

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE EXTENSION
OF A 6-5/8 INCH DIAMETER NATURAL GAS PIPELINE RIGHTS-OF-WAY FOR
BENSON-MONTIN-GREER DRILLING CORPORATION**

BE IT ENACTED.

Section One. Findings

A. 2 N.N.C. Section 501 (B)(2) authorizes the Resources and Development Committee of the Navajo Nation Council to approve right-of-ways on the Navajo Nation; and

B. Benson-Montin-Greer Drilling Corporation has submitted an application for the extension of a 6-5/8 inch diameter natural gas pipeline right-of-way and a Meter Station shown in Exhibit A; and

C. The right-of-way is 37,709.34 long and 30 feet wide and the Gas Meter Site consists of 0.68 acre. The maps and legal description are shown in Exhibit B; and

D. The right-of-way was initially by Resources Committee Resolution No. RCF-33-95 on February 23, 1995, attached as Exhibit C. It was approved for transportation of crude oil; and

E. The Resources Committee, by Resolution No. RCAP-28-02, attached as Exhibit D dated April 25, 2002, authorized a change in use to transport natural gas; and

F. It is an existing right-of-way and there will not be any surface disturbance except for routine maintenance which will be contained within the right-of-way premises; and

G. All environmental and archaeological clearances are in place.

Section Two. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the extension of a 6-5/8 inch diameter natural gas pipeline right-of-way including a 0.68 acre Gas Meter Site shown in Exhibit B; and

B. Benson-Montin-Greer Drilling Corporation shall abide by the terms and conditions stipulated in Exhibit E.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 3rd day of November, 2015.

A handwritten signature in black ink, appearing to read 'Davis Filfred', with a long horizontal stroke extending to the right.

Davis Filfred, Pro Temp Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Davis Filfred



EXHIBIT A

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT Benson-Montin-Greer Drilling Corporation, 4900 College Blvd. Farmington, NM 87402 of this 18th day of November, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a 20 (twenty) year right-of-way for the following purposes and reasons:

Continued operation and maintenance a 6 5/8 inch O.D. welded steel natural gas pipeline and ancillary facilities for the transportation of natural gas. Pipeline currently operates under Right-of-Way Reference No. E-NM-95-11a (Bisti Pipeline).

Across the following described **Navajo Tribal Trust Lands** (easement description):

SW/4 Sec. 3, T. 24 N., R. 9 W.; (2833.04' – 171.70 rods)
SE/4 Sec. 4, T. 24 N., R. 9 W.; (2709.72' – 164.23 rods)
W/2 Sec. 1, T. 25 N., R. 11 W.; (3019.26' – 182.99 rods)
NE/4 Sec. 2, T. 25 N., R. 11 W.; (2882.76' – 174.71 rods)
NE/4 Sec. 6, T. 25 N., R. 10 W.; (3037.82' – 184.11 rods)
N/2 & SE/4 Sec. 26, T. 26. N. R. 12 W.; (4842.92' – 293.51 rods)

All N.M.P.M., San Juan County, NM

Across the following described **Navajo Indian Irrigation Project (NIIP) Lands** (easement description):

Pipeline:

SE/4 Sec. 17, T. 26. N., R. 12 W. & NE/4 Sec. 20, T. 26. N., R. 12 W.; (2035.51' – 123.36 rods)
N/2 Sec. 21, T. 26. N., R. 12 W.; (5950.06' – 360.61 rods)
N/2 Sec. 22, T. 26. N. R. 12. W.; (5318.18' – 322.31 rods)
W/2 Sec. 23, T. 26. N. R. 12 W.; (5080.07' – 307.88 rods)

Meter Station Site:

SE/4 Sec. 17, T. 26 N., R. 12 W.; (209.96' x 180.10' – 0.68 acres)

All N.M.P.M., San Juan County, NM

Said right-of-way across Tribal Trust Lands to be approximately 37,709.34 feet in length, 30 feet in width, and 26.65 in acres, as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or

use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.

4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

DATE Nov 18, 2014 APPLICANT Mark Omiad PRESIDENT

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTE PAPERS

I, Matt Diamond, solemnly swear that Mike Diamond was on the 29 day of Oct, 2014, duly qualified and acting as Vice-President of Benson-Montin-Greer Drilling Corporation, on which day he executed a Right-of-Way Application for and in behalf of said corporation, covering certain Navajo Tribal Trust Indian lands in the State of New Mexico; that he was fully empowered to execute said instrument and all papers in connection therewith, and that here action in executing the same binds the said corporation to full performance of all obligations thereunder.

This 29 day of October, 2014

Matt Diamond
Name: Matt Diamond

Title: President, Benton-Montin-Greer Drilling Corp

Subscribed and sworn to before me this 29th day of October, 2014

(Signed)

Lynda McQuinn

Notary - State of N.M.
(Title)

Commission Expires: 5/30/2017



REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.

TRIBAL TRUST
BENSON-MONTIN-GREER (OIL PIPELINE)
N/2 SEC.21, T.26 N., R.12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

EXHIBIT

B

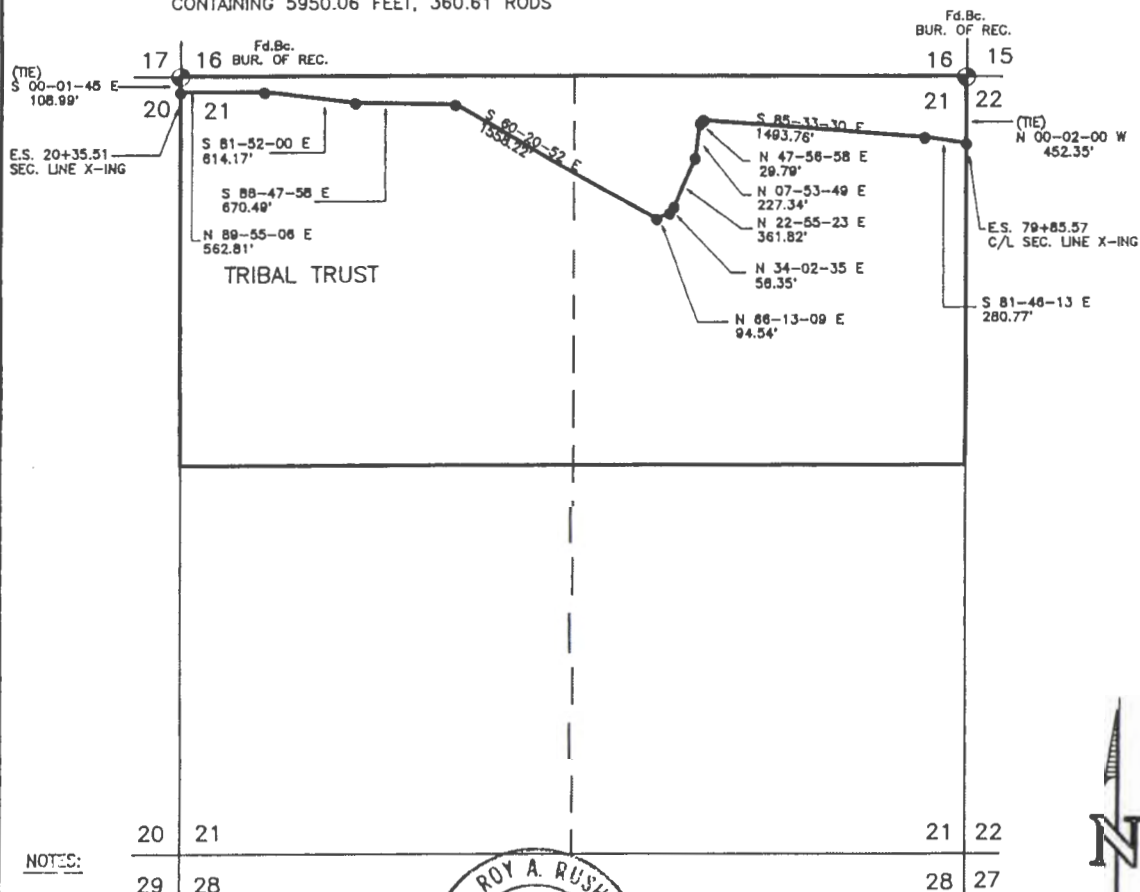
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 21, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 21, THENCE S 00-01-45 A DISTANCE OF 108.99 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 21.

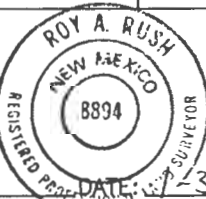
THENCE: N 89-55-06 E A DISTANCE OF 562.81 FEET;
THENCE: S 82-51-00 E A DISTANCE OF 614.17 FEET;
THENCE: S 88-47-58 E A DISTANCE OF 670.49 FEET;
THENCE: S 60-20-52 E A DISTANCE OF 1558.22 FEET;
THENCE: N 66-13-09 E A DISTANCE OF 94.54 FEET;
THENCE: N 34-02-35 E A DISTANCE OF 56.35 FEET;
THENCE: N 22-55-23 E A DISTANCE OF 361.82 FEET;
THENCE: N 07-53-49 E A DISTANCE OF 227.34 FEET;
THENCE: N 47-56-58 E A DISTANCE OF 29.79 FEET;
THENCE: S 85-33-30 E A DISTANCE OF 1493.76 FEET;
THENCE: S 81-46-13 E A DISTANCE OF 280.77 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 21. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 21 BEARS N 00-02-00 W A DISTANCE OF 452.35 FEET.

CONTAINING 5950.06 FEET, 360.61 RODS



NOTES:

1. BASIS OF BEARING: G.L.O. RECORD BEARING -
2. S MEASURED BETWEEN THE SE COR. & THE
3. 1/4 COR. OF SECTION 15, BOTH BEING FOUND
4. BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M.,
5. SAN JUAN COUNTY, NEW MEXICO.
6. BEARS: N 89-56 W



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

EXHIBIT "B"

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

N/2 SEC.22, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

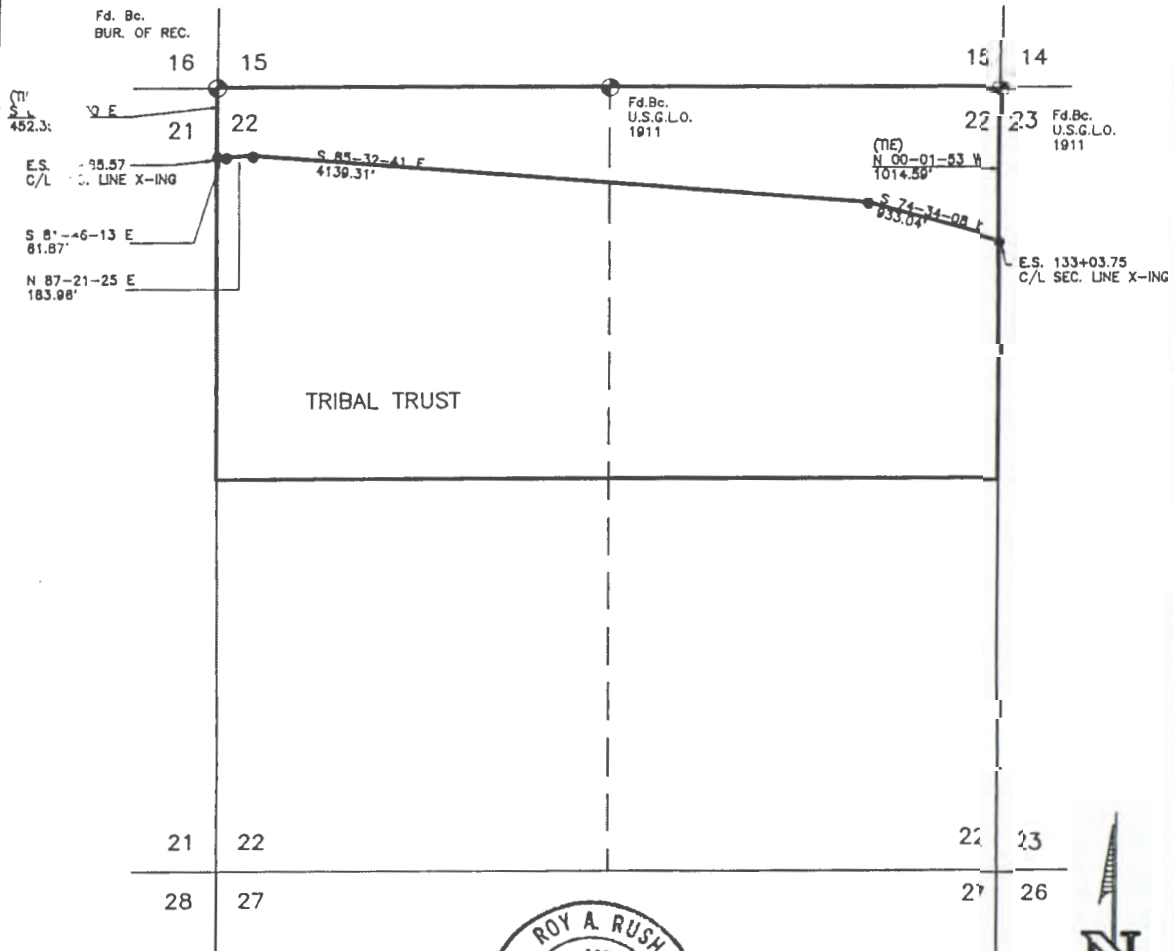
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 22, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 22, THENCE S 00-02-00 E A DISTANCE OF 452.35 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 22.

THENCE: S 81-46-13 E A DISTANCE OF 61.87 FEET;
THENCE: N 87-21-25 E A DISTANCE OF 183.96 FEET;
THENCE: S 85-32-41 E A DISTANCE OF 4139.31 FEET;
THENCE: S 74-34-08 E A DISTANCE OF 933.04 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 22. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 22 BEARS N 00-01-53 W A DISTANCE OF 1014.59 FEET.

CONTAINING 5318.18 FEET, 322.31 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING--AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS N 89-58 W



DATE: 7-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

0 500 1000
SCALE: 1"=1000'

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

NE/4 SEC.2 T.25 N., R.11 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

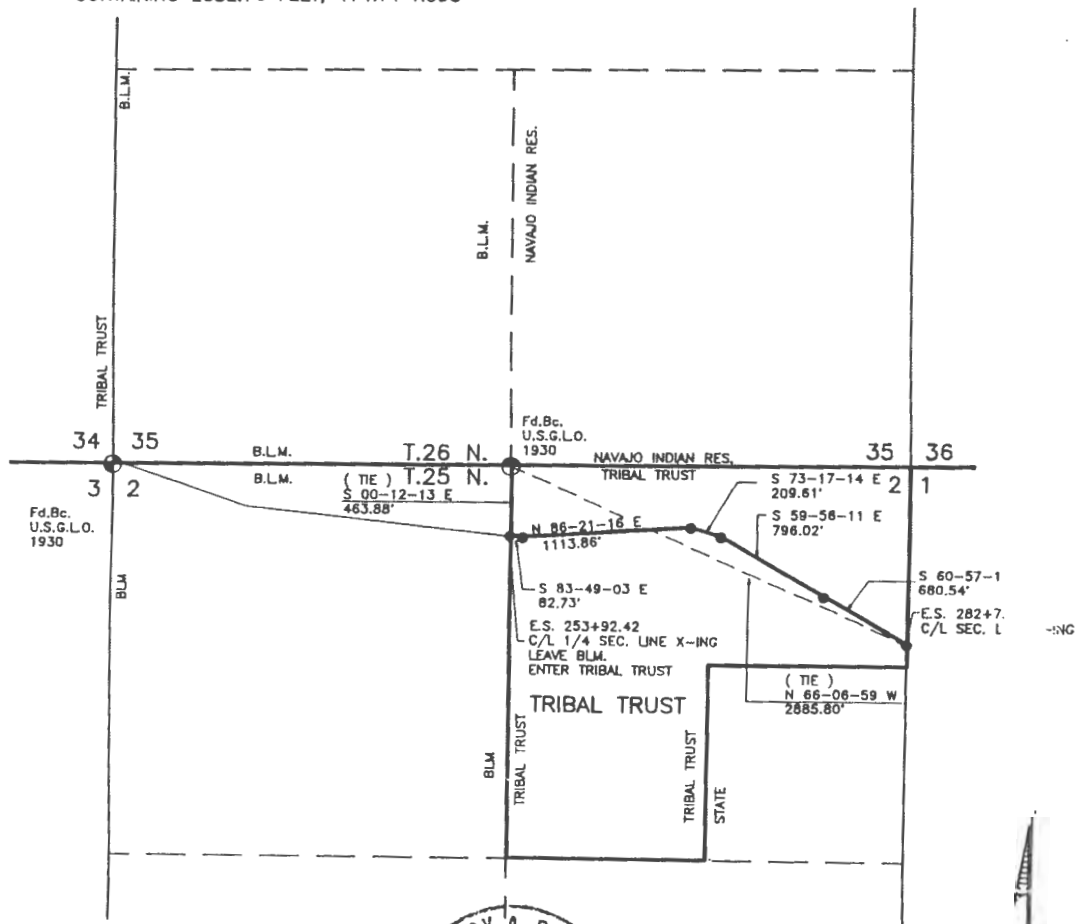
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 2, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2, THENCE S 00-12-13 E A DISTANCE OF 463.88 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2.

THENCE: S 83-49-03 E A DISTANCE OF 82.73 FEET;
THENCE: N 86-21-16 E A DISTANCE OF 1113.86 FEET;
THENCE: S 73-17-14 E A DISTANCE OF 209.61 FEET;
THENCE: S 59-56-11 E A DISTANCE OF 796.02 FEET;
THENCE: S 60-57-17 E A DISTANCE OF 680.54 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 2. WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 2 BEARS N 66-06-59 W A DISTANCE OF 2885.80 FEET.

CONTAINING 2882.76 FEET, 174.71 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING - AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SEC. 25 BOTH BEING FOUND BRASS CAPS. ALL AN T.26 N., R.12 W., N.M.P.M. SAN JUAN CO., N.M. BEAR'S NORTH



DATE: 2-7-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DESIGN	SUB	2/8/95	0	5	000
REVISION	REV. BY	DATE	SCALE		

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

NE/4 SEC.6, T.25 N., R.10 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

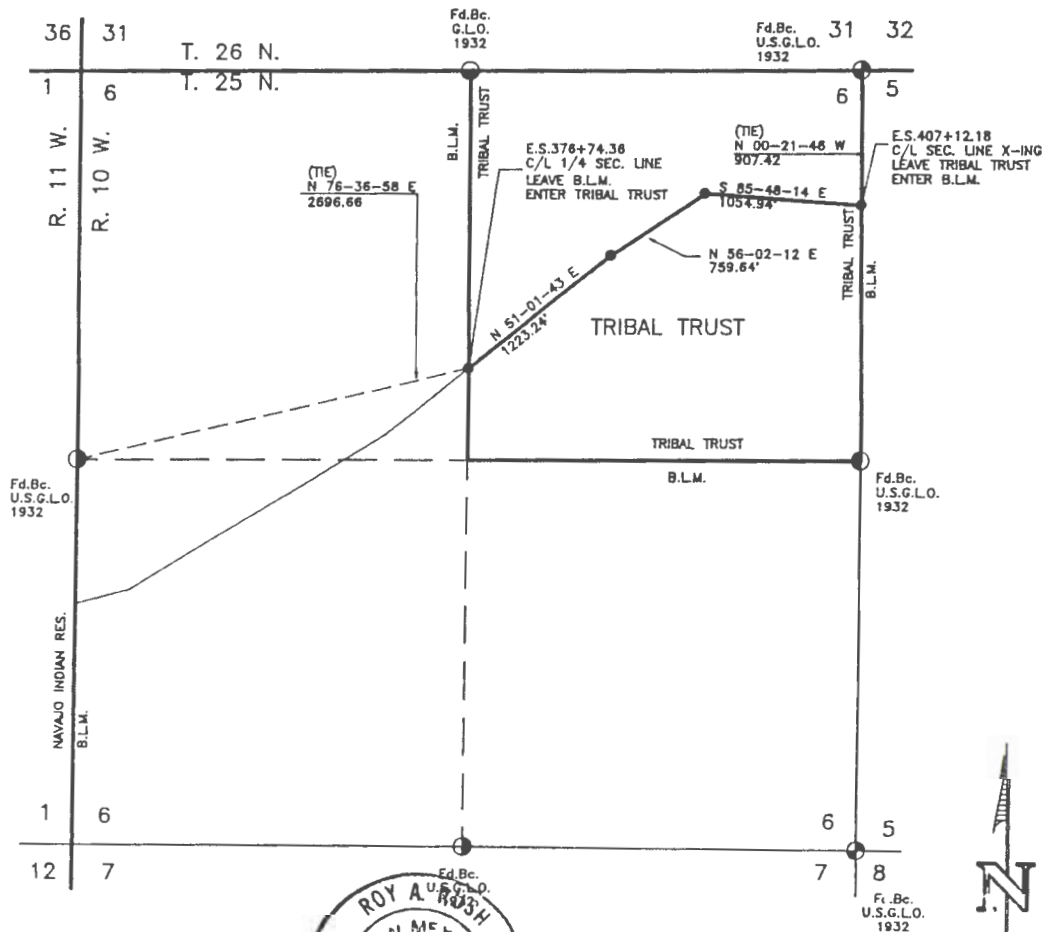
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 6, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION SIX (6), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, THENCE N 76-36-58 E A DISTANCE OF 2696.66 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6.

THENCE: N 51-01-43 E A DISTANCE OF 1223.24 FEET;
THENCE: N 56-02-12 E A DISTANCE OF 759.64 FEET;
THENCE: S 85-48-14 E A DISTANCE OF 1054.94 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 6. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 6 BEARS N 00-21-46 W A DISTANCE OF 907.42 FEET.

CONTAINING 3037.82 FEET, 184.11 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

SEC.1, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

FOR

A PIPELINE EASEMENT SITUATED IN THE WEST HALF (W/2) OF SECTION ONE (1), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. THENCE S 66-06-59 E A DISTANCE OF 2885.80 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SIAD SECTION 1.

THENCE: S 60-57-17 E A DISTANCE OF 991.19 FEET;
THENCE: N 77-20-41 E A DISTANCE OF 89.34 FEET;
THENCE: S 64-16-14 E A DISTANCE OF 540.67 FEET;
THENCE: S 31-25-54 E A DISTANCE OF 429.25 FEET;
THENCE: S 62-13-05 E A DISTANCE OF 410.44 FEET;
THENCE: S 52-42-39 E A DISTANCE OF 393.86 FEET;
THENCE: N 89-54-25 E A DISTANCE OF 164.51 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUATER
OF SAID SECTION 1. WHENCE THE EAST QUATER CORNER OF SAID SECTION 1
BEARS N 89-23-22 E A DISTANCE OF 2778.82 FEET.

F.d.Bc.
U.S.G.L.O.
1930

35 36 36 31

T. 26 N.
T. 25 N.

1 6

R. 11 W.
R. 10 W.

(TIE)
S 66-06-59 E
2885.80'

E.S. 202+75.18
C/L SEC. LINE X-ING

S 60-57-17 E
991.19'

N 77-20-41 E
89.34'

S 64-16-14 E
540.67'

S 31-25-54 E
429.25'

S 62-13-05 E
410.44'

S 52-42-39 E
393.86'

N 89-54-25 E
164.51'

E.S. 312+24.85
C/L 1/4 SEC. LINE
X-ING
LEAVE TRIBAL TRUST
ENTER ALLOTTED

E.S. 306+66.28 AHD.
E.S. 307+36.07 BK. EQUA.

B.L.M.
ALLOTTED

(TIE)
N 89-23-22 E
2778.82'

F.d.Bc.
U.S.G.L.O.
1932

ALLOTTED

TRIBAL TRUST

11 12 12 7

1.) S. OF BEARING: G.L.O. RECORD BEARING--
MEASURED BETWEEN THE E 1/4 & THE SE COR.
SECTION 25, BOTH BEING FOUND BRASS CAPS.
N.T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY,
NEW MEXICO
DIRECTIONS: NORTH



REVISION	REV. BY	DATE	SCALE: 1"=1000'
DAGGETT INC. 420 WEST ELM STREET FARMINGTON, NEW MEXICO 87401 (505) 326-1772 REGISTERED LAND SURVEYOR NEW MEXICO No.8894			

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

SEC.26, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

LEGAL DESCRIPTION

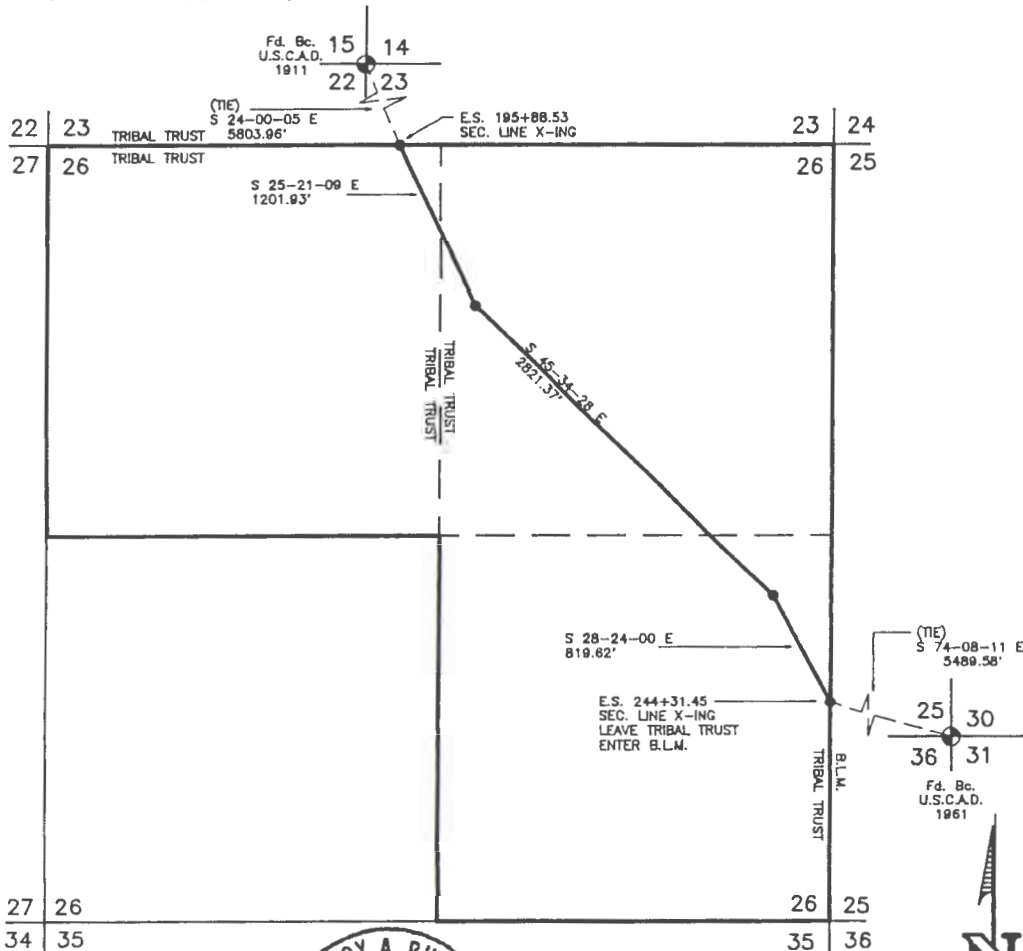
FOR
BISTI PIPELINE SURVEY
IN SECTION 26, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) AND THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. THENCE S 24-00-05 E A DISTANCE OF 5803.96 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF SAID SECTION 26.

THENCE: S 25-21-09 E A DISTANCE OF 1201.93 FEET;
THENCE: S 45-34-28 E A DISTANCE OF 2821.37 FEET;
THENCE: S 28-24-00 E A DISTANCE OF 819.62 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION, SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 26. WHENCE THE SOUTHEAST SECTION CORNER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEARS S 74-08-11 E A DISTANCE OF 5489.58 FEET.

CONTAINING 4842.92 FEET, 293.51 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING—AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-56° W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No.8894

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

SE/4 SEC.17, & NE/4 SEC.20, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

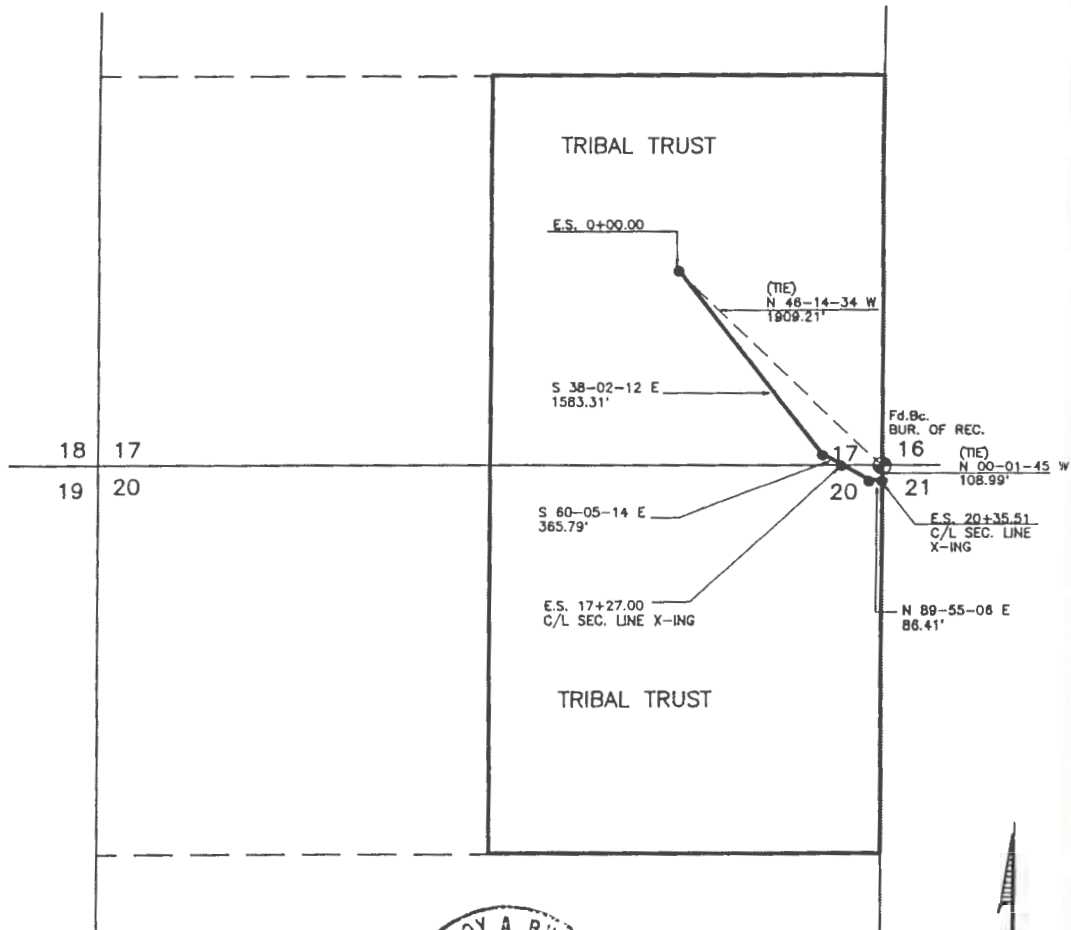
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 17, AND SECTION 20, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SEVENTEEN (17), AND THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY (20), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 17, THENCE N 46-14-34 W A DISTANCE OF 1909.21 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION.

THENCE: S 38-02-12 E A DISTANCE OF 1583.31 FEET;
THENCE: S 60-05-14 E A DISTANCE OF 365.79 FEET;
THENCE: N 89-55-06 E A DISTANCE OF 86.41 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF
SAID SECTION 20. WHENCE THE SOUTHEAST SECTION CORNER OF SAID SECTION 17
BEARS N 00-01-45 W A DISTANCE OF 108.99 FEET.

