site. It flows toward the Little Colorado River. It is an intermittent stream that flows during certain times of the year, such as after snowmelt or after intense precipitation events. Pasture Canyon is also intermittent and its reservoir contains water only certain times of the year. It is located 4,000 east of the project site. Any water leaving the Reservoir flows southward to Moenkopi Wash.

5.3 Ground Water

According to a database managed by the Navajo Nation Department of Water Resources, Water Management Branch, there are ten domestic water wells within one mile of the project area. Ground water is found in shallow wells ranging around 230 feet deep and slightly deeper wells around 521 feet deep. They all pump water from the N-aquifer. The nearest well from the project site is 2,190 feet to the southwest. NTUA uses wells located north of the project site as the domestic water source.

6.0 BIOTIC COMMUNITY

6.1 Vegetation

The site lies within the Great Basin Desertscrub biotic community (Brown 1994). The most northerly of the four North American deserts, the Great Basin Desert, evolved from both cold-temperate and warm-temperate vegetation. Its affinities with cold-temperate progenitors set it apart from the other three deserts, which have almost exclusive ties with warm-temperate and tropical-subtropical archetypes. Major plant dominants having cold-temperate affinities are sagebrushes (*Artemisia*), saltbushes (*Atriplex*), and Winterfat (*Ceratoides lanata*). These distinctly cold-temperate dominants are joined in varying degrees by species having evolutionary ties with warmer climates. Included here are species of rabbitbrush (*Chrysothamnus*), blackbrush (*Coleogyne*), hopsage (*Grayia*), and horsebrush (*Tetradymia*) (Brown 1994). The project site contains little or no vegetation likely due to disturbances from foot traffic associated with surrounding developments.

6.2 Wildlife

Several distinctive mammalian representatives follow the sagebrush communities of this biome into the boundaries for the Southwest such as the Townsend's Ground Squirrel, Dark Kangaroo Mouse, and Sagebrush Vole. The Merriam's Shrew, Great Basin Pocket Mouse, Ord's Kangaroo Rat, and the Mountain Vole are centered in, but not restricted to, this biome and are best represented at the desert's higher altitudes. A number of mammals, e.g., the Coyote and Black-tailed Jackrabbit are more or less influent and found throughout this and other western biomes. Some of the more common representative reptile species include the Sagebrush Lizard and the Great Basin Spadefoot Toad occurs throughout other Great Basin biomes (Brown 1994). The project site does not support any type of wildlife habitat mainly due to the surrounding developments.

7.0 SOCIOECONOMIC CONDITIONS

7.1 Employment and Income

According to the U.S. Census 2000, the median household income in the To Naneesdizi Chapter was \$38,113 and the per capita income was \$10,331. The unemployment rate was 13.2 percent. Approximately 34 percent of the Chapter lived below the poverty level. The Chapter residents were mainly employed in the construction, educational services, commercial services, and public administration industries.

7.2 Demographics

According to the U.S. Census 2000, the population of the To Naneesdizi Chapter was 8,736. Among the population in 2000, the median age in 2000 was 23. There were approximately 2,618 households within the Chapter with 3.98 persons per household. Nearly 46 percent of the Chapter population was 19 years old or younger.

The growth rate of the Navajo Nation has been reported as high as 2.48% (HDR Engineering, Inc. 2004). According to this growth rate, Tuba City would have a population of 29,500 in 2050.

Statutory Checklist

Factors	Determinations and Compliance Documentation
Historic Preservation (36 CFR 800)	A cultural resources investigation of the proposed 7.92 acre tract for DADC was conducted by Mathilda Burke on June 2, 2009, and documented in report HPD-09-612. The proposed tract was surveyed using parallel transects spaced 7.5 meters apart. No cultural resources were identified at the project area during the survey, therefore, a determination of no cultural properties affected was recommended for the proposed undertaking. The Navajo Historic Preservation Department (NHPD) subsequently issued a cultural resources compliance form for the survey with no conditions of compliance. See Appendix 1 for Cultural Resources Compliance Form.
Floodplain Management (24 CFR 55, Ex Order 111988)	A report by Morrison and Maierle (1977) delineated 100-year floodplain boundaries for streams on the Navajo Nation. According to the maps contained in the report, the project site is outside the 100-year floodplain boundaries of Pasture Canyon Reservoir and Moenkopi Wash, the nearest surface waters. Therefore, the site is not prone to flood hazards. See map in Appendix 2 .
Wetlands Protection (Ex. Order 11990)	A field survey conducted by Mathilda Burke, of <i>ETD, Inc.</i> determined that no wetlands occur on or near the 7.92 acre tract. The Navajo Nation Environmental Protection Agency (NNEPA), Water Quality Program concurred with <i>ETD's</i> determination. See Appendix 3 for concurrence letter from NNEPA, Water Quality Program.
Coastal Zone Mgmt. Act	No coastal zones occur in the State of Arizona.
Sole Source Aquifer (40 CFR 149)	Based on the U.S. Environmental Protection Agency website (www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg9.pdf), there are no designated sole source aquifers near the 7.92 acre tract. Refer to Appendix 4 for supporting documentation.
Endangered Species Act (50 CFR 402)	<i>ETD, Inc.</i> requested a list of TES species for the 7.92 acre tract. A response letter from NFWD stated "The project is not expected to affect any federally listed species or other species of concern." Therefore, <i>ETD, Inc.</i> requested for biological clearance and NFWD subsequently issued a Biological Compliance Form for the project. See NFWD consultation letter and Biological Resources Compliance Form in Appendix 5 .
Wild and Scenic Rivers Act (Sections 7 (b), (c))	According to the National Park Service (NPS) website (http://www.rivers.gov/wildriverslist.html), no wild and scenic rivers occur on or near the project site. The nearest wild and scenic river is the Verde River located about 98 miles south of the project area. See Appendix 6 for supporting documentation.
Air Quality (CAA sections 176 (c) and (d), and 40 CFR 6,51,93)	According to the NNEPA, the 7.92 acre tract is in attainment for all regulated pollutants under the National Ambient Air Quality Standards (NAAQS). See Appendix 7 for air quality determination letter from NNEPA.
Farmland Protection Policy Act (7CFR 658)	Based on a field survey and research, <i>ETD, Inc.</i> determined that no prime or unique farmlands are located on or within close proximity of the 7.92 acre tract. The Navajo Nation Department of Agriculture

	concurred with <i>ETD's</i> determination and signed a letter of concurrence presented in Appendix 8 .
Environmental Justice (Ex. Order 12898)	In compliance with Executive Order 12898, Environmental Justice has been evaluated and determined that there will be no activity performed with federal funds that will in any way create discrimination or cause isolation of minority or low income individuals based on the siting or purpose of this project.
Noise Abatement and Control (24 CFR 51B)	In evaluating noise levels and criteria, <i>ETD, Inc.</i> determined that the general noise level in the project area is low and that the project site is not located within 1,000 feet of a major roadway, 3,000 feet from a railway or 15 miles of a military airfield or 15 miles of a civilian airport. Therefore, the subdivision is likely within HUD acceptable noise levels (below 65 decibels).
Toxic or Hazardous Substances and Radioactive Materials (HUD Notice 79-33)	Based on a search of the U.S. EPA Envirofacts Data Warehouse website (http://www.epa.gov/enviro/) and a field survey, <i>ETD, Inc.</i> determined no toxic chemical sites or radioactive material sites occur on or near the 7.92 acre tract. Specifically, <i>ETD, Inc.</i> determined that no CERCLA sites are found within 2,000 feet of the subdivision and no NPL sites are found within one mile of the subdivision. The NNEPA-Navajo Superfund Program (NSP) reviewed their records and determined that no CERCLA or NPL sites occur "within the project area" and no toxic landfills are within 3,000 feet of the subdivision. Furthermore, a records search was conducted for abandoned uranium mines, which revealed that no such mines occur on or near the subdivision. The Navajo Department of Abandoned Mine Lands (AML) concurred with <i>ETD, Inc.'s</i> findings. See Appendix 9 for Envirofacts map, letter from NSP, and concurrence letter from AML.
Siting of HUD-Assisted Projects near Hazardous Operations (24CFR 51C)	Based on a field survey, <i>ETD, Inc.</i> determined that the 7.92 acre tract is not located within 1,000 feet of any hazardous industrial operation handling fuels or chemicals of an explosive or flammable nature. An aerial photo from the Arizona State Land Department Website (www.land.state.az.us/alris , 2009), shows the subdivision and surrounding developments within a 1,000 foot radius of the 7.92 acre tract. The field survey revealed the developments are relatively the same as those shown on the aerial photo. See Appendix 10 for letter from Navajo Emergency Management Department (NEMD). Refer to Figure 3 for aerial photograph of the project site).
Airport Clear Zones and Accident Potential Zones (24 CFR 51D)	Based on a field survey of the 7.92 acre tract, <i>ETD, Inc.</i> determined that it is not located within a FAA-designated civilian airport Runway Clear Zone (RCZ) or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ). Furthermore, the project area is not located within 3,000 feet of a civilian airport or 2.5 miles of a military airfield. A letter from the Navajo Nation Department of Transportation (NDOT) concurred with <i>ETD's</i> determination. See Appendix 11 for letter from NDOT.

Environmental Assessment Checklist

Code 1 = No impact anticipated

Factor	Code	Source or Documentation
Land Development		
Conformance with Comprehensive Plans and Zoning	1	The 7.92 acre tract conforms with To Naneezdizi Chapter,'s existing land use plan, which is low density housing.
Compatibility and Urban Impact	1	The project is compatible with the current land use pattern which is low density housing. No urban impact is anticipated.
Slope	1	A field reconnaissance by Mathilda Burke and a review of topographic maps revealed that the developed portions of the subdivision do not contain slopes less than 5%, in accordance with HUD guidelines.
Erosion	1	In order to prevent erosion, a storm water pollution prevention plan (SWPPP) is required that addresses this potential issue during and after construction. The SWPPP is part of a NPDES permit for General Construction that is required of this project. This regulation is found under the federal Clean Water Act, for which the Navajo Nation EPA is responsible for regulating. Based on field reconnaissance by Mathilda Burke, ETD, Inc., the 7.92 acre tract showed no evidence of erosion from run off by water.
Soil Suitability	1	A geotechnical report for the project site was conducted by Western Technologies, Inc. (WT) of Flagstaff, Arizona. The purpose of the report is to aid the architects and engineers who will design the proposed project (Job No. 2529JW249). It contains information and recommendations regarding foundation design parameters, floor slab support, lateral earth pressures, earthwork, pavement sections, drainage, corrosivity to concrete. No soil flaws were identified by WT that would limit development on the site.
Hazards and Nuisances including Site Safety	1	Based on field reconnaissance, no hazards or nuisances were identified in the project area that can impact safety concerns associated with construction and operation of the project.
Energy Consumption	1	The DADC is committed to incorporating a design that is most efficient in material and operating costs.
Noise – Contribution to Community Noise Levels	1	The current noise level is relatively quiet during the day with low level noises coming from neighborhood traffic. During construction there will likely be noise associated with earthmoving equipment. Since the work will occur between the hours of 8 am to 5 pm, the impact will be short-term and minor for the surrounding areas. After construction, the noise level will return to the current level.
Air Quality – Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	The air quality is generally good to excellent in this region. Factors that reduce air quality are wind generated wood burning stoves during the winter months. During construction, the use of heavy equipment will generate some additional

		dust and exhaust emissions, but the impact will be minor and short-term. Following construction, the air quality will be the same as before construction. No mitigation measures are required, however, the Navajo EPA does suggest dust suppression measures if possible.
Environmental Design & Visual Quality – Coherence, Diversity, Compatible Use and Scale	1	The visual quality of the project will not conflict with the compatible surrounding environment which is low density housing development.
Socio Economics		
Demographic Character Changes	1	The 7.92 acre tract project is not, nor will not, impact the demographic character of the local community.
Displacement	1	No displacement will occur as a result of the 7.92 acre tract project.
Employment and Income Patterns	1	The 7.92 acre tract project will not impact the employment and income patterns of the local population.
Community Facilities and Services		
Educational Facilities	1	Educational facilities in the Tuba City Chapter are comprised of the Tuba City Boarding School, Tuba City Primary School, Eagles Nest Intermediate School, Tuba City Junior High School, Tuba City High School, Greyhills Academy High School, and Dine' College-Tuba City Campus. The project will not impact any educational facilities.
Commercial Facilities	1	Commercial facilities in the Tuba City Chapter community include restaurants, motels, gas stations, supermarkets, bank, Trading posts, video shops, Laundromats, general store, fabric store, hair salon, and electronic store. The project will not impact any commercial facilities.
Health Care	1	Clients of the DADC obtain their health care from the local Tuba City Regional Health Care Center in Tuba City, Arizona for medical care located. The clients and the health care center will not be impacted by the project.
Social Services	1	There are a few social service programs in Tuba City that are operated by the Navajo Nation and the State of Arizona. The project will not impact these programs.
Solid Waste	1	Solid waste in Tuba City is taken to a local transfer station, which is hauled to Flagstaff Landfill by the Coconino County on a regular basis. No impact to the local solid waste disposal service is expected as a result of the proposed project.
Wastewater	1	The local wastewater system is owned and operated by NTUA. A letter from NTUA dated November 30, 2009 states that there is a NTUA 8" PVC sewer main water line located about 200 feet east of the project site but the line has not yet been transferred to NTUA, and therefore, NTUA can not