CONTAINING 2035.51 FEET, 123.36 RODS



NOTES:

1.) BASIS OF BEARING: G.L.O. RECORD BEARING--
AS MEASURED BETWEEN THE SE CORNER & THE
S 1/4 CORNER OF SECTION 15, BOTH BEING
FOUND BRASS CAPS, ALL IN T.26 N., R.12 W.,
N.M.P.M., SAN JUAN COUNTY, NEW MEXICO
BEARS N 89-56 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION | REV. BY | DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

**TRIBAL TRUST
BENSON-MONTIN-GREER
TANK BATTERY
SE 1/4 SEC.17, T.26 N., R.12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO**

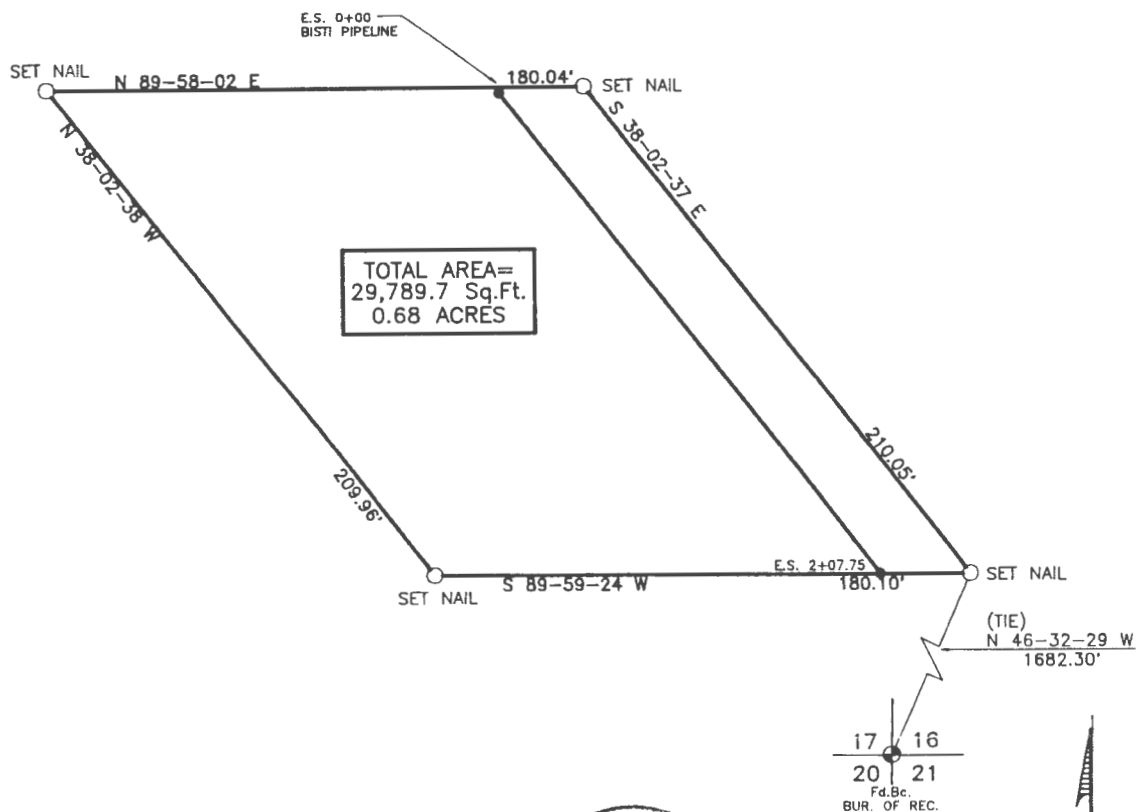
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 17, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SEVENTEEN (17), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE N 46-32-29 W A DISTANCE OF 1682.30 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION,

THENCE: S 89-59-24 W A DISTANCE OF 180.10 FEET;
THENCE: N 38-02-38 W A DISTANCE OF 209.96 FEET;
THENCE: N 89-58-02 E A DISTANCE OF 180.04 FEET;
THENCE: S 38-02-37 E A DISTANCE OF 210.05 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION.

PARCEL CONTAINS 29,789.7 Sq. FEET, OR 0.68 ACRES MORE OR LESS.



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING - AS MEASURED BETWEEN THE SE COR. & THE S 1/4 COR. OF SEC.15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-56 W



DATE: 2-6-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No.8894

0 500
SCALE: 1"=1000'



TRIBAL TRUST
BENSON-MONTIN-GREER (OIL PIPELINE)
SE/4 SEC.4, T.24 N., R.9 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

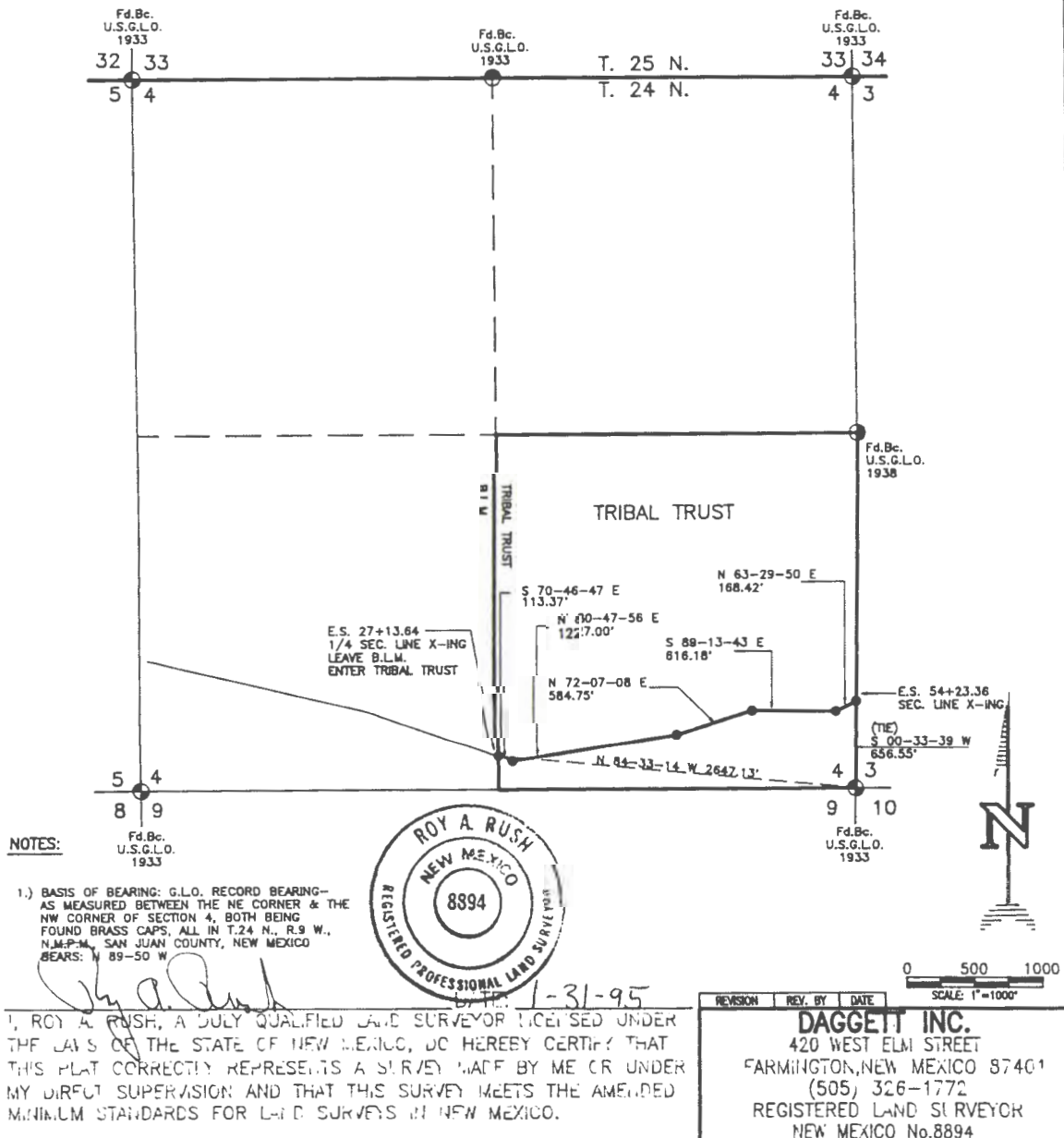
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 4, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION FOUR (4), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 4, THENCE N 84-33-14 W A DISTANCE OF 2647.13 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4.

THENCE: S 70-46-47 E A DISTANCE OF 113.37 FEET;
THENCE: N 80-47-56 E A DISTANCE OF 1227.00 FEET;
THENCE: N 72-07-08 E A DISTANCE OF 584.75 FEET;
THENCE: S 89-13-43 E A DISTANCE OF 616.18 FEET;
THENCE: N 63-29-50 E A DISTANCE OF 168.42 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE WEST LINE OF
SAID SECTION 4. WHENCE THE SOUTHEAST SECTION CORNER OF SAID SECTION 4
BEARS S 00-33-39 W A DISTANCE OF 656.55 FEET.

CONTAINING 2709.72 FEET, 164.23 RODS



TRIBAL TRUST
BENSON-MONTIN-GREER (OIL PIPELINE)
SW/4 SEC.3, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

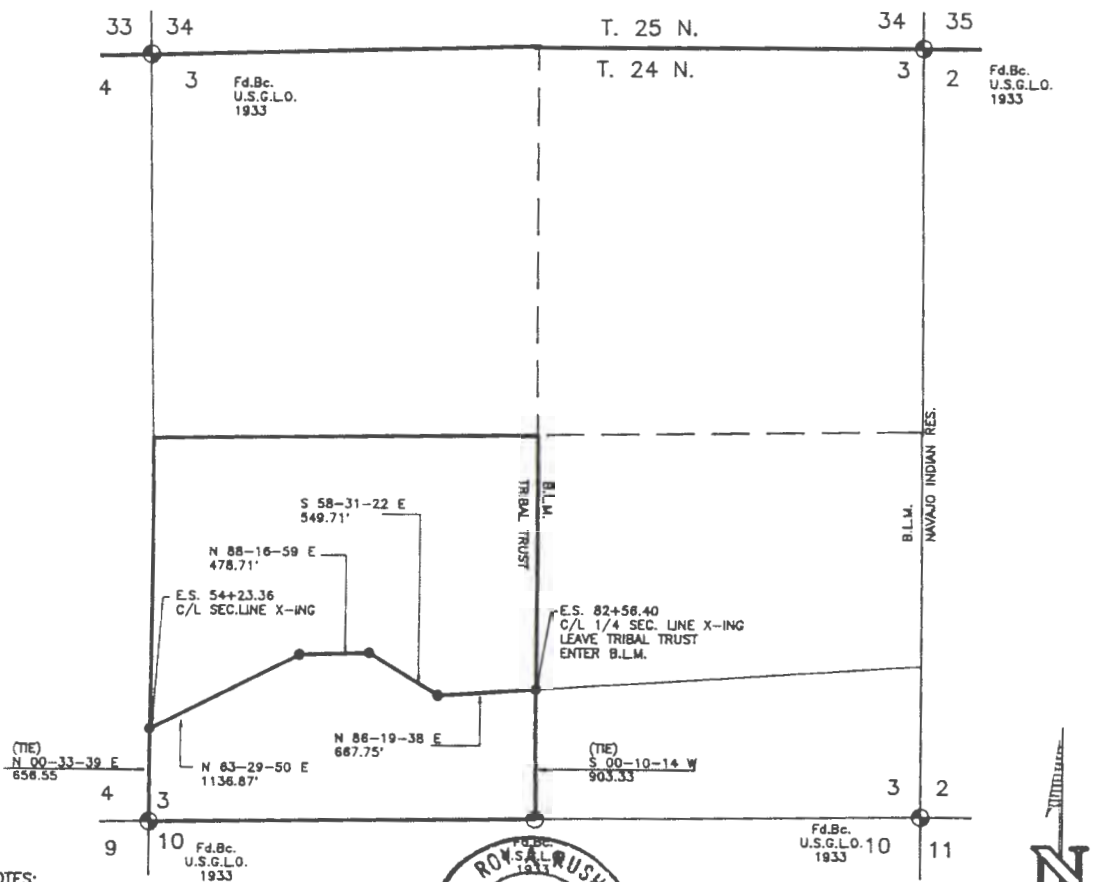
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 3, T.24 N., R.19 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION THREE (3), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 3, THENCE N 00-33-39 E A DISTANCE OF 656.55 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SECTION 3.

THENCE: N 63-29-50 E A DISTANCE OF 1136.87 FEET;
 THENCE: N 88-16-59 E A DISTANCE OF 478.71 FEET;
 THENCE: S 58-31-22 E A DISTANCE OF 549.71 FEET;
 THENCE: N 86-19-38 E A DISTANCE OF 667.75 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHEAST QUATER OF SAID SECTION 3. WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 3 BEARS S 00-10-14 W A DISTANCE OF 903.33 FEET.

CONTAINING 2833.04 FEET, 171.70 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE NE COR. & THE NW COR. OF SECTION 4, BOTH BEING FOUND BRASS CAPS, ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-50 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
 420 WEST ELM STREET
 FARMINGTON, NEW MEXICO 87401
 (505) 326-1772
 REGISTERED LAND SURVEYOR
 NEW MEXICO No. 8894

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

W/2 SEC.23, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

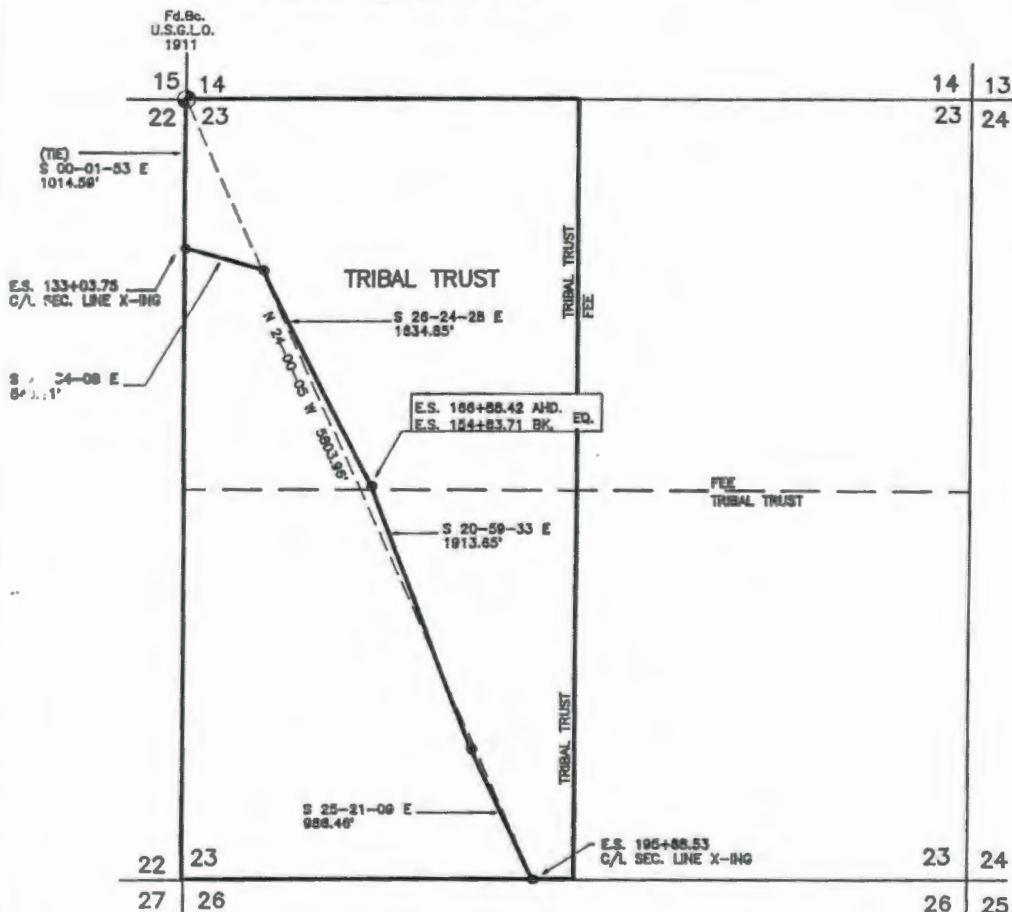
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 23, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE WEST HALF (W/2) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 23, THENCE S 00-01-53 E A DISTANCE OF 1014.59 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 23.

THENCE: S 74-34-08 E A DISTANCE OF 545.11 FEET;
THENCE: S 26-24-28 E A DISTANCE OF 1634.85 FEET;
THENCE: S 20-59-33 E A DISTANCE OF 1913.65 FEET;
THENCE: S 25-21-09 E A DISTANCE OF 986.46 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION, SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF SAID SECTION 23. WHENCE THE NORTHWEST SECTION CORNER OF SAID SECTION 23 BEARS N 24-00-05 W A DISTANCE OF 5803.96 FEET.

CONTAINING 5080.07 FEET, 307.68 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND-BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-58 W



DATE: 1-31-95

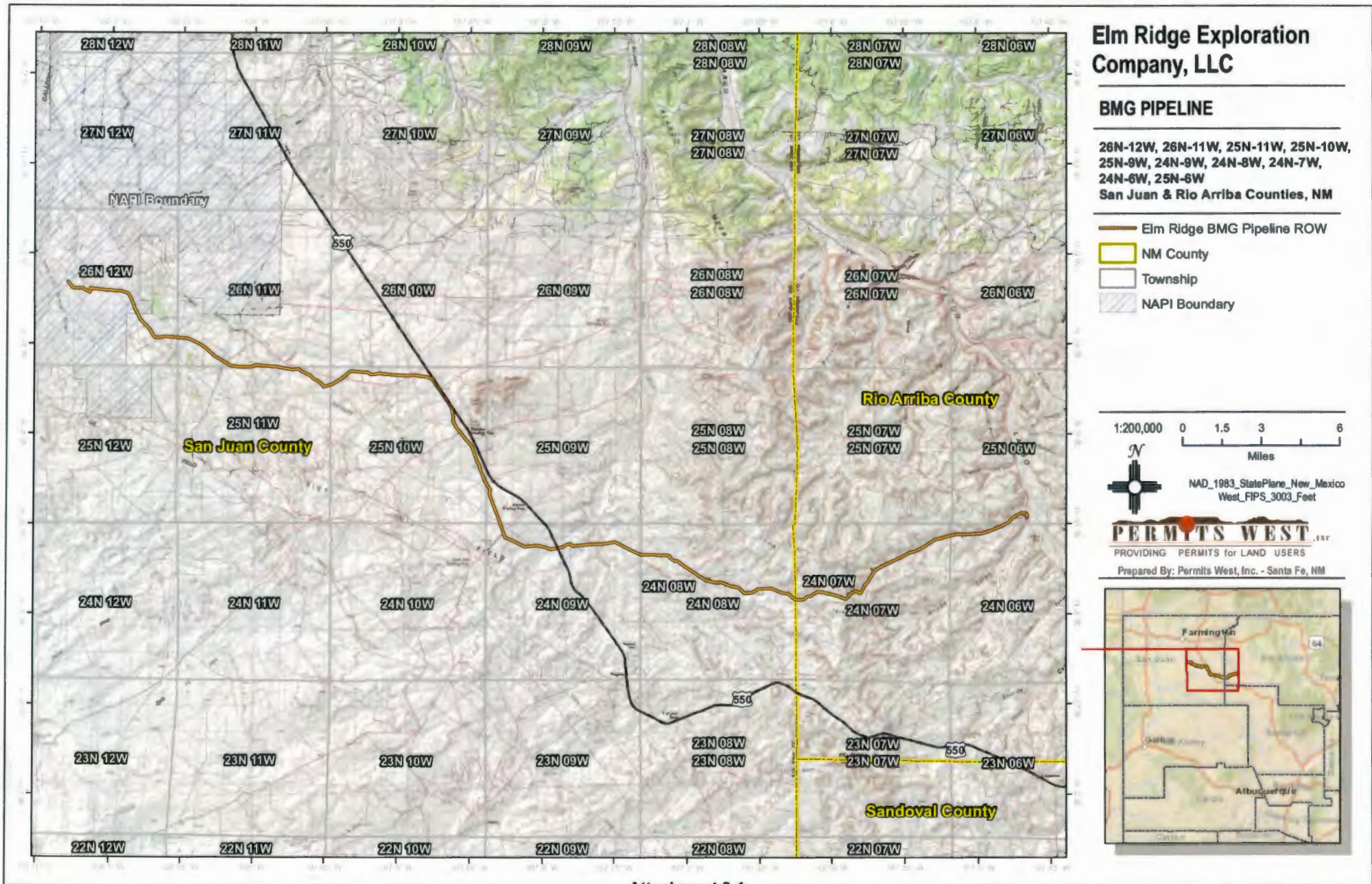
I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

0 500 1000
SCALE: 1"=1000'



Exhibit B



RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving the Grant of Right-of-Way to Benson-Montin-Greer
Drilling Corp. to Build, Operate and Maintain a 6-5/8" O.D.
Buried Welded Steel Crude Oil Pipeline and Ancillary
Facilities On, Over and Across Navajo Tribal Trust Lands
in the Huerfano and Nageezi Chapters, San Juan County,
State of New Mexico

WHEREAS:

1. Pursuant to 2 N.T.C., Section 695 (b) (2), the Resources Committee of the Navajo Nation Council has been delegated the authority to give final approval of rights-of-way on Navajo land in accordance with applicable federal and Navajo Nation laws; and

2. Benson-Montin-Greer Drilling Corp., a Delaware corporation, having a principal place of business at 221 Petroleum Center Building, Farmington, New Mexico 87401, has submitted a right-of-way application, attached hereto as Exhibit "A", to build, operate and maintain a 6-5/8" O.D. buried welded steel crude oil pipeline and ancillary facilities on, over and across Navajo Tribal Trust lands within San Juan County, New Mexico; and

3. The proposed right-of-way consists of a 37,709.32' long by 30' wide easement (25.97 acres) for a 6-5/8" O.D. buried welded steel crude oil pipeline, 180' x 210' tank battery site (0.68 acre), and other ancillary facilities contained within the preceding; for a total of 26.65 acres, more or less, of Navajo Tribal Trust lands within Sections 17, 20, 21, 22, 23, & 26, Township 26 North, Range 12 West; Sections 1 & 2, Township 25 North, Range 11 West; Section 6, Township 25 North, Range 10 West; and Sections 3 & 4, Township 24 North, Range 9 West; all NMPM, San Juan County, New Mexico. There will also be a 30' (15' on each side) wide temporary use area (TUA) for the entire length of the pipeline for 25.97 acres. There will be another 30 site-specific TUAs which will range in width from 25' to 100' for 11.708 acres. Total area to be used is 64.328 acres (26.65 ac. right-of-way + 25.97 ac. linear TUA + 11.708 ac. site-specific TUA). The location is more particularly described on the maps marked as Exhibit "B", attached hereto and made a part hereof; and

4. The Eastern Navajo Land Office within the Navajo Land Department has obtained the necessary consents from the affected land users (grazing permittees), attached hereto and made a part hereof as Exhibit "C"; and

5. All environmental and archaeological studies have been completed and have received appropriate clearances.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby approves the grant of a right-of-way to Benson-Montin-Greer Drilling Corp. to build, operate and maintain a 6-5/8" O.D. buried welded steel crude oil pipeline and ancillary facilities on, over and across Navajo Tribal Trust lands near Huerfano and Nageezi within San Juan County, New Mexico. Said right-of-way across Tribal Trust lands is more particularly described on the maps marked as Exhibit "B", attached hereto and made a part hereof.

2. Waiver of damages is specifically not exempt and the grantee shall be responsible for and promptly pay for all such damages when they are sustained.

3. The Resources Committee of the Navajo Nation Council hereby grants a right-of-way to Benson-Montin-Greer Drilling Corp., subject to, but not limited to, the following conditions:

- a) The grantee shall comply with all applicable Federal and Tribal antiquities laws and regulations; and
- b) The grantee shall comply with all applicable regulations contained in Title 25 Code of Federal Regulations, Part 169; and
- c) The grantee shall comply with all applicable laws of the Navajo Nation, including, but not limited to, Preference in Employment and Business laws, Navajo Tax Code and Rules and Regulations of the Navajo Commerce Department; and
- d) The grantee shall comply with all provisions of restoration and revegetation plans which may be required and shall notify the Director of the Environmental Protection Administration immediately upon completion of construction so that a site inspection can be made; and
- e) The grantee shall be responsible for and promptly pay all damages when they are sustained; and
- f) The term of the right-of-way and the tank battery site shall be for twenty (20) years, effective the date of its approval by the Resources Committee of the Navajo Nation Council; and
- g) The consideration for the tank battery site and pipeline right-of-way is assessed at \$357,276.00 for a 20-year term. Benson-Montin-Greer Drilling Corp. shall pay \$357,276.00 to the Navajo Nation within five (5) days of approval of the right-of-way by the Navajo Nation for the 20-year term; and

- h) The term of the temporary use area (TUAs) shall be one (1) year effective the date of approval of the right-of-way by the Navajo Nation. The consideration for the TUAs is assessed at \$7,848.00 and is payable to the Navajo Nation within five (5) days of approval of the right-of-way by the Navajo Nation; and
- i) The assignment of the right-of-way is subject to the Nation's prior written approval; and
- j) The Resources Committee of the Navajo Nation Council may cancel this right-of-way for violation of the terms stated herein; and
- k) The right-of-way should be terminable in whole or in part by the Navajo Nation for any of the following causes upon 30 days written notice and failure of the company to cure the basis of termination within said notice period:
 - (i) Failure to comply with any terms or conditions of the grant or applicable regulations.
 - (ii) A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period.
 - (iii) An abandonment of the right-of-way.
- l) A physical expansion of the system shall require the approval of the Navajo Nation.

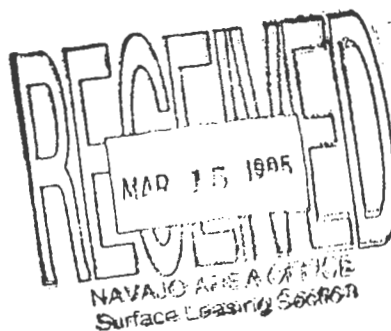
C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 23rd day of February, 1995.



George Arthur, Chairperson
Resources Committee

Motion: Elmer Milford
Second: Jones Begay





THE NAVAJO NATION

P. O. BOX 308 • WINDOW ROCK, ARIZONA 86515 • (602) 871-4941

PETERSON ZAH
PRESIDENT

P. O. Box #948
Crownpoint, New Mexico 87313
September 01, 1994

MARSHALL PLUMMER
VICE PRESIDENT

PERMITS WEST, INC.
ATTN: Brian Wood, Consultant
37 Verano Loop
Santa Fe, New Mexico 87505

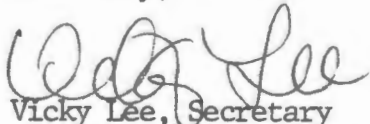
Dear Mr. Wood:

Finally, enclosed are copies of the tribal consent for the permittees that will be affected by the proposed oil pipeline for BENSON-MONTIN-GREER DRILLING CORPORATION in Huerfano area. They are as follows:

<u>RANGE UNIT #15</u>	<u>AMOUNT</u>
1. Christine Smith,	\$8,779.58
<u>RANGE UNIT #14</u>	
2. Harold Castiano, Sr.,	\$1,111.20
3. Henry Castiano,	\$1,111.20
4. Teddy Castiano, C#	\$1,111.20
5. Stanley Greyeyes, C#	\$1,111.20
<u>RANGE UNIT #01</u>	
6. Mabel Werito, C#	\$1,610.96
7. Fred Eaton, Sr., C#	\$1,610.96
<u>RANGE UNIT #03</u>	
8. Bernie White, C#	\$1,528.71
9. Dorothy Wero, C#	\$1,528.71
<u>RANGE UNIT #04</u>	
10. James Charley, C#	\$3,202.33

Your processing the above compensation checks as soon as possible will be greatly appreciated, thank you.

Sincerely,


Vicky Lee, Secretary
EASTERN NAVAJO LAND OFFICE

Enclosures

EXHIBIT "C"



THE NAVAJO NATION

P. O. BOX 308 • WINDOW ROCK, ARIZONA 86515 • (602) 871-4941

PETERSON ZAH
PRESIDENT

MARSHALL PLUMMER
VICE PRESIDENT

P. O. Box #948
Crownpoint, New Mexico 87313
August 29, 1994

Indian Minerals Office
1400 LaPlata Highway
Farmington, New Mexico 87499

RE: Pipeline Right-of-Way of
37,709.32(±) feet

Dear Sir/Madam:

This is to inform you that the Eastern Navajo Land Office has obtain the required consents from the affected land users/grazing permittees who will be affected by Benson/Montin/Greer Drilling Company's proposed to construct a 6" crude oil pipeline right-of-way of 37,709.32(±) and ancillary facilities (tank battery site). The proposed tank battery site will be situated within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17. The oil pipeline will be commencing from the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, continues onto the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, continues onto the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 21, continues onto the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 22, continues onto the W $\frac{1}{2}$ of Section 23, continues onto the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 26 North, Range 12 West, continues onto the NE $\frac{1}{4}$ of Section 2, continues onto the NW $\frac{1}{4}$ of Section 1, Township 25 North, Range 11 West, continues onto the NE $\frac{1}{4}$ of Section 6, Township 25 North, Range 10 West, continues onto the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4, and continues onto the SW $\frac{1}{4}$ of Section 3 all Tribal Trust lands, Township 24 North, Range 9 West, NMPM, San Juan County, New Mexico.

Compensation for surface damages on the lands proposed for pipeline has been paid to the Navajo grazing permittees including filing and processing fees paid to the Navajo Nation.

The Navajo Land Department has no objections to the approval of BENSON/MONTIN/GREER DRILLING CORPORATION's request on the location described above and provided that that the requirements of archaeological clearance, environmental assessment and other stipulations required by the Bureau of Indian Affairs and the Navajo Nation are submitted to your office for the proposed pipeline; and provided that the grantee shall comply with all applicable Federal and Tribal Antiquities Legislation and Regulations.

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, James Charley, Cf, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline
right-of-way crossing Range Unit of 3,019.26 located within the NW 1/4 of Section 1,
Township 1, Township 25 North, Range 11 West, NMPH, San Juan County, NM
as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$3,202.00
Three-thousand two-hundred two and 33/100 only, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

<u>06/30/94</u>	<u>James Charley/Cf</u>	<u>CARSON/RU#04</u>
Date	Land User Signature (or thumbprint)	Census No. Permit No.
WITNESS:	<u>SS#</u>	ADDRESS: <u>P. O. Box 1</u>
	PHONE: <u>NONE</u>	<u>Kirtland, New Mexico 87417</u>

<u>6-30-94</u>	<u>Bill Carter</u>	<u>D-119</u>
Date	Grazing Committee or Land Board Member	District No.

Acknowledgement of Field Agent

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

18 APR 21 1995

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Christine Smith, CH, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline
right-of-way of 8,277.77 feet crossing the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, the W $\frac{1}{2}$ of Section 23 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 26 North, Range 12 West, NMPM, San Juan County, New Mexico

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

My consent is given subject to the receipt of compensation of \$8,779.58
Eight-thousand seven-hundred seventy-nine and 58/100 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO RANGE UNIT!!!!

6-29-94 Christine M. Smith CH GALLEGOS/RU#06 &
Date Land User Signature (or thumbprint) Census No. Permit No. #15
SS# ADDRESS: P. O. Box #
WITNESS: PHONE: Bloomfield, New Mexico 87413

6-30-94 Si Gato District #19
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Dennis ^{White}, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline right-of-way crossing Range Unit, of 2,882.76' located within the NE 1/4 of Section 2, Township 25 North, Range 11 West, NMPH, San Juan County, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,528.71 One-thousand five-hundred twenty-eight and 71/100, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

72794

Date

[Signature]

Land User Signature (or thumbprint)

CA

Census No.

CARSON/RU#03

Permit No.

WITNESS:

SS#

ADDRESS: PO Box

PHONE: None

Bloomfield New Mexico
87413

10-30-94

Date

[Signature]

Grazing Committee or Land Board Member

#19

District No.

Acknowledgement of Field Agent

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

[Signature]

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Dorothy Wero, C#, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline right-of-way crossing Range Unit, of 2,882.76' located within the NE $\frac{1}{4}$ of Section 2, Township 25 North, Range 11 West, NMPM, San Juan County, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,528.71 One-thousand five-hundred twenty-eight and 71/100, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

7-28-94 Dorothy Wero CARSON/RU#03
Date Land User Signature (or thumbprint) Census No. Permit No.
WITNESS: SS# ADDRESS: P.O. Box Farmington N.M.
PHONE: 87499

7-30-94 Lee Eaton D #19
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

[Signature]

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Marlo Marito, Cf, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline
right-of-way crossing Range Unit, of 3,037.82 feet located within the NE 1/4 of Section
6, Township 25 North, Range 10 West, NMPM, San Juan County, New Mexico
as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,610.96
One-thousand six-hundred ten and 96/100 only, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

6-30-94 Marlo Marito, Cf HUERFANO/RU#1
Date Land User Signature (or thumbprint) Census No. Permit No.
WITNESS: SSA ADDRESS: P.O. Box
PHONE: None Bloomfield, Nm 87499

6-30-94 Paul Yata 119
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Wiley Lee
FIELD AGENT SIGNATURE

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Fred Eaton, Sr., C#, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline right-of-way crossing Range Unit, of 3,037.82 feet located within the NE 1/4 of Section 6, Township 25 North, Range 10 West, NMPM, San Juan County, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,610.96 One-thousand six-hundred ten and 96/100 only, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

7-13-94 Fred Eaton Sr. C# HUERFANO/RU#01
Date Land User Signature (or thumbprint) Census No. Permit No.
WITNESS: SS# 6 ADDRESS: P.O. Box
PHONE: Bloomfield N.M. 87413

10-30-94 Bill Eaton #19
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

1006-N

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Stanley Greyeyes, Cf, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline
right-of-way crossing Range Unit, of 4,190.88 feet located within the E $\frac{1}{2}$ of Section 26, Township 26 North, Range 12 West, NMPN, San Juan County, New Mexico.

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

My consent is given subject to the receipt of compensation of \$1,111.20
One-thousand one-hundred eleven dollars and 20/100, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

6/29/94 Stanley Greyeyes Cf GALLEGOS/RU#14
Date Land User Signature (or thumbprint) Census No. Permit No.
WITNESS: SS# - ADDRESS: BOX
PHONE: None Blountfield, NM 87413

6-30-94 Bill Yantis 119
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Lois Lee
Field Agent Signature

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Henry Castiano, Cf, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline right-of-way crossing Range Unit, of 4,190.88 feet located within the E½ of Section 26. Township 26 North, Range 12 West, NMPM, San Juan County, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,111.20 One-thousand one-hundred eleven dollars and 20/100, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

<u>6/29/94</u>	<u>Henry Castiano</u>	<u>Cf</u>	<u>GALLEGOS/RU#14</u>
Date	Land User Signature (or thumbprint)	Census No.	Permit No.
WITNESS:	SS# <u> </u>	ADDRESS: <u> </u>	
	PHONE: <u>NONE</u>	<u>Farmington, NM 87401</u>	
<hr/>			
<u>6-30-94</u>	<u>Bill Eaton</u>		<u>#19</u>
Date	Grazing Committee or Land Board Member		District No.

Acknowledgement of Field Agent

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

Walt Lee

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Se. Harold Castiano, Cf, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline right-of-way crossing Range Unit, of 4,190.88 feet located within the E $\frac{1}{2}$ of Section 26, Township 26 North, Range 12 West, NMPH, San Juan County, New Mexico as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,111.20 One-thousand one-hundred eleven dollars and 20/100 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

6-29-94

Date

Harold Castiano

Land User Signature (or thumbprint)

Census No.

ALLEGOS/RU#14

Permit No.

WITNESS:

SS#

ADDRESS: BOX

PHONE: None

Blairfield, NM 87413

6-30-94

Date

Sue [Signature]

Grazing Committee or Land Board Member

#19

District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

CONSENT FORM 2

(Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Teddy Castiano, C# hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs, Window Rock, Arizona to permit 221 Petroleum Center Building
BENSON-MONTIN-GREER DRILLING CORPORATION of Farmington, New Mexico 87401 to use a portion of my land use area for the following purpose (s): pipeline
right-of-way crossing Range Unit, of 4,190.88 feet located within the E½ of Section
26, Township 26 North, Range 12 West, NMPM, San Juan County, New Mexico
as shown on the map showing the location of the proposed project on the back of this consent form.

My consent is given subject to the receipt of compensation of \$1,111.20
One-thousand one-hundred eleven dollars and 20/100 which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the abovereferenced project as proposed.

REMARKS: ONE TIME PAYMENT FOR SURFACE DAMAGES TO GRAZING AREA!!!!

6-29-94 Teddy Castiano C# GALLEGOS/RU#14
Date Land User Signature (or thumbprint) Census No. Permit No.
WITNESS: SS# ADDRESS: PL Box
PHONE: Plainsville, 91915x

6-30-94 Jim Watson #19
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Watson ol

EXHIBIT D

RCAP-28-02



RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving the Change of Use of a 6-5/8 Inch Diameter Crude
Oil Pipeline Right-of-Way to Transport Natural Gas for
Benson-Montin-Greer Drilling Corporation

WHEREAS:

1. 2 N.N.C. § 695 (B) (2) authorizes the Resources Committee of the Navajo Nation Council to approve rights-of-way on the Navajo Nation; and

2. The Resources Committee, by resolution RCF-33-95 dated February 23, 1995, approved a 6-5/8 inch diameter crude oil pipeline right-of-way for Benson-Montin-Greer Drilling Corporation (BMGDC). The right-of-way was approved by the Bureau of Indian Affairs (BIA) on May 19, 1995; and

3. The Resources Committee's resolution RCF-33-95 and the BIA's approval of the right-of-way are attached to this resolution as Exhibit "A"; and

4. The BMBDC has applied to convert the crude oil pipeline system to transport natural gas and has agreed to pay a conversion fee to the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council approves the change in use of BMGDC's right-of-way shown in Exhibit "A" to transport natural gas. The approval is subject to the following terms and conditions:

- (i) All terms and conditions, including the expiration date, shall be governed by the terms and conditions stipulated in Exhibit "A" and the additional terms and conditions stipulated in Exhibit "B".

- (ii) BMGDC shall pay \$346,399.00 conversion fee to the Navajo Nation within ten (10) days of approval of this resolution by the Resources Committee.
- (iii) The pipeline shall not be used to transport any other products except natural gas.
- (iv) The conversion does not allow BMGDC to increase the diameter of the existing pipeline.

2. The Resources Committee of the Navajo Nation Council authorizes the President of the Navajo Nation to execute all documents needed to fulfill the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 1 abstained, this 25th day of April, 2002.



Robert B. Whitehorse
Vice Chairperson
Resources Committee

Motion: Elmer L. Milford
Second: Herman Daniels



EXHIBIT "E"

**NAVAJO NATION TERMS AND CONDITIONS
FOR RIGHTS-OF-WAY (ROW) FOR A 6-5/8 INCH DIAMETER NATURAL GAS
PIPELINE AND A 0.68 ACRE GAS METER SITE
For Benson-Montin-Greer Drilling Corporation (Grantee)**

- 1) The terms of the ROW shall expire on February 22, 2035.
- 2) The Grantee shall make a lump sum payment of \$805,992.00 within ten (10) days of approval of the ROW by the Navajo Nation. The lump sum payment includes \$785,427.00 for the pipeline ROW and \$20,565.00 for the 0.68 acre Meter Station Site ROW.
- 3) In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
 - e. The Navajo Nation Business and Procurement Act, 12 N.N.C. § 1501, et seq.
 - f. The Navajo Nation Tax Code, 24 N.N.C. § et seq.; and accompanying regulation.

- 4) The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the ROW.
- 5) The Grantee shall clear and keep clear the lands within the ROW to the extent compatible with the purpose of the ROW, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
- 6) At the termination of the ROW, the Grantee shall reclaim the land in accordance with laws, regulations and jurisdiction of the United States and the Navajo Nation.
- 7) The Grantee shall at all times during the term of the ROW and at the Grantee's sole cost and expense, maintain the land subject to the ROW and all improvements located thereon and make all necessary and reasonable repairs.
- 8) The Grantee shall obtain prior written permission to cross existing ROW, if any, from the appropriate parties.
- 9) The Grantee shall be responsible for and promptly pay all damages attributable to the development, occupancy or use of the ROW by the Grantee.
- 10) The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the area under the ROW by the Grantee.
- 11) Any assignment, conveyance or transfer by the Grantee, in any manner whatsoever, of the ROW or any interest therein, or in or to any of the improvements on the land subject to the ROW, shall be subject to the written consent of the Navajo Nation and the Secretary. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld at the sole discretion of the Navajo Nation.
- 12) The ROW may be terminated for violation of any of the terms and conditions stated herein. In addition, the ROW shall be terminable in whole or part by the Navajo Nation for any of the following causes.
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the ROW for the purpose for which it is granted for a consecutive two-year period; and

- c. The use of the land subject to the ROW for any purpose inconsistent with the purpose for which the ROW is granted.
- 13) At the termination of this ROW, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises. All reclamation or abandonment shall be performed in accordance with the rules, regulations and guidelines of the Navajo Nation Environmental Protection Agency and applicable federal laws and regulations.
- 14) Holding over by the Grantee after the termination of ROW shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in to the land subject to the permit or to any improvements located thereon.
- 15) The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the ROW to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
- 16) By acceptance of the grant of the ROW, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
- 17) By acceptance of the grant of the ROW, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the ROW or to the Navajo Nation.
- 18) Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the ROW shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
- 19) Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.

- 20) Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
- 21) The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee", whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
- 22) There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the ROW and all lands burdened by the ROW, including without limitations over all persons, including the public, and all activities conducted or otherwise occurring within the ROW; and the ROW and all lands burdened by the ROW shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
- 23) By acceptance of the ROW Grant, the Grantee shall obtain rights to Navajo Nation lands in the nature of easements only; a right to pass over, occupy and reasonably use and occupy the ROW for the particular purpose herein with limited rights of ingress and egress via those particular access roads that are in existence and useable at the grant of this ROW. Such easement shall be limited term usufructuary interest consistent with all general property rights flowing from beneficial ownership of Navajo Nation lands, with no subsurface rights to any minerals or natural resources located on or within the ROW. The ROW under no circumstances or rule of law, shall be interpreted as granting a fee simple interest or creating any greater property right possessed by the Grantee other than the limited easement described herein.
- 24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

**CATEGORICAL EXCLUSION
for
BENSON-MONTIN-GREER
EXISTING PIPELINE
RIGHT-OF-WAY RENEWAL
NAVAJO NATION TRUST LAND AND ALLOTTED LAND
SAN JUAN COUNTY, NEW MEXICO**

7. 5 MINUTE TOPOGRAPHIC MAPS

(East to West):

Crow Mesa West

Blanco Trading Post

Huerfano T.P.

Huerfano Trading Post NW

Carson Trading Post

Moncisco Wash

Prepared by:

Kitty Wood

Permits West, Inc.



December 1, 2014

Attachment 2-1

CATEGORICAL EXCLUSION EXCEPTION REVIEW (CEER) CHECKLIST

Project: Existing Benson-Montin-Greer Corp. (BMG) Natural Gas Pipeline Right-of-Way across Navajo Tribal Trust Land and Navajo Allotted Trust lands, San Juan County, NM	Date: 12/1/2014
Letter and Text of category (BIA - 516 DM 10.5): F. <u>Rights-of-Way.</u> (3) Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.	

Evaluation of Extraordinary Circumstances (43 CFR 46.215):

1. This action would have significant impacts on public health or safety.	NO X	YES
2. This action would have significant impacts on: natural resources & unique geographical features as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild & scenic rivers; national natural landmarks; sole or prime drinking water aquifers; prime farmlands wetlands; floodplains; national monuments; migratory birds; and other ecologically significant areas.	NO X	YES
3. This action would have highly controversial environmental effects or unresolved conflicts concerning alternate uses of available	NO X	YES
4. This action would have highly uncertain environmental effects or involve unique or unknown environmental risk.	NO X	YES
5. This action will establish a precedent for future actions.	NO X	YES
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.	NO X	YES
7. This action will have significant impacts on properties listed or eligible for listing in the National Register of Historic Places.	NO X	YES
8. This action will have significant impacts on a species listed or proposed to be listed as endangered or threatened, or Critical Habitat of these.	NO X	YES
9. This action violates federal, state, local, or tribal law or requirements imposed for protection of the environment.	NO X	YES
10. This action will have a disproportionately high and adverse effect on low income or minority populations.	NO X	YES
11. This action will limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites.	NO X	YES
12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species.	NO X	YES

A "yes" to any of the above exceptions will require that an environmental assessment be prepared.

NEPA Action: CE EA

Attachment 1-1

Project (con't):

Existing Benson-Montin-Greer Right-of-Way Across Navajo Tribal Trust & Allotted Trust Lands, San Juan County, NM

Name and Title of person preparing this checklist:

For Applicant: Kitty Wood, Permits West, Inc.

Concur:

Regional Archeologist

Date:

Concur:

Other Environmental Professional

Date:

Concur:

Regional/Agency/OFMC NEPA Reviewer

Date:

Approve:

**Regional Director/Agency Superintendent/
OFMC Official**

Date:

NOTES:

Project Sponsor: Benson-Montin-Greer Corporation (BMG)

Project Location: The existing pipeline Right-of-Way (RW) occurs south and west of Huerfano Trading Post across Navajo Tribal and Allotted Trust lands in Sections 17, 20-23, & 26, T.26 N., R. 12 W.; Sections 30, 31,33, & 34, T. 26 N., R. 10W.; and Sections 1-4, T. 24 N., R. 9 W.; all NMPM, San Juan County, New Mexico. See attached USGS maps and plats (Attachment 3).

Project Size:

The pipeline RW is 14.69 miles long under BIA jurisdiction.

Project Description: Buried (≈36" deep) 6-5/8" O.D. steel pipeline and ancillary facilities. Pipeline was previously installed and operated under BIA issued Right-of-Ways (Reference No. E-NM-95-11 on Tribal Trust dated 5/19/1995 & No. E-NM-95-13A on Allotted dated 8/9/1995). In 2002 the use was changed from oil to natural gas and since that time there has been no deviation in the grant of easement for this change of use as authorized under reference numbers: No. E-NM-95-11A on Tribal Trust dated 6/4/2002 & No. E-NM-95-13B on Allotted dated 10/2/2002.

The FONSI was issued for this project in 1995 (Attachment 8) and a Categorical Exclusion approval in 2002 (Attachment 9).

Project Goal: BMG is applying for a Right-of-Way Grant for the pipeline RW for a 20-year term. There will be no new surface disturbance.

Project Environment: The project scope consists of the BMG pipeline right-of-way renewal. The pipeline is approximately 14.69 miles long under BIA jurisdiction. No new construction is proposed in association with this project.

The route through some crop circles of the NAPI, then travels southeastward paralleling Gallegos Wash. It then runs eastward to US Highway 550, eventually crossing it near its terminus just northeast of the '44 Store'.

Habitat and topography along the route is variable. Topography varies from flat to hilly, and several small to large broad sandy washes are crossed. Some steep-sided mesas are near the pipeline route.

Vegetation varies from arid, alkaline scrubland and grassland to monotypic sagebrush (*Artemesia spp.*). Some NAPI crop circles are near the west end of the route. The route also runs through some heavily disturbed areas, including the highway R-O-W of US 550. Some isolated areas of pinyon (*Pinus edulis*)-juniper (*Juniperus spp.*) woodland and savanna are located at higher elevations of the eastern portion of the pipeline. The disturbed corridor generally includes the understory plants of the surrounding plant communities with additions of Indian ricegrass, galleta, cheatgrass, western tansymustard (*Descurainia pinnata*), blue grama, nodding wild buckwheat, narrowleaf beardtongue (*Penstemon angustifolius*), purple threeawn, broom

snakeweed, rock goldenrod, or prickly lettuce (*Lactuca serriola*).

Wildlife occurring in the area is typical of arid grasslands, shrublands and pinyon/juniper woodlands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*), and juniper titmouse (*Baeolophus ridgwayi*) as well as jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*).

Proposed Mitigation: None needed other than those associated with operation and maintenance (e. g., prevent leaks). There will be no new surface disturbance associated with right-of- way renewal.

Project Schedule: Upon approval

EXCEPTION REVIEW CHECKLIST

The following checklist may be used in determining whether an individual proposed action, which is within a categorical exclusion (Appendix 1 of 516 DM 2) would otherwise require the preparation of an Environmental Assessment (EA). If any questions are answered yes, then an EA may be required.

1. Will the project have significant adverse effects on public health or safety? No. There have been no accidents in this pipeline's history. Continued operation should have no adverse effects.
2. Will the project have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks? No. There will be no new disturbance.
3. Will the project have highly controversial effects? No. The right-of-way has been in existence since 1995 without any controversy.
4. Will the project have highly uncertain and potentially significant environmental effects or involve unique or environmental risks? No. Pipeline corridors are common in northwest New Mexico and do not pose significant environmental effects or involve risks under standard operation.
5. Will the project establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects? No. The project was originally approved circa 1995 and has not resulted in any significant environmental effects; in fact the RW has been adequately reclaimed with native plants, such that it is difficult to see along much of its length.
6. Will the project be directly related to other actions with individually insignificant, but cumulatively significant environmental effects? No. The project will not create additional

impacts as no new disturbance is necessary.

7. Will the project have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. There will be no new surface use or disturbance.

8. Will the project have adverse effects on listed or proposed to be listed wildlife or plant species, or have adverse effects on designated critical habitat for listed species? No. There will be no new surface disturbance or habitat degradation. Plant and wildlife populations that exist within the project area will not be impacted by right-of-way renewal. Threatened, endangered, and special status species surveys of the project area have been completed.

Plants: One Species of Interest was located within the project area (Attachment 4). Because no surface disturbance will occur in the project area, no listed plant species of concern to the Navajo Natural Heritage Program or United States Fish and Wildlife Service will be impacted by the existing project. Wildlife: No federally or Navajo listed threatened, endangered, or special status species were observed during the wildlife surveys. (Attachment 5).

9. Will the project violate Executive Order 11988 on floodplains, Executive Order 11990 on wetlands, or the Fish and Wildlife Coordination Act? No. There will be no discharge or disturbance to any floodplains and there are no wetlands in the project area.

10. Will the project threaten to violate a Federal, State, local, or Tribal law or requirement imposed for protection of the environment? No. Negligible impacts qualify for Categorical Exclusion under Dept. of the Interior NEPA Process Management – BIA Regulation 516 D M 10, 10.5 F: “(3) Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.”

11. Will the project have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? No. The land is owned by the Navajo Nation and individual allottee families and monetary benefits from rights-of-way fees are paid to the Navajo Nation and the allotment owners.

12. Will the project limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). No. The project does not cross any ceremonial use areas or sacred sites (see 1994 HPD clearance, Attachment 9).

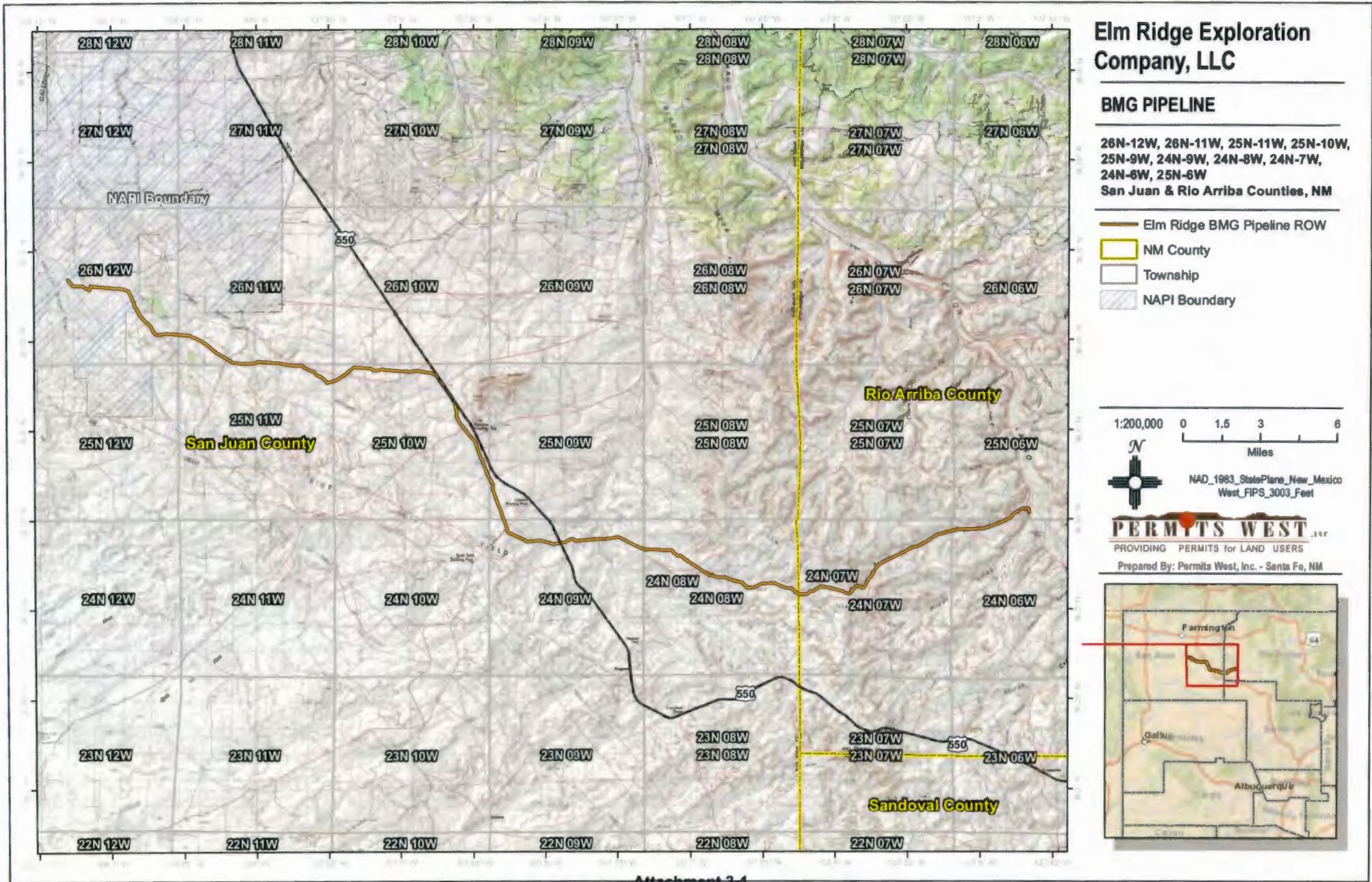
13. Will the project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? There is no new surface disturbances planned that may facilitate noxious weed infestation. Two noxious weed species were observed during the survey. Noxious weeds observed within the RW corridor will be sprayed using an approved herbicide and monitored for regrowth.

Prepared by:

Kitty Wood

December 1, 2014

Exhibit B



E-TOD-ES-PAH
BENSON-MONTIN-GREER (OIL PIPELINE)
SE 1/4 SEC.11, T.25 N., R.10 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

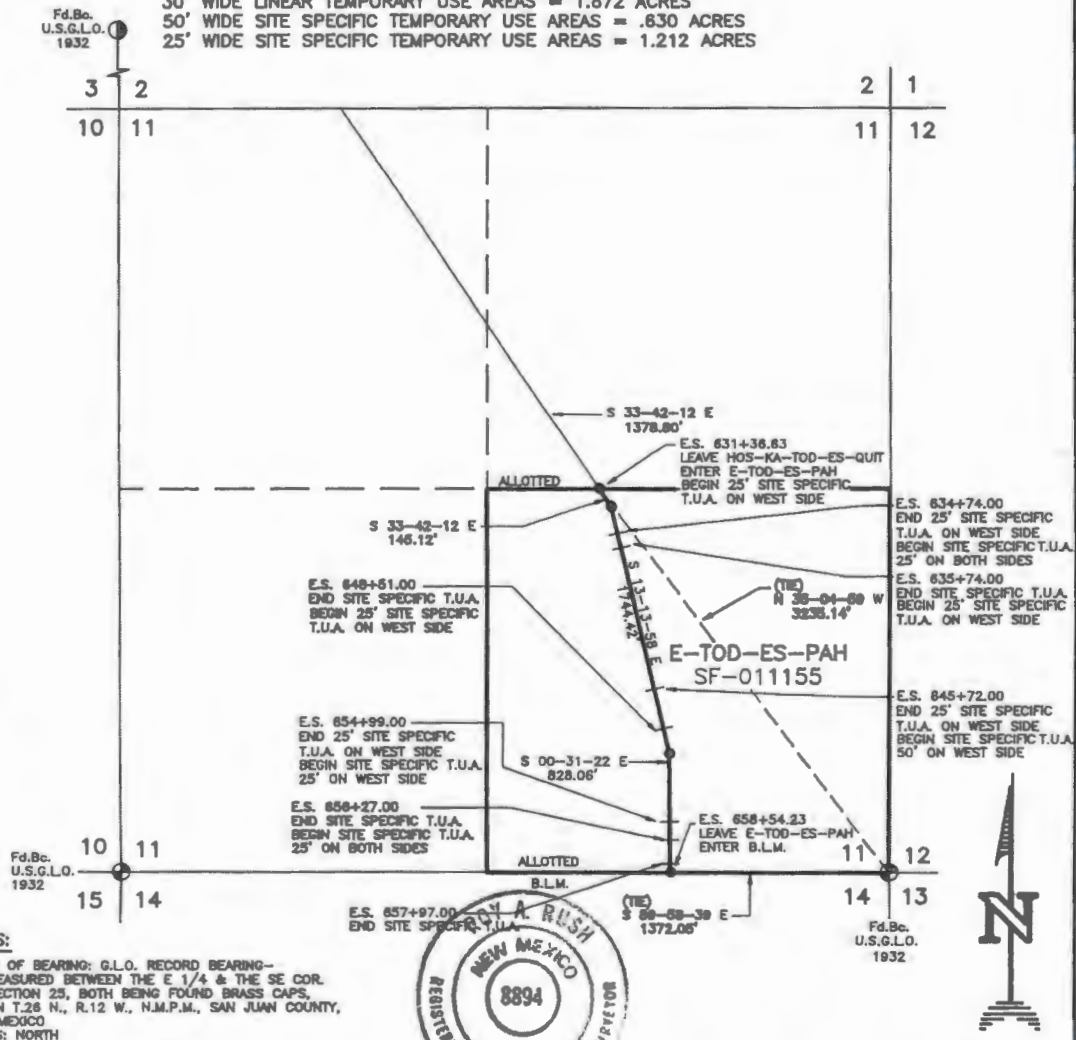
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 11, T.25 N., R.10 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 11, THENCE N 35-04-59 W A DISTANCE OF 3235.14 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11.

THENCE: S 33-42-12 E A DISTANCE OF 145.12 FEET;
 THENCE: S 13-13-58 E A DISTANCE OF 1744.42 FEET;
 THENCE: S 00-31-22 E A DISTANCE OF 828.06 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION, SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF SAID SECTION 11, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 11 BEARS S 89-58-39 E A DISTANCE OF 1372.05 FEET.

CONTAINING 2717.80 FEET, 184.70 RODS
 30' WIDE RIGHT-OF-WAY = 1.872 ACRES
 30' WIDE LINEAR TEMPORARY USE AREAS = 1.872 ACRES
 50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .630 ACRES
 25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.212 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DATE: 5-10-95

T.U.A.	S.R.	5/10/95
REVISION	REV. BY	DATE
DAGGETT INC. 420 WEST ELM STREET FARMINGTON, NEW MEXICO 87401 (505) 326-1772 REGISTERED LAND SURVEYOR NEW MEXICO No.8894		

KLE-HAS-PAH BENSON-MONTIN-GREER (OIL PIPELINE) NW 1/4 SEC.11, T.25 N., R.10 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

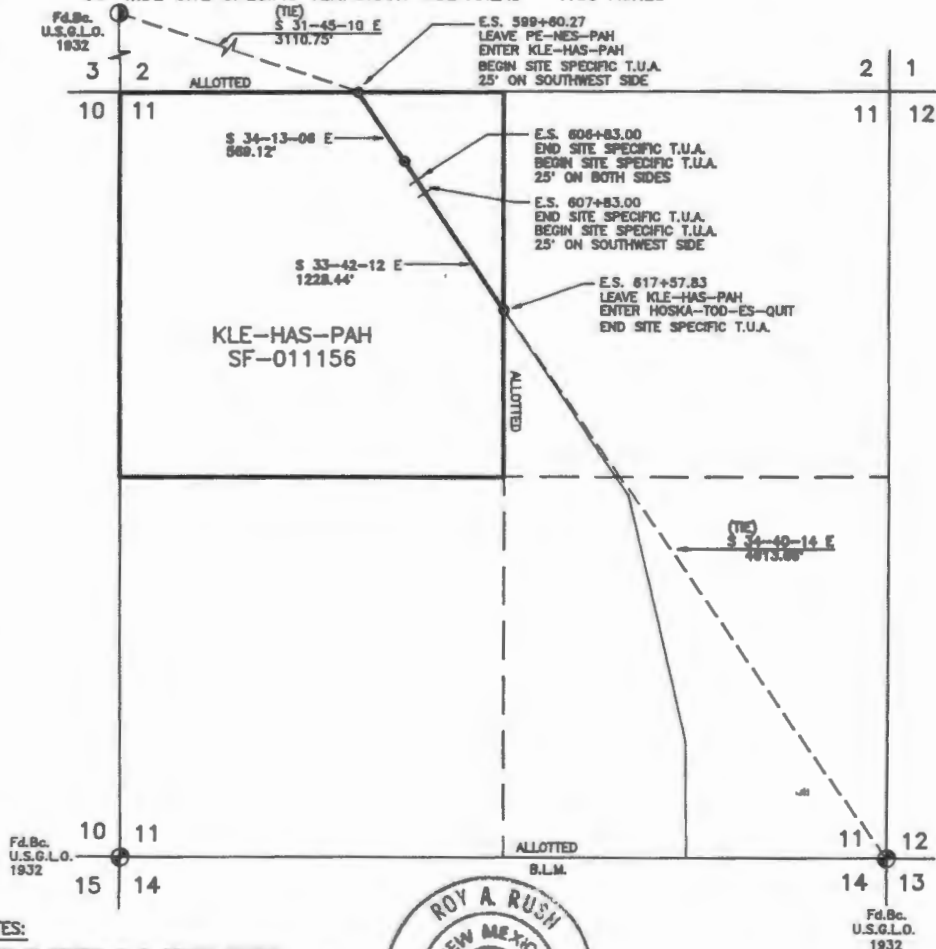
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 11, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 2, THENCE S 31-45-10 E A DISTANCE OF 3110.75 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF SAID SECTION 11

THENCE: S 34-13-06 E A DISTANCE OF 569.12 FEET;
THENCE: S 33-42-12 E A DISTANCE OF 1228.44 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION, SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 11 BEARS S 34-40-14 E A DISTANCE OF 4613.66 FEET.

CONTAINING 1797.56 FEET, 108.94 RODS
30' WIDE RIGHT-OF-WAY = 1.238 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.238 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .974 ACRES
50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .155 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

Attachment 3-3

T.U.A. REVISION	S.B. REV. BY	5/5/95 DATE
DAGGETT INC. 420 WEST 5TH STREET FARMINGTON, NEW MEXICO 87401 (505) 325-1772 REGISTERED LAND SURVEYOR NEW MEXICO No. 8894		

HOS-KA-TOD-ES-QUIT BENSON-MONTIN-GREER (OIL PIPELINE) NE 1/4 SEC.11, T.25 N., R.10 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

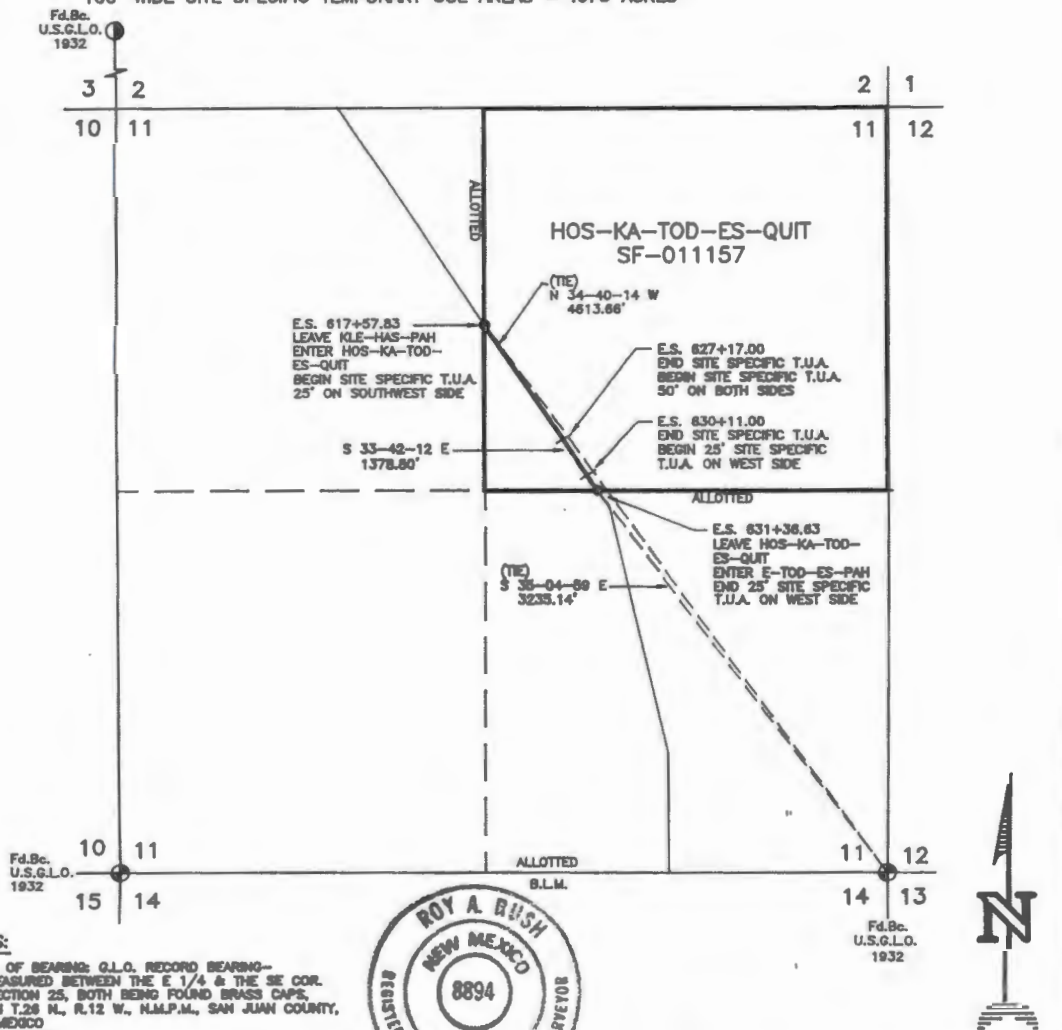
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 11, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 11, THENCE N 34-40-14 W A DISTANCE OF 4613.66 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11.

THENCE: S 33-42-12 E A DISTANCE OF 1378.80 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 11 BEARS S 35-04-59 E A DISTANCE OF 3235.14 FEET.