		provide sewer service at the present. The owner's alternative is to install a septic tank that will require routine maintenance, such as hiring a private company to pump and haul the accumulated sewer from time to time. No impact to the community infrastructure is anticipated as a result of the project.
Storm Water	1	No storm water systems occur in the area. Before, construction, however, a NPDES permit for General Construction including a storm water pollution prevention plan will be required to control runoff during construction. Following construction, storm water will be controlled through the architect and civil engineer's site design work.
Water Supply	1	The local public water system is owned and operated by NTUA. A letter from NTUA dated November 30, 2009 states that it is feasible to serve water to the project. In fact there is a NTUA 8" PVC main water line located about 500 feet east of the project site across Arizona Boulevard. The waterline extension, however, will require BIA road crossing permit, ROW permit and road boring with steel casing.
Public Safety - Police	1	Tuba City is served by the Navajo Nation Department of Public Safety. No impact is expected to occur to public safety services as a result of the 7.92 acre tract.
- Fire	1	Fire protection in Tuba City is provided by the Tuba City fire department located one mile away. No impact is occurring or expected to occur to these services as a result of the project.
- Emergency Medical	1	Emergency medical services in the Tuba City are provided by Tuba City Regional Health Care Corporation. The project will not impact this service.
Open Space and Recreation - Open Space	1	The project does not impact any areas designated as open space.
- Recreation	1	The project does not impact any areas designated as recreational areas.
- Cultural Facilities	1	The project does not impact any areas designated as cultural facilities.
Transportation	1	The project area is located off a community road. No impact to the transportation infrastructure is anticipated.
Natural Features		
Ground Water Resources	1	Ground water is found at depths ranging from 230 to 521 feet deep. The project site is 2,190 feet from the nearest well. Based on this distance, and the fact that the project will involve only shallow excavations, the project will not impact ground water resources.
Surface Water	1	Natural surface water resources are adequate distance from the project area and will not impact or be impacted by the

		proposed project.
Unique Natural Features and Agricultural Lands	1	Pasture Canyon and Pasture Canyon reservoir are unique natural features. Within the canyon areas, agricultural activities have been ongoing for over 100 years. The project is over 3,700 feet from these areas and will not impact them. See Appendix I for a letter of concurrence from the Navajo Department of Agriculture indicating no impact to unique or protected farmlands.
Vegetation and Wildlife	1	Vegetation and wildlife habitat is very minimal in and around the 7.92 acre tract. Based on consultation with NFWD, no threatened, endangered or sensitive (TES) species will be impacted by the project. See documentation from Navajo Fish and Wildlife in Appendix 5.
Other Factors		None

Summary of Findings and Conclusions

The To Naneesdizi (Group Home) Project will have short-term impacts to the soils and vegetation, but following the construction activities the project area will stabilize. There will be no impact to cultural resources or threatened, endangered and sensitive (TES) species. The dust and noise impact will be short-term and minor. No land use conflicts were identified. No socioeconomic impacts are anticipated. The proposed action does not violate federal, state, or local laws or requirements imposed for the protection of the environment. In conclusion, there will be no significant impacts to the physical and human environment as a result of the project activities.

Alternatives to the Proposed Action

Alternatives and Project Modifications Considered

No alternative sites or alternative actions were identified by the Chapter. The selected site was deemed the most feasible by the chapter and the DADC. No other alternatives have been developed that would meet the same project objective.

No Action Alternative

Under the no-action alternative, the project will not be constructed and this region of the Navajo Nation would lack services for disabled citizens. The no-action alternative is in direct conflict with the goals of the Navajo Nation government and the Native American Housing Assistance and Self-Determination Act.

Mitigation Measures Recommended

In order to prevent erosion, a storm water pollution prevention plan (SWPPP) is required that addresses this potential issue during and after construction. The SWPPP is part of a NPDES permit for General Construction that is required of this project. This regulation is found under the federal Clean Water Act, for which the Navajo Nation EPA is responsible for regulating.

Additional Studies Performed

- A Cultural Resources Inventory of Dine' Bii' Associations 7.92 Acre Tract in Tuba City Chapter, Coconino County, Arizona, by *ETD, Inc., Flagstaff, Arizona* (refer to Appendix 2).
- Tuba City DADC Development Peshlakai Avenue, Tuba city Arizona Job No. 2529JW249, by Western Technologies, Flagstaff, Arizona.

List of Agencies and Persons Consulted

Ron Maldonado, Compliance Office Manager, Navajo Historic Preservation Department
Gloria Tom, Director, Navajo Fish and Wildlife, Division of Natural Resources
Sonja Detsoi, Navajo Fish and Wildlife Department, Natural Heritage Program
Eugenia Quintana, Navajo EPA Air Quality Control Program
Judy Willeto, Navajo Department of Agriculture
Emerson Tracey, Navajo Department of Transportation
Jimson Joe, Navajo Department of Emergency Management
Madeline Roanhorse, Navajo Department of Abandoned Mine Lands
Frieda S. White, Navajo Environmental Protection Agency, Superfund Program

Citations:

Brown, D.E. 1982. Biotic Communities of the American Southwest-United States and Mexico. Volume 4. Numbers 1-4. 1982. University of Arizona, Tucson, Arizona.

HDR Engineering, Inc. 2004. Report of Findings for the Assessment of Western Navajo –Hopi Water Supply Needs, Alternatives, and Impacts,” HDR Engineering, Omaha Nebraska.

Hendricks, D.M. 1985. Arizona Soils. College of Agriculture, University of Arizona, Tucson, Arizona.

Morrison Maierle, Inc., 1977. Navajo Water Resources Evaluation, Volume XII Flood Plain, Navajo Flood Hazard Delineations, U.S. Bureau of Indian Affairs, Navajo Area Office, Window Rock, Arizona

Rodgers, L., 2004. Chapter Images, Navajo Nation Division of Community Development, Window Rock, Arizona.

Western Technologies, Inc., 2009. Geotechnical Evaluation Tuba City DADC Development Peshlakai Avenue, Tuba City, Arizona Job No. 2529JW249, Flagstaff, Arizona.

Appendix 1

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

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

NNHPD NO. HPD-09-612
OTHER PROJECT NO.
ETD-09-004

PROJECT TITLE: **ETD-09-004: A Cultural Resources Inventory of Dine' Bii' Associations 7.92 Acre Tract in Tuba City, Coconino County, Arizona**

LEAD AGENCY: BIA/NR

SPONSORS: **Edith Whitefoot-Billie P.O. Box 2320 Tuba City, Arizona 86045**

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of group houses with associated facilities within the 7.92 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Tuba City

LOCATION: T.32N, R.11E; Section 21; Tuba City Quadrangle; Coconino County, Arizona; G&SRPM&B

PROJECT ARCHAEOLOGIST: **Mathilda Burke**

NAVAJO ANTIQUITIES PERMIT NO.: 809368

DATE INSPECTED: **6/2/09**

DATE OF REPORT: **6/25/09**

TOTAL ACREAGE INSPECTED: **10.06**

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 7.5 m apart.

LIST OF CULTURAL RESOURCES FOUND:	None
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	None
LIST OF ARCHAEOLOGICAL RESOURCES:	None

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

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

FORM PREPARED BY: **Ettie Anderson**


FINALIZED: July 16, 2009

Notification to
Proceed Recommended:
Conditions:

Yes XX No
Yes No XX

Navajo Region Approval:

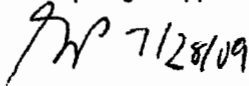
Yes P No


Alan B. Downer
Navajo Nation Historic Preservation Officer

7-17-09
Date


Regional Director

7-25-09
Date


7/28/09

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: ETD-09-004: <i>A Cultural Resources Inventory of Dine' Bii' Associations 7.92 Acre Tract in Tuba City Chapter, Coconino County, Arizona</i>		5. FIELDWORK DATE: 06/02/09
Author(s): Mathilda Burke		6. REPORT DATES: 06/25/09
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Mathilda Burke Org. Name: ETD, Inc. Org. Address: 2101 N. Fourth St, Suite 201 Flagstaff, Arizona 86004 Telephone: (928) 779-6032		8. PERMIT NO. B09368
10. SPONSORING ORGANIZATION NAME AND ADDRESS: Ind. Responsible: Edith Widefoot-Billie Org. Name: Dine' Bii Association for Disabled Citizens, Inc. Org. Address: P.O. Box 2320 Tuba City, AZ 86045 Telephone: (928) 283-3060		9. CONSULTANT REPORT NO. ETD-09-004
13. LOCATION (MAP ATTACHED): The project area is located approximately 1 mi north of the Edgewater Dr. and Peshlakai Ave. intersection in the community of Tuba City, AZ. See Figure 1 and Figure 2 for general and specific location maps.		11. SPONSOR PROJECT NO. N/A
a. Chapter: Tuba City b. Agency: Western c. County: Coconino d. State: Arizona	e. Land Status: Navajo Tribal Trust f. UTM Coordinates: NW, 4000002 N, 479366 E SW, 3999748 N, 479366 E SE, 3999741 N, 479465 E NE, 4000002 N, 479494 E g. Legal Location: T 32 N, R 11 E Section 21 h. Map: <i>Tuba City, Arizona 1969</i>	

14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //

A. Description of Undertaking: The lead federal agency is the Bureau of Indian Affairs (BIA). Dine' Bii Association for Disable Citizens, Inc. proposes to construct group homes with associated utilities. Surface and subsurface disturbance with be extensive within the 7.92 ac/3.2 ha area of effect.

B. Existing Data Review: A check of NNHPD records indicates that 15 projects have been previously conducted near the proposed project area, with four sites recorded within a 500 ft. Of these four sites, it was not clear what report three sites (AZ-K-55-61, AZ-K-55-59, & AZ-K-55-22) were recorded in.

Table 2. Project previously conducted within a 500 ft radius of ETD-09-004.

HPD No.	Other No.	Site No.	Site Description	Eligible
N/A	BIA NAO NTM-83-410	AZ-K-55-56	PII-PIII Site Navajo (recent)	Yes
N/A	BIA NAO NTM-84-329	AZ-K-55-56	PII-PIII Site Navajo (recent)	Yes
N/A	BIA NAO NTM-83-436	N/A	N/A	N/A
N/A	BIA NAO NAU-83-505	N/A	N/A	N/A
N/A	BIA NAO NTM-84-323	N/A	N/A	N/A
N/A	BIA NAO NTM-84-328	N/A	N/A	N/A
N/A	BIA NAO NTM-84-329	N/A	N/A	N/A
N/A	BIA NAO NTM-86-022	N/A	N/A	N/A
HPD-91-252	NNAD-90-344	N/A	N/A	N/A
HPD-97-212	N/A	N/A	N/A	N/A