CONTAINING 1378.80 FEET, 83.56 RODS
30' WIDE RIGHT-OF-WAY = .950 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = .950 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .623 ACRES
100' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .675 ACRES



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

PE-NES-PAH
BENSON-MONTIN-GREER (OIL PIPELINE)
SW/4 SEC.2, T.25 N., R.10 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

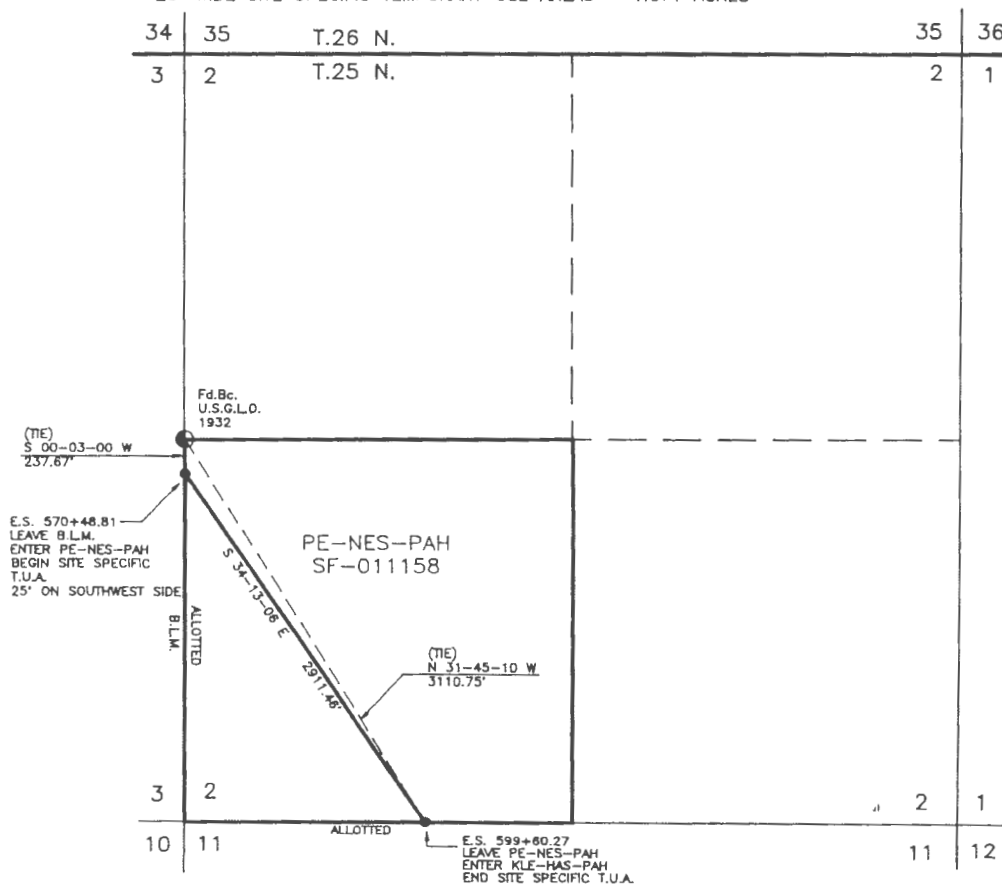
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 2, T.25 N., R.10 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 2, THENCE S 00-03-00 W A DISTANCE OF 237.67 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 2.

THENCE: S 34-13-06 E A DISTANCE OF 2911.46 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF SAID SECTION 2. WHENCE THE WEST QUARTER CORNER OF SAID SECTION 2 BEARS N 31-45-10 W A DISTANCE OF 3110.75 FEET.

CONTAINING 2911.46 FEET, 176.45 RODS
 30' WIDE RIGHT-OF-WAY = 2.005 ACRES
 30' WIDE LINEAR TEMPORARY USE AREAS = 2.005 ACRES
 25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.671 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING--AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

T.U.A.	S.B.	5/5/95
REVISION	REV. BY	DATE

0 500 1000
 SCALE: 1"=1000'

DAGGETT INC.
 420 WEST ELM STREET
 FARMINGTON, NEW MEXICO 87401
 (505) 326-1772
 REGISTERED LAND SURVEYOR
 NEW MEXICO No. 8894

**NAH-KLIN-DES-PAH
BENSON-MONTIN-GREER (OIL PIPELINE)
NE 1/4 SEC.24, T.25 N., R.10 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO**

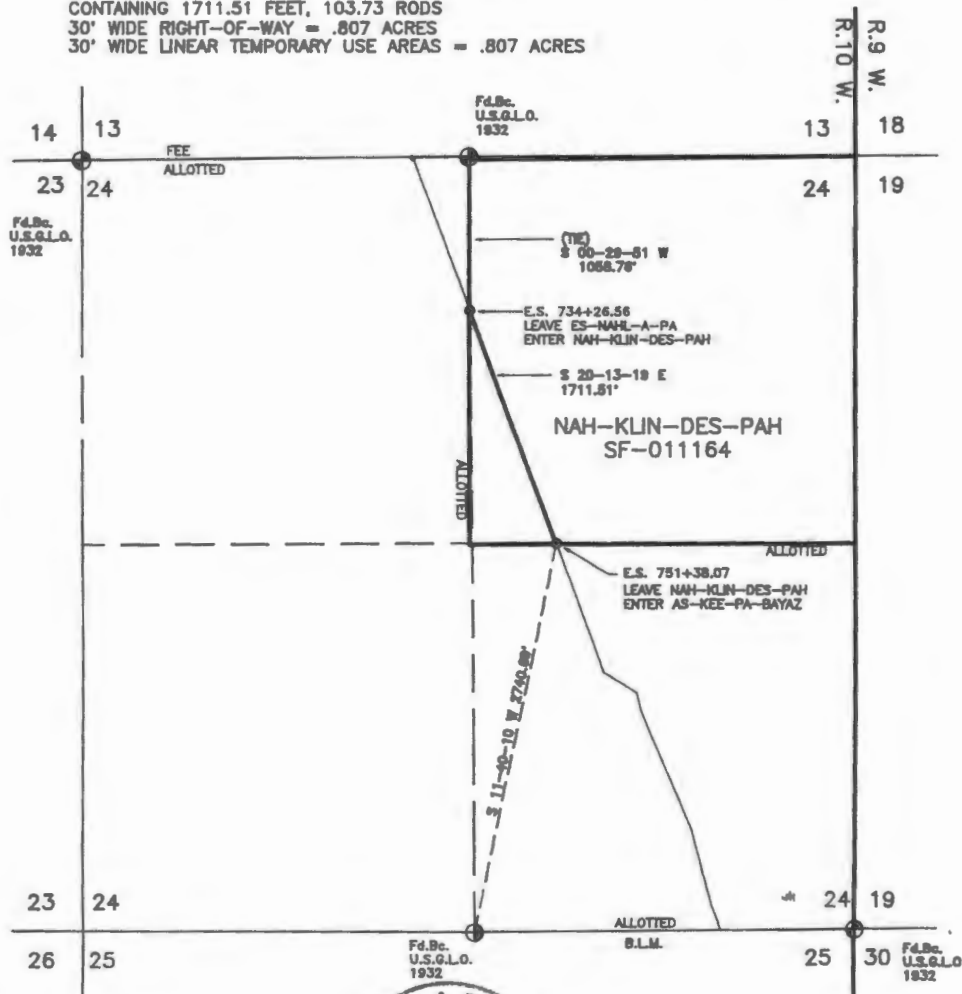
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 24, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 24, THENCE S 00-29-51 W A DISTANCE OF 1058.76 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24.

THENCE: S 20-13-19 E A DISTANCE OF 1711.51 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24. WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 24 BEARS S 11-40-10 W A DISTANCE OF 2740.69 FEET.

CONTAINING 1711.51 FEET, 103.73 RODS
30' WIDE RIGHT-OF-WAY = .807 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = .807 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 23, BOTH BEING FOUND BRASS CAPS. ALL IN T.25 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

ADDITIONS	S.B.	5/5/95
REVISION	REV. BY	DATE

0 500 1000
SCALE: 1"=1000'

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 328-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No.8894

**AS-KEE-PA-BAYAZ
BENSON-MONTIN-GREER (OIL PIPELINE)
SE 1/4 SEC.24, T.25 N., R.10 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO**

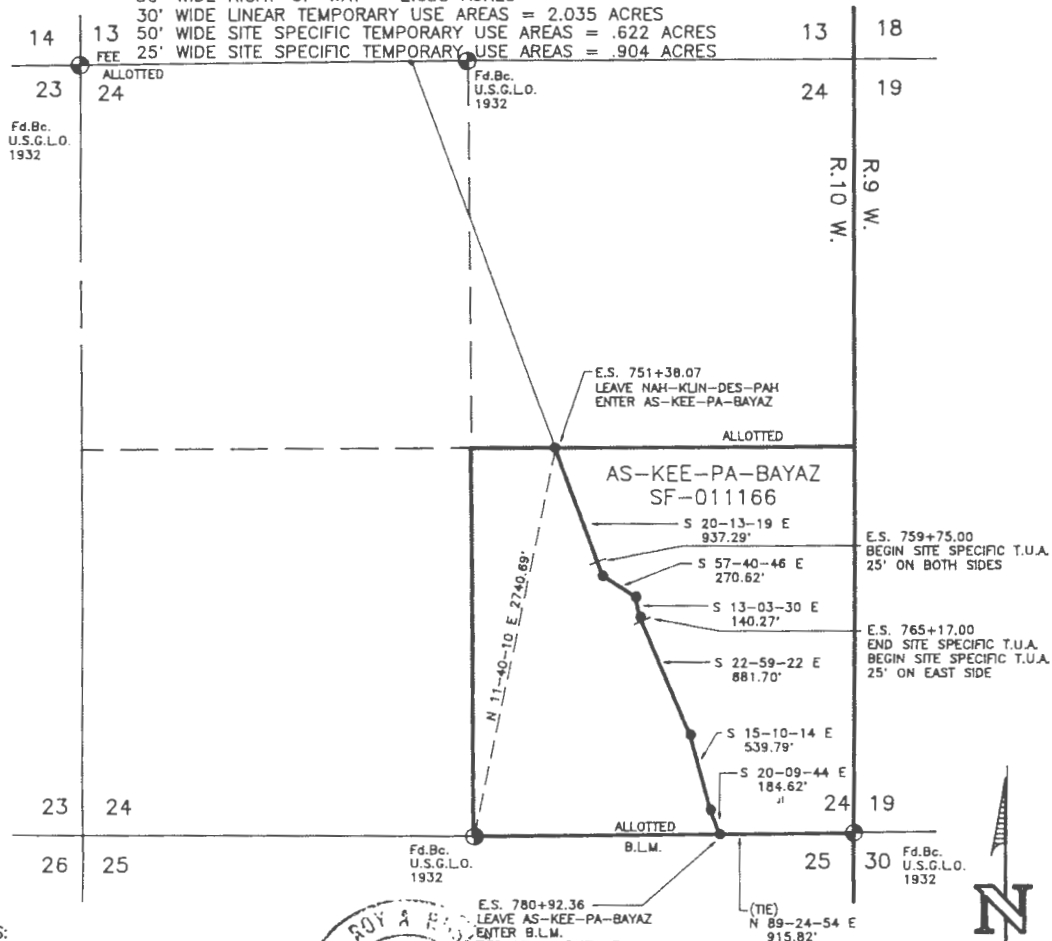
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 24, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 24, THENCE N 11-40-10 E A DISTANCE OF 2740.69 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24.

THENCE: S 20-13-19 E A DISTANCE OF 937.29 FEET;
THENCE: S 57-40-46 E A DISTANCE OF 270.62 FEET;
THENCE: S 13-03-30 E A DISTANCE OF 140.27 FEET;
THENCE: S 22-59-22 E A DISTANCE OF 881.70 FEET;
THENCE: S 15-10-14 E A DISTANCE OF 539.79 FEET;
THENCE: S 20-09-44 E A DISTANCE OF 184.62 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF
SAID SECTION 24. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 24
BEARS N 89-24-54 E A DISTANCE OF 915.82 FEET.

CONTAINING 2954.29 FEET, 179.05 RODS
30' WIDE RIGHT-OF-WAY = 2.035 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = .622 ACRES
50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .904 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .904 ACRES



NOTES:

- 1.) BASIS OF BEARING: C.L.O. RECORD BEARING-
AS MEASURED BETWEEN THE E 1/4 & THE SE COR.
OF SECTION 25, BOTH BEING FOUND BRASS CAPS.
ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY,
NEW MEXICO
BEARS: NORTH

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

T.U.A.	S.B.	5/5/95
REVISION	REV. BY	DATE
DAGGETT INC. 420 WEST ELM STREET FARMINGTON, NEW MEXICO 87401 (505) 326-1772 REGISTERED LAND SURVEYOR NEW MEXICO No. 8894		

ES-NAHL-A-PA
BENSON-MONTIN-GREER (OIL PIPELINE)
NW 1/4 SEC.24, T.25 N., R.10 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

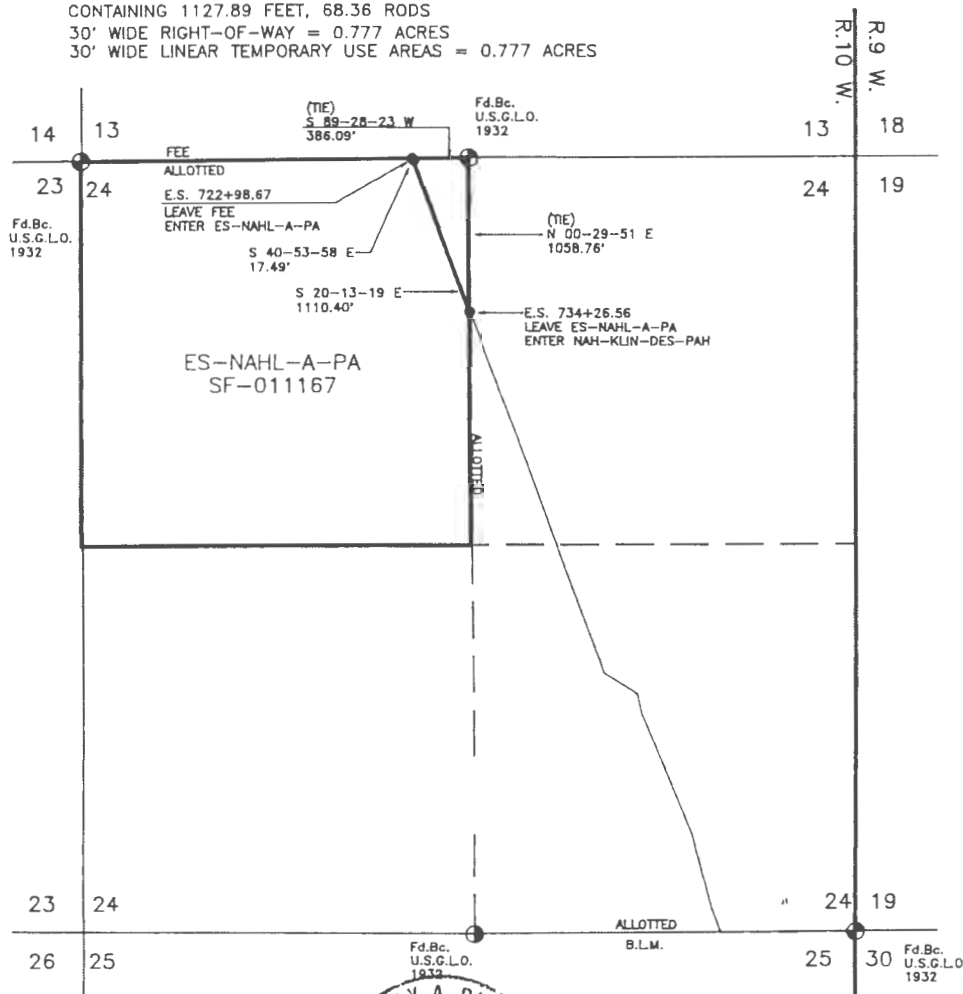
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 24, T.25 N., R.10 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 24, THENCE S 89-28-23 W A DISTANCE OF 386.09 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF SAID SECTION 24.

THENCE: S 40-53-58 E A DISTANCE OF 17.49 FEET;
 THENCE: S 20-13-19 E A DISTANCE OF 1110.40 FEET TO THE "POINT OF ENDING"
 FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24. WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 24 BEARS N 00-29-51 E A DISTANCE OF 1058.76 FEET.

CONTAINING 1127.89 FEET, 68.36 RODS
 30' WIDE RIGHT-OF-WAY = 0.777 ACRES
 30' WIDE LINEAR TEMPORARY USE AREAS = 0.777 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

ADDITIONS	S.B.	5/5/95
REVISION	REV. BY	DATE

0 500 1000
 SCALE: 1"=1000'

DAGGETT INC.
 420 WEST ELM STREET
 FARMINGTON, NEW MEXICO 87401
 (505) 326-1772
 REGISTERED LAND SURVEYOR
 NEW MEXICO No.8894

**ES-KA-TI-YAH
BENSON-MONTIN-GREER (OIL PIPELINE)
SE 1/4 SEC.1, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO**

LEGAL DESCRIPTION

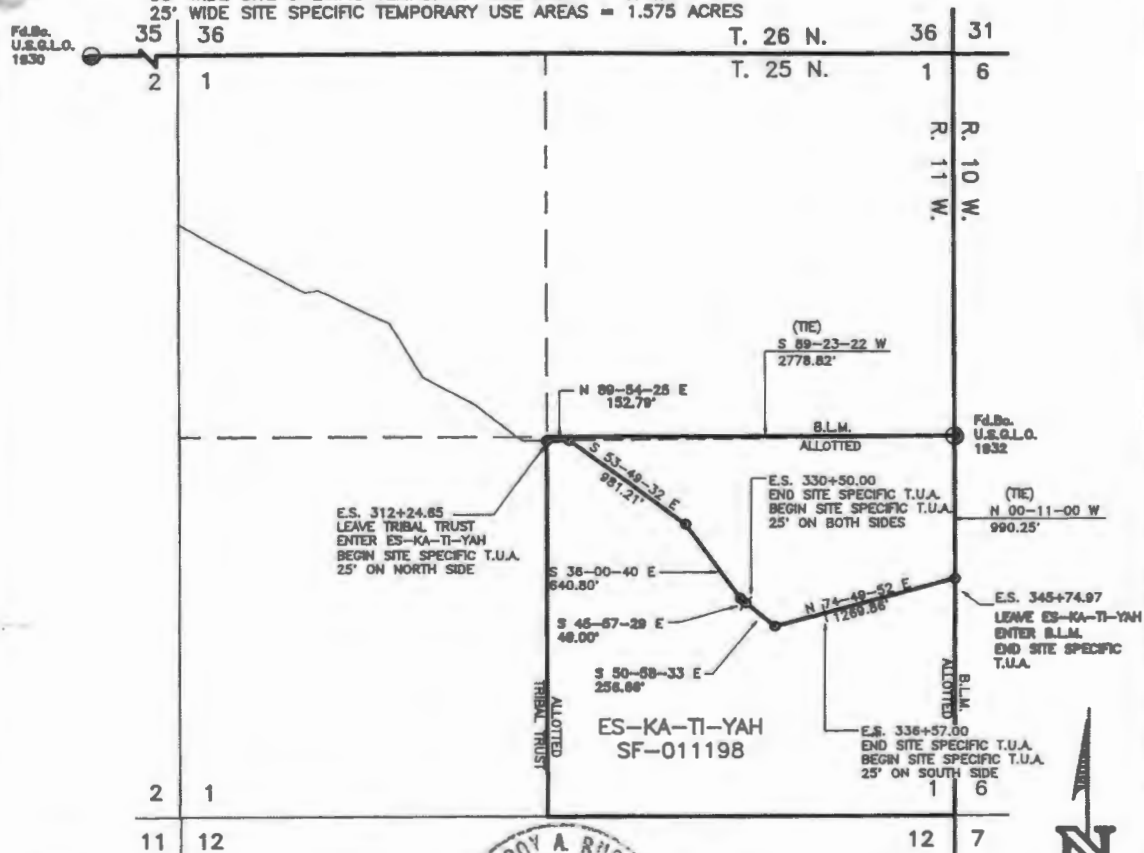
FOR
BISTI PIPELINE SURVEY
IN SECTION 1, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1, THENCE S 89-23-22 W A DISTANCE OF 2778.82 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1.

THENCE: N 89-54-25 E A DISTANCE OF 152.79 FEET;
THENCE: S 53-49-32 E A DISTANCE OF 981.21 FEET;
THENCE: S 36-00-40 E A DISTANCE OF 640.80 FEET;
THENCE: S 45-57-29 E A DISTANCE OF 49.00 FEET;
THENCE: S 50-58-33 E A DISTANCE OF 256.66 FEET;
THENCE: N 74-49-52 E A DISTANCE OF 1269.86 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 1. WHENCE THE EAST QUARTER CORNER OF SAID SECTION 1 BEARS N 00-11-00 W A DISTANCE OF 990.25 FEET.

CONTAINING 3350.32 FEET, 203.05 RODS
30' WIDE RIGHT-OF-WAY = 2.307 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 2.307 ACRES
50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .352 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.575 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING—AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS, ALL IN T.25 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO
BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

T.U.A.	S.B.	5/4/95
REVISION	REV. BY	DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

**NOT-TI-NES-WOOD
BENSON-MONTIN-GREER (OIL PIPELINE)
SW 1/4 SEC.1, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO**

LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 1, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1, THENCE N 00-07-00 W A DISTANCE OF 1592.48 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 1.

THENCE: N 81-47-41 E A DISTANCE OF 121.94 FEET;
THENCE: S 72-17-16 E A DISTANCE OF 417.95 FEET;
THENCE: S 61-58-14 E A DISTANCE OF 2185.78 FEET;
THENCE: S 64-31-02 E A DISTANCE OF 258.13 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1. WHENCE THE SOUTHWEST CORNER OF SAID SECTION 1 BEARS S 82-40-10 W A DISTANCE OF 2700.09 FEET.

CONTAINING 2983.80 FEET, 180.84 RODS
30' WIDE RIGHT-OF-WAY = 2.055 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 2.055 ACRES
10' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .862 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .057 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE NE COR. & THE NW COR. OF SECTION 4, BOTH BEING FOUND BRASS CAPS. ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-50 W



0 500 1000
SCALE: 1"=1000'

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

T.U.A.	S.B.	5/10/95
REVISION	REV. BY	DATE
DAGGETT INC. 420 WEST ELM STREET FARMINGTON, NEW MEXICO 87401 (505) 326-1772 REGISTERED LAND SURVEYOR NEW MEXICO No. 8894		

NAH-CLEN-NA-PAH BENSON-MONTIN-GREER (OIL PIPELINE) SE 1/4 SEC.2, T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

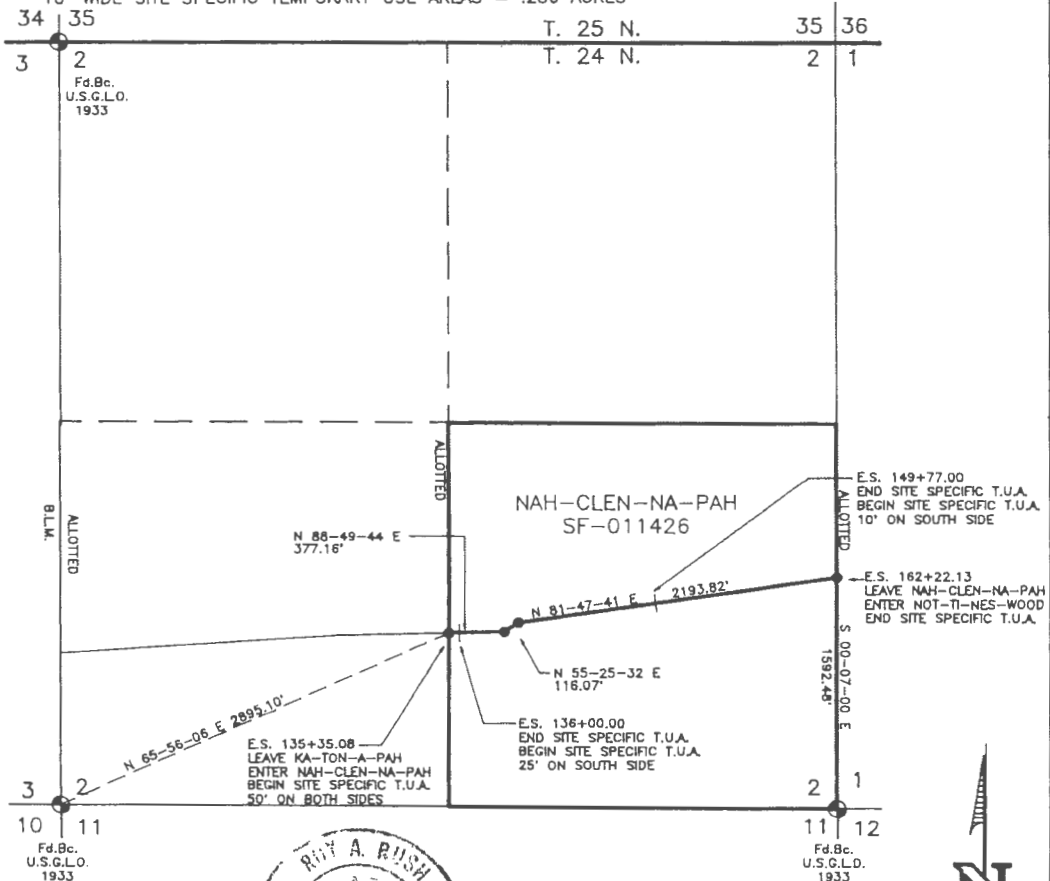
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 2, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2, THENCE N 65-56-06 E A DISTANCE OF 2895.10 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2.

THENCE: N 88-49-44 E A DISTANCE OF 377.16 FEET;
THENCE: N 55-25-32 E A DISTANCE OF 116.07 FEET;
THENCE: N 81-47-41 E A DISTANCE OF 2193.82 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 2. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 2 BEARS S 00-07-00 E A DISTANCE OF 1592.48 FEET.

CONTAINING 2687.05 FEET, 162.85 RODS
30' WIDE RIGHT-OF-WAY = 1.851 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.851 ACRES
100' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .149 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .790 ACRES
10' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .286 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE NE CORNER & THE NW CORNER OF SECTION 4, BOTH BEING FOUND BRASS CAPS, ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-50 W



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

T.U.A.	S.B.	5/5/95
REVISION	REV. BY	DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

**KA-TON-A-PAH
BENSON-MONTIN-GREER (OIL PIPELINE)
SW 1/4 SEC.2, T.24 N., R.9 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO**

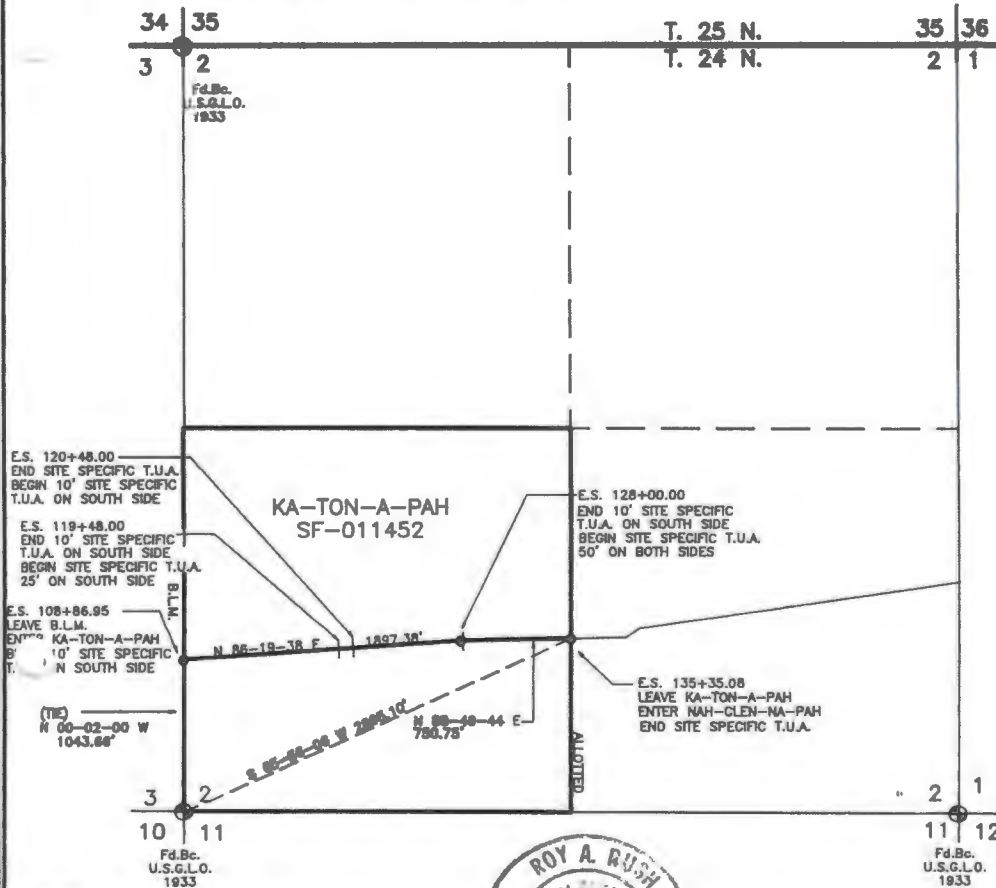
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 2, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2, THENCE N 00-02-00 W A DISTANCE OF 1043.66 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 2.

THENCE: N 86-19-38 E A DISTANCE OF 1897.38 FEET;
THENCE: N 88-49-44 E A DISTANCE OF 750.75 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2. WHENCE THE SOUTHWEST CORNER OF SAID SECTION 2 BEARS S 65-56-08 W A DISTANCE OF 2895.10 FEET.

CONTAINING 2648.13 FEET, 180.49 RODS
30' WIDE RIGHT-OF-WAY = 1.824 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.824 ACRES
100' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.887 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .057 ACRES
10' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .244 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-AS MEASURED BETWEEN THE NE CORNER & THE NW CORNER OF SECTION 4, BOTH BEING FOUND BRASS CAPS, ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 88-50 W

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DATE: 5-10-95

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

Attachment 3-13

**HEIRS OF
HOSTEIN-JOTH-LEY-PE-BEGA
BENSON-MONTIN-GREER (OIL PIPELINE)
SE 1/4 SEC.31, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO**

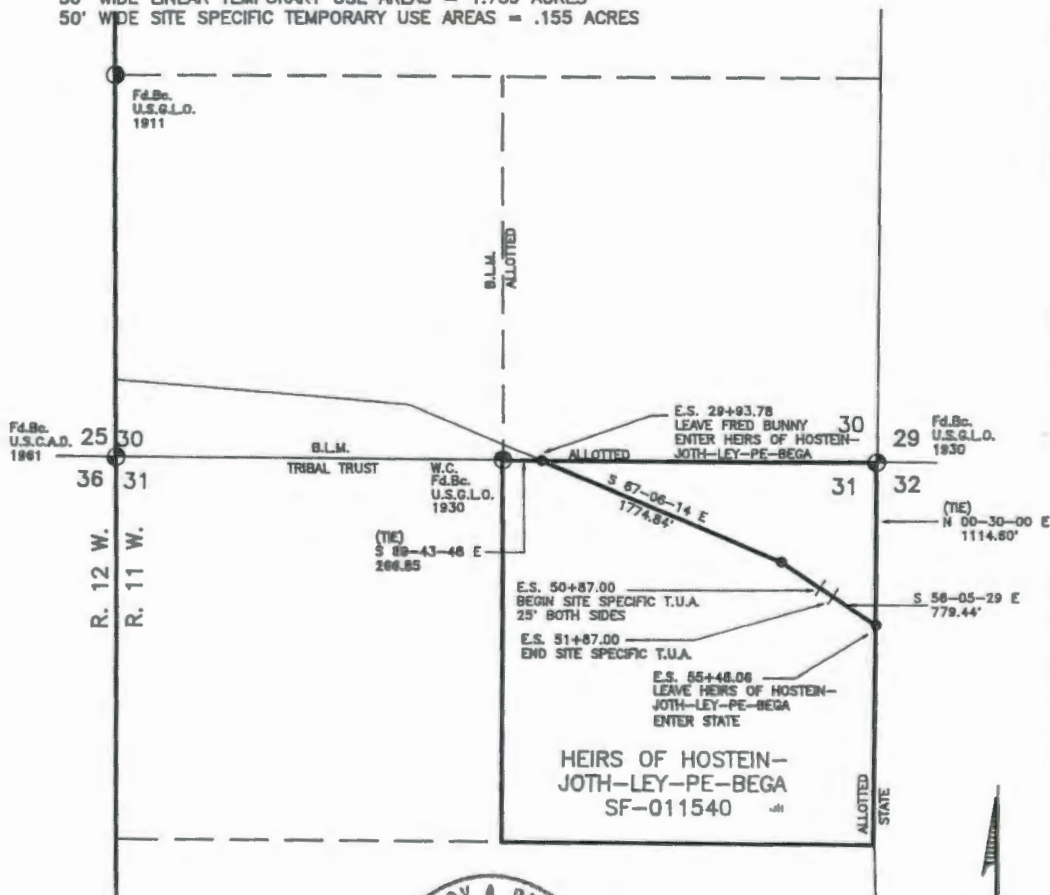
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 31, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE S 89-43-48 E A DISTANCE OF 266.85 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF THE SAID SECTION 31.

THENCE: S 67-06-14 E A DISTANCE OF 1774.84 FEET;
THENCE: S 56-05-29 E A DISTANCE OF 779.44 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 31. WHENCE THE NORTHEAST CORNER OF SAID SECTION 31 BEARS N 00-30-00 E A DISTANCE OF 1114.60 FEET.