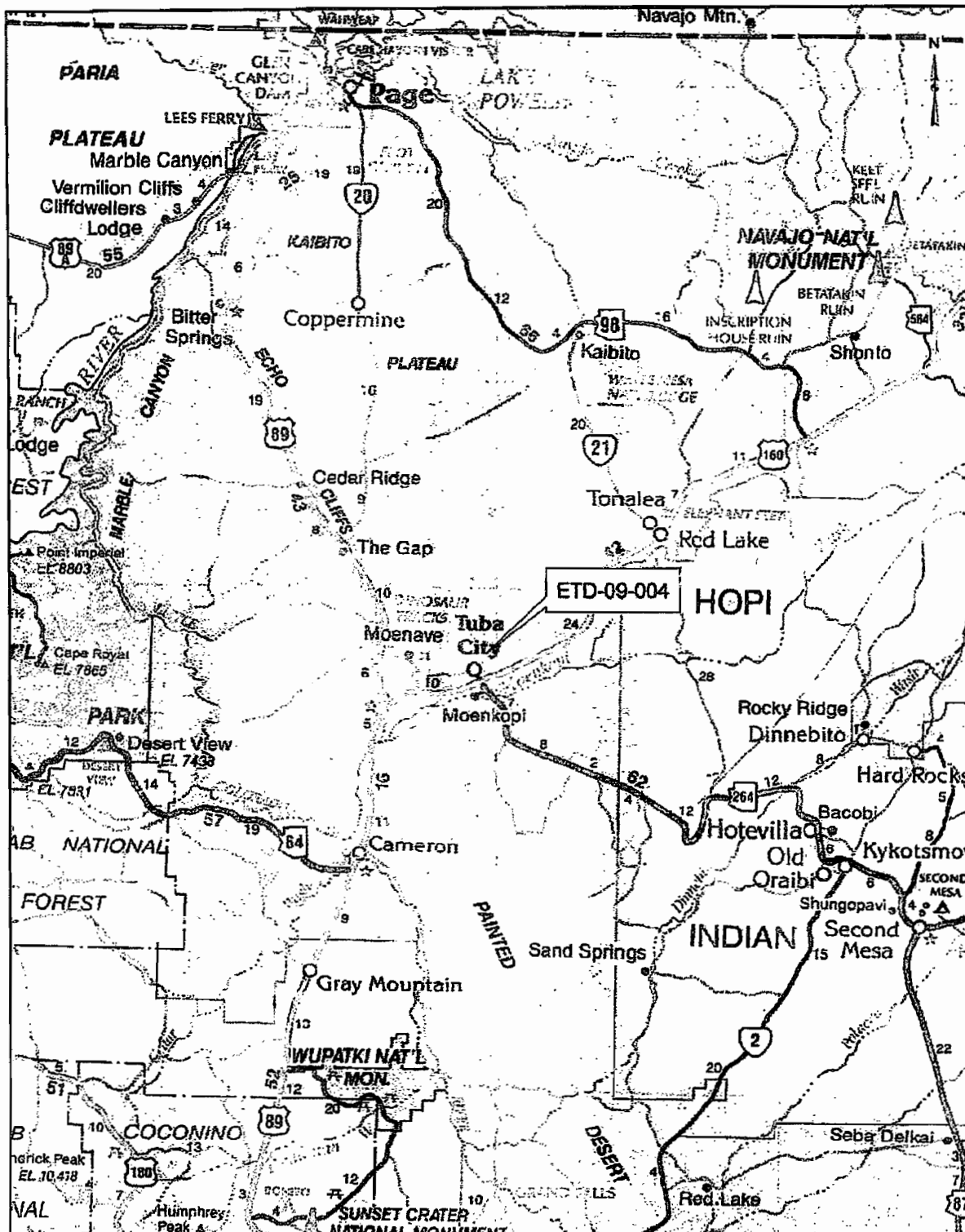


Figure 1. General Project Location of ETD-09-004: A Cultural Resources Inventory of Dine' Bił' Associations 7.92 Acre Tract in Tuba City Chapter, Coconino County, Arizona (NorthStar Mapping).

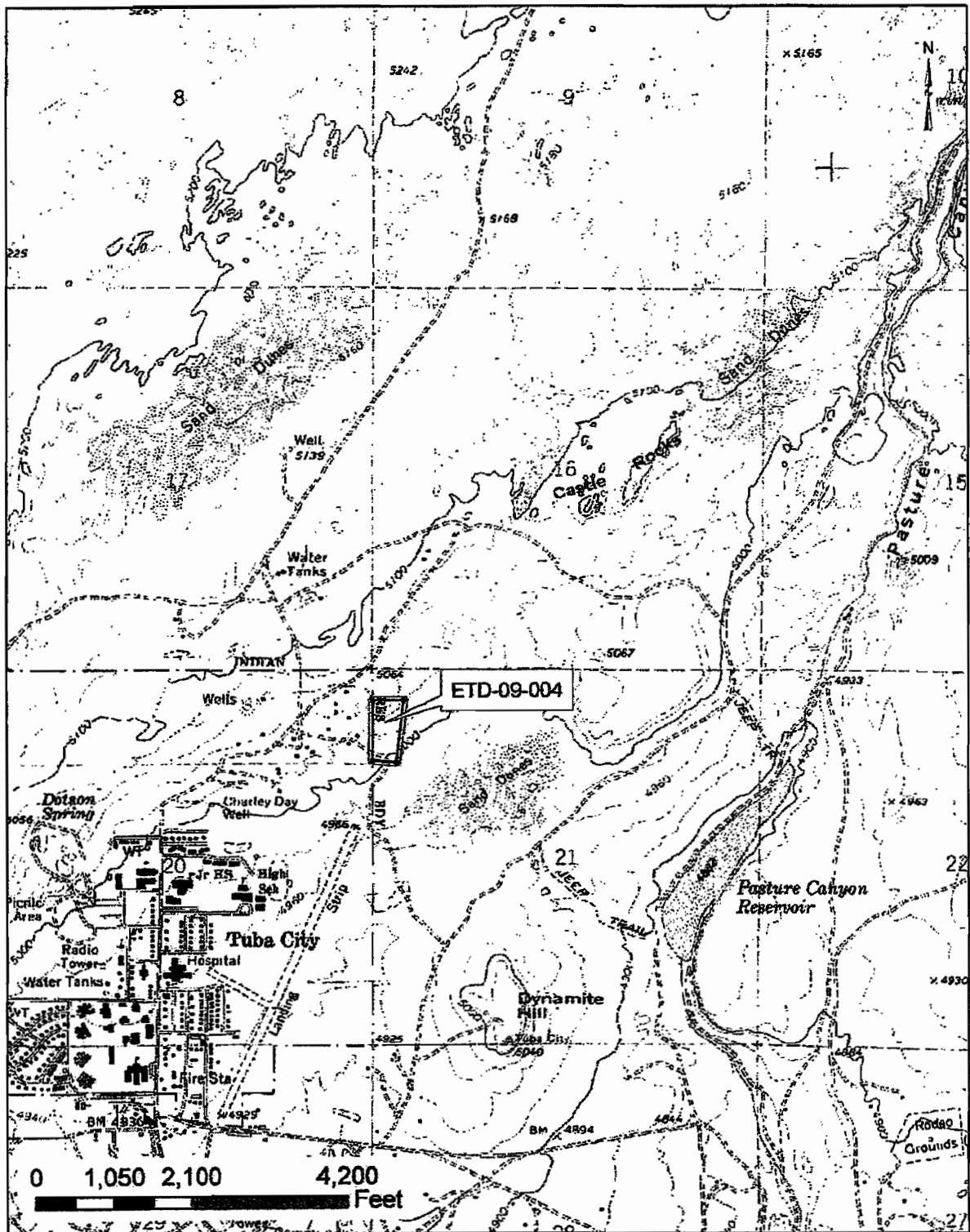


Figure 2. Specific Project Location of Dine' Association's 7.92 acre tract in Tuba City, Arizona. USGS 7.5' Map: Tuba City, Arizona 1969.

Table 2. (Continued) Project previously conducted within a 500 ft radius of ETD-09-004.

HPD No.	Other No.	Site No.	Site Description	Eligible
HPD-97-212.2	NNAD-99-168	N/A	N/A	N/A
HPD-98-643	SWCA-98-18	N/A	N/A	N/A
HPD-01-912	CSWTA-ARCH-2001104	N/A	N/A	N/A
HPD-03-878	NPC 03-112	N/A	N/A	N/A
HPD-04-1020	CSWTA-ARCH-2004081	N/A	N/A	N/A
HPD-05-1119	NNAD-05-030	N/A	N/A	N/A

C. Area Environmental & Cultural Setting: The project area is located approximately 1 mi north of the Edgewater Dr. and Peshlakai Ave. intersection in the community of Tuba City, AZ. The topography of the project area can be described as relatively flat sloping down to the south with large outcrops of sandstone. Small unnamed drainage drain south off the plateau and eventually drain into Moenkopi Wash located approximately 1,925 ft/586 m south. Elevation of the project area is approximately 5,000 ft/1,525 m above mean sea level. The project area is located in the Great Basin Desertscrub biotic community. Vegetation in the area consists of Russian thistle (*Ch'il deenini*), rabbitbrush (*K'iiltsoi nitsaaigii*), Mormon tea (*Ti'oh azihii libahigii*), snakeweed (*Ch'il diiyésetsoh*), and various bunch grasses. The soil is described as fine-grained, tan eolian soil interspersed with sandstone eroding out of Glen Canyon Group. Causes of disturbances include human activity, livestock grazing, natural erosion, and some previous construction

D. Field Methods: A Class III pedestrian inventory was conducted by Mathilda Burke, using concentric pedestrian transects spaced approximately 7.5 m apart. The area of effect includes a 7.92 ac/3.2 ha for the project. A 50 ft buffer zone was surveyed around the tract making the total area surveyed 10.06 ac/4.1 ha for the project. This method provided 100% coverage of the total area surveyed. An ethnographic interview was conducted over the phone in English by Mathilda Burke with the Tuba City Chapter Community Service Coordinator, concerning burials, sacred places, and plant/herb gathering areas in order to determine if there were any potential TCPs in or near the proposed project area. They stated that there were no TCPs in or around the project area.

15. CULTURAL RESOURCE FINDINGS:

A. Location/Identification of Each Resource: No cultural resources were encountered during the time of survey.

B. Evaluation of Significance of Each Resource: No cultural resources were encountered during the time of survey.

16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking. We recommend that the client be allowed to proceed with construction as planned.

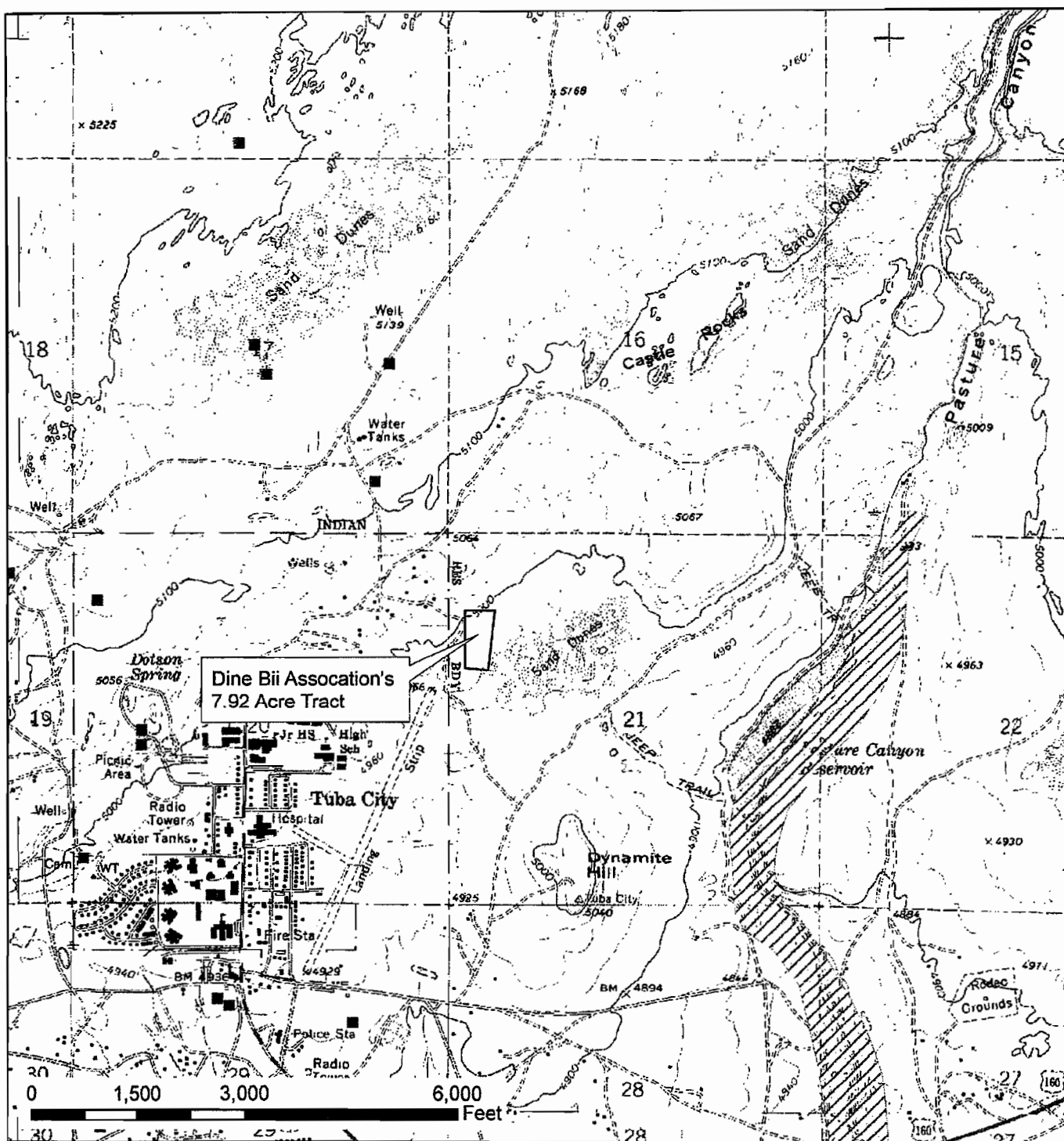
17. CERTIFICATION:

SIGNATURE: _____




DATE: 6/25/07

General Charge & Direct Charge Name: Mathilda Burke, Project Archaeologist, ETD, Inc.

Appendix 2



Legend

-  Tuba City Wells
 100-Year Floodplain
 7.92 Acre Tract

Map showing 100-Year Floodplain boundaries delineated by Marrison Maierle, Inc. (1977) and Dine Bii Association's project site.



Appendix 3



THE NAVAJO NATION

Navajo Nation Environmental Protection Agency
P.O. Box 339, Window Rock, AZ 86515

Telephone: (928) 871-7690
Fax: (928) 871-7996

Joe Shirley, Jr.
PRESIDENT
July 14, 2009

Ben Shelly
VICE-PRESIDENT

Mr. Eunice Tso, NEPA Specialist
ETD, Inc.
2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Dear Ms. Tso:

Please be informed that the data submitted to the NNEPA Water Quality/NPDES Program has been evaluated for potential impacts to the surface water quality from the proposed construction. It has been determined that there will be no impact to the surface water quality from construction activity since there are no wetlands and floodplain within proposed site. Therefore, your proposed project is approved for construction of facility for Dine Associations in Tuba City, Navajo Nation, Arizona.

Be advised that your client should notify the NNEPA NPDES Program about project before construction begins to ensure compliance with CWA Section 402. A copy of the SWPPP Manual can be mailed to their office at above address.

Should there be any questions, please feel free to contact me at 928-871-7651 or Patrick Antonio, Principal Hydrologist, at 928-871-7185. Thank you for allowing the NNEPA Water Quality Program to evaluate your proposed project sites for wetland.

Respectfully,

Dorothy Redhorse,
Sr. Environmental Specialist

/dbr

Xc: Patrick Antonio, Principal Hydrologist, NNEPA WQ/NPDES Program
LeeAnn Martinez, Sr. Environmental Specialist, NNEPA WQ/NPDES Program
File



ETD, Inc.

2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

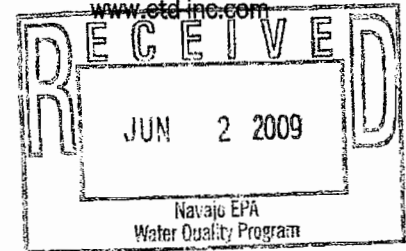
Phone: 928-779-6032

Fax: 928-779-9115

www.eta-inc.com

May 29, 2009

Patrick Antonio, Environmental Specialist
Navajo EPA Water Quality Program
P.O. Box 339
Window Rock, Arizona 86515



Rec'd 7/13/09

RE: Environmental Review Compliance Documentation: Wetland Protection

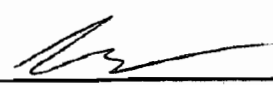
Dear Mr. Antonio,

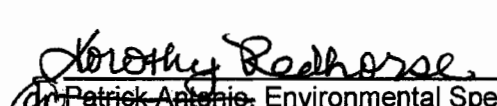
ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.

In accordance with HUD's environmental review requirements (under Executive Order 11990: Protection of Wetlands), project sponsors are required to ensure that proposed project site will not impact any protected wetlands. Based on research and a field reconnaissance of the proposed site, no jurisdictional wetlands will be impacted by the proposed project. If you concur with our findings, please indicate by signing and returning this letter to us. Thank you for your attention to this matter. Should you have any questions, please contact us at (928) 779-6032.

Sincerely,

CONCURRENCE:


Eunice Tso, NEPA Specialist
ETD, Inc.


Patrick Antonio, Environmental Spec.
Navajo EPA, Water Quality Program

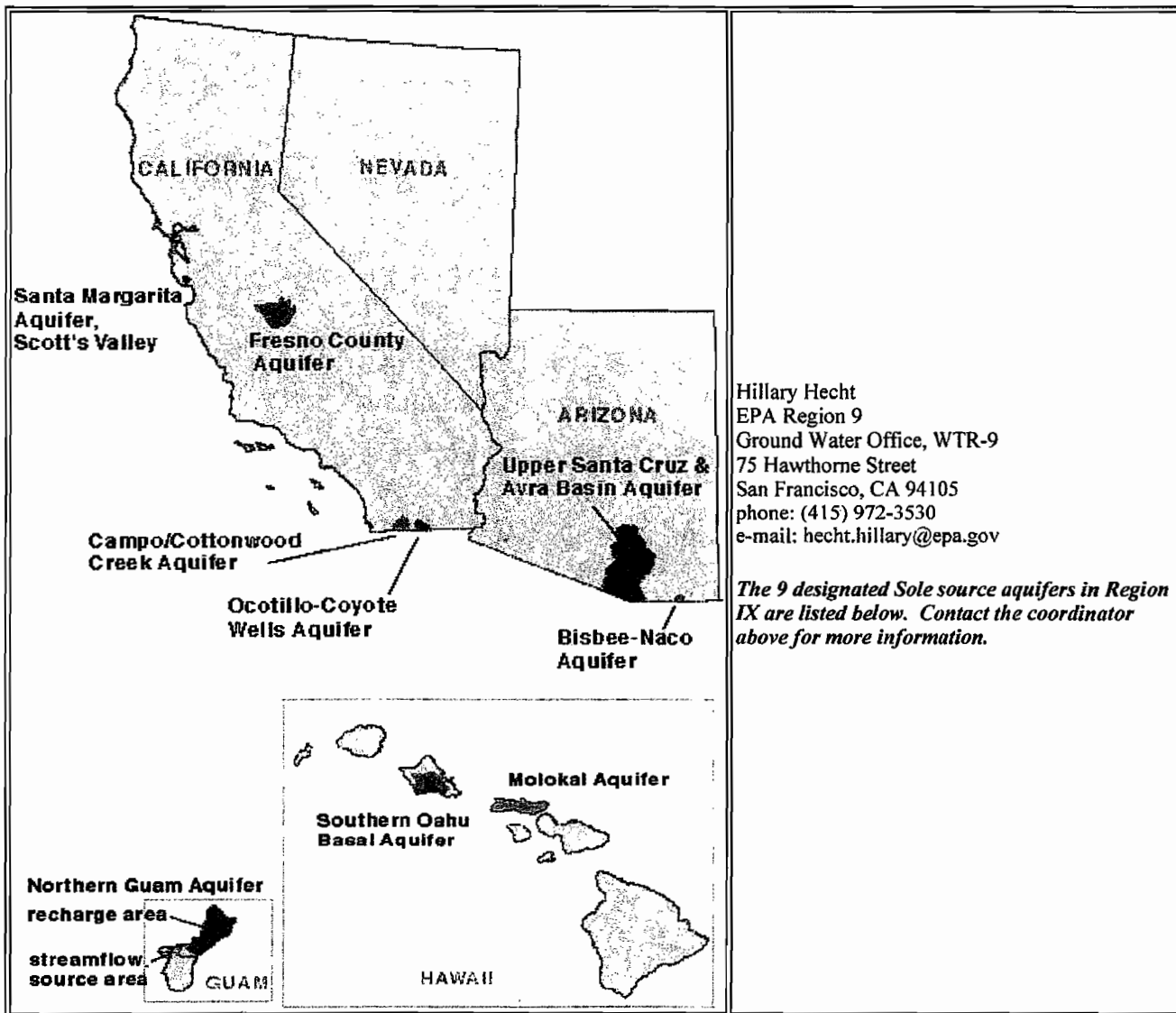
See attached letter. @

7/14/09

Appendix 4

Designated Sole Source Aquifers in EPA Region IX

Arizona, California, Hawaii, Nevada, Guam, and American Samoa



DESIGNATED SOLE SOURCE AQUIFERS IN REGION IX:

State	Sole Source Aquifer Name	Federal Reg. Cit.	Publ. Date	GIS map
AZ	Upper Santa Cruz & Avra Basin Aquifer	49 FR 2948	01/24/84	yes (PDF)
AZ	Bisbee-Naco Aquifer	53 FR 38337	09/30/88	yes (PDF)
CA	Fresno County Aquifer	44 FR 52751	09/10/79	yes (PDF)
CA	Santa Margarita Aquifer, Scotts Valley	50 FR 2023	01/14/85	yes (PDF)
CA	Campo/Cottonwood Creek	58 FR 31024	05/28/93	yes (PDF)
CA	Ocotillo-Coyote Wells Aquifer	61 FR 47752	09/10/96	yes (PDF)
GU	Northern Guam Aquifer System	43 FR 17867	04/26/78	yes (PDF)
HI	Southern Oahu Basal Aquifer	52 FR 45496	11/30/87	yes (PDF)

HI	Molokai Aquifer	59 FR 23063	04/20/93	yes (PDF)
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[Return to: Sole Source Aquifer program home page](#)

Appendix 5

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

COMPLIANCE	<input checked="" type="checkbox"/>
CONDITIONAL COMPLIANCE	<input type="checkbox"/>

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.: Dine Association

DESCRIPTION: 7.92 Acre Tract

LOCATION: Tuba City Chapter

REPRESENTATIVE: Eunice Tso

ACTION AGENCY: Dine Association

B.R. REPORT TITLE / DATE / PREPARER: Request for Concurrence/July 17, 2009/ETD

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: NA - Data Request did not identify any species

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: J. Cole 09/21/09

COPIES TO: (add categories as necessary)

- | | |
|--|--|
| <input type="checkbox"/> Navajo Environmental Protection Agency | <input type="checkbox"/> BIA Navajo Region, Environmental Services |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, NM Field Office | <input type="checkbox"/> U.S. Fish and Wildlife Service, UT Field Office |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, AZ Field Office | <input type="checkbox"/> (Other) |

2 NTC § 164 Recommendation:

- ☒ Approval
☐ Conditional Approval (with memo)
☐ Disapproval (with memo)
☐ None (with memo)

Signature

Gloria M. Tom

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

Date

9/22/09

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

Representative's signature

Date



THE
NAVAJO
NATION

JOE SHIRLEY, JR.
PRESIDENT
Ben Shelly
VICE PRESIDENT

Dept of Fish & Wildlife • P.O. Box 1480 • Window Rock, AZ 86515 • (928) 871-6451 • Fax (928) 871-7069

08 June 2009

File#09ETD06

Eunice Tso, Project Manager
ETD, Inc.
2101 N. Fourth Street
Suite 201
Flagstaff, AZ 86004

SUBJECT: DINE' ASSOCIATION'S 7.92 ACRE TRACT IN TUBA CITY CHAPTER
LOCATED IN UTM COORDINATES 3999857N, 479419E
TUBA CITY, COCONINO COUNTY, AZ

Ms. Tso:

The following information on species of concern¹ is provided in response to your 14 May 2009 request concerning the subject project, which consists of the Dine' Association's 7.92 acre tract in Tuba City, Chapter of the Navajo Nation, Coconino County, AZ. The project site lies within T32N, R11E, Sections 21, UTM Coordinates 3999857N, 479419, Coconino County, AZ.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete

¹"Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

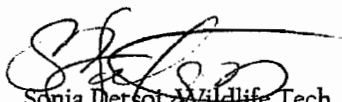
coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWF's information is continually updated, any given information response is only wholly appropriate for its respective request.

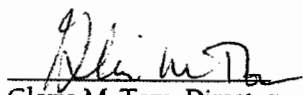
For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.nndfw.org.

An invoice for this information is attached.

If you have any questions I may be reached at (928) 871-6472.


Sonja Detsch, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE


Gloria M. Tom, Director
Department of Fish & Wildlife
Division of Natural Resources






xc: file/chrono

Appendix 6

Page 1 of 1

National Wild & Scenic Rivers

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[Publications](#)
[Site Navigation](#)
[Rivers & Trails](#)
[Contact Us](#)

Designated Wild & Scenic Rivers

[Select State](#) [Go](#)

Rivers that pass through several states may have segments in each state designated. For example, the Klamath River has designations in California and Oregon. Many rivers also have numerous tributaries designated (e.g., Washington's Skagit River). Multiple listings of some rivers indicate more than one segment of the river is designated (e.g., the Missouri River in Nebraska).