CONTAINING 2554.28 FEET, 154.80 RODS
30' WIDE RIGHT-OF-WAY = 1.759 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.759 ACRES
50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .155 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING--AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-9-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

Attachment 3-14

T.U.A.	S.B.	5/4/95
REVISION	REV. BY	DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No.8894



0 500 1000
SCALE: 1"=1000'

WILFORD JONES
BENSON-MONTIN-GREER (OIL PIPELINE)
SW/4 SEC.33, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

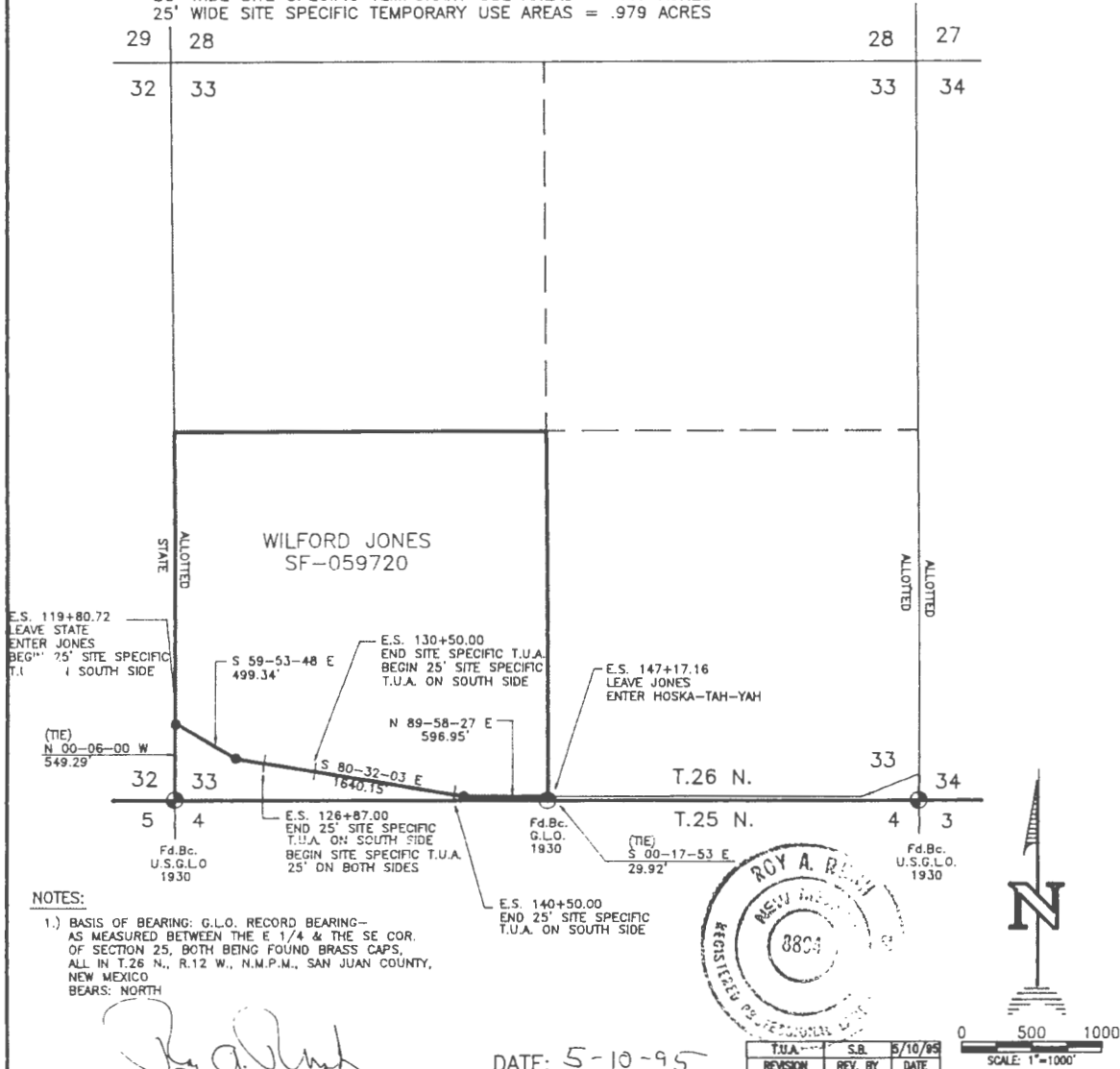
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 33, T.26 N., R.11 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, THENCE N 00-06-00 W A DISTANCE OF 549.29 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 33.

THENCE: S 59-53-48 E A DISTANCE OF 499.34 FEET;
 THENCE: S 80-32-03 E A DISTANCE OF 1640.15 FEET;
 THENCE: N 89-58-27 E A DISTANCE OF 596.95 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33. WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 33 BEARS S 00-17-53 E A DISTANCE OF 29.92 FEET.

CONTAINING 2736.44 FEET, 165.84 RODS
 30' WIDE RIGHT-OF-WAY = 1.885 ACRES
 30' WIDE LINEAR TEMPORARY USE AREAS = 1.885 ACRES
 50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .417 ACRES
 25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .979 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH

DATE: 5-10-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

TRA	S.B.	5/16/95
REVISION	REV. BY	DATE
DAGGETT INC. 420 WEST ELM STREET FARMINGTON, NEW MEXICO 87401 (505) 326-1772 REGISTERED LAND SURVEYOR NEW MEXICO No.8894		

HENRY JAQUEZ BENSON-MONTIN-GREER (OIL PIPELINE) SE/4 SEC.34, T.26 N., R.11 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

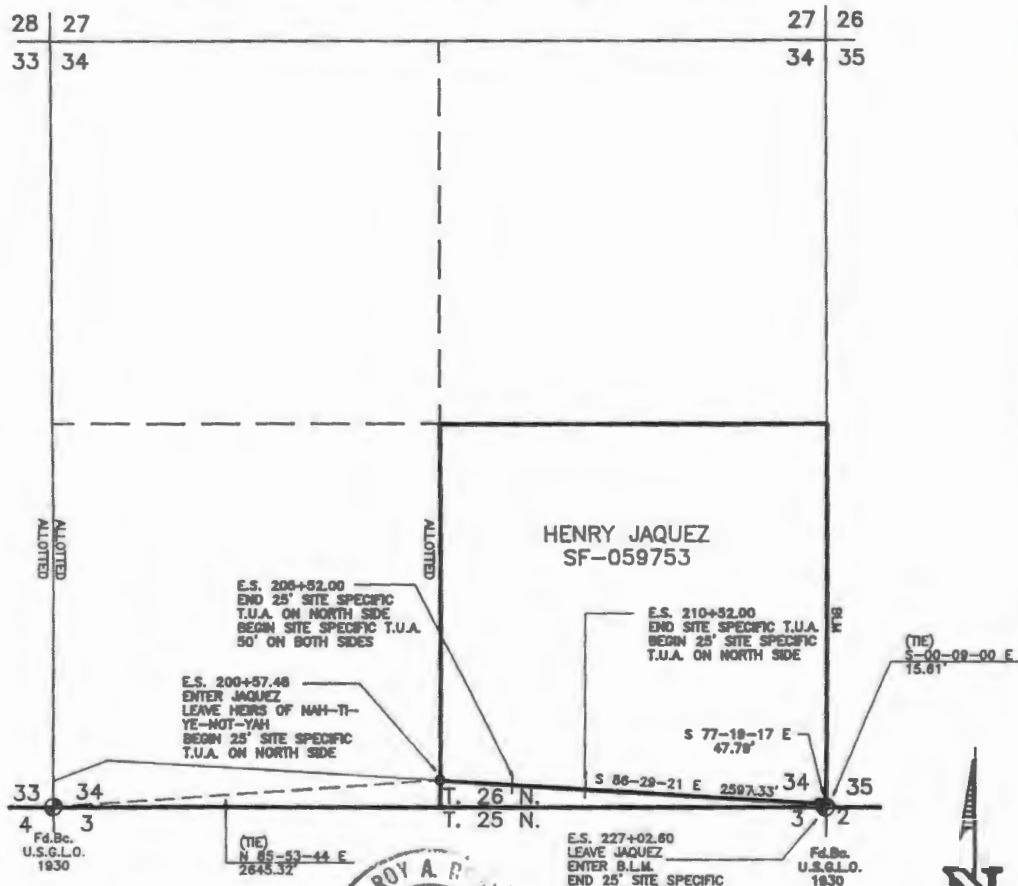
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 34, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, THENCE N 85-53-44 E A DISTANCE OF 2645.32 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER SAID SECTION 34.

THENCE: S 86-29-21 E A DISTANCE OF 2597.33 FEET;
THENCE: S 77-19-17 E A DISTANCE OF 47.79 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF
SAID SECTION 34. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 34
BEARS S 00-09-00 E A DISTANCE OF 15.61 FEET.

CONTAINING 2645.12 FEET, 160.31 RODS
30' WIDE RIGHT-OF-WAY = 1.822 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.822 ACRES
100' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.148 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.231 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING—AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH



DATE: 5-10-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

0 500 1000
SCALE 1"=1000'

REVISION REV. BY DATE
T.J.A. S.B. 5/10/95
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 3894

**HEIRS OF NAH-TI-YE-NOT-YAH
BENSON-MONTIN-GREER (OIL PIPELINE)
SW/4 SEC.34, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO**

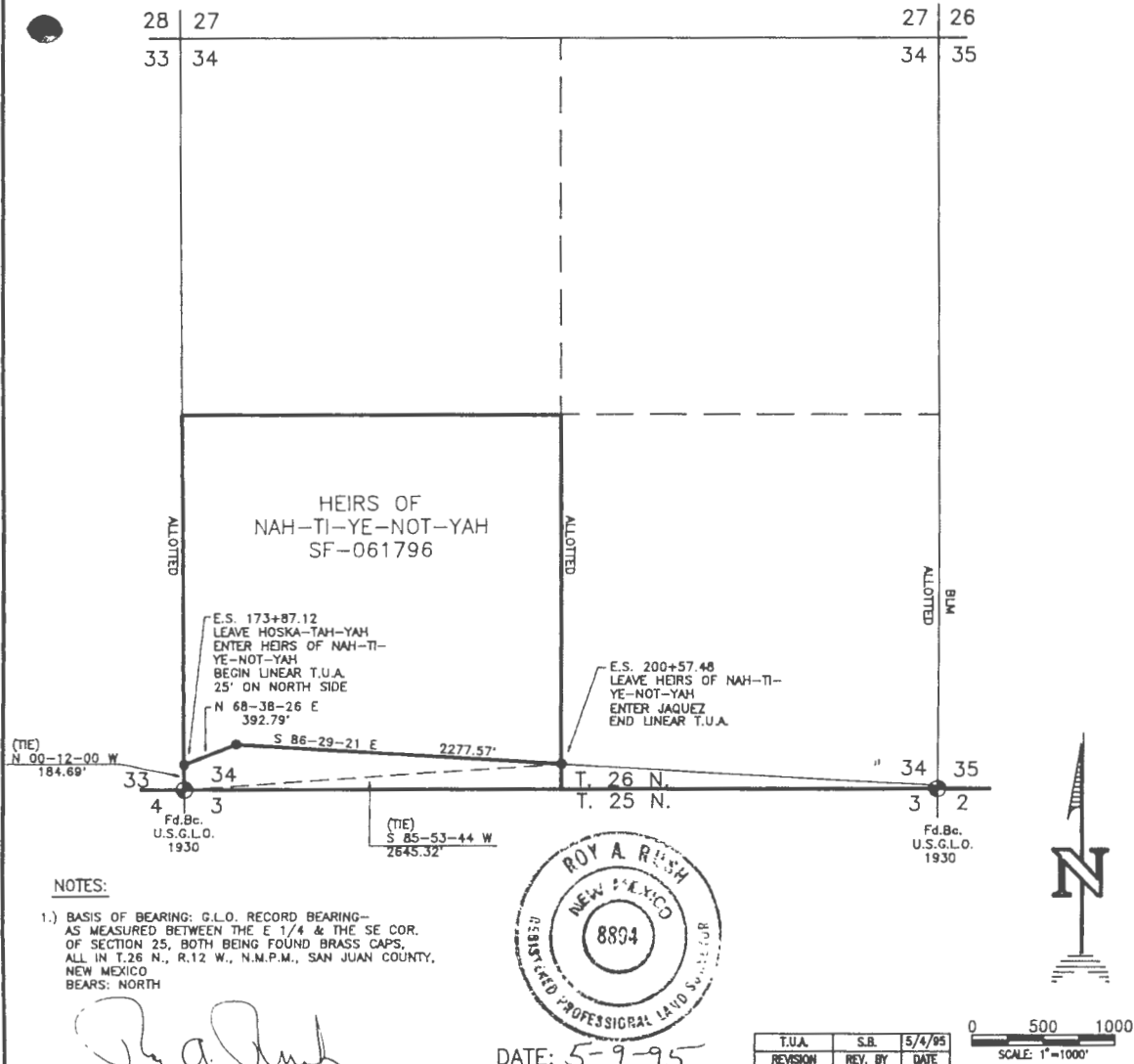
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 34, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, THENCE N 00-12-00 W A DISTANCE OF 184.69 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 34.

THENCE: N 68-38-26 E A DISTANCE OF 392.79 FEET;
THENCE: S 86-29-21 E A DISTANCE OF 2277.57 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34. WHENCE THE SAID SOUTHWEST CORNER OF SAID SECTION 34 BEARS S 85-53-44 W A DISTANCE OF 2645.32 FEET.

CONTAINING 2670.36 FEET, 161.84 RODS
30' WIDE RIGHT-OF-WAY = 1.839 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.839 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = 1.533 ACRES



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

HOSKA-TAH-YAH BENSON-MONTIN-GREER (OIL PIPELINE) SE/4 SEC.33, T.26 N., R.11 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

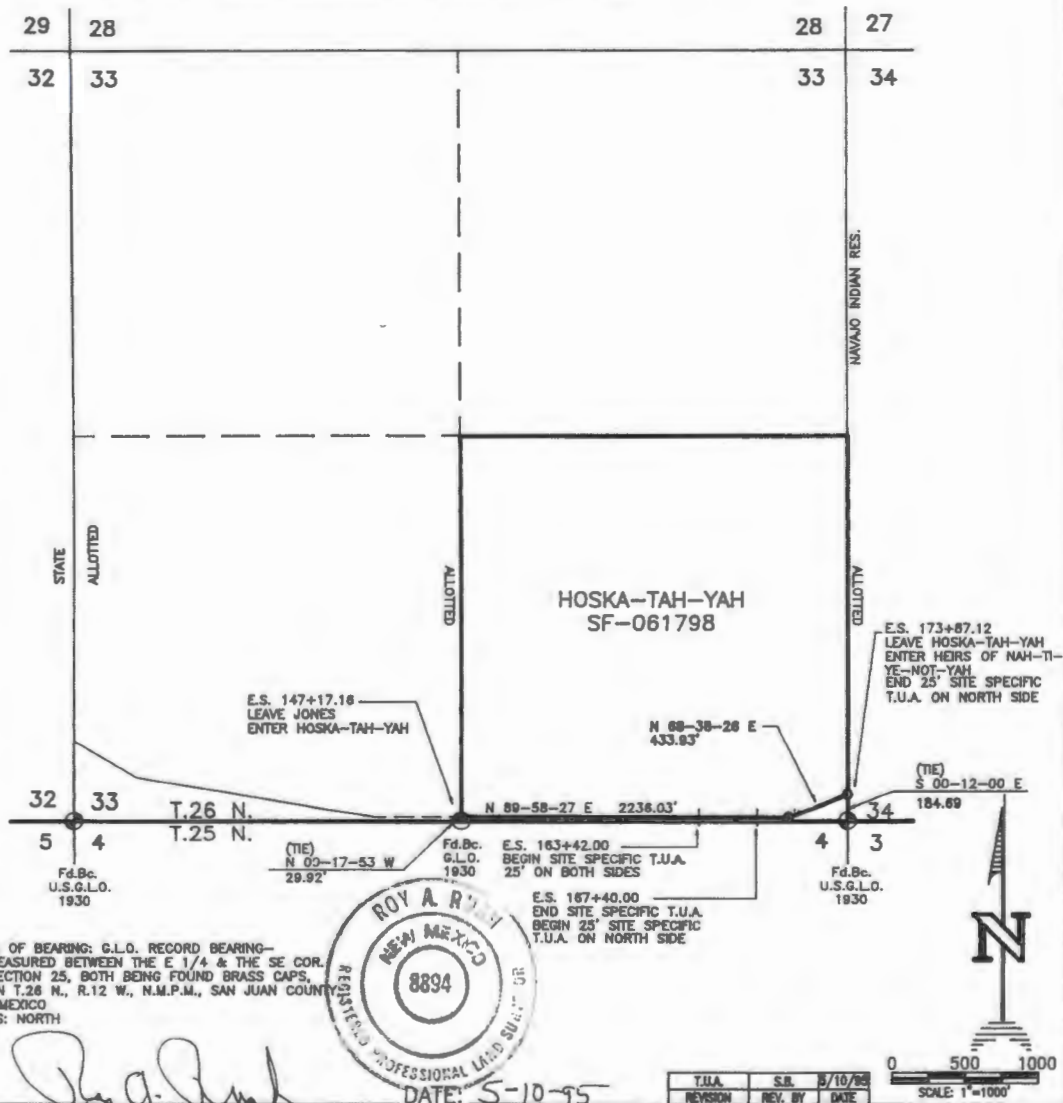
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 33, T.26 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33, THENCE N 00-17-53 W A DISTANCE OF 29.92 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33.

THENCE: N 89-58-27 E A DISTANCE OF 2236.03 FEET;
THENCE: N 88-38-26 E A DISTANCE OF 433.93 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 33. WHENCE THE SOUTHEAST CORNER OF SAID SECTION 33 BEARS S 00-12-00 W A DISTANCE OF 184.69 FEET.

CONTAINING 2669.96 FEET, 161.82 RODS
30' WIDE RIGHT-OF-WAY = 1.839 ACRES
30' WIDE LINEAR TEMPORARY USE AREAS = 1.839 ACRES
50' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .457 ACRES
25' WIDE SITE SPECIFIC TEMPORARY USE AREAS = .371 ACRES



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) N/2 SEC.21, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

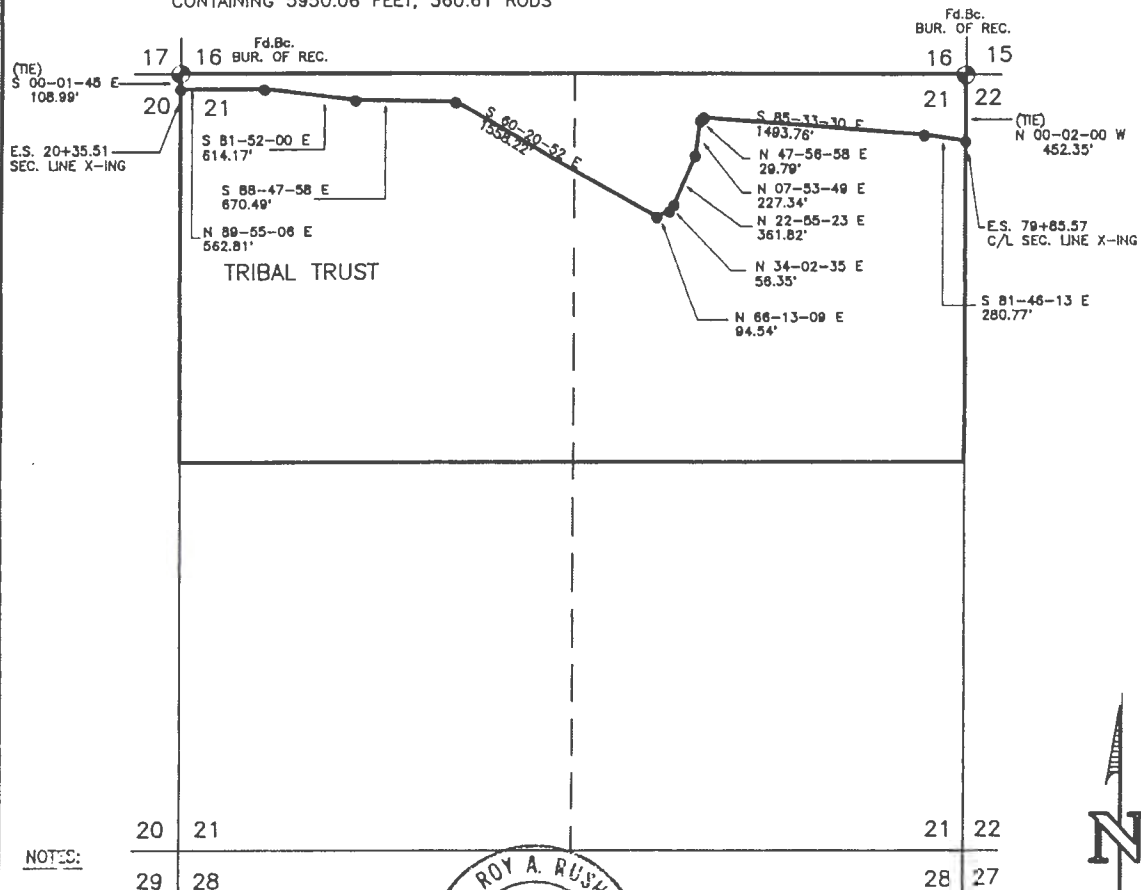
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 21, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 21, THENCE S 00-01-45 A DISTANCE OF 108.99 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 21.

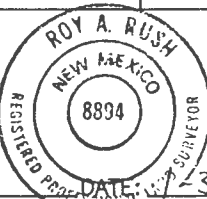
THENCE: N 89-55-06 E A DISTANCE OF 562.81 FEET;
THENCE: S 82-51-00 E A DISTANCE OF 614.17 FEET;
THENCE: S 88-47-58 E A DISTANCE OF 670.49 FEET;
THENCE: S 60-20-52 E A DISTANCE OF 1558.22 FEET;
THENCE: N 66-13-09 E A DISTANCE OF 94.54 FEET;
THENCE: N 34-02-35 E A DISTANCE OF 56.35 FEET;
THENCE: N 22-55-23 E A DISTANCE OF 361.82 FEET;
THENCE: N 07-53-49 E A DISTANCE OF 227.34 FEET;
THENCE: N 47-56-58 E A DISTANCE OF 29.79 FEET;
THENCE: S 85-33-30 E A DISTANCE OF 1493.76 FEET;
THENCE: S 81-46-13 E A DISTANCE OF 280.77 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF
SAID SECTION 21. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 21
BEARS N 00-02-00 W A DISTANCE OF 452.35 FEET.

CONTAINING 5950.06 FEET, 360.61 RODS



NOTES:

BASIS OF BEARING: G.L.O. RECORD BEARING -
3 MEASURED BETWEEN THE SE COR. & THE
1/4 COR. OF SECTION 15, BOTH BEING FOUND
IN PLASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO.
BEARS: N 89-56 W



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST

BENSON-MONTIN-GREER (OIL PIPELINE)

N/2 SEC.22, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

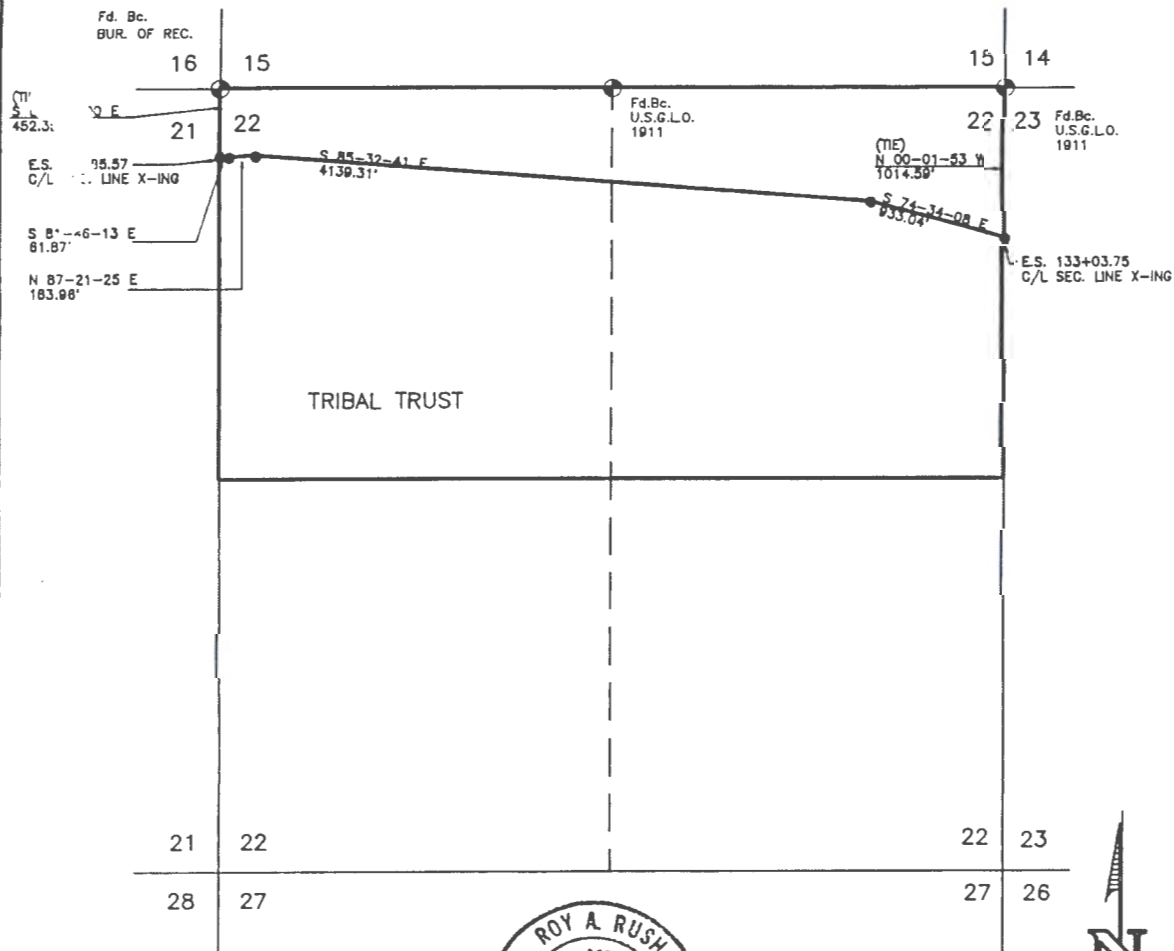
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 22, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 22, THENCE S 00-02-00 E A DISTANCE OF 452.35 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 22.

THENCE: S 81-46-13 E A DISTANCE OF 61.87 FEET;
THENCE: N 87-21-25 E A DISTANCE OF 183.96 FEET;
THENCE: S 85-32-41 E A DISTANCE OF 4139.31 FEET;
THENCE: S 74-34-08 E A DISTANCE OF 933.04 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION, SAID "POINT OF ENDING" BEING ON THE EAST LINE OF
SAID SECTION 22. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 22
BEARS N 00-01-53 W A DISTANCE OF 1014.59 FEET.

CONTAINING 5318.18 FEET, 322.31 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-- AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS N 89-56 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

0 500 1000
SCALE: 1"=1000'

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) NE/4 SEC.2 T.25 N., R.11 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

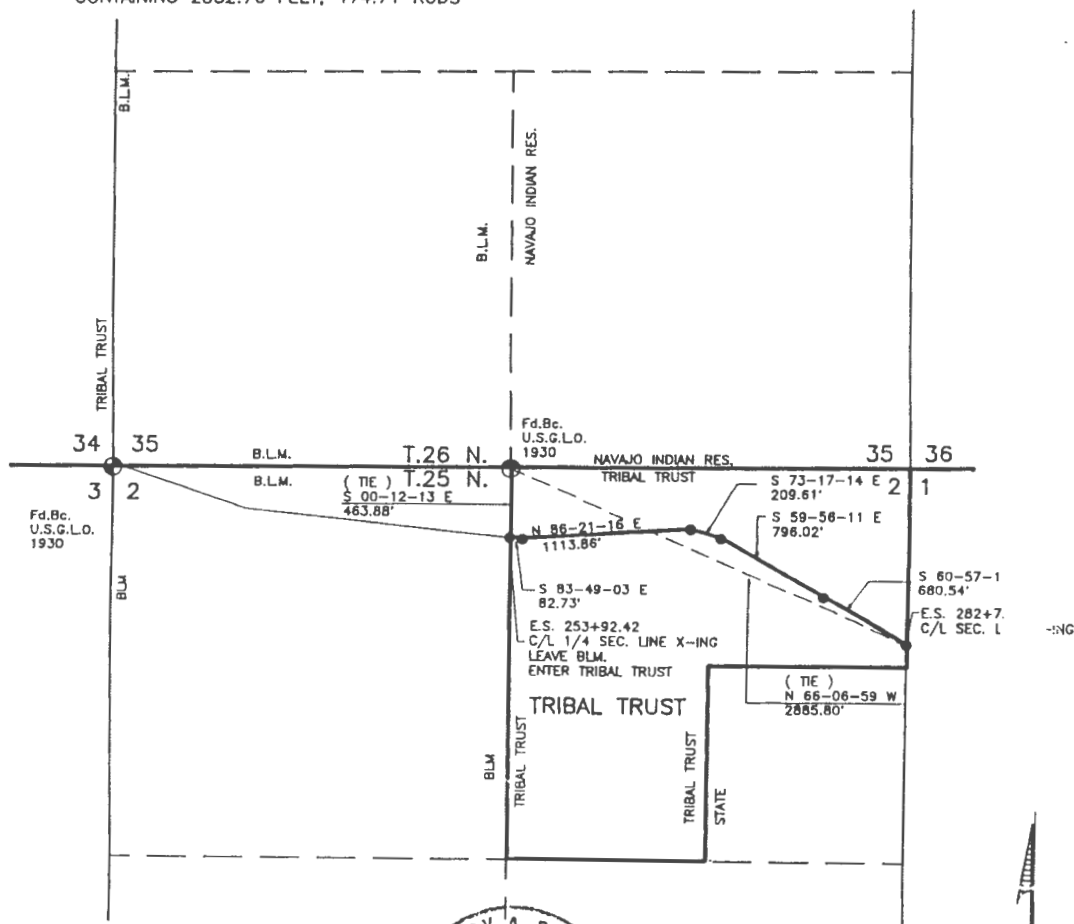
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 2, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2, THENCE S 00-12-13 E A DISTANCE OF 463.88 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2.

THENCE: S 83-49-03 E A DISTANCE OF 82.73 FEET;
THENCE: N 86-21-16 E A DISTANCE OF 1113.86 FEET;
THENCE: S 73-17-14 E A DISTANCE OF 209.61 FEET;
THENCE: S 59-56-11 E A DISTANCE OF 796.02 FEET;
THENCE: S 60-57-17 E A DISTANCE OF 680.54 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 2. WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 2 BEARS N 66-06-59 W A DISTANCE OF 2885.80 FEET.

CONTAINING 2882.76 FEET, 174.71 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING - AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SEC. 25 BOTH BEING FOUND BRASS CAPS, ALL AN T.26 N., R.12 W., N.M.P.M. SAN JUAN CO., N.M. BEAR'S NORTH



DATE: 2-7-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

Attachment 3-21

DIST.	S.B.	2/8/95
REVISION	REV. BY	DATE

0 5 000
SCALE:

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) NE/4 SEC.6, T.25 N., R.10 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

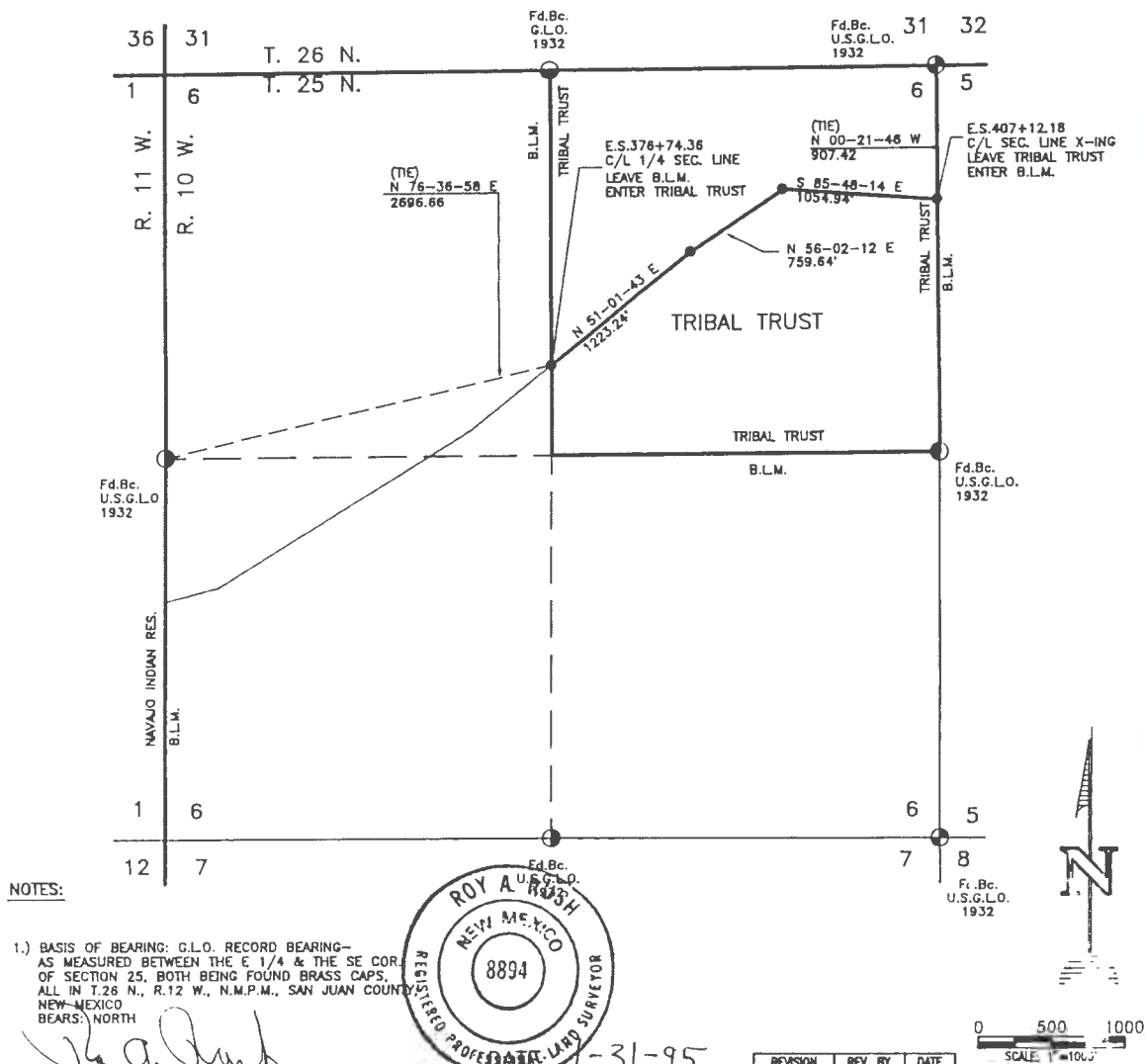
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 6, T.25 N., R.10 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION SIX (6), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE TEN (10) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, THENCE N 76-36-58 E A DISTANCE OF 2696.66 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6.