Alabama

- [Black Warrior River \(Sipsey Fork\)](#)

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Alaska

- [Alagnak River](#) — [National Park Service Site](#)
- [Alatna River](#)
- [Andreafsky River](#)
- [Aniakchak River](#)
- [Beaver Creek](#) — [Bureau of Land Management Site](#)
- [Birch Creek](#) — [Bureau of Land Management Site](#)
- [Charley River](#) — [National Park Service Site](#)
- [Chilikadrotna River](#)
- [Delta River](#) — [Bureau of Land Management Site](#)
- [Fortymile River](#) — [Bureau of Land Management Site](#)
- [Gulkana River](#) — [Bureau of Land Management Site](#)
- [Ivishak River](#)
- [John River](#)
- [Kobuk River](#)
- [Koyukuk River \(North Fork\)](#)
- [Mulchatna River](#)
- [Noatak River](#)
- [Nowitna River](#)
- [Salmon River](#)
- [Selawik River](#)
- [Sheenik River](#)
- [Tinayguk River](#)
- [Tiikakila River](#)
- [Unalakleet River](#) — [Bureau of Land Management Site](#)
- [Wind River](#)

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Arizona

- [Fossil Creek](#)
- [Verde River](#) — [U.S. Forest Service Site](#)

[Top of the Page](#)

Arkansas

- [Big Piney Creek](#)
- [Buffalo River](#)
- [Cossatot River](#)
- [Hurricane Creek](#)
- [Little Missouri River](#)
- [Mulberry River](#)
- [North Sylamore Creek](#)
- [Richland Creek](#)



Cossatot River, Arkansas

Appendix 7



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
Navajo Air Quality Control/Operating Permit Program
P.O. Box 529, Fort Defiance, Arizona 86504
Ph. (928) 729-4246



Joe Shirley, Jr.
PRESIDENT

Ben Shelly
VICE-PRESIDENT

June 26, 2009

Eunice Tso, NNEPA Specialist
ETD, Inc.
2101 N. Fourth Street, Suite 201
Flagstaff, Arizona 86004

RE: Environmental Review for Dine Associations

Dear Ms. Tso:

As required and in coordination with 24 CFR Part 58 & 40 CFR Ch. 1 Pt. 6, Subpart C Section 6.303 for implementing review and consultation, Navajo Nation Environmental Protection Agency - Air Quality Control Program has reviewed your consultation request for the proposed construction of a Dine Association within the Tuba City Chapter. The proposed construction projects are located as listed below:

<i>Recipient</i>	<i>Location: USGS 7.5' Quadrangle</i>	<i>USGS 7.5 Minute Topographical Map</i>
<i>1. Dine Association</i>	<i>Dine Association, T32N, R11E, section 21, Tuba City, Coconino County, AZ</i>	<i>3999857 N 479419 E</i>

For air quality regulation, the proposed undertaking is located within the jurisdiction of Navajo Air Quality Control Program. The proposed construction project is located in an area designated as Class II areas. This area is designated as "unclassified" for the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. However, these "unclassified" areas can be assumed to be in attainment for the NAAQS.

The proposed construction in Tuba City, Arizona (as mapped) may proceed provided the builder takes measures to minimize fugitive dust emissions during construction activity. Fugitive dust emissions shall be kept to a minimum by designating traffic, applying water to roads and taking other measures to minimize potential impacts during construction activity.

If you should have any questions, please contact Navajo Air Quality Control Program staff at (928) 729-4246.

Sincerely,

Charlene Nelson
Environmental Program Supervisor
Navajo Nation Environmental Protection Agency - Air Quality Control Program
P.O. Box 529
Fort Defiance, Arizona 86504



ETD, Inc.

2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

Phone: 928-779-6032

Fax: 928-779-9115

www.etc-inc.com

May 29, 2009

Rita Whitehorse-Larsen, Environmental Specialist
Office of Environmental Review
Navajo Environmental Protection Agency
P.O. Box 339
Window Rock, Arizona 86515

RWL

RE: Environmental Review Compliance Documentation: Air Quality

Dear Ms. Whitehorse-Larsen,

ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.

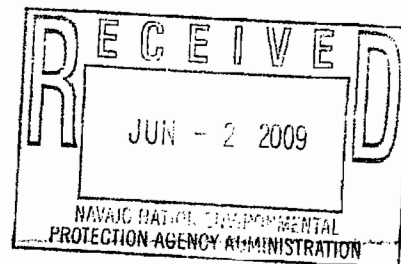
In accordance with HUD regulations (24 CFR Part 50), an evaluation of the existing air quality conditions is required to determine if the existing air quality conditions, including major source pollutants and local source pollutants, will be an issue with respect to the homesite applicants, including those who are sensitive to these pollutant types. According to data published on the U.S. EPA website (www.epa.gov/air/data/nonat.html), there are no nonattainment areas on the Navajo Nation for any of the "criteria air pollutants" set forth under the National Ambient Air Quality Standards (NAAQS). Therefore, the project site is in attainment with the NAAQS. ETD, Inc. determined that the project beneficiaries will not be impacted by air pollution. If you concur with this finding, please indicate by signing below. Thank you for your attention to this matter. Should you have any questions, please contact us at 928-779-6032.

Sincerely,

Eunice Tso, NEPA Specialist
ETD, Inc.

CONCURRENCE

Rita Whitehorse-Larsen, Envriom. Specialist
Navajo Environmental Protection Agency



Appendix 8



ETD, Inc.

2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

Phone: 928-779-6032
Fax: 928-779-9115
www.etd-inc.com

May 29, 2009

Judy R. Willeto, Range Conservationist
Division of Natural Resources
P.O. Box 9000
Window Rock, Arizona 86515-9000

JUN 2 2009

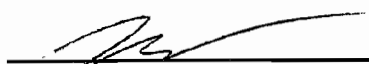
RE: Environmental Review Compliance Documentation: Protected Farmlands

Dear Ms. Willeto:

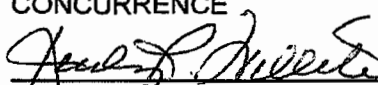
ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.

In accordance with HUD's environmental review requirements, project sponsors shall ensure that there is acceptable distance between the proposed project site and any protected farmland (under the Farmland Protection Policy Act, 7 CFR Part 658) that may be impacted by the proposed project. Based on our knowledge of farmlands in Navajo Country and a field reconnaissance, the proposed project site is not located on or near any prime farmlands, unique farmlands or farmlands designated as important by tribal or local governments. If you concur with our findings, please indicate by signing and returning this letter to us. Thank you for your attention to this matter. Should you have any questions, please contact us at (928) 779-6032.

Sincerely,


Eunice Tso, NEPA Specialist
ETD, Inc.

CONCURRENCE

 8/11/09
Ms. Judy Willeto, Range Conservationist
Division of Natural Resources

Appendix 9



ENVIRONMENTAL PROTECTION AGENCY

THE NAVAJO NATION

Window Rock, Arizona 86515



JOE SHIRLEY, JR.
PRESIDENT

BENNIE SHELLEY
VICE-PRESIDENT

July 02, 2009

Eunice Tso
c/o ETD, Inc.
2101 North 4th Street, Suite 201
Flagstaff, Arizona 86004

Dear Ms. Tso:

This response is to your 5/29/09 letter with map attachments to Navajo Nation Environmental Protection Agency (NNEPA) requesting concurrence of no finding of toxic chemicals or radioactive materials for a 7.92-acre tract for the Dine Association. The project site's coordinates are 3,999,857 North, 479,419 East (Zone 12) (NW/4, NW/4 of Section 21, Township 31 North, Range 11 East). The site is located adjacent the community of Tuba City, Coconino County, Arizona, and in To'Nanees'Dizi (formerly Tuba City) Chapter, Navajo Nation.

As a program of the NNEPA, Navajo Superfund Program (NSP) assesses releases or threatened releases of hazardous substances that may endanger public health or the environment. Within in the project area, NSP does not have 1) a site on the U.S. Environmental Protection Agency's (EPA) National Priorities List, or 2) a site on the EPA's Comprehensive Environmental Response, Compensation and Liability Information System database. Also, NSP has not identified any toxic landfill that is within 3,000 feet (approx. 0.57 mile) of the project area. Relative to Superfund purview, the NSP is not aware of other hazardous substances (chemicals) or radioactive materials that are within the same distance.

If you have further questions or comments, please feel free to contact me at (928) 871-6859.

Sincerely,

Freida S. White, Program Supervisor
Waste Regulatory Compliance Dept./Superfund Program
Environmental Protection Agency
Navajo Nation

cc: Chrono/File
Rita Whitehorse-Larsen, NNEPA



ETD, Inc.

2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

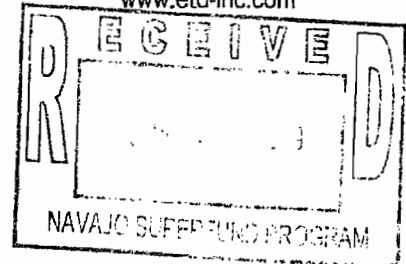
Phone: 928-779-6032

Fax: 928-779-9115

www.etc-inc.com

May 29, 2009

Rita Whitehorse-Larsen, Environmental Specialist
Office of Environmental Review
Navajo Environmental Protection Agency
P.O. Box 339
Window Rock, Arizona 86515



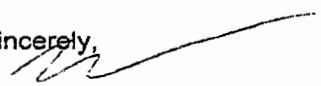
**RE: Environmental Review Compliance Documentation: Toxic Chemicals and
Radioactive Materials**

Dear Ms. Whitehorse-Larsen,

ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.

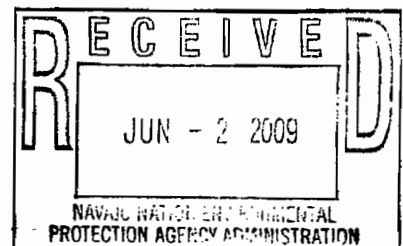
Based on our field survey and review of the U.S. EPA's Toxic Release Inventory (TRI), Radiation Information Database (RADINFO), and RCRAINFO websites, the proposed project site is free of toxic chemicals and radioactive materials, state hazardous waste sites or other known toxic sites. The site is not located within one mile of any NPL superfund site. Furthermore, the proposed project site is not known or suspected to be contaminated by toxic chemicals or radioactive materials. If you concur with our findings, please indicate by signing and returning this letter to us. Thank you for your time and consideration in this matter. Should you have any questions, please do not hesitate to contact us at (928) 779-6032.

Sincerely,


Eunice Tso, NEPA Specialist
ETD, Inc.

CONCURRENCE

Rita Whitehorse-Larsen, Environ. Specialist
Navajo Environmental Protection Agency





DR. JOE SHIRLEY, JR.
President

BEN SHELLY
Vice President

June 3, 2009

Ms. Eunice Tso
ETD, Inc. Consulting and Applied Research
2101 N. Fourth Street, Suite 201
Flagstaff, Arizona 86004

Subject: Proposed Diné Association 7.92 Acre Tract
Environmental Review Compliance Documentation
Abandoned Mine Hazards

Dear Ms. Tso:

On June 02, 2009, Navajo AML Reclamation Program (NAMLRP) received your request in identifying abandoned mine hazards (AML project areas) located near the proposed Diné Association tract.

Based on our internal research performed has identified that **no** abandoned mine hazards exist within 1,000 ft radius of the site as designated on your map. The specific data provided by ETD, Inc as follows: Tuba City, Arizona USGS 7.5 Quadrangular Map Coordinates was compared against our AML project area database for Navajo Tribal Trust Lands support our conclusion.

Should you have questions or concerns regarding this letter, please contact me at 928-871-6982.

Sincerely,

A handwritten signature in black ink, appearing to read "Madeline Roanhorse", is written over a horizontal line.

Madeline Roanhorse, Department Manager
Navajo AML Reclamation Program
Division of Natural Resources



ETD, Inc.

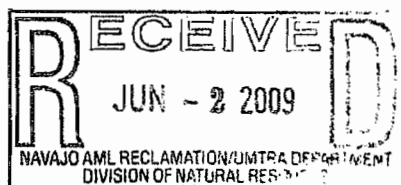
2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

Phone: 928-779-6032
Fax: 928-779-9115
www.etc-inc.com

May 29, 2009

Ms. Madeline Roanhorse, Program Director
Navajo Department of Abandoned Mine Lands
P.O. Box 1875
Window Rock, Arizona 86515




RE: Environmental Review Compliance Documentation: Abandoned Mine Hazards

Dear Ms. Roanhorse:


ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.

HUD's environmental review procedures require that abandoned mines be evaluated for potential hazards to HUD-funded projects. Based on research and a field reconnaissance, no abandoned mine sites are known to occur on or near the proposed project site. If you concur with our findings, please indicate by signing and returning this letter to us. Thank you for your support in this matter.

Sincerely,


Eunice Tso, NEPA Specialist
ETD, Inc.

CONCURRENCE


Ms. Madeline Roanhorse, Program Director
Navajo Abandoned Mine Lands

EPA: United States Environmental Protection Agency



Air, Water, Waste...

Search Place: Tuba City, AZ

Search on map Enter facility name

Program Systems

Clear

Select a program system to map:

- ☐ Air Emissions (AIRS/AFS) (0)
- ☒ Superfund Sites (CERCLIS) (1)
- ☐ Toxic Releases (TRI) (0)
- ☐ Hazardous Waste (RCRAInfo) (3)
- ☐ Water Dischargers (PCS) (0)
- ☐ Brownfields (ACRES) (0)
- ☐ Biennial Reporting (BR) (0)
- ☐ RADInfo (0)
- ☐ Toxic Substances Control Act (TSCA) (0)

View:

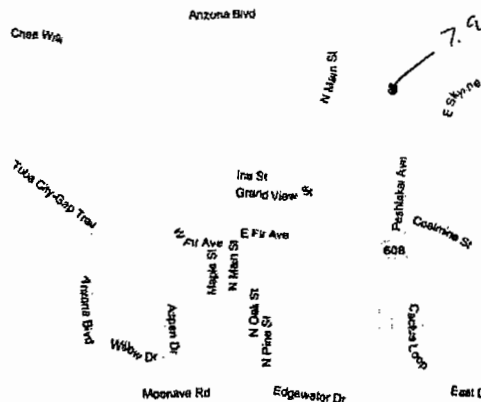
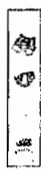
☒ All ☐ 20 per page

Single facility

Facility cluster

Chemicals

Industry



Add Map Contents

0.7 miles

Shapefile Spreadsheet GeoRSS KML Metadata Where Can I Get the Data?

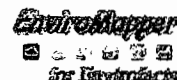
Facility Name/Address

TUBA CITY ABANDONED LDFL
TUBA CITY TUBA CITY, AZ 86045

AIRS/AFS ☒ ACRES ☒ CERCLIS ☒ PCS ☒ RADInfo ☒ RCRAInfo ☒ TRI ☒ TSCA ☒

View
Report

EPA: United States Environmental Protection Agency



Air, Water, Waste...

Search Place: Tuba City, AZ

Search on map Enter facility name

Program Systems

Select a program system to map:

- ☐ Air Emissions (AIRS/AFS) (0)
- ☒ Superfund Sites (CERCLIS) (1)
- ☐ Toxic Releases (TRI) (0)
- ☒ Hazardous Waste (RCRAInfo) (3)
- ☐ Water Dischargers (PCS) (0)
- ☐ Brownfields (ACRES) (0)
- ☐ Biennial Reporting (BR) (0)
- ☐ RADInfo (0)
- ☐ Toxic Substances Control Act (TSCA) (0)

View:

All 20 per page

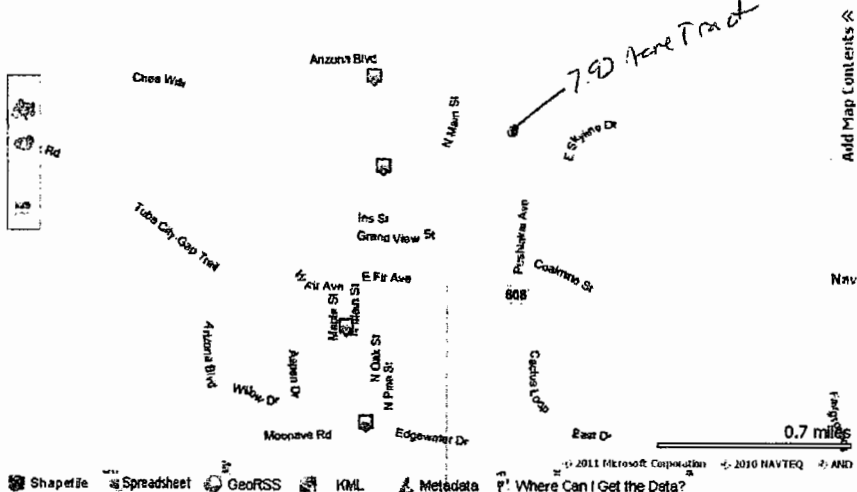
Single facility

Facility cluster

Chemicals

Industry

Clear



Shapefile Spreadsheet GeorSS KML Metadata Where Can I Get the Data?

Facility Name/Address
BUREAU OF INDIAN AFFAIRS ROADS
410 OAK ST TUBA CITY, AZ 86045
INDIAN HEALTH SERVICE - MEDICAL CENTER
167 NORTH MAIN STREET NAVAJO RESERVATION TUBA CITY, AZ 86045
TUBA CITY ABANDONED LDFL
TUBA CITY TUBA CITY, AZ 86045
TUBA CITY BOARDING SCHOOL
306 MAIN STREET TUBA CITY, AZ 86045

AIRS/AFS ACRES CERCLIS PCS RADInfo RCRAInfo TRI TSCA

[View Report](#)

[View Report](#)

[View Report](#)

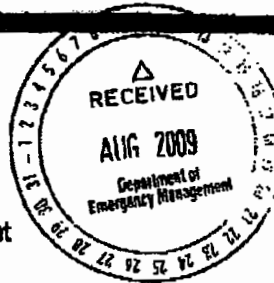
[View Report](#)

Appendix 10

**ETD, Inc.**2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

May 29, 2009

Jimson Joe, Program Manager
Navajo Department of Emergency Management
P.O. Box 2908
Window Rock, Arizona 86515Phone: 928-779-8032
Fax: 928-779-8125
www.etc-inc.com**RE: Environmental Review Compliance Documentation: Explosive and Flammable Operations**

Dear Mr. Joe,

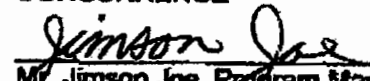
ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre project located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 36 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 36Q087N 479419E. The site can be located on the Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map. See attached general location and topographic map (and aerial photo).

In accordance with the HUD's environmental review requirements under 24 CFR 510, project sponsors shall ensure that there is acceptable separation distance between proposed HUD-funded projects and any explosive or flammable operations that may impact the proposed project site. A field reconnaissance encompassing a 1,000 foot radius from the proposed project site revealed that there are no explosive or flammable operations in the project area. If you concur with our findings, please indicate by signing and returning this letter to us. Should you have any questions, please do not hesitate to contact us at (928) 779-8032. Thank you for your time and consideration in this matter.

Sincerely,


Eunice Tso, NEPA Specialist
ETD, Inc.

CONCURRENCE


Mr. Jimson Joe, Program Manager
Emergency Management Dept.

Appendix 11



NAVAJO DEPARTMENT OF TRANSPORTATION

POST OFFICE BOX 4620
WINDOW ROCK, ARIZONA 86515

TEL: 928.871.6498
FAX: 928.871.7987

June 25, 2009

MEMORANDUM

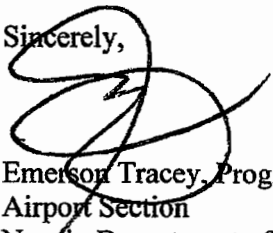
TO: Eunice Tso, NEPA Specialist
ETD, Inc. Consulting and Applied Research
2101 N. Fourth St., Suite 201
Flagstaff, Arizona 86004

RE: Airport Clear Zones and Accident Potential Zones

Dear Mrs. Tso

The site of Dine' Association's applicant within Township 32 North, Range 11 East, in Section 21 of Coconino County, Arizona, and within land Management District 3 of the Navajo Nation, there is no existing airport or military Facilities near the potential site in Tuba City, Arizona. The Navajo Department of Transportation does not have any plans for any airport development in the immediate vicinity of the purpose site area within the next 20 years. Therefore, the Airport Section (NDOT) is giving consents to ETD, Inc to proceed with environmental assessment for Dine' Associations. If should you have any question, please contact me at (928) 871-7640. Thank you.

Sincerely,


Emerson Tracey, Program Supervisor
Airport Section
Navajo Department of Transportation

Concurrence:


Tom Platero, Department Manager



ETD, Inc.

2101 N. Fourth Street, Suite 201
Flagstaff, AZ 86004

Planning • Environment • Construction

Phone: 928-779-6032
Fax: 928-779-9115
www.etd-inc.com

May 29, 2009

Emerson Tracey, Program Supervisor
Navajo Department of Transportation
P.O. Box 4620
Window Rock, Arizona 86515

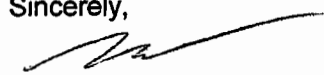
RE: Environmental Review Compliance Documentation: Airport Clear Zones and Accident Potential Zones

Dear Mr. Tracey,

ETD Inc. is preparing an environmental assessment for Diné Association's 7.92 acre tract located in the Tuba City Chapter of the Navajo Nation. The project site lies within Township 32 North, Range 11 East, in Sections 21 of Coconino County, State of Arizona, and within Land Management District 3 of the Navajo Nation. The center UTM location is at 3999857N 479419E. The site can be located on the *Tuba City, Arizona 7.5-Minute U.S.G.S. Topographic Map*. See attached general location and topographic map.


In accordance with HUD's environmental review requirements (24 CFR 51 D), project sponsors shall ensure that HUD-funded projects are located outside any commercial or military airport runway clear zones or accident potential zones. Based on a field reconnaissance, the proposed project site is not located within 3,000 feet of a civilian airport or 2.5 miles of a military airfield. If you concur with our findings, please indicate by signing and returning this letter to us. Thank you for your time and consideration in this matter. Should you have any questions, please do not hesitate to contact us at (928) 779-6032.

Sincerely,



Eunice Tso, NEPA Specialist
ETD, Inc.

APPROVED:



Emerson Tracey, Program Supervisor
Navajo Department of Transportation

CONCURRENCE:



Tom Platero, Department Manager
Navajo Department of Transportation

Received

JUN 1 2009

NI



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/729-4323
Website: www.navajonationepa.org

M E M O R A N D U M

TO: Garyald Benally, Environmental Reviewer
Real Estate Department
Rural Business Development Office
Division of Economic Development

FROM:

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Environmental Review

THROUGH:

Stephen B. Etsitty, Executive Director
Navajo Nation Environmental Protection Agency

DATE: June 9, 2014

SUBJECT: Environmental Summary for Dine Bii Association for Disabled Citizens Inc.

The Navajo Nation Environmental Protection Agency Office of Environmental Review (NNEPA OER) reviewed¹ and recommends **conditional approval** pursuant the Title 4, NNC Chapter 9 Navajo Nation Environmental Policy Act, Subchapter 1, §904. DADC proposes to construct a group home facility in Tuba City, Arizona. The proposed action will entail developing on 7.92 acre tract.

1. Before any construction commences, DADC is subject to submit required paperwork for the Navajo Nation Clean Water Act Section 402.
2. All construction waste must be properly disposed of at a nearby landfill.
3. No construction waste must be released to the public.

¹ ETD, Inc. Environmental Assessment ToNaneesdizi (Group Home) Project Tuba City Coconino County Arizona. February 2011.

4. DADC must submit require paperwork for review, approval and permit for all drinking water and domestic wastewater infrastructures before construction.

If there are any questions, you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Genevieve Keeto-Bighorse, EDS, Western Regional Business Development Office, via email
Administration chrono file

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

COMPLIANCE <input checked="" type="checkbox"/>
CONDITIONAL COMPLIANCE <input type="checkbox"/>

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.: Dine Association

DESCRIPTION: 7.92 Acre Tract

LOCATION: Tuba City Chapter

REPRESENTATIVE: Eunice Tso

ACTION AGENCY: Dine Association

B.R. REPORT TITLE / DATE / PREPARER: Request for Concurrence/July 17, 2009/ETD

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: NA - Data Request did not identify any species

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: J. Cole 09/21/09

COPIES TO: (add categories as necessary)

- | | |
|--|--|
| <input type="checkbox"/> Navajo Environmental Protection Agency | <input type="checkbox"/> BIA Navajo Region, Environmental Services |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, NM Field Office | <input type="checkbox"/> U.S. Fish and Wildlife Service, UT Field Office |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, AZ Field Office | <input type="checkbox"/> (Other) |

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> None (with memo)	Signature Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 9/22/09
--	--	------------------------

*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



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

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

NNHPD NO. HPD-09-612
OTHER PROJECT NO.
ETD-09-004

PROJECT TITLE: **ETD-09-004:A Cultural Resources Inventory of Dine' Bii' Associations 7.92 Acre Tract in Tuba City, Coconino County, Arizona**

LEAD AGENCY: BIA/NR

SPONSORS: **Edith Whitefoot-Billie P.O. Box 2320 Tuba City, Arizona 86045**

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of group houses with associated facilities within the 7.92 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Tuba City

LOCATION: T.32N, R.11E; Section 21; Tuba City Quadrangle; Coconino County, Arizona; G&SRPM&B

PROJECT ARCHAEOLOGIST: **Mathilda Burke**

NAVAJO ANTIQUITIES PERMIT NO.: 809368

DATE INSPECTED: **6/2/09**

DATE OF REPORT: **6/25/09**

TOTAL ACREAGE INSPECTED: **10.06**

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 7.5 m apart.