THENCE: N 51-01-43 E A DISTANCE OF 1223.24 FEET;
THENCE: N 56-02-12 E A DISTANCE OF 759.64 FEET;
THENCE: S 85-48-14 E A DISTANCE OF 1054.94 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 6. WHENCE THE NORTHEAST SECTION CORNER OF SAID SECTION 6 BEARS N 00-21-46 W A DISTANCE OF 907.42 FEET.

CONTAINING 3037.82 FEET, 184.11 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING--AS MEASURED BETWEEN THE E 1/4 & THE SE COR. OF SECTION 25, BOTH BEING FOUND BRASS CAPS. ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: NORTH

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE)

SEC.1, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

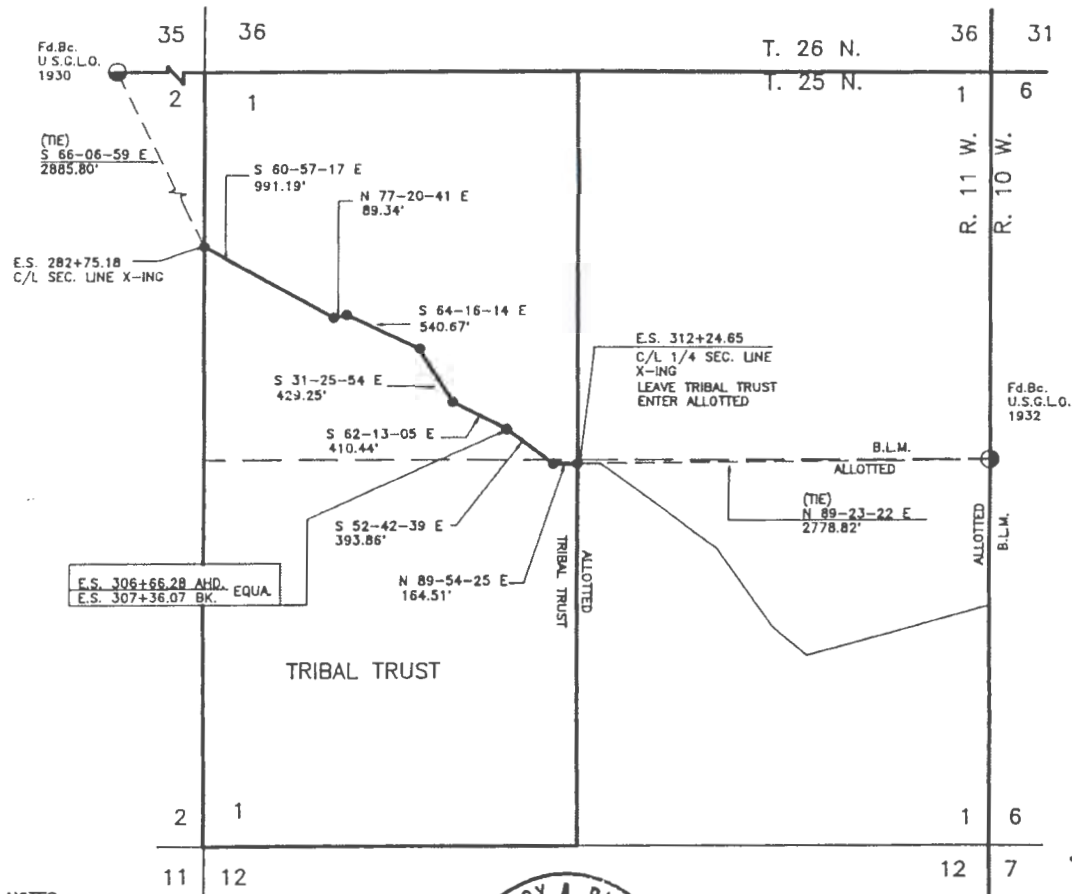
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 1, T.25 N., R.11 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE WEST HALF (W/2) OF SECTION ONE (1), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE ELEVEN (11) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. THENCE S 66-06-59 E A DISTANCE OF 2885.80 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 1.

THENCE: S 60-57-17 E A DISTANCE OF 991.19 FEET;
THENCE: N 77-20-41 E A DISTANCE OF 89.34 FEET;
THENCE: S 64-16-14 E A DISTANCE OF 540.67 FEET;
THENCE: S 31-25-54 E A DISTANCE OF 429.25 FEET;
THENCE: S 62-13-05 E A DISTANCE OF 410.44 FEET;
THENCE: S 52-42-39 E A DISTANCE OF 393.86 FEET;
THENCE: N 89-54-25 E A DISTANCE OF 164.51 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHWEST QUATER OF SAID SECTION 1. WHENCE THE EAST QUARTER CORNER OF SAID SECTION 1 BEARS N 89-23-22 E A DISTANCE OF 2778.82 FEET.

CONTAINING 3019.26 FEET, 182.99 RODS



NOTES:

- 1.) S. OF BEARING: G.L.O. RECORD BEARING—
2.) MEASURED BETWEEN THE E 1/4 & THE SE COR.
3.) SECTION 25, BOTH BEING FOUND BRASS CAPS,
4.) N T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY,
5.) NEW MEXICO
6.) NRS: NORTH



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) SEC. 26, T. 26 N., R. 12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

LEGAL DESCRIPTION

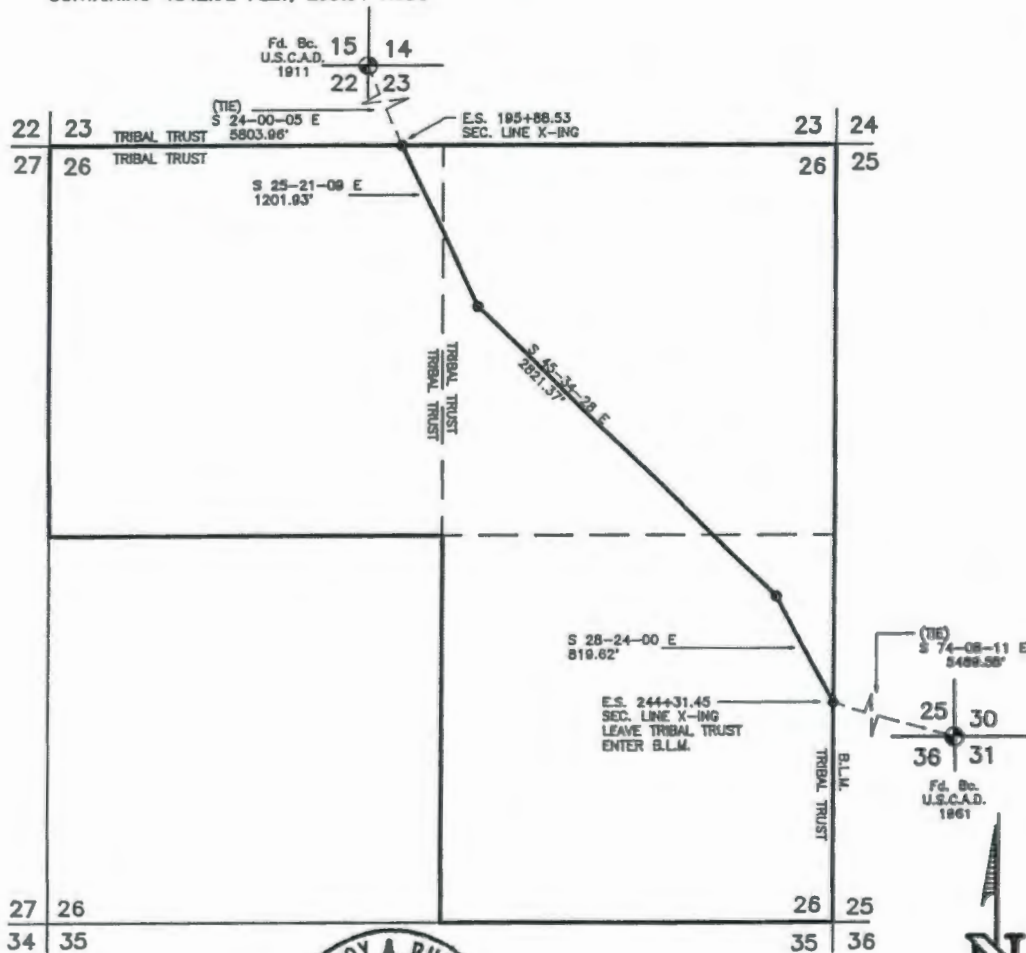
FOR
BISTI PIPELINE SURVEY
IN SECTION 26, T. 26 N., R. 12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE NORTH HALF (N/2) AND THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. THENCE S 24-00-05 E A DISTANCE OF 5803.96 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE NORTH LINE OF SAID SECTION 26.

THENCE: S 25-21-09 E A DISTANCE OF 1201.93 FEET;
THENCE: S 45-34-28 E A DISTANCE OF 2821.37 FEET;
THENCE: S 28-24-00 E A DISTANCE OF 819.62 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 26. WHENCE THE SOUTHEAST SECTION CORNER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEARS S 74-08-11 E A DISTANCE OF 5489.58 FEET.

CONTAINING 4842.92 FEET, 293.51 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING--AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND BRASS CAPS, ALL IN T. 26 N., R. 12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO
BEARS: N 89-55 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

**TRIBAL TRUST
BENSON-MONTIN-GREER
TANK BATTERY
SE 1/4 SEC.17, T.26 N., R.12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO**

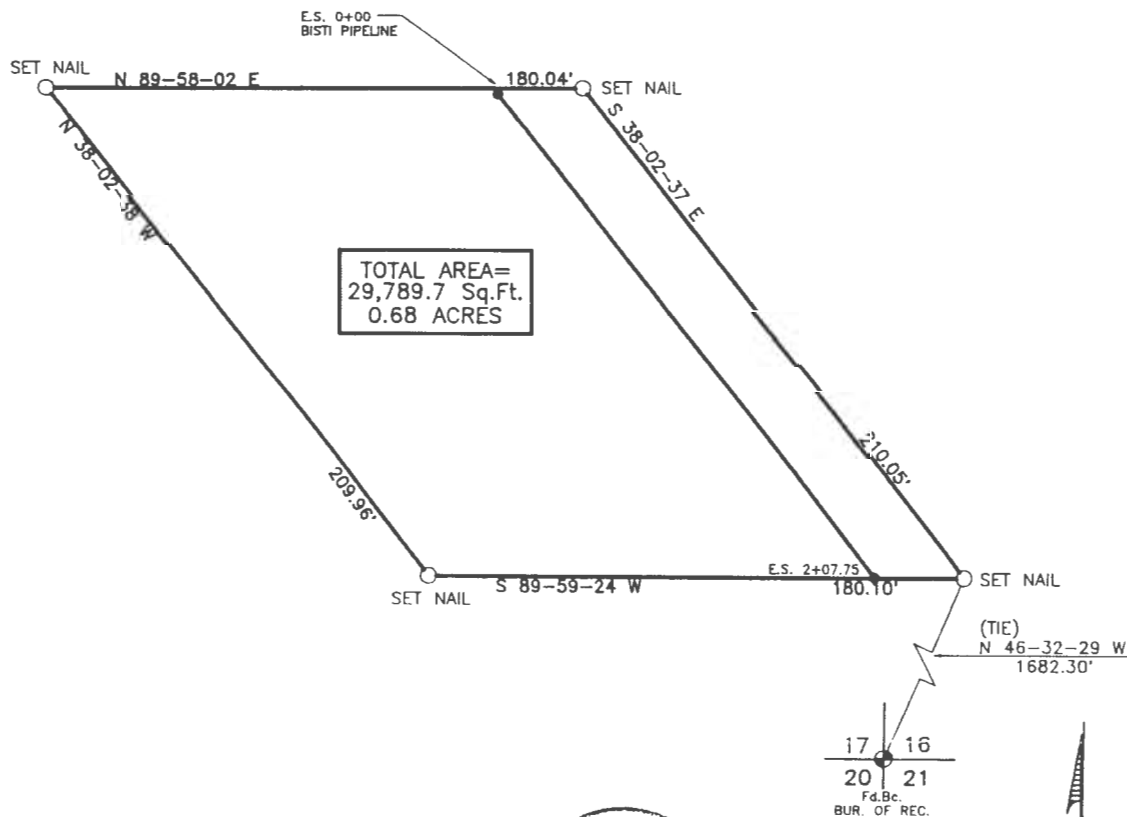
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 17, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

THAT PARCEL OF LAND AS SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SEVENTEEN (17), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE N 46-32-29 W A DISTANCE OF 1682.30 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION,

THENCE: S 89-59-24 W A DISTANCE OF 180.10 FEET;
THENCE: N 38-02-38 W A DISTANCE OF 209.96 FEET;
THENCE: N 89-58-02 E A DISTANCE OF 180.04 FEET;
THENCE: S 38-02-37 E A DISTANCE OF 210.05 FEET TO THE "POINT OF ENDING"
FOR THIS DESCRIPTION.

PARCEL CONTAINS 29,789.7 Sq. FEET, OR 0.68 ACRES MORE OR LESS.



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING - AS MEASURED BETWEEN THE SE COR. & THE S 1/4 COR. OF SEC.15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-56 W



DATE: 2-6-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
425 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No.8894

Attachment 3-25

TRIBAL TRUST
BENSON-MONTIN-GREER (OIL PIPELINE)
SE/4 SEC.17, & NE/4 SEC.20, T.26 N., R.12 W., N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

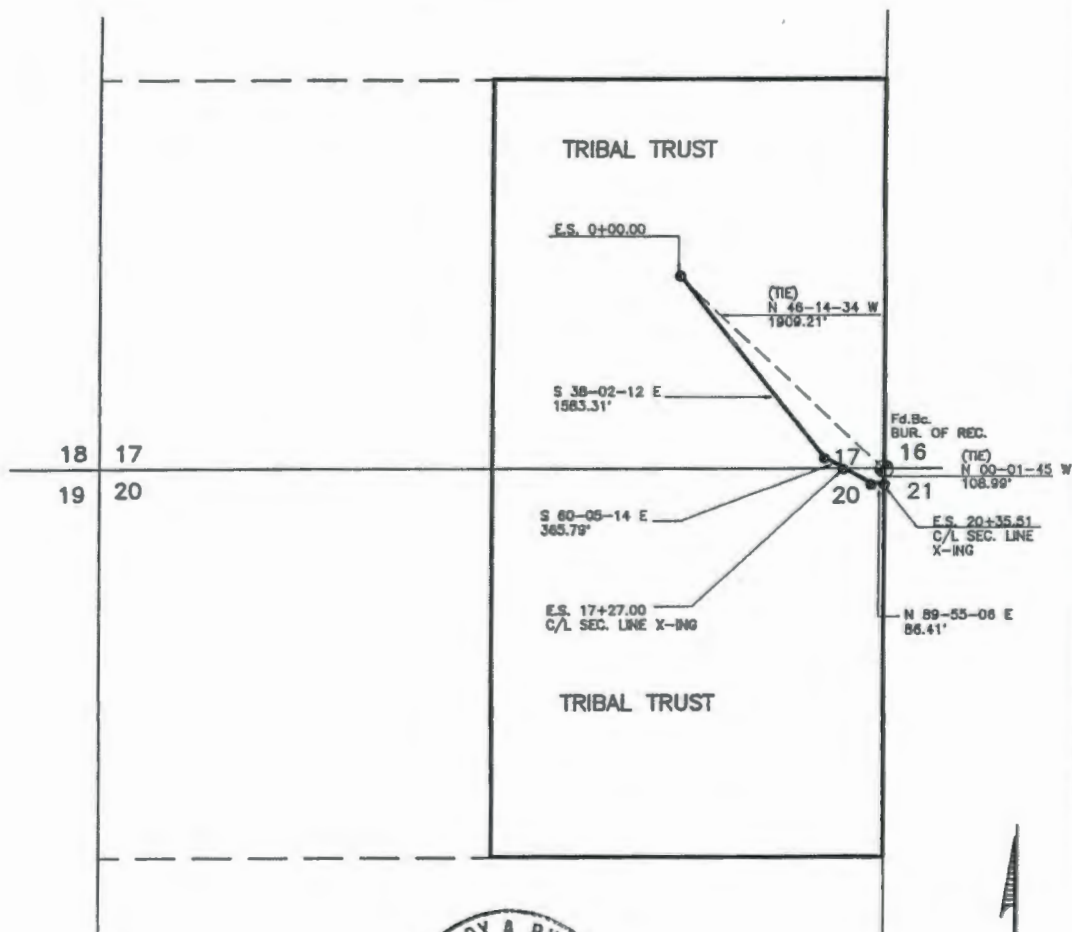
LEGAL DESCRIPTION
 FOR
 BISTI PIPELINE SURVEY
 IN SECTION 17, AND SECTION 20, T.26 N., R.12 W., N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SEVENTEEN (17), AND THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY (20), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 17, THENCE N 46-14-34 W A DISTANCE OF 1909.21 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION.

THENCE: S 38-02-12 E A DISTANCE OF 1583.31 FEET;
 THENCE: S 60-05-14 E A DISTANCE OF 365.79 FEET;
 THENCE: N 89-55-08 E A DISTANCE OF 86.41 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF SAID SECTION 20. WHENCE THE SOUTHEAST SECTION CORNER OF SAID SECTION 17 BEARS N 00-01-45 W A DISTANCE OF 108.99 FEET.

CONTAINING 2035.51 FEET, 123.36 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-- AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-56 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

DAGGETT INC.
 420 WEST ELM STREET
 FARMINGTON, NEW MEXICO 87401
 (505) 326-1772
 REGISTERED LAND SURVEYOR
 NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) SE/4 SEC.4, T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

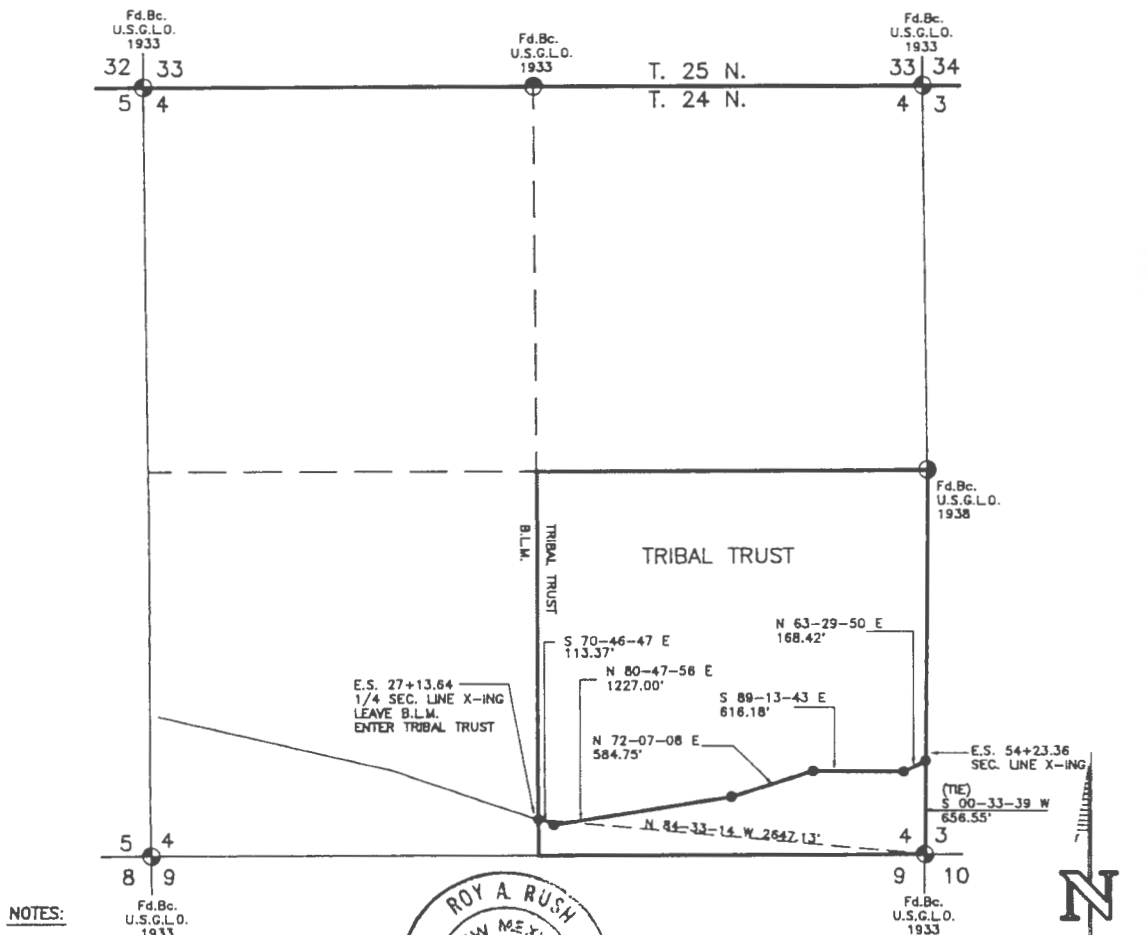
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 4, T.24 N., R.9 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION FOUR (4), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 4, THENCE N 84-33-14 W A DISTANCE OF 2647.13 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4.

THENCE: S 70-46-47 E A DISTANCE OF 113.37 FEET;
THENCE: N 80-47-56 E A DISTANCE OF 1227.00 FEET;
THENCE: N 72-07-08 E A DISTANCE OF 584.75 FEET;
THENCE: S 89-13-43 E A DISTANCE OF 616.18 FEET;
THENCE: N 63-29-50 E A DISTANCE OF 168.42 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE WEST LINE OF SAID SECTION 4. WHENCE THE SOUTHEAST SECTION CORNER OF SAID SECTION 4 BEARS S 00-33-39 W A DISTANCE OF 656.55 FEET.

CONTAINING 2709.72 FEET, 164.23 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING- AS MEASURED BETWEEN THE NE CORNER & THE NW CORNER OF SECTION 4, BOTH BEING FOUND BRASS CAPS, ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-50 W



I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) SW/4 SEC.3, T.24 N., R.9 W., N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

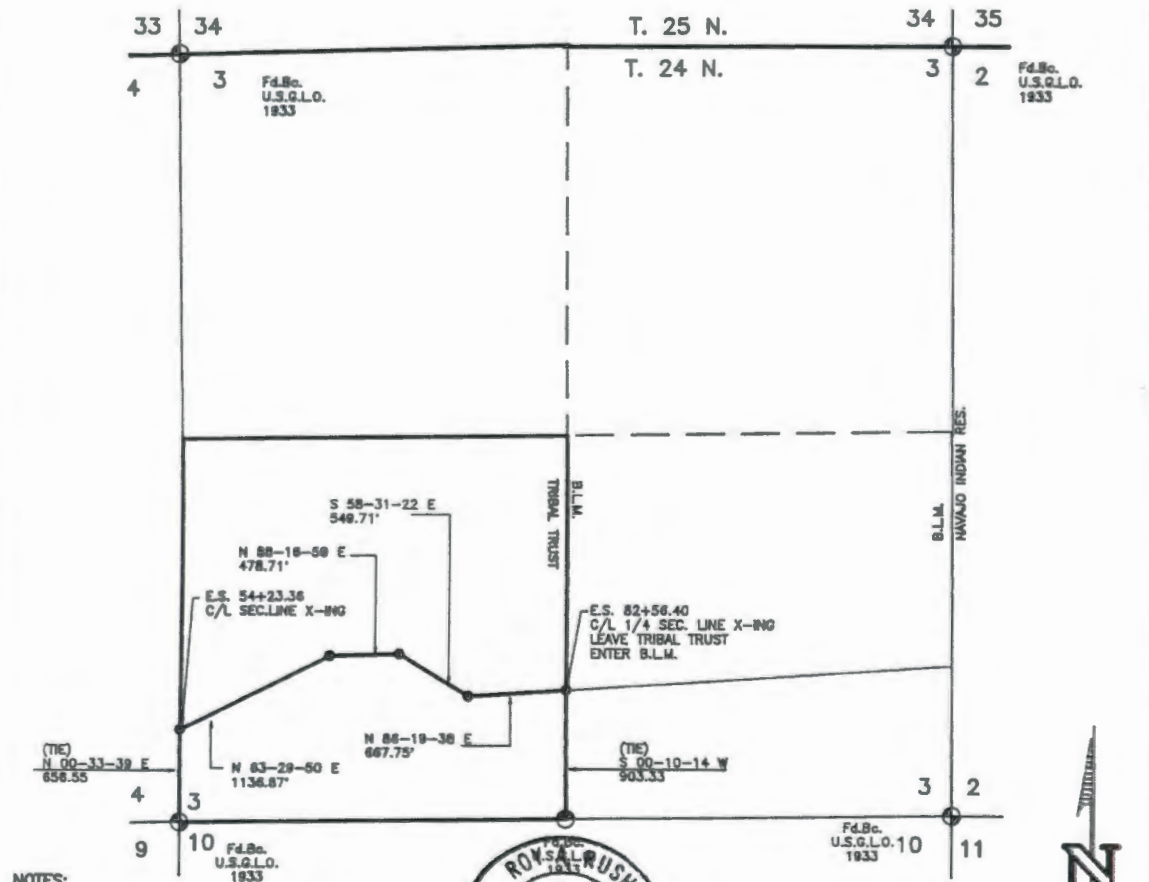
LEGAL DESCRIPTION
FOR
BISTI PIPELINE SURVEY
IN SECTION 3, T.24 N., R.19 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION THREE (3), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINE (9) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 3, THENCE N 00-33-39 E A DISTANCE OF 656.55 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SECTION 3.

THENCE: N 63-29-50 E A DISTANCE OF 1136.87 FEET;
THENCE: N 88-16-59 E A DISTANCE OF 478.71 FEET;
THENCE: S 58-31-22 E A DISTANCE OF 549.71 FEET;
THENCE: N 86-19-38 E A DISTANCE OF 667.75 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE EAST LINE OF THE SOUTHEAST QUATER OF SAID SECTION 3. WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 3 BEARS S 00-10-14 W A DISTANCE OF 903.33 FEET.

CONTAINING 2833.04 FEET, 171.70 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING—AS MEASURED BETWEEN THE NE COR. & THE NW COR. OF SECTION 4, BOTH BEING FOUND BRASS CAPS, ALL IN T.24 N., R.9 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO.

[Signature]
BEARS: N 89-50 W



DATE: 7-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

REVISION REV. BY DATE
DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

TRIBAL TRUST BENSON-MONTIN-GREER (OIL PIPELINE) W/2 SEC.23, T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO

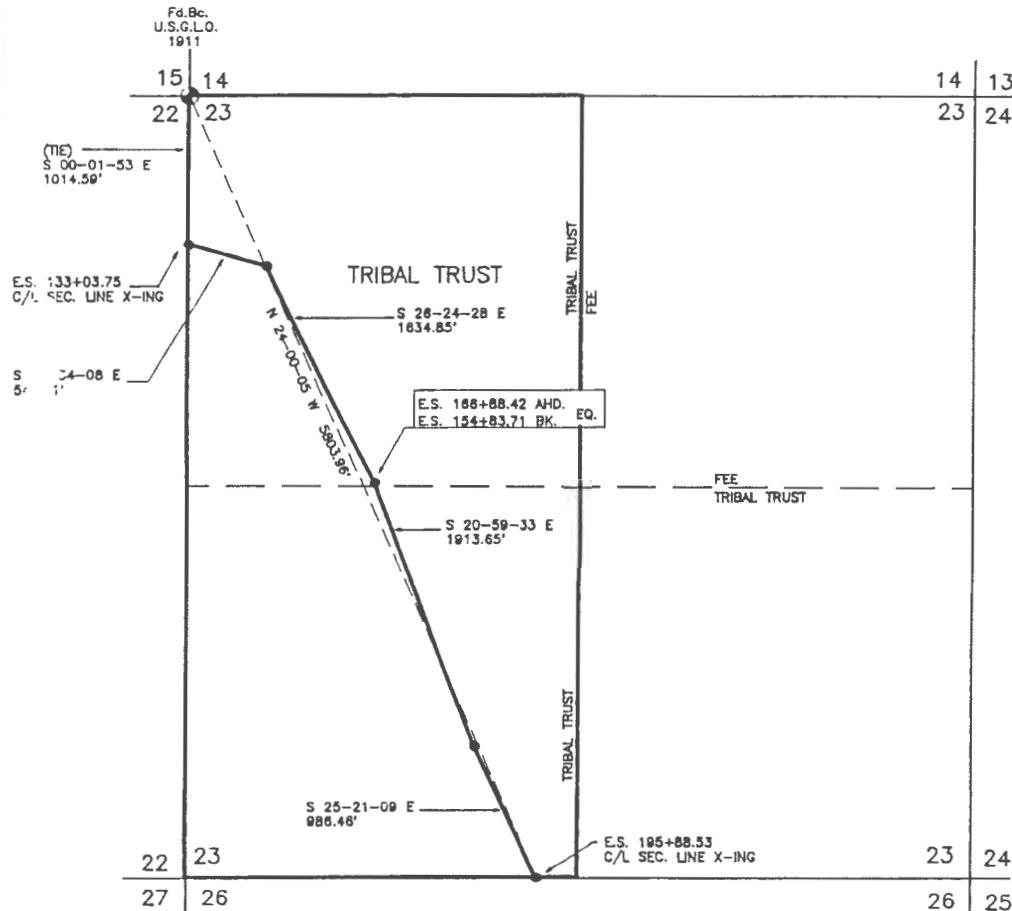
LEGAL DESCRIPTION
FOR
BIST PIPELINE SURVEY
IN SECTION 23, T.26 N., R.12 W., N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

A PIPELINE EASEMENT SITUATED IN THE WEST HALF (W/2) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 23, THENCE S 00-01-53 E A DISTANCE OF 1014.59 FEET TO THE "TRUE POINT OF BEGINNING" FOR THIS DESCRIPTION, SAID "TRUE POINT OF BEGINNING" BEING ON THE WEST LINE OF SAID SECTION 23.

THENCE: S 74-34-08 E A DISTANCE OF 545.11 FEET;
THENCE: S 26-24-28 E A DISTANCE OF 1634.85 FEET;
THENCE: S 20-59-33 E A DISTANCE OF 1913.65 FEET;
THENCE: S 25-21-09 E A DISTANCE OF 986.46 FEET TO THE "POINT OF ENDING" FOR THIS DESCRIPTION. SAID "POINT OF ENDING" BEING ON THE SOUTH LINE OF SAID SECTION 23. WHENCE THE NORTHWEST SECTION CORNER OF SAID SECTION 23 BEARS N 24-00-05 W A DISTANCE OF 5803.96 FEET.

CONTAINING 5080.07 FEET, 307.88 RODS



NOTES:

- 1.) BASIS OF BEARING: G.L.O. RECORD BEARING-AS MEASURED BETWEEN THE SE CORNER & THE S 1/4 CORNER OF SECTION 15, BOTH BEING FOUND-BRASS CAPS, ALL IN T.26 N., R.12 W., N.M.P.M., SAN JUAN COUNTY, NEW MEXICO BEARS: N 89-58 W



DATE: 1-31-95

I, ROY A. RUSH, A DULY QUALIFIED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY MEETS THE AMENDED MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.



0 500 1000
SCALE: 1"=1000'

REVISION REV. BY DATE

DAGGETT INC.
420 WEST ELM STREET
FARMINGTON, NEW MEXICO 87401
(505) 326-1772
REGISTERED LAND SURVEYOR
NEW MEXICO No. 8894

BENSON-MONTIN-GREER DRILLING CORP.

BISTI NATURAL GAS PIPELINE RIGHT-OF-WAY RENEWAL

**S/2 Section 1, S/2 Section 2, SW/4 Section 3, and SE/4 Section 4, T. 24 N., R. 9 W.
SW/4 Section 2, NE/4 Section 6, E/2 and NW/4 Section 11, and E/2 and NW/4
Section 24, T. 25 N., R. 10 W.**

SE/4 and NW/4 Section 1 and NE/4 Section 2, T. 25 N., R. 11 W.