LIST OF CULTURAL RESOURCES FOUND:

None

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

None

LIST OF ARCHAEOLOGICAL RESOURCES:

None

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

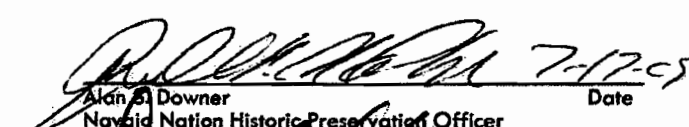
In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations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

FORM PREPARED BY: **Ettie Anderson**

FINALIZED: July 16, 2009

Notification to
Proceed Recommended:
Conditions:

Yes XX No
Yes No XX


Alan S. Downer
Navajo Nation Historic Preservation Officer

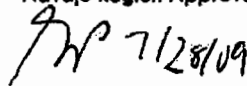
7-17-09
Date

Navajo Region Approval:

Yes P No


Regional Director

7-25-09
Date


7/28/09

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: ETD-09-004: <i>A Cultural Resources Inventory of Dine' Bii' Associations 7.92 Acre Tract in Tuba City Chapter, Coconino County, Arizona</i>		5. FIELDWORK DATE: 06/02/09
Author(s): Mathilda Burke		6. REPORT DATES: 06/25/09
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Mathilda Burke Org. Name: ETD, Inc. Org. Address: 2101 N. Fourth St, Suite 201 Flagstaff, Arizona 86004 Telephone: (928) 779-6032		8. PERMIT NO. B09368
		9. CONSULTANT REPORT NO. ETD-09-004
10. SPONSORING ORGANIZATION NAME AND ADDRESS: Ind. Responsible: Edith Widefoot-Billie Org. Name: Dine' Bii Association for Disabled Citizens, Inc. Org. Address: P.O. Box 2320 Tuba City, AZ 86045 Telephone: (928) 283-3060		11. SPONSOR PROJECT NO. N/A
		12. AREA OF EFFECT: 7.92 ac/3.2 ha AREA SURVEYED: 10.06 ac/4.1 ha

13. LOCATION (MAP ATTACHED): The project area is located approximately 1 mi north of the Edgewater Dr. and Peshlakai Ave. intersection in the community of Tuba City, AZ. See Figure 1 and Figure 2 for general and specific location maps.

- | | |
|-----------------------|--|
| a. Chapter: Tuba City | e. Land Status: Navajo Tribal Trust |
| b. Agency: Western | f. UTM Coordinates: NW, 4000002 N, 479366 E |
| c. County: Coconino | SW, 3999748 N, 479366 E |
| d. State: Arizona | SE, 3999741 N, 479465 E |
| | NE, 4000002 N, 479494 E |
| | g. Legal Location: T 32 N, R 11 E Section 21 |
| | h. Map: Tuba City, Arizona 1969 |

14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //

A. Description of Undertaking: The lead federal agency is the Bureau of Indian Affairs (BIA). Dine' Bii Association for Disable Citizens, Inc. proposes to construct group homes with associated utilities. Surface and subsurface disturbance with be extensive within the 7.92 ac/3.2 ha area of effect.

B. Existing Data Review: A check of NNHPD records indicates that 15 projects have been previously conducted near the proposed project area, with four sites recorded within a 500 ft. Of these four sites, it was not clear what report three sites (AZ-K-55-61, AZ-K-55-59, & AZ-K-55-22) were recorded in.

Table 2. Project previously conducted within a 500 ft radius of ETD-09-004.

HPD No.	Other No.	Site No.	Site Description	Eligible
N/A	BIA NAO NTM-83-410	AZ-K-55-56	PII-PIII Site Navajo (recent)	Yes
N/A	BIA NAO NTM-84-329	AZ-K-55-56	PII-PIII Site Navajo (recent)	Yes
N/A	BIA NAO NTM-83-436	N/A	N/A	N/A
N/A	BIA NAO NAU-83-505	N/A	N/A	N/A
N/A	BIA NAO NTM-84-323	N/A	N/A	N/A
N/A	BIA NAO NTM-84-328	N/A	N/A	N/A
N/A	BIA NAO NTM-84-329	N/A	N/A	N/A
N/A	BIA NAO NTM-86-022	N/A	N/A	N/A
HPD-91-252	NNAD-90-344	N/A	N/A	N/A
HPD-97-212	N/A	N/A	N/A	N/A

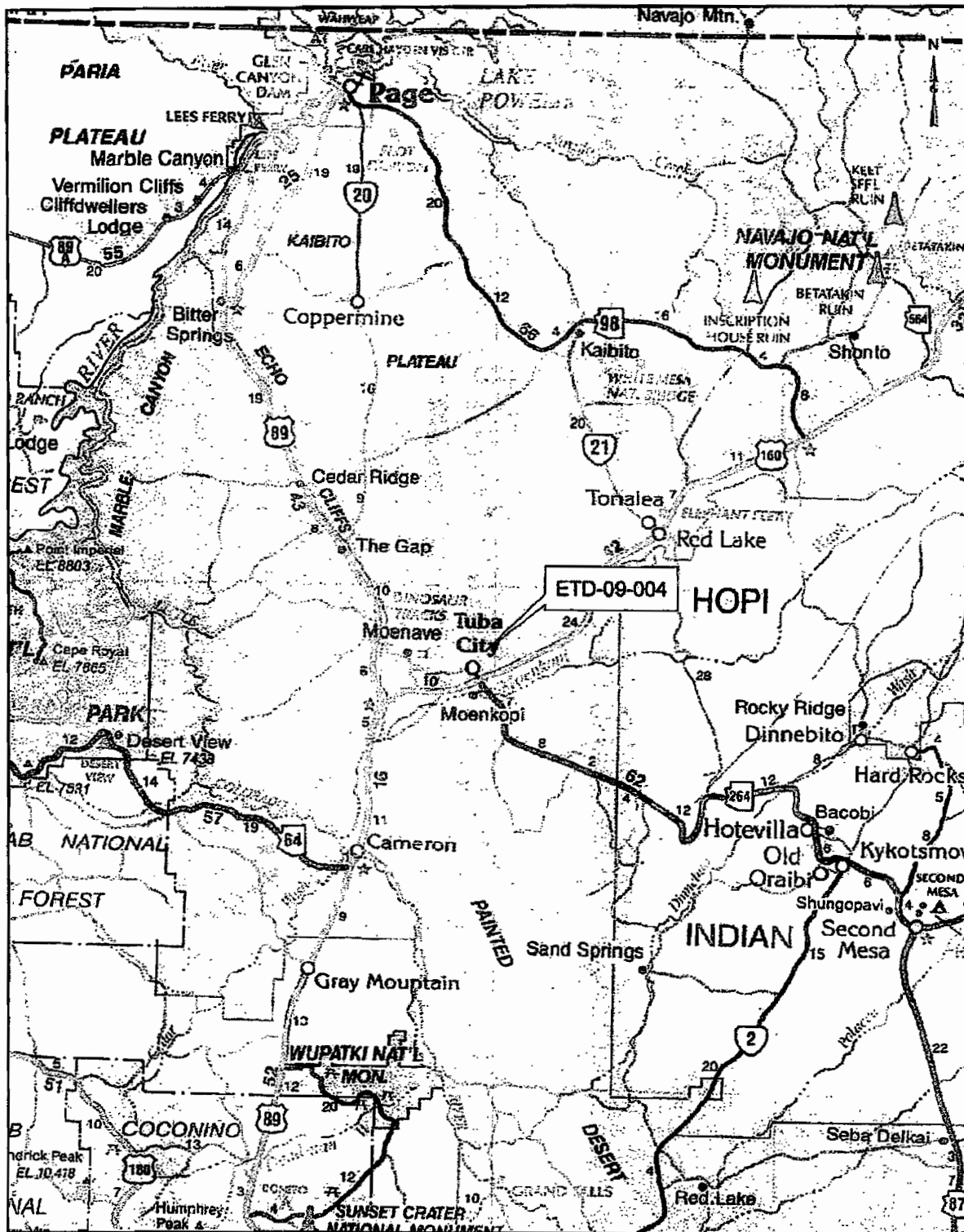


Figure 1. General Project Location of ETD-09-004: A Cultural Resources Inventory of Dine' Bii' Associations' 7.92 Acre Tract in Tuba City Chapter, Coconino County, Arizona (NorthStar Mapping).

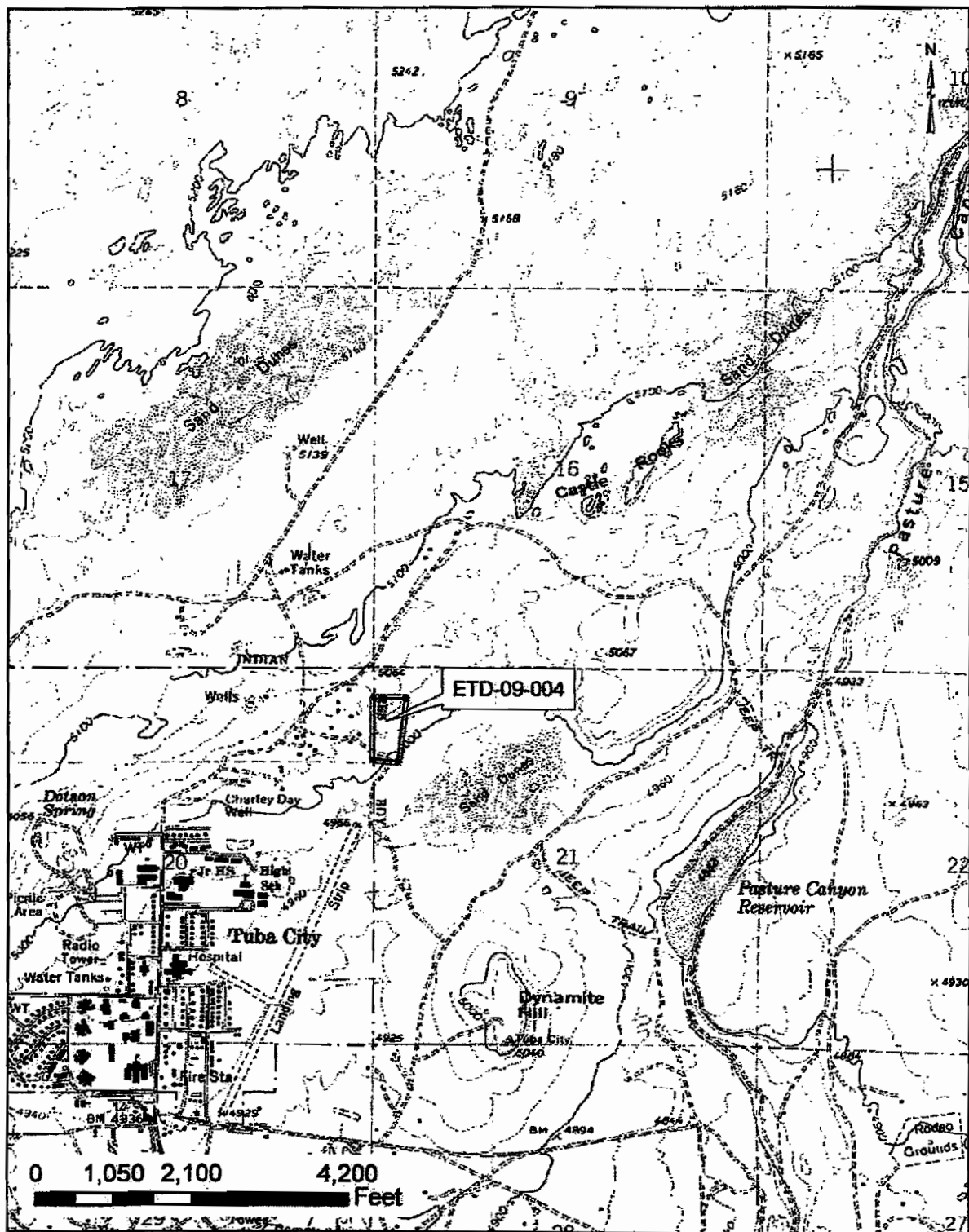


Figure 2. Specific Project Location of Dine' Association's 7.92 acre tract in Tuba City, Arizona. USGS 7.5' Map: Tuba City, Arizona 1969.

Table 2. (Continued) Project previously conducted within a 500 ft radius of ETD-09-004.

HPD No.	Other No.	Site No.	Site Description	Eligible
HPD-97-212.2	NNAD-99-168	N/A	N/A	N/A
HPD-98-643	SWCA-98-18	N/A	N/A	N/A
HPD-01-912	CSWTA-ARCH-2001104	N/A	N/A	N/A
HPD-03-878	NPC 03-112	N/A	N/A	N/A
HPD-04-1020	CSWTA-ARCH-2004081	N/A	N/A	N/A
HPD-05-1119	NNAD-05-030	N/A	N/A	N/A

C. Area Environmental & Cultural Setting: The project area is located approximately 1 mi north of the Edgewater Dr. and Peshlakai Ave. intersection in the community of Tuba City, AZ. The topography of the project area can be described as relatively flat sloping down to the south with large outcrops of sandstone. Small unnamed drainage drain south off the plateau and eventually drain into Moenkopi Wash located approximately 1,925 ft/586 m south. Elevation of the project area is approximately 5,000 ft/1,525 m above mean sea level. The project area is located in the Great Basin Desertscrub biotic community. Vegetation in the area consists of Russian thistle (*Ch'il deenini*), rabbitbrush (*K'iiltsoi nitsaagii*), Mormon tea (*Ti'oh azihii libáhigii*), snakeweed (*Ch'il diiyésetsoh*), and various bunch grasses. The soil is described as fine-grained, tan eolian soil interspersed with sandstone eroding out of Glen Canyon Group. Causes of disturbances include human activity, livestock grazing, natural erosion, and some previous construction

D. Field Methods: A Class III pedestrian inventory was conducted by Mathilda Burke, using concentric pedestrian transects spaced approximately 7.5 m apart. The area of effect includes a 7.92 ac/3.2 ha for the project. A 50 ft buffer zone was surveyed around the tract making the total area surveyed 10.06 ac/4.1 ha for the project. This method provided 100% coverage of the total area surveyed. An ethnographic interview was conducted over the phone in English by Mathilda Burke with the Tuba City Chapter Community Service Coordinator, concerning burials, sacred places, and plant/herb gathering areas in order to determine if there were any potential TCPs in or near the proposed project area. They stated that there were no TCPs in or around the project area.