**SE/4 Section 30, NE/4 Section 31, S/2 Section 33, S/2 Section 34, and SW/4
Section 35, T. 26 N., R. 11 W.**

**SE/4 Section 17, NE/4 Section 20, N/2 Section 21, N/2 Section 22, W/2 Section 23,
and E/2 and NW/4 Section 26, T. 26 N., R. 12 W**

San Juan County, New Mexico

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman November 19, 2014

This report discusses the potential for disturbance to plant species of concern listed by the Navajo Natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (USFWS) that have the potential to occur in the project area. The project area occurs in six USGS 7.5-minute quadrangles in New Mexico: Crow Mesa West, Blanco Trading Post, Huerfano T.P, Huerfano Trading Post NW, Carson Trading Post, and Moncisco Wash, listed east to west across the project area.

The NNHP lists Aztec gilia (*Aliciella formosa*), San Juan milkweed (*Asclepias sanjuanensis*), and Brack's cactus (*Sclerocactus cloveriae* subsp. *brackii*) as having the potential to occur on all of the quadrangles. In addition, San Juan milkweed is known to occur on or near the project site on the Moncisco Wash, NM, quadrangle. Wetland conditions also need to be evaluated for the potential for Parish's alkali grass (*Puccinellia parishii*). All four of these species are in Group 4 on the Navajo Endangered Species List (NESL) (Detsoi, 2014). During the original 1994 survey prior to the construction of the pipeline, San Juan milkweed was also located in the project area on the Blanco Trading Post, Huerfano Trading Post NW, and Carson Trading Post quadrangles (Ladyman, 1994).

The USFWS lists Mancos milkvetch (*Astragalus humillimus*), Knowlton's cactus (*Pediocactus knowltonii*), and Mesa Verde cactus (*Sclerocactus mesae-verdae*) as having the potential to occur in the project area. Mancos milkvetch and Knowlton's cactus are listed as Endangered, while Mesa Verde cactus is listed as Threatened (IPaC, 2014).

PROJECT DESCRIPTION

The proposed project consists of the right-of-way renewal for the portions of the existing gas pipeline right-of-way that occur on Navajo Tribal and Allotted lands. The pipeline runs through nine sections of Navajo land that alternate with Bureau of Land Management land (BLM). There are 7.55 miles of pipeline within a 30-foot corridor covering 26.65 acres on Navajo Tribal land (BIA, 2002a) and 7.54 miles of pipeline within a 30-foot corridor covering 27.43 acres on Navajo Allotted land (BIA, 2002b). There will be no additional land disturbance. The BLM portions of the pipeline total approximately 12.75 miles.

The project area is located in:

- S/2 Section 1, S/2 Section 2, SW/4 Section 3, and SE/4 Section 4, T. 24 N., R. 9 W.
- SW/4 Section 2, NE/4 Section 6, E/2 and NW/4 Section 11, and E/2 and NW/4 Section 24, T. 25 N., R. 10 W.
- SE/4 and NW/4 Section 1, and NE/4 Section 2, T. 25 N., R. 11 W.
- SE/4 Section 30, NE/4 Section 31, S/2 Section 33, S/2 Section 34, and SW/4 Section 35, T. 26 N., R. 11 W.
- SE/4 Section 17, NE/4 Section 20, N/2 Section 21, N/2 Section 22, W/2 Section 23, and E/2 and NW/4 Section 26, T. 26 N., R. 12 W.

This area occurs from 4.87 miles north to 26.43 miles northwest of the town of Nageezi in San Juan County, NM.

The east end of project area begins on Navajo Allotted land in the SE/4 of Section 1, T. 24 N. R. 9 W. The line heads west and northwest, crossing US Highway 550 and several gravel and dirt roads, and passing south of the Chaco Plant to end in the SE/4 of Section 16, T. 26 N., R. 12 W. on Navajo Tribal land.

The straight-line distance from the southeast end of the pipeline to the northwest end is over 24 miles, with major crossings of Blanco Wash near the southeast end and Gallegos Wash near the northwest end. The landscape is predominantly rolling plains cut by these and other drainages, both large and small. There are a very few areas of exposed shale. Russian-thistle (*Salsola tragus*) is present, and frequently dominant, in all communities.

The plains are mostly dominated by big sagebrush (*Artemisia tridentata*) with a variety of understory plants, including galleta (*Pleuraphis jamesii*), blue grama (*Bouteloua gracilis*), sand dropseed (*Sporobolus cryptandrus*), Greene's rabbitbrush (*Chrysothamnus Greenei*), and six-week's fescue (*Vulpia octoflora*). Other shrubby areas are dominated by Bigelow's rabbitbrush (*Ericameria nauseosa* var. *bigelovii*), Greene's rabbitbrush, broom snakeweed (*Gutierrezia sarothrae*), Indian ricegrass (*Achnatherum hymenoides*), purple threeawn (*Aristida purpurea* var. *purpurea*), sand wild buckwheat (*Eriogonum leptocladon*), four-wing saltbush (*Atriplex canescens*), and galleta.

There are occasional open desert grassland areas dominated by galleta, blue grama, Indian ricegrass, alkali sacaton (*Sporobolus airoides*), and/or sandhill muhly (*Muhlenbergia pungens*) with scattered

big sagebrush, four-wing saltbush, Greene's rabbitbrush, Bigelow's rabbitbrush, small-leaf globemallow (*Sphaeralcea parvifolia*), purple threeawn, or broom snakeweed. There are several open sandy areas with sandhill muhly, sand wild buckwheat, Bigelow's rabbitbrush, galleta, purple three-awn, Greene's rabbitbrush, and occasionally San Juan milkweed (*Asclepias sanjuanensis*). There is one small area of open piñon-juniper woodland (*Pinus edulis-Juniperus monosperma*) with galleta in the understory. The area near the northwest end of the pipeline is highly disturbed and is dominated by foxtail barley (*Hordeum jubatum*), northern tansymustard (*Descurainia sophia*), and Russian knapweed (*Acroptilon repens*).

The larger drainages have their own plant communities dominated by burroweed (*Isocoma azteca*), alkali sacaton, sandhill muhly, rubber rabbitbrush (*Ericameria nauseosa* var. *graveolens*), dune scurfpea (*Psoralidium lanceolatum*), nodding wild buckwheat (*Eriogonum cernuum*), Indian ricegrass, and/or desert saltgrass (*Distichlis spicata*). Lower lying areas, which can be extensive, have greasewood (*Sarcobatus vermiculatus* var. *vermiculatus*), alkali sacaton, cheatgrass (*Bromus tectorum*), and occasional big sagebrush. The few areas of exposed shale are steep, gravelly, and mostly barren with scattered Bigelow's sagebrush (*Artemisia bigelovii*), hairy goldenaster (*Heterotheca villosa*), burroweed, Greene's rabbitbrush, or rock goldenrod (*Petradoria pumila*).

The disturbed corridor generally includes the understory plants of the surrounding plant communities with additions of Indian ricegrass, galleta, cheatgrass, western tansymustard (*Descurainia pinnata*), blue grama, nodding wild buckwheat, narrowleaf beardtongue (*Penstemon angustifolius*), purple threeawn, broom snakeweed, rock goldenrod, or prickly lettuce (*Lactuca serriola*).

There is a mosaic of over 20-25 different soil units in the project area. The four largest units, comprising approximately 60% of the area, are the Doak-Sheppard-Shiprock association, rolling (DS), the Fruitland-Persayo-Sheppard complex, hilly (FX), the Blancot-Notal association, gently sloping (BT), and the Sheppard-Mayqueen-Shiprock complex, 0 to 8 percent slopes (Sd).

The DS unit consists of alluvium derived from sandstone and shale and aeolian deposits over either mixed alluvium or alluvium derived from sandstone with soil textures of loam and clay loam to loamy fine sand and fine sandy loam. The FX soil unit consists of a complex of slope alluvium derived from sandstone and shale, residuum weathered from shale, and aeolian deposits over mixed alluvium. The soil textures range from sandy loam and fine sandy loam to clay loam and loamy fine sand. The BT soil unit consists of fan or stream alluvium derived from sandstone and shale with soils of loam and sandy clay loam to silty clay loam and clay. The Sd unit is a complex of aeolian deposits either derived directly from sandstone or shale or over slope alluvium derived from sandstone. The soil textures are loamy fine sand to fine sandy loam (NRCS, 2014).

The underlying bedrock is almost entirely the Nacimiento Formation with a small area of the Ojo Alamo Formation near the northwest end of the pipeline (NMBMGR, 2003). The elevation of the is 6685 feet at the southwest end of the project area. It rises to 6850 feet as it crosses the west foothills of Huerfano Mountain then gradually drops to 6000 feet at the northwest end of the project area. Disturbances in the project area include paved, gravel, and dirt roads, powerlines, pipe lines, a tank battery, homesites and other buildings, and grazing by horses, cattle and sheep.

METHODOLOGY

The project area was surveyed between June 3 and June 17, 2014, by botanist Marian Rohman. The survey of the existing pipeline corridor was conducted by walking a zigzag transect on each side of the centerline covering the 30-foot wide corridor and a buffer zone of 200 feet on each side of the corridor. The tank battery was surveyed by walking parallel transects across the site at 75-100-foot intervals. Numerous areas of potential habitat for San Juan milkweed were surveyed by walking multiple parallel transects spaced 10-12 feet apart and perpendicular to the pipeline centerline through the areas. The emphasis of the survey was to inspect for potential species of concern; however, all plants were identified in order to provide a more complete description of the environment. A list of the plants observed in the project area is included at the end of this report.

SURVEY RESULTS

Species of Interest to the Navajo Natural Heritage Program, and the U.S. Fish and Wildlife Service: The NNHP lists Aztec gilia, San Juan milkweed, and Brack's cactus as having the potential to occur in the project area. In addition, San Juan milkweed is known to occur on or near the project site on the Moncisco Wash, NM, quadrangle. Wetland conditions also need to be evaluated for the potential for Parish's alkali grass (Detsoi, 2014). The USFWS lists Mancos milkvetch, Knowlton's cactus, and Mesa Verde cactus as having the potential to occur in the project area (IPaC, 2014). Details of status, habitat, and the potential for habitat in the project area for these species are listed in the following table.

SPECIES STATUS	HABITAT	POTENTIAL FOR HABITAT IN THE PROJECT AREA
<i>Aliciella formosa</i> Aztec gilia NESL Group 4	Salt desert scrub communities in soils of the Nacimiento Formation. Elev. 5000-6400 ft. Blooms April and May (Heil and Herring, 1999a; Roth, 2008).	No appropriate habitat: there are no salt desert scrub communities in the project area. (NP)
<i>Asclepias sanjuanensis</i> San Juan milkweed NESL Group 4	Sandy loam soils in open piñon-juniper woodlands and Great Basin grassland communities. Usually found in very open vegetation on sand dunes, often in association with sandhill muhly and sand wild-buckwheat. Elev. 5000-6420 ft. Flowers late April thru early May (Heil and Herring, 1999b; Roth, 2001a; personal observation).	Appropriate habitat: plants of this species occur in fifteen areas along the pipeline (see below). (K)

<p><i>Astragalus humillimus</i> Mancos milkvetch</p> <p>USFWS Endangered NESL Group 2</p>	<p>Cracks or eroded depressions on or near sandstone rimrock ledges and mesa tops in Point Lookout and Cliffhouse Sandstone. Elev. 5000-6000 ft. Blooms late April to early May (McDonald, 1999a; Roth, 2001b).</p>	<p>No appropriate habitat: there is no Point Lookout or Cliffhouse Sandstone in the project area. The project area is mostly well above the known elevation range of the species. (NP)</p>
<p><i>Pediocactus knowltonii</i> Knowlton cactus</p> <p>USFWS Endangered</p>	<p>On rolling, gravelly hills in a piñon-juniper-sagebrush community at about 6,200-6,300 ft. This species is known only from the type locality very near the NM/CO border. Flowers April and May. This species is not known on FFO lands (McDonald and Ferguson, 1999).</p>	<p>No appropriate habitat: there are no rolling gravelly hills and no piñon-juniper-sagebrush community in the project area. (NP)</p>
<p><i>Puccinellia parishii</i> Parish's alkali grass</p> <p>NESL Group 4</p>	<p>Alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes with continuously damp soils during its late winter to spring growing period. Elev. 2600-7200 ft. Flowers May to June (McDonald, 1999b; Roth 2001c).</p>	<p>No appropriate habitat: there are no alkaline springs, seeps, or seasonally wet areas in the project area. (NP)</p>
<p><i>Sclerocactus cloveriae</i> subsp. <i>brackii</i> Brack's fishhook cactus</p> <p>NESL Group 4</p>	<p>In desert scrub and scattered juniper communities on sandy clay hills of the Nacimiento Formation in communities typically dominated by shadscale. Elev. 5000-6960 ft. Blooms in May. (Ferguson, 1998; Roth, 2005; personal observation).</p>	<p>No appropriate habitat: there is minimal desert scrub and one small scattered juniper community in the project area. However, these areas are sandy loam, rather than sandy clay. No plants of this species were found. (NP)</p>

<i>Sclerocactus mesae-verdae</i> Mesa Verde cactus USFWS Threatened NESL Group 2	In sparsely vegetated clay-rich soils derived from the Fruitland and Mancos Shale Formations, frequently on the tops of hills or benches and along slopes that may have a cover of gravel or cobbles ranging from 0% to 100%. Commonly associated with <i>Atriplex corrugata</i> and <i>Atriplex gardneri</i> . Elev. 4,900 to 5,500ft. Blooms late April to May (McDonald, 1999c, Hazelton, 2012).	No appropriate habitat: there is no Mancos or Fruitland Shale Formation in the project area. The project area is well above the known elevation range of the species. (NP)
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Status USFWS – U.S Fish and Wildlife Service (ECOS; 2014)

Endangered – An animal or plant species in danger of extinction throughout all or a significant portion of its range.

Threatened – An animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

NESL – Navajo Endangered Species List (NNHP, 2008)

Group 2 – Endangered: A species or subspecies whose prospects of survival or recruitment are in jeopardy.

Group 4 – a species or subspecies where there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it

Potential to Occur

K – Known, documented observation within project area.

S – Habitat suitable and species suspected to occur within the project area.

NS – Habitat suitable but species is not suspected to occur within the project area.

NP – Habitat not present and species unlikely to occur within the project area

San Juan milkweed: there are fifteen areas of San Juan milkweed along the Navajo portions of the existing pipeline with a total of 147 plants. An area is defined as all plants within 400 feet of another plant. If the distance is greater than 400 feet, a new area is defined. (The 400 foot limit is based on a 200-foot protection buffer recommended by the NNHP around all plants (Roth, 2001a)). (All coordinates are in NAD 83)

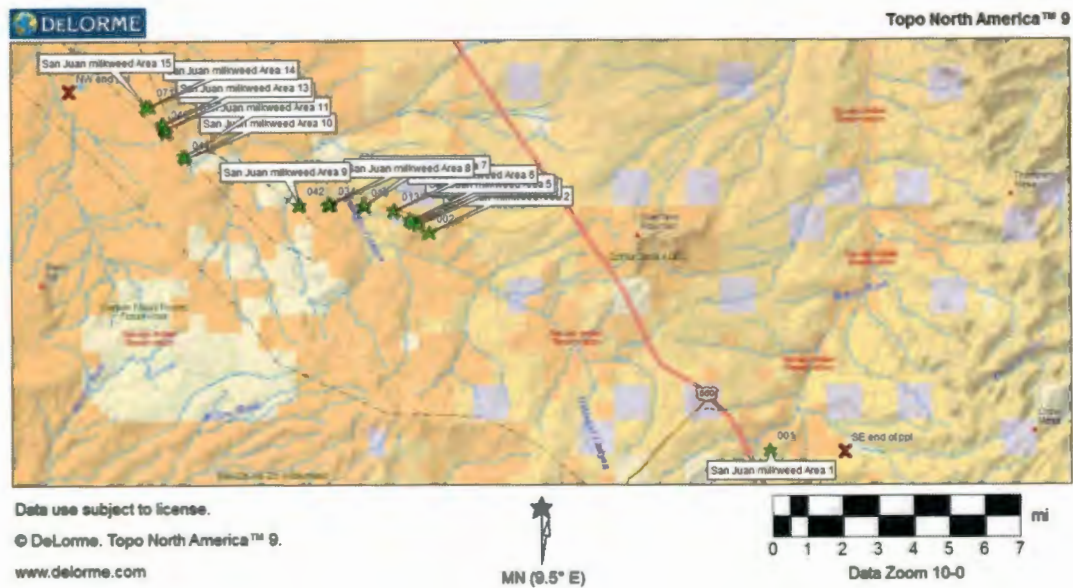
- **Area 1:** 1 plant at 36.338138N, 107.778531W: in the south buffer, 64 feet from the center line
- **Area 2:** 2 plants at 36.429896N, 107.955461W: in the south buffer, 20 feet from the center line
- **Area 3:** 3 plants at 36.429896N, 107.955461W: in the corridor within 5 feet south of the center line
- **Area 4:** 3 plants centered at 36.430637N 107.957589W: one plant in the corridor 8 feet north of the center line, 2 plants in the north buffer 25 feet north of the center line, for 15 feet along the line
- **Area 5:** 20 plants centered at 36.431746N, 107.959192N: 9 plants in the corridor 5-15 feet southwest of the center line, 11 plants in the southwest buffer 38-81 feet from the center line, for 432 feet along the line
- **Area 6:** 5 plants centered at 36.435554N, 107.967843W: 4 plants in the northeast

buffer 21-51 feet from the center line, one plant in the southwest buffer 56 feet from the center line, for 64 feet along the line

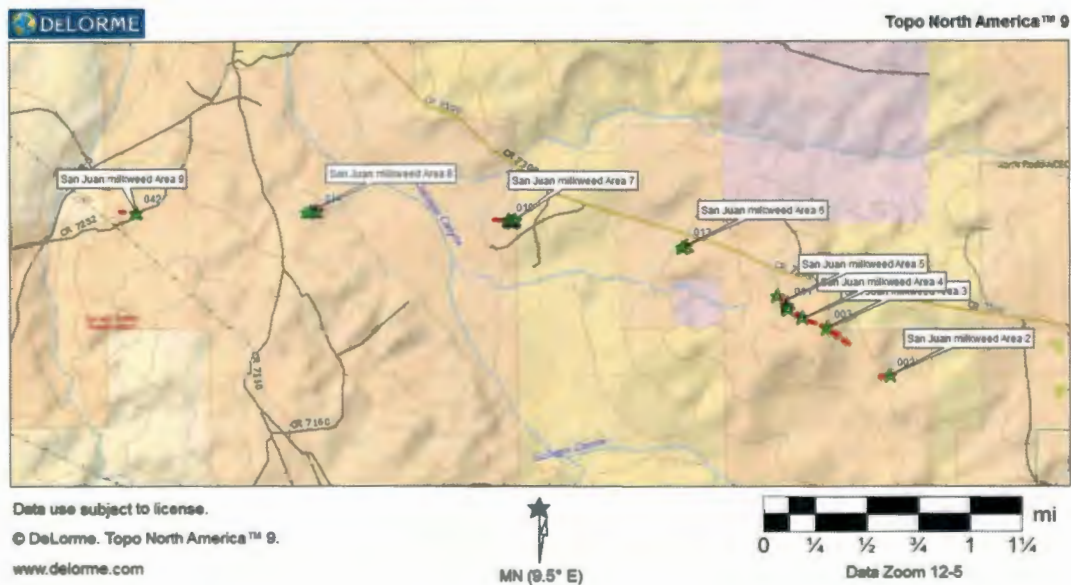
- **Area 7:** 49 plants centered at 36.437386N, 107.982816W: 22 plants in the corridor from 13 feet south to 13 feet north of the center line, 12 plants in the south buffer 16-25 feet from the center line, 15 plants in the north buffer 18-28 feet north of the center line, for 178 feet along the line
- **Area 8:** 9 plants centered at 36.438010N, 108.000098W: one plant in the corridor 8 feet southeast of the center line, 2 plants in southeast buffer 37 feet from the center line, 6 plants in northwest buffer 25-60 feet from the center line, for 267 feet along the line
- **Area 9:** 5 plants centered at 36.437957N, 108.015446W: 3 plants in the corridor within 5 feet south of the center line, 2 plants in the north buffer 20 feet from the center line, for 15 feet along the line
- **Area 10:** 1 plant at 36.457033N, 108.072738W: in the corridor 12 feet southwest of the center line
- **Area 11:** 1 plant at 36.458194N, 108.073592W: in the corridor 10 feet southwest of the center line
- **Area 12:** 36 plants centered at 36.469134N, 108.083293W: 8 plants in the corridor from 5 feet east to 8 feet west of the center line, 6 plants in the west buffer 52-54 feet from the center line, 22 plants in the east buffer 20-98 feet from the center, for 679 feet along the line
- **Area 13:** 10 plants centered at 36.471431N, 108.084579W: in the east buffer 29-43 feet from the center line, for 32 feet along the line
- **Area 14:** 1 plant at 36.478650N, 108.091234W: in the north buffer 63 feet from the center line
- **Area 15:** 1 plant at 36.478779N, 108.093094W: in the south buffer 33 feet from the center line

During the original pre-construction survey in 1994, four locations of San Juan milkweed were identified (Ladyman, 1994). One of these locations is within 300 feet of San Juan milkweed Area 7 and could be the same population. The other three locations are not related to the current San Juan milkweed Areas. Personal experience has shown that individual San Juan milkweed plants do not necessarily come up every year. Also, during the intervening 20 years, there have been many years of drought which could have negatively affected the original populations.

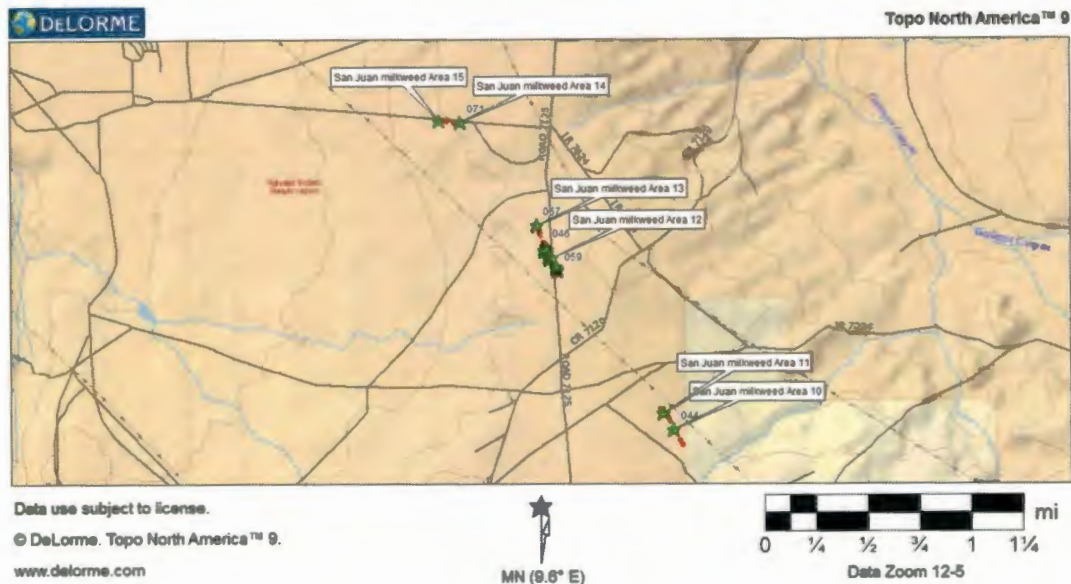
Map of Project Area showing all San Juan milkweed Areas



Map Showing Close-up of San Juan milkweed Areas 2 thru 9



Map Showing Close-up of San Juan milkweed Areas 10 through 15



San Juan milkweed is in NESL Group 4, indicating that there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it (NNHP, 2008). No legal protection is afforded species with only...NESL Group 4 status. 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 (Detsoi, 2014).

Noxious weeds: The Bureau of Indian Affairs lists three species of noxious weeds as potential invaders and fourteen species as new invaders on the Navajo Reservation (OSM, 1999). Two species, halogeton (*Halogeton glomeratus*) and Russian knapweed (*Acroptilon repens*) are present in the project area.

Halogeton is most abundant between the southeast end of the pipeline and US Highway 550. It occurs as scattered plants throughout this area, with five concentrations of 50 plants or more. These concentrations occur at:

- 36.339.735N, 107.753417W: 40-60 plants in the south buffer for 60 feet along the pipeline
- 36.339190N, 107.761554W: 50+ plants scattered through the corridor and buffers in the area of a tank and valve
- 36.338990N, 107.767088W: 150-200 plants 20-35 feet north of the center line for 15 feet along a small drainage
- 36.338534N, 107.783398W: 500+ plants in the corridor and south buffer for .11 miles along the line

- 36.337597N, 107.785784W: 100+ plants in the corridor and north buffer for 20 feet along the line

There are three additional populations of halogeton along the pipeline. One is at 36.434610N, 107.965708W. It consists of 100-150+ plants in the corridor and both buffers for 30 feet along the line southeast of San Juan milkweed Area 6. The second population occurs at 36.437835N, 107.989425W, consisting of 25-50 plants scattered through a wash in the north buffer west of San Juan milkweed Area 7. The third population is at 36.480532N, 108.122228W. It consists of many small plants in an area 100 feet along the line near the northwest end of the pipeline.

There are six populations of Russian knapweed along the pipeline:

- 36.381933N, 107.843860W: 350-400 plants in an area 40 feet by 50 feet in the east buffer, along the west side of Highway 550
- 36.431231N, 107.958766W: 50-75 plants in a 30-foot diameter area in the south corridor and buffer, on the south edge of San Juan milkweed Area 5
- 36.435344N, 107.967340W: 250-300 plants in an area 60 feet wide by 90 feet along the line in the corridor and south buffer, just southeast of San Juan milkweed Area 6
- 36.436153N, 107.969815W: 15-20 plants in a 20-foot diameter area in the west buffer, northwest of San Juan milkweed Area 6
- 36.480125N, 108.113938W: 200-300 plants in an 80-foot diameter area through the corridor and in both buffers, between San Juan milkweed Area 15 and the Chaco plant
- 36.478926N, 108.114427W: 200+ plants in an area 90 feet across by 100 feet along the line, 460 feet south of the previous population

Both halogeton and Russian knapweed are Priority B noxious weeds, indicating that they are new noxious weeds known to have invaded isolated locales on the reservation. Emphasis is placed on immediate control, prevention of seed spread and eradication. Education, awareness, identification, control and monitoring will be the priorities.

DISCUSSION AND RECOMMENDATION

There are fifteen areas of San Juan milkweed along the existing pipeline. San Juan milkweed is listed in Group 4 on the Navajo Endangered Species List, indicating that there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it (NNHP, 2008). While there is no legal protection afforded Group 4 species, documentation and addressing the species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future (Detsoi, 2014). It is recommended that any future work on the pipeline take the San Juan milkweed Areas into consideration. Consultation should be made with the Navajo Natural Heritage Program at the Navajo Department of Fish and Wildlife before accessing the area in order to determine the best strategy to avoid the populations and limit disturbance. This recommendation has been reviewed and approved by Andrea Hazelton, Botanist with the Navajo Natural Heritage Program (Hazelton, 2014).

No other plant species of concern to the Navajo Natural Heritage Program or the U.S. Fish and Wildlife Service will be impacted by the proposed project.

Signature of Author: _____
Marian J. Rohman

November 19, 2014

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PLANTS OF THE EXISTING BISTI PIPELINE

Scientific names according to Heil, et al 2013

Identifications based on Heil, et al 2013; Ivey 2008; Barneby, 1989

TREES

Elaeagnus angustifolius

Russian olive

Juniperus monosperma

One-seed juniper

Pinus edulis

Piñon

Tamarix chinensis

Saltcedar

SHRUBS AND SUBSHRUBS

Artemisia bigelovii

Bigelow's sagebrush

Artemisia filifolia

Sand sage

Artemisia frigida
Artemisia spinescens
Artemisia tridentata
Atriplex canescens
Atriplex confertifolia
Brickellia oblongifolia var. *linifolia*
Chrysothamnus Greenei
Ephedra torreyana
Ephedra viridis var. *viscidiflorus*
Ericameria nauseosa var. *unidentified*
Ericameria nauseosa var. *bigelovii*
Ericameria nauseosa var. *graveolens*
Eriogonum leptocladon
Eriogonum leptophyllum
Eriogonum microthecum var. *simpsonii*
Gutierrezia sarothrae
Krascheninnikovia lanata
Lycium pallidum subsp. *pallidum*
Poliomintha incana
Purshia tridentata
Sarcobatus vermiculatus var. *vermiculatus*
Xanthisma grindelioides var. *grindelioides*
Yucca baccata
Yucca baileyi

CACTI

Cylindropuntia whipplei
Echinocereus triglochidiatus
Escobaria vivipara var. *arizonica*
Opuntia polyacantha
Pediocactus simpsonii
Sclerocactus parviflorus

GRASSES

Achnatherum hymenoides
Agropyron cristatum
Aristida purpurea var. *purpurea*
Bouteloua gracilis
Bromus tectorum
Distichlis spicata
Elymus longifolius
Elymus smithii
Eremopyrum triticeum
Hesperostipa comata

Fringed sage
 Budsage
 Big sagebrush
 Four-wing saltbush
 Shadscale
 Narrowleaf brickellbush
 Greene's rabbitbrush
 Torrey's ephedra
 Cutler's ephedra
 Rubber rabbitbrush
 Bigelow's rabbitbrush
 Rubber rabbitbrush
 Sand wild buckwheat
 Slender-leaf wild buckwheat
 Simpson's wild buckwheat
 Broom snakeweed
 Winterfatt
 Pale wolfberry
 Purple sage
 Bitterbrush
 Greasewood
 Gumweed tansyaster
 Banana yucca
 Bailey's yucca

Whipple's cholla
 Claretcup cactus
 Navajo pincushion cactus
 Starvation pricklypear
 Simpson's snowball cactus
 Fishhook cactus

Indian ricegrass
 Crested wheatgrass
 Purple threeawn
 Blue grama
 Cheatgrass
 Desert saltgrass
 Bottlebrush squirreltail
 Western wheatgrass
 Annual wheatgrass
 Needle-and-thread

Hesperostipa neomexicana
Hordeum jubatum
Muhlenbergia pungens
Muhlenbergia torreyi
Pleuraphis jamesii
Schizachyrium scoparium var. *scoparium*
Sporobolus airoides
Sporobolus contractus
Sporobolus cryptandrus
Vulpia octoflora

FORBS

Abronia fragrans
Acroptilon repens
Agoseris sp.
Allium macropetalum
Ambrosia acanthicarpa
Androstephium breviflorum
Artemisia campestris var. *pacifica*
Artemisia dracunculus
Asclepias involucrata
Asclepias macrosperma
Asclepias sanjuanensis
Asclepias subverticillata
Astragalus prob. *amphioxys*
Astragalus ceramicus
Astragalus poss. *flexuosus*
Astragalus fucatus
Astragalus kentrophyta
Astragalus lonchocarpus
Astragalus praelongus
Atriplex sp.
Bassia scoparia
Caesalpinia jamesii
Calochortus sp.
Castilleja linariifolia
Chaetopappa ericoides
Chenopodium album
Comandra umbellata var. *pallida*
Cordylanthus wrightii
Cryptantha sp.
Cryptantha crassisejala var. *elachantha*
Dalea leporina
Delphinium scaposum

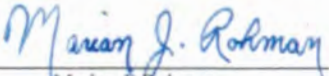
New Mexico feathergrass
 Foxtail barley
 Sandhill muhly
 Ring muhly
 Galleta
 Little bluestem
 Alkali sacaton
 Spike dropseed
 Sand dropseed
 Six-weeks fescue

Fragrant sand-verbena
 Russian knapweed
 Agoseris
 San Juan onion
 Bur ragweed
 Funnel lily
 Sand wormwood
 Wild tarragon
 Dwarf milkweed
 Large-seed milkweed
 San Juan milkweed
 Whorled milkweed
 Crescent milkvetch
 Painted milkvetch
 Flexible milkvetch
 Hopi milkvetch
 Spiny milkvetch
 Greater rushy milkvetch
 Stinking milkvetch
 Orach
 Summer cypress
 James' rush-pea
 Sego lily
 Linear-leaf paintbrush
 Sand aster
 Lamb's quarters
 Pale bastard toadflax
 Wright's bird's-beak
 Perennial cat's-eye
 Thick-sepal cat's-eye
 Fox-tail prairie-clover
 Bare-stem larkspur

Descurainia pinnata
Descurainia sophia
Dieteria canescens
Dimorphocarpa wislizenii
Eremogone eastwoodiae
Erigeron divergens
Eriogonum alatum
Eriogonum cernuum
Eriogonum inflatum
Erodium cicutarium
Evolvulus nuttallianus
Gilia ophthalmoides
Grindelia squarrosa
Halogeton glomeratus
Helianthus annuus
Heterotheca villosa
Hymenopappus filifolius
Ipomopsis longiflora
Ipomopsis pumila
Isocoma rusbyi
Isocoma tenuisecta
Iva axillaris
Lactuca serriola
Lappula occidentalis
Lepidium draba
Linanthus pungens
Linum prob. aristatum
Lygodesmia grandiflora
Lupinus pusillus
Malacothrix sonchoides
Melilotus officinalis
Mentzelia albicaulis
Mentzelia multiflora
Mirabilis multiflora
Monolepis nuttalianum
Nama hispidum
Oenothera albicaulis
Orobanche uniflora
Mirabilis linearis
Packera multilobata
Penstemon angustifolius
Penstemon poss. *breviculus*
Penstemon prob. *palmeri*
Petradoria pumila

Western tansymustard
 Northern tansymustard
 Gray tansyaster
 Spectacle-pod
 Eastwood's sandwort
 Spreading fleabane
 Winged wild buckwheat
 Nodding wild buckwheat
 Desert trumpet
 Filaree
 Dwarf morning glory
 Eyed gilia
 Curly gumweed
 Halogeton
 Common sunflower
 Hairy goldenaster
 Fineleaf woollywhite
 Blue trumpets
 Dwarf gilia
 Rusby's goldenbush
 Burroweed
 Povertyweed
 Prickly lettuce
 Spiny sheepbur
 Whitetop
 Prickly-phlox
 Broom flax
 Rush pink
 Dwarf lupine
 Yellow saucers
 Yellow sweet clover
 Western blazingstar
 Desert blazingstar
 Showy four-o'clock
 Poverty-weed
 Hairy nama
 Whitestem evening primrose
 Naked broomrape
 Narrowleaf umbrellawort
 Lobeleaf groundsel
 Narrowleaf beardtongue
 Shortstem beardtongue
 Palmer's beardtongue
 Rock goldenrod

<i>Phacelia crenulata</i> var. <i>corrugata</i>	Corrugated phacelia
<i>Plantago patagonica</i>	Wooly plantain
<i>Platyschkuhria integrifolia</i> var. <i>oblongifolia</i>	Oblong-leaf basin daisy
<i>Psoraleidium lanceolatum</i>	Dune scurfpea
<i>Rumex hymenosepalus</i>	Sand dock
<i>Salsola tragus</i>	Russian-thistle
<i>Senecio flaccidus</i> var. <i>flaccidus</i>	Threadleaf ragwort
<i>Senecio spartioides</i>	Broom ragwort
<i>Sisymbrium altissimum</i>	Tall tumbled mustard
<i>Solanum rostratum</i>	Buffalo-bur
<i>Sphaeralcea coccinea</i>	Scarlet globemallow
<i>Sphaeralcea parvifolia</i>	Small-leaf globemallow
<i>Stenogonum salsuginosum</i>	Smooth wild buckwheat
<i>Stenotus armerioides</i>	Perky Sue
<i>Stephanomeria exigua</i>	Twiggy wirelettuce
<i>Streptanthella longirostris</i>	Longbeak fiddle-mustard
<i>Tetraneuris ivesiana</i>	Ive's woolybase
<i>Townsendia annua</i>	Annual Townsend daisy
<i>Townsendia incana</i>	Easter daisy
<i>Tradescantia occidentalis</i> var. <i>occidentalis</i>	Western spiderwort
<i>Tragopogon dubius</i>	Yellow salsify
<i>Tripterocalyx</i> sp.	Sand-puffs
<i>Verbena bracteata</i>	Carpet vervain
<i>Xanthisma spinulosum</i>	Spiny goldenweed
<i>Xanthium strumarium</i>	Common cocklebur


Marian J. Rohman

**THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR BENSON-MONTIN-GREER'S EXISTING NATURAL GAS PIPELINE
RIGHT-OF-WAY RENEWAL
SAN JUAN COUNTY, NEW MEXICO**

1.0 Introduction

Threatened, endangered and special status wildlife species surveys were conducted at the proposed BMG gas pipeline right-of-way pipeline renewal (Township 26 North, Ranges 9-13 West, Township 25 North, Ranges 9-13 West, Township 24 North, Ranges 9-13 West), San Juan County, New Mexico. The project area is over a large area, the west end is located just west of the Chaco Plant, and the eastern terminus is located east of Blanco Wash near the '44 Store'. The existing pipeline is on Navajo tribal and allotted lands, and BLM-administered lands.