15. CULTURAL RESOURCE FINDINGS:

A. Location/Identification of Each Resource: No cultural resources were encountered during the time of survey.

B. Evaluation of Significance of Each Resource: No cultural resources were encountered during the time of survey.

16. MANAGEMENT SUMMARY (RECOMMENDATION): A determination of "no historic properties affected" is recommended for the proposed undertaking. We recommend that the client be allowed to proceed with construction as planned.

17. CERTIFICATION:

SIGNATURE: Mathilda Burke DATE: 6/25/07
 General Charge & Direct Charge Name: Mathilda Burke, Project Archaeologist, ETD, Inc.

EXECUTIVE OFFICIAL REVIEWTitle of Document: LAND WITHDRAWAL 7.362 ACRES TUBA CITY, AZContact Name: KEETSO-BIGHORSE, GENEVIEVEProgram/Division: DIV. OF ECONOMIC DEVELOPMENTEmail: gkeetsobighorse@navajobusiness.comPhone Number: (928) 283-3013☒ **Business Site Lease**1. Division: EL 12-15-14 12-15-14 12-15-142. Office of the Controller: 12-15-14 12-15-14 12-15-14

(only if Procurement Clearance is not issued within 90 days of the initiation of the E.O. review)

3. Office of the Attorney General: 12-15-14 12-15-14 12-15-14

Sufficient Insufficient

☒☐☒☐☒☐

12-15-14

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

1. Division: _____ Date: _____

☐☐

2. Office of the Attorney General: _____ Date: _____

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

1. Office of Management and Budget: _____ Date: _____

☐☐

2. Office of the Controller: _____ Date: _____

☐☐

3. Office of the Attorney General: _____ Date: _____

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

1. NNEPA: _____ Date: _____

☐☐

2. Office of the Attorney General: _____ Date: _____

☐☐☐ **Lease Purchase Agreements**

1. Office of the Controller: _____ Date: _____

☐☐

(recommendation only)

2. Office of the Attorney General: _____ Date: _____

☐☐☐ **Grant Applications**

1. Office of Management and Budget: _____ Date: _____

☐☐

2. Office of the Controller: _____ Date: _____

☐☐

3. Office of the Attorney General: _____ Date: _____

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

1. Division: _____ Date: _____

☐☐

2. Office of the Attorney General: _____ Date: _____

☐☐☐ **Relinquishment of Navajo Membership**

1. Land Department: _____ Date: _____

☐☐

2. Elections: _____ Date: _____

☐☐

3. Office of the Attorney General: _____ Date: _____

☐☐

			Sufficient	Insufficient
<input type="checkbox"/>	Land Withdrawal or Relinquishment for Commercial Purposes			
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"/>	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"/>
<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"/>
<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"/>
<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"/>
<input type="checkbox"/>	ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)			
1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input 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"/>



☒ RESUBMITTAL
(Dec. 2014)

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



2012

DOJ	
12/18/14	249p
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	003117
SAS #:	
UNIT:	ECDU

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

CLIENT TO COMPLETE

DATE OF REQUEST:	12/18/2014	DIVISION:	Economic Development
CONTACT NAME:	Genvieve Keetso-Bighorse	DEPARTMENT:	Western RBDO
PHONE NUMBER:	928-283-3013	E-MAIL:	gkeetsobighorse@navajobusiness.com

TITLE OF DOCUMENT: RESUB: Recommending a Land withdrawal in Tuba City, Arizona

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	12/18/14 @ 4:20 pm	REVIEWING ATTORNEY/ADVOCATE:	Karis Begaye
DATE TIME OUT OF UNIT:			

DOJ ATTORNEY / ADVOCATE COMMENTS

Lyng Sub

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Karis Begaye	12/18/14 11:45	Pod Begay	1-5-15

DOJ Secretary Called: Begaye for Document Pick Up on 1/5/15 at 10:00 AM By: AH

PICKED UP BY: (Print) DATE / TIME:

NNDOJ/DRRF-July 2013



RECEIVED

JAN 09 2015

Western Regional
Business Development Office



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



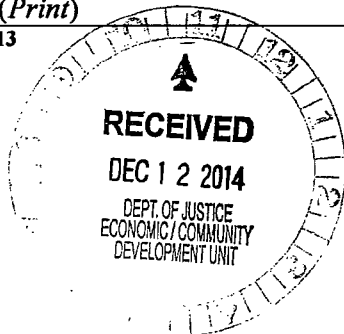
☐ RESUBMITTAL

DOJ	
12/11/14	4324
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	003117
SAS #:	
UNIT:	ECDU

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	11/21/2014	DIVISION:	Economic Development
CONTACT NAME:	Genevieve Keetso-Bighorse	DEPARTMENT:	Western RBDO
PHONE NUMBER:	(928) 283-3013	E-MAIL:	gkeetsobighorse@navajobusiness.com
TITLE OF DOCUMENT: <i>Recommending a Land Withdrawal in Tuba City, Arizona.</i>			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	REVIEWING ATTORNEY/ADVOCATE:		
12-12-14 @ 10:45am	Karis		
DATE TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
<i>See memo, not fully sufficient</i>			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Karis Begay	12-12-14 2:33pm	D. Begay	12-15-14 3:00p
DOJ Secretary Called: <i>[Signature]</i> for Document Review on 12/15/14 at 3:00p By: <i>[Signature]</i>			
PICKED UP BY: (Print)		DATE / TIME:	

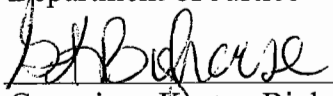
NNDJ/DRRF-July 2013

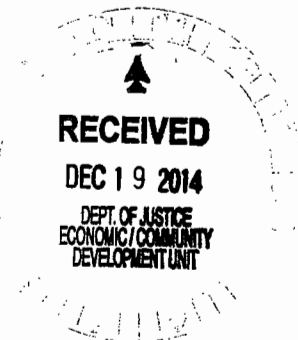




MEMORANDUM

TO: Karis Begaye, Attorney
Economic Development Unit
Department of Justice

FROM: 
Genevieve Keetso-Bighorse, EDS
Western Regional Business Development Office
Division of Economic Development



DATE: December 17, 2014

SUBJECT: Document No. 003117: Recommending a Land Withdrawal in Tuba City, AZ.

Our office received your memorandum dated December 15, 2014 regarding the above subject. Per your comments on the above subject, an amended Resolution of ToNaneesDizi Local Government was passed. This amended Resolution reflects the changed on the land acreage of 7.362 for the land withdrawal. Attached is the amended Chapter Resolution for resubmittal and your review.

Your prompt review and surname on the Land Withdrawal is appreciated. If you have any questions, call me at (928) 283-3013.

Attachment



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

HARRISON TSOSIE
Attorney General

DANA BOBROFF
Deputy Attorney General

M E M O R A N D U M

TO: Genevieve Keetso-Bighorse, Economic Development Specialist
Western RBDO, Division of Economic Development

FROM:


Karis N. Begaye, Attorney
Economic/Community Development Unit, Dept. Of Justice

DATE: December 15, 2014

SUBJECT: **Document No. 003117: Recommending a Land Withdrawal in
Tuba City, AZ**

I have completed my review and have a comment. The resolution by the Chapter is for 7.18 acres, but the actual land withdrawal is for 7.32 acres. While this seems minor, in acreage, the Chapter resolution and the land withdrawn should reflect the same amount. To the least, the Chapter resolution should never have an amount less than the actual withdrawal by the Navajo Nation Council.

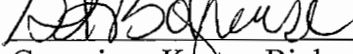
As such, this package is not legally sufficient. If there are any questions, please do not hesitate to call me. Thank you.

KNB/ah/210



MEMORANDUM

TO: Resource and Development Committee

FROM: 
Genevieve Keetso-Bighorse, EDS
Western Regional Business Development Office
Division of Economic Development

DATE: February 11, 2015

SUBJECT: Doc. # 003117: Recommending a Land Withdrawal in Tuba City, Arizona

This memorandum is a summary on the above subject. This package is for a land withdrawal of 7.362 acres in Tuba City, Arizona. This land withdrawal is necessary so Dine Bii Association for Disabled Citizens can apply for a business site lease.

According to the Navajo Nation Business Site Lease Management Plan, New Lease section 4.1 indicates the following "Chapter resolution/Land Consent – required when land is initially being withdrawn for commercial purpose. Due to the above information, the land must be withdrawn; thereafter a Lease can be issue for the 7.362.0 acre.

Your favorable consideration and approval of the land withdrawal will be appreciated. If you have any questions, call me at (928) 283-3013.

**Land Withdrawal
7.362 Acres
Tuba City, Arizona**

Executive Summary

- 2. Memorandum – Summary dated November 21, 2014**
- 2. Land Survey**
- 3. Navajo Nation Historic Preservation Department
Cultural Resources Compliance Form**
- 4. Navajo Nation Fish & Wildlife
Biological Resources Compliance Form**
- 5. NN Environmental Protection Agency
Office of Environmental Review**



February 11, 2015

Delegate Walter Phelps
Cameron, Coalmine Mesa, Leupp,
Tolani Lake, Birdsprings Chapters
Window Rock, Arizona 86515

Dear Mr. Phelps:

Enclosed please find Document #: 003117 (Land Withdrawal). This letter is a request to you to sponsor Document #: 003117 for Western Regional Business Development Office. This is a land withdrawal for 7.362 acres in Tuba City, Arizona. The land withdrawal is for commercial purpose. After the land withdrawal, a business site lease will issue to Dine Bii Association for Disabled Citizens.

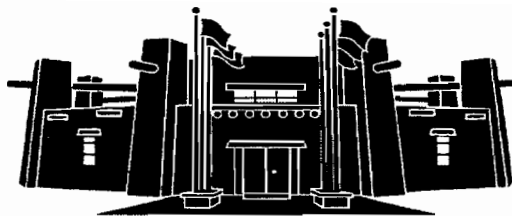
Your cooperation and assistance to sponsor Document #: 003117 is appreciated. If you have any questions, please call me at (928) 283-3013.

Sincerely,

A handwritten signature in black ink, appearing to read "Genevieve Keetso-Bighorse".

Genevieve Keetso-Bighorse
Economic Development Specialist

Enclosure



MEMORANDUM

TO: Honorable Walter Phelps
Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters

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

DATE: March 27, 2015

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION
RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE WITHDRAWAL OF 7.362 ACRES, MORE OR LESS, OF
NAVAJO NATION TRUST LAND FOR COMMERCIAL PURPOSES IN THE
VICINITY OF TONANEESDIZI CHAPTER, NAVAJO NATION (COCONINO
COUNTY, ARIZONA)

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

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

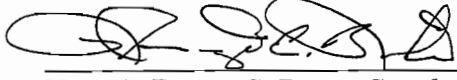
Thank you for your service to the Navajo Nation.



April 7, 2015

MEMORANDUM

TO : *Honorable Members*
Resources and Development Committee

FROM :  4-9-15
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

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

Legislation No. 0117-15

**RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE WITHDRAWAL OF 7.362 ACRES, MORE OR LESS, OF NAVAJO
NATION TRUST LAND FOR COMMERCIAL PURPOSES IN THE VICINITY OF
TONANEESDIZI CHAPTER, NAVAJO NATION (COCONINO COUNTY, ARIZONA).**

As the Committee assigned to consider the legislation, Legislation No. 0117-15 must be placed on the Resources and Development Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0117-15

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0117-15_____

SPONSOR: Walter Phelps

TITLE: An Action Relating The Resources And Development Committee; Approving The Withdrawal Of 7.362 Acres, More Or Less, Of Navajo Nation Trust Land For Commercial Purposes In The Vicinity Of Tonaneesdizi Chapter, Navajo Nation (Coconino County, Arizona)

Date posted: April 9, 2015 at 2:30pm

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

Written comments may be mailed to:

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

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

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0117-15

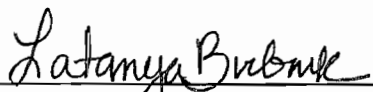
SPONSOR: Honorable Walter Phelps

TITLE: Relating To Resources And Development Committee; Approving The Withdrawal Of 7.362 Acres, More Or Less, Of Navajo Nation Trust Land For Commercial Purposes In The Vicinity Of Tonaneesdizi Chapter, Navajo Nation (Coconino County, Arizona).

Posted: April 9, 2015 at 2:30pm

5 DAY Comment Period Ended: April 14, 2015

Digital Comments received: *No comments were received.*



Policy Analyst
Office of Legislative Services

4.15.15 8:54am

Date/Time