2.0 Methods

Prior to the survey, a data request to the Navajo Natural Heritage Program was made for Navajo Nation endangered species known to occur or with the potential to occur on the 7.5 minute Monsisco Wash, Carson Trading Post, Huerfano NM Trading Post, Huerfano Trading Post, Thompson Mesa, Alamo Mesa West, Alamo Mesa East, Huerfano SW Trading Post, Blanco Trading Post, and Crow Mesa West Quadrangles. The request reply was received on September 17, 2014.

On May 7-11, 2014, and May 30-June 3, 2014, Wildlife Biologist Charles Black conducted a pedestrian survey of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during the 5/7-11/14 surveys was generally overcast, unseasonably cold and windy with daytime highs around 70F. Weather during the 5/30-6/3/14 surveys was clear, mild and breezy with daytime highs around 80F. The survey area consisted of the existing pipeline route, and a 25-foot buffer either side of the pipeline routes. Habitat and existing conditions were evaluated. A 0.5-mile radius around the project area was surveyed for raptor nests. An additional 1.0-mile line-of-sight survey was conducted from the project area for raptor nests. The surveyor used 10 X 40 binoculars.

3.0 Description of Existing Habitat

The project scope consists of the BMG pipeline right-of-way renewal. The pipeline is approximately 32 miles long. No new construction is proposed in association with this project.

The route through some crop circles of the NAPI, then travels southeastward paralleling Gallegos. It then runs eastward to US Highway 550, eventually crossing it near its terminus just northeast of the '44 Store'.

Habitat and topography along the route is variable. Topography varies from flat to hilly, and several small to large broad sandy washes are crossed. Some steep-sided mesas are near the pipeline route.

Vegetation varies from arid, alkaline scrubland and grassland to monotypic sagebrush (*Artemisia spp.*). Some NAPI crop circles are near the west end of the route. The route also runs through some heavily disturbed areas, including the highway R-O-W of US 550. Some isolated areas of pinyon (*Pinus edulis*)-juniper (*Juniperus spp.*) woodland and savanna are located at higher elevations of the eastern portion of the pipeline.

Wildlife occurring in the area is typical of arid grasslands, shrublands and pinyon/juniper woodlands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*), and juniper titmouse (*Baeolophus ridgwayi*) as well as jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*).

4.0 Threatened, Endangered, and Special Status Wildlife Species

According to the September 14, 2014 correspondence from the Navajo Natural Heritage Program, the following species have the potential to occur on the land covered by the 7.5 minute Monsisco Wash, Carson Trading Post, Huerfano NM Trading Post, Huerfano Trading Post, Thompson Mesa, Alamo Mesa West, Alamo Mesa East, Huerfano SW Trading Post, Blanco Trading Post, and Crow Mesa West Quadrangles.

For the species listed below, the following tribal and federal statuses are indicated: the Navajo Endangered Species List (NESL), the federal Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBT) and the Eagle Protection Act (EPA).

Species	Status	Habitat	Habitat Suitability Within the Project Area
Golden eagle (<i>Aquila chrysaetos</i>)	NESL Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs typically > 30 meters in height	See discussion below
Burrowing owl (<i>Athene cunicularia</i>)	NESL Group 4, MBTA,	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	See discussion below
Ferruginous hawk (<i>Buteo regalis</i>)	NESL Group 3, MBTA	Open grasslands and deserts, typically nests atop	See discussion below

		rocky pinnacles, small buttes and cliffs	
Mountain plover (<i>Charadrius montanus</i>)	NESL Group 4, MBTA, Federal-Species of Concern	Open grasslands with a high percentage of bare ground in flat terrain	See discussion below
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	NESL Group 2, MBTA, Federal-Endangered	Cottonwood-willow habitats within perennial riparian areas	NP
Black-footed ferret (<i>Mustela nigripes</i>)	NESL Group 2, Federal-Endangered	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	NP
Northern leopard frog (<i>Rana pipiens</i>)	NESL Group 2	Wetland habitat with marshy vegetation	NP
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	NESL Group 3, MBTA Federal Threatened	Montane, mixed conifer old growth forests with multi canopies generally above 7,000 feet in elevation	NP
Kit fox (<i>Vulpes macrotis</i>)	NESL Group 4	Open, arid lowland habitats	See discussion below

Status

E Endangered T Threatened C Candidate NESL Navajo Endangered Species List

SC

Species of Concern

Presence*

K Known, documented observation within project area.

S Habitat suitable and species suspected to occur within the project area.

NS Habitat suitable but species is not suspected to occur within the project area.

NP Habitat not present and species unlikely to occur within the project area.

Section 5.0 gives information regarding the species that have the potential to occur within or near the project area.

No Navajo Nation Department of Fish & Wildlife species were observed during the surveys. If habitat suitability was observed, a discussion of the species follows in Section 5.0

Attachment 5-3

5.0 Results

No federally or Navajo listed threatened, endangered, or special status species were observed during 5/7-11 and 5/30-6/3/2014 wildlife surveys.

Golden eagle

The project area is suitable foraging habitat for golden eagles. No suitable eagle nest structures are present in the vicinity of the project area. Eagles may occasionally pass through the project area. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.

Ferruginous hawk

Ferruginous hawks are known to nest in “hoodoo” formations in badland formations and on power lines in San Juan County. No suitable nest structures for this raptor are located in the vicinity of the project area. All power lines within a one-mile radius of the site were surveyed for breeding raptors. Survey results were negative. Ferruginous hawks also are known to occur in migration and winter in the project area. Hawks may occasionally pass through the project area. Given the relatively small scale of the proposed disturbance, this species should not be adversely impacted by the proposed project. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.

Burrowing owl

The project area contains suitable habitat for burrowing owls. The area approximately .5 mile s east of the Chaco Plant has some Gunnison’s prairie dog (*Cynomys gunnisoni*) burrows. No evidence of active owl nest borrows were found within a 0.25 mile radius of the project area during surveys. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.
project.

Mountain Plover

The project area is poor habitat for mountain plovers. This rare and local breeder in northwest New Mexico occurs in open deserts and grasslands in flat, hard pan soils. Topography in the project area is slightly hilly and broken in places from localized erosion. The site is also heavily disturbed by proximity to populated areas, and the presence of domestic dogs. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.

Kit fox

Kit foxes likely occur in the project area, although no tracks scat or burrows were observed in the project area. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.

Migratory Birds

Migratory birds are protected under the Migratory Bird Treaty Act. Birds protected under the Act include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows and others, including their body parts (feathers, plumes etc.), nests, and eggs. The Act protects migratory birds from a “take”. Take is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities”. A “take” does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Twenty two of the bird species observed during the wildlife surveys are protected under the Migratory Bird Treaty Act (see the species list in Section 6.0 below). Because no new construction is being proposed, no take of migratory birds is anticipated no take of migratory birds is anticipated.

6.0 Species Observed During the Survey

Avian species observed

Turkey vulture (*Cathartes aura*)
Red-tailed hawk (*Buteo jamaicensis*)
American kestrel (*Falco sparverius*)
Scaled quail (*Callipepla squamata*)
Mourning dove (*Zenaida macroura*)
Say's phoebe (*Sayornis saya*)
Barn swallow (*Hirundo rustica*)
Cliff swallow (*Petrochelidon phryonata*)
Horned lark (*Eremophila alpestris*)
Loggerhead shrike (*Lanius ludovicianus*)
Juniper titmouse (*Baeolophus ridgwayi*)
Common raven (*Corvus corax*)
Western scrub jay (*Aphelocoma californica*)
Rock wren (*Salpinctus obsoletus*)
Canyon wren (*Catherpes mexicanus*)
Western bluebird (*Sialia mexicana*)
American robin (*Turdus migratorius*)
Yellow-rumped warbler (*Setophagus coronata*)
Canyon towhee (*Pipilo fuscus*)
Sagebrush sparrow (*Artemisiospiza nevadensis*)
Brewer's sparrow (*Spizella brewerii*)
Brown-headed cowbird (*Molothus ater*)

Mammalian species observed:

Black-tailed jackrabbit (*Lepus californicus*)
Gunnison's Prairie dog (*Cynomys gunnisoni*)
Antelope ground squirrel (*Ammospermophilus leucurus*)
Desert cottontail (*Sylvilagus audubonii*)
Coyote (*Canis latrans*)
Mule deer (*Odocoileus hemionus*)

Mammalian observations are generally from tracks, scat, and other sign.

Reptilian species observed:

Plateau lizard (*Sceloporus tristricus*)
Western whiptail (*Aspidoscelis tigris*)
Plateau striped whiptail (*Aspidoscelis velox*)
Side-blotched lizard (*Uta stansburiana*)

7.0 Recommendations

There are no recommendations for this proposed right-of-way renewal.

8.0 References

Mikesic, D. G. and J. R. Nystedt. 2001. Species Accounts for *Aquila chrysaetos*.
Updated 15 February 2005. Navajo Natural Heritage Program. P. O. Box
1480. Window Rock, Arizona 86515.

Charles Black



NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515



Phone: 928.871.6472 • Fax: 928.871.7603 • <http://nnhp.nndfw.org>

Ben Shelly, President

Rex Lee Jim, Vice-President

17 September 2014

File#14PERM-13

Mike Deutsch
Permits West, Inc.
37 Verano Loop
Santa Fe, NM 87508

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: RIGHT OF WAY RENEWAL FOR EXISTING PETROLEUM PIPELINE
SAN JUAN COUNTY, NM
T26N, R13W, ALL SECTIONS
T26N, R12W, ALL SECTIONS
T26N, R11W, ALL SECTIONS
T26N, R10W, ALL SECTIONS
T26N, R9W, ALL SECTIONS
T25N, R13W, ALL SECTIONS
T25N, R12W, ALL SECTIONS
T25N, R11W, ALL SECTIONS
T25N, R10W, ALL SECTIONS
T25N, R9W, ALL SECTIONS
T24N, R13W, ALL SECTIONS
T24N, R12W, ALL SECTIONS
T24N, R11W, ALL SECTIONS
T24N, R10W, ALL SECTIONS
T24N, R9W, ALL SECTIONS

Mr. Wood:

The following information on species of concern¹ is provided in response to your 29 April 2014 request concerning the subject project, which consists of BMG Pipeline Right of Way existing Petroleum pipeline project.

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.

Each 7.5-minute quadrangle containing project boundaries is addressed separately below. For potentially occurring species these species lists are quadrangle-specific rather than project-specific. Potential for species has been determined primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

A total of thirteen (13) species both known and/or potential are included in this response. They are:

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FEDERAL STATUS AND/OR *MBTA
1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Aliciella formosa</i>	Aztec Gilia	G4	
3.	<i>Asclepias sanjuansensis</i>	San Juan Milkweed	G4	
4.	<i>Athene cunicularia</i>	Burrowing Owl	G4	MBTA
5.	<i>Buteo regalis</i>	Ferruginous Hawk	G3	MBTA
6.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA.
7.	<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	G2	ESA Endangered; MBTA.
8.	<i>Falco peregrinus</i>	Peregrine Falcon	G4	MBTA
9.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
10.	<i>Vulpes macrotis</i>	Kit Fox	G4	
11.	<i>Lithobates pipiens</i>	Northern Leopard Frog	G2	
12.	<i>Sclerocactus cloveriae</i> ssp. <i>brackii</i>	Brack Hardwall Cactus	G4	
13.	<i>Strix occidentalis lucida</i>	Mexican Spotted Owl	G3	ESA Threatened; MBTA.

*MBTA - Migratory Bird Treaty Act

MONCISCO WASH, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline ROW

Species of concern known to occur on or near the project site(s) include:

1. *Asclepias sanjuansensis*
2. *Buteo regalis*

All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

Species of concern with potential to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciella formosa*
3. *Asclepias sanjuansensis*

4. *Athene cucularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Mustela nigripes*
9. *Lithobates pipiens*
10. *Sclerocactus cloveriae* ssp. *brackii*
11. *Vulpes macrotis*

AREA 1 of the Biological Resource Land Clearance Policies & Procedures

AREA 1 Highly Sensitive Wildlife Resources: This area contains the best habitat for endangered and rare plant, animal and game species, and the highest concentration of these species on the Navajo Nation. The purpose of this area is to protect these valuable and sensitive biological resources to the maximum extent practical (For detailed information regarding "Area 1 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org)

CARSON TRADING POST, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciella formosa*
3. *Asclepias sanjuansensis*
4. *Athene cucularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Lithobates pipiens*
11. *Sclerocactus cloveriae* ssp. *brackii*
12. *Vulpes macrotis*

All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

AREA 1 of the Biological Resource Land Clearance Policies & Procedures

AREA 1 Highly Sensitive Wildlife Resources: This area contains the best habitat for endangered and rare plant, animal and game species, and the highest concentration of these species on the Navajo Nation. The purpose of this area is to protect these valuable and sensitive biological resources to the maximum extent practical (For detailed information regarding "Area 1 please refer to our website at nndfw.org).

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

HUERFANO TRADING POST NW, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with **potential** to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciella formosa*
3. *Asclepias sanjuansensis*
4. *Athene cucularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Sclerocactus cloveriae* ssp. *brackii*
11. *Vulpes macrotis*

All or parts of this project currently are within areas protected by the Raptor Electrocutation Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

HUERFANO T.P., NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Species of concern known to occur on or near the project site(s) include:

1. *Aquila chrysaetos*

All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following

1. *Aquila chrysaetos*
2. *Aliciclla formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Sclerocactus cloveriae ssp. brackii*
11. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org)

THOMPSON MESA, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Although the Navajo Fish and Wildlife Department (NFWF) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciclla formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Sclerocactus cloveriae ssp. brackii*
11. *Strix occidentalis lucida*
12. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2-Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org)

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

ALAMO MESA WEST, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Species of concern known to occur on or near the project site(s) include:

1. *Asclepias sanjuansensis*
2. *Butco regalis*

All or parts of this project currently are within areas protected by the Golden and Bald Eagle Nest Protection Regulations; consult with NNDFW zoologist or EA Reviewer for more information and recommendations

All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

Species of concern with **potential** to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciella formosa*
3. *Asclepias sanjuansensis*
4. *Athene cucularia*
5. *Butco regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Mustela nigripes*
9. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, **endangered**, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

ALAMO MESA EAST, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Species of concern known to occur on or near the project site(s) include:

1. *Charadrius montanus*

All or parts of this project currently are within areas protected by the Raptor Electrocutation Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Alicia formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Mustela nigripes*
9. *Sclerocactus cloveriae* ssp. *brackii*
10. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org)

HUERFANO T.P., SW, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Species of concern known to occur on or near the project site(s) include:

1. *Asclepias sanjuansensis*

All or parts of this project currently are within areas protected by the Raptor Electrocutation Prevention Regulations; consult with NNDFW Zoologist, Chad Smith and/or Wildlife Biologist, Pamela Kyselka for more information and recommendations.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Alicia formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*

10. *Sclerocactus cloveriae* ssp. *brackii*
11. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

BLANCO TRADING POST, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciaella formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*
5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii* extimus
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Sclerocactus cloveriae* ssp. *brackii*

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3 Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

CROW MESA WEST, NM 7.5-MINUTE QUADRANGLE

Project Location: BMG Pipeline Project

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5 minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Aliciaella formosa*
3. *Asclepias sanjuansensis*
4. *Athene cunicularia*

5. *Buteo regalis*
6. *Charadrius montanus*
7. *Empidonax traillii extimus*
8. *Falco peregrinus*
9. *Mustela nigripes*
10. *Sclerocactus cloveriae* ssp. *brackii*
11. *Strix occidentalis lucida*
12. *Vulpes macrotis*

AREA 2 of The Biological Resource Land Clearance Policies & Procedures

AREA 2 Moderately Sensitive Wildlife Resources: This area has a high concentration of rare, endangered, sensitive and game species occurrences or has a high potential for these species to occur throughout the landscape. The purpose of this area is to minimize impacts on these species and their habitats within Area 2, and to ensure the habitats in Area 1 do not become fragmented. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3 please refer to our website at nndfw.org).

Potential for the black-footed ferret should be evaluated if prairie-dog towns of sufficient size (per NFWD guidelines) occur in the project area.

Potential for Puccinellia parishii should be evaluated if wetland conditions exists that contain white alkaline crusts.

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be **permitted** by the Director, NFWD. Contact Jeff Cole at (928) 871-6595 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (Chad Smith) for animals at 871-7070 and Botanist (Andrea Hazelton) for plants at (928) 523-3221. Questions regarding biological evaluations should be directed to Pamela Kyselka, Wildlife Biologist at 871-7065.

Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

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

⁴ Available free of charge on our website at <http://nnhp.navajofishandwildlife.org>

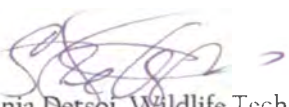
through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation

The information in this report was identified by the NFWD's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is strongly recommended. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NFWD'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.

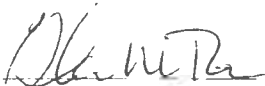
An invoice for this information is attached.

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



Sonja Detsoi, 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

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

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

PROJECT NAME & NO.: Benson-Montin-Greer Pipeline Right-of-Way Renewal

DESCRIPTION: BMG seeks approval for the renewal of an existing natural gas pipeline ROW. NO NEW CONSTRUCTION IS PROPOSED. The pipeline is 14.69 miles (77,563.2 ft.) in length with a 30-ft. wide corridor.

LOCATION: Huerfano and Nageezi Chapter, San Juan County, New Mexico

REPRESENTATIVE: Permits West, Inc. for Benson-Montin-Greer Corporation (BMG)

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs-Navajo Region

B.R. REPORT TITLE / DATE / PREPARER: CEER for Benson-Montin-Greer Drilling Corporation's Existing Pipeline Right-of-Way Renewal/02 DEC 2014/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. There will be no new surface disturbance. ASSA was observed in fifteen (15) areas along the existing pipeline ROW.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Asclepias sanjuanensis* (San Juan Milkweed), G4; [2] *Athene cunicularia* (Burrowing Owl), G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] If pipeline maintenance requires extensive and intensive ground disturbance in areas where the San Juan Milkweed (*Asclepias sanjuanensis*) was observed along the pipeline, BMG shall consult with the NNHP Botanist to ensure that the plants are avoided. Fencing of the plants is not recommended.

FORM PREPARED BY / DATE: Pamela A. Kyselka/08 JAN 2015

COPIES TO: (add categories as necessary)

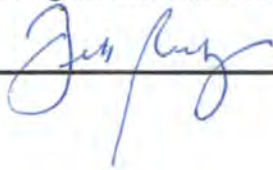
☒ 5/12 ☐ _____

2 NTC § 164 Recommendation: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date <u>1/9/15</u>
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☐ None (with memo)

*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

1/15/15



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

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

08 January 2015

14PERM-13

Kitty Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, New Mexico 87508

Dear Kitty,
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Categorical Exclusion Exception Review for **Benson-Montin-Greer's Existing Pipeline Right-of-Way Renewal**. The purpose of this letter is to inform you that we are granting the proposed action a Conditional Approval. The project is approved with the following condition:

[1] If pipeline maintenance requires extensive and intensive ground disturbance in areas where the San Juan Milkweed (*Asclepias sanjuanensis*) was observed along the pipeline, BMG shall consult with the NNHP Botanist to ensure that the plants are avoided. Fencing of the plants is not recommended.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

1/9/15
Date

xc: CONS-100-15
 BIA

FILE COPY
SURNAME

Leonard Robbins
L. Robbins

Navajo Area Office
P. O. Box 1060
Gallup, New Mexico 87305-1060

500/Environmental Quality

APR 12 1995

Mr. Brian Wood
Permits West
37 Verano Loop
Santa Fe, New Mexico 87505

RE: Environmental Assessment Review for the Proposed Bisti Oil
Pipeline for Benson-Montin-Greer Drilling Corporation, San
Juan County, New Mexico EA-94-104

Dear Mr. Wood:

The referenced environmental assessment (EA) document has been reviewed by the Navajo Area Environmental Quality Services. A Finding of No Significant Impact (FONSI) has been determined for the proposed action; the action will not have a significant impact on the quality of the natural and human environment. Therefore, an environmental impact statement for the project is not required.

The enclosed FONSI determination should be appended to the final environmental assessment and all other copies prepared for distribution. Please submit a copy of the final EA to the Navajo Area Environmental Quality Services for their files.

Should you require any additional information or have any questions on the FONSI determination, please contact Leonard Robbins, Area Environmental Protection Specialist, at (505) 863-8286.

Thank you for your cooperation in this matter.

Sincerely,

/S/ WILFRED D. FRAZIER

Acting Assistant Area Director

Enclosure

Subject/Chrono 500/RDUWYENIE/ba/4-7-95

Attachment 8-1

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-94-104
T24N, R9W
T25N, R12W
SAN JUAN COUNTY, NEW MEXICO

The proposed action addresses the Bisti Oil Pipeline project; encompassing 138.86 acres; 30 feet wide, and 28.6 miles long. The project is sponsored by the Benson-Montin-Greer Drilling Corporation.

The project environmental assessment (EA) has been reviewed by the Navajo Area Branch of Environmental Quality Services. Based on the information contained in the agency proposed action and environmental mitigation measures as specified in the EA document, it is determined the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be prepared.

The following references serve as the basis for this decision and are incorporated in the project EA document:

1. Agency and public involvement were conducted and environmental issues related to the development of the Bisti Oil Pipeline project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and four potentially viable alternatives, which includes the "no action alternative."
3. Protective measures will be levied to protect air and noise as outlined in Chapter V, Mitigation Measures.
4. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation and 36 CFR 800.9 (b), and archaeological field survey was performed for the project; the Navajo Nation Historic Preservation Department has completed Section 106 consultation with the New Mexico State Historic Preservation Office.

Should undiscovered archaeological remains be encountered during the project ground disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.11 will be followed. A Cultural Resource Compliance Form has been issued by the Navajo Historic Preservation Department as shown in Appendix Titled Archaeology Clearance.

5. Impacts to public health and safety are mitigated through implementation of safety measures described in Chapter VI, Section D. Socioeconomics and Chapter V, C. Socioeconomic Resources.

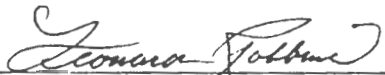
6. Impacts to floodplain and wetlands affected by the proposed alternative have been evaluated in accordance with E.O. 11988 and E.O. 11990 respectively.

7. In compliance with the Wetlands Protection Act and Clean Water Act, Section 404 consultation with the Army Corps of Engineers was initiated by the agency. The Corps of Engineers identified the project as being under the authority of the Nationwide Permit #12. The project sponsor will comply with the terms and conditions of the nationwide permit.

8. In compliance with the Endangered Species Act, an informal request for endangered species information from the Navajo Natural Heritage Program was initiated by the project sponsor. The Bureau of Indian Affairs has determined a no effect finding; the described action will have no effect on listed species, their habitat or other important wildlife resources. A field survey was performed; no threatened or endangered species or critical habitat will be impacted.

9. The cumulative effects to the environment are mitigated to avoid or minimize effects of implementation of the proposed project.

10. The proposed action would improve the economic and social conditions of the affected Indian community. The Bisti Oil Pipeline project is supported by the Navajo Nation Resources Committee Resolution and local land users. Public Comment was solicited for the project. No comment from the public was received.


Area Environmental Quality Officer

4-7-95
Date



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS



IN REPLY REFER TO:

Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305-1060

500: Branch of Environmental Services

OCT 18 2001

Mr. Brian Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, New Mexico 87505

Dear Mr. Wood:

The environmental document requesting categorical exclusion for the Benson-Montin-Greer Pipeline Conversion across Navajo Allotted and Navajo Tribal Trust Lands in Huerfano and Nageezi Chapters near Huerfano Mountain, San Juan County, New Mexico has been reviewed in the Branch of Environmental Services.

The request for categorical exclusion is approved based on information provided in the environmental document. Council on Environmental Quality (CEQ) Regulations, 40 CFR 1508.4, and 516 DM6 (Department Manual), Appendices 4.4.A, "Operation, maintenance, and replacement of existing facilities", and 4.4.F.1, "...amendments to rights-of-way where no deviations from or additions to the original rights-of-way are involved...", allow the proposed action to be categorically excluded.

The project categorical exclusion, with supporting documents, designated as EA-01-039, is on file, and available for review, in Room 129, Branch of Environmental Services, Navajo Regional Office, Bureau of Indian Affairs, 301 West Hill Street, Gallup, New Mexico.

Should you require additional information, or have questions on the matter, you may contact Mr. Leonard Robbins, Navajo Regional NEPA Coordinator, at (505) 863-8286.

Sincerely,

ACTING Regional Director, Navajo

cc: Navajo Regional Office of Real Estate Services

An Archaeological Inventory of a Proposed Oil Pipeline
for Benson-Montin-Greer Drilling Corporation in
San Juan and Rio Arriba Counties, New Mexico

NNAD 94-085

Prepared by
Lisa Rohrer and Lawrence E. Vogler

with Contributions by
Peter J. Kakos, Jeffery T. Wharton,
Paul F. Reed, Antoinette Anderson,
and Victoria J. Yazzie

Submitted by
Anthony L. Klesert, Ph.D.; Director
Navajo Nation Archaeology Department
P. O. Box 689
Window Rock, Arizona 86515

Tribal Permit No. NTC
BLM Permit No. 10-2920-94-P
State of New Mexico Permit 94-036

Submitted to
James Copeland, District Archeologist
Bureau of Land Management, Farmington District
1235 La Plata Highway
Farmington, New Mexico 87401

Prepared for
Mr. Al Greer
Benson-Montin-Greer Drilling Corporation
501 Airport Drive
Farmington, New Mexico 87401

Submitted October 10, 1994 (BLM)
October 14, 1994 (BMG)

preliminary
Dirk - Indian

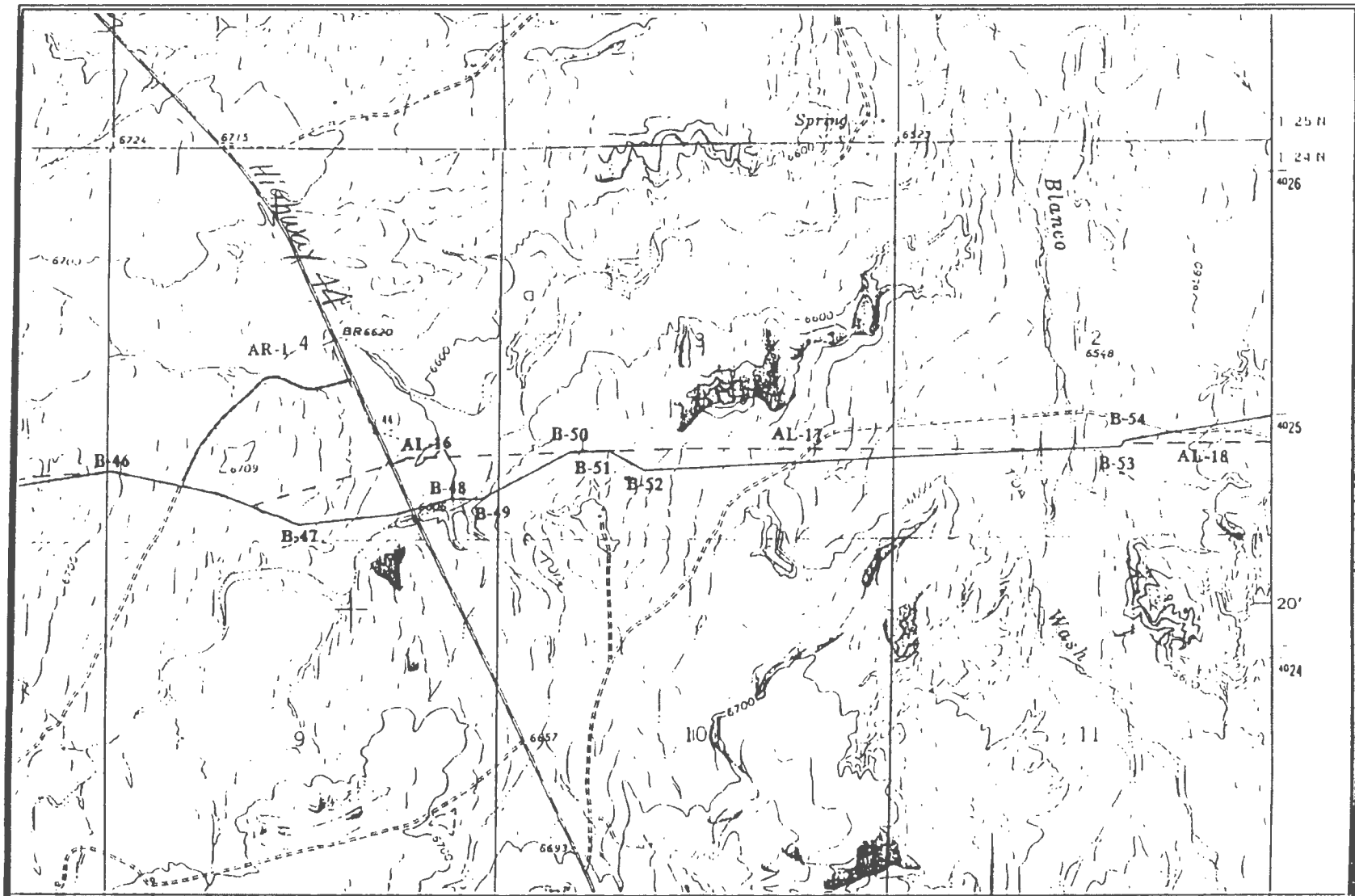


Figure 26. Vicinity map showing the final line, abandoned lines, and the location of calculated UTM coordinates. Blanco Trading Post, N.Mex., 1966, 7.5' series USGS map; T.24N and T.25N, R.9W. AR denotes Access Road; B denotes Bend; AL denotes Abandoned Line (NNAD 94-085).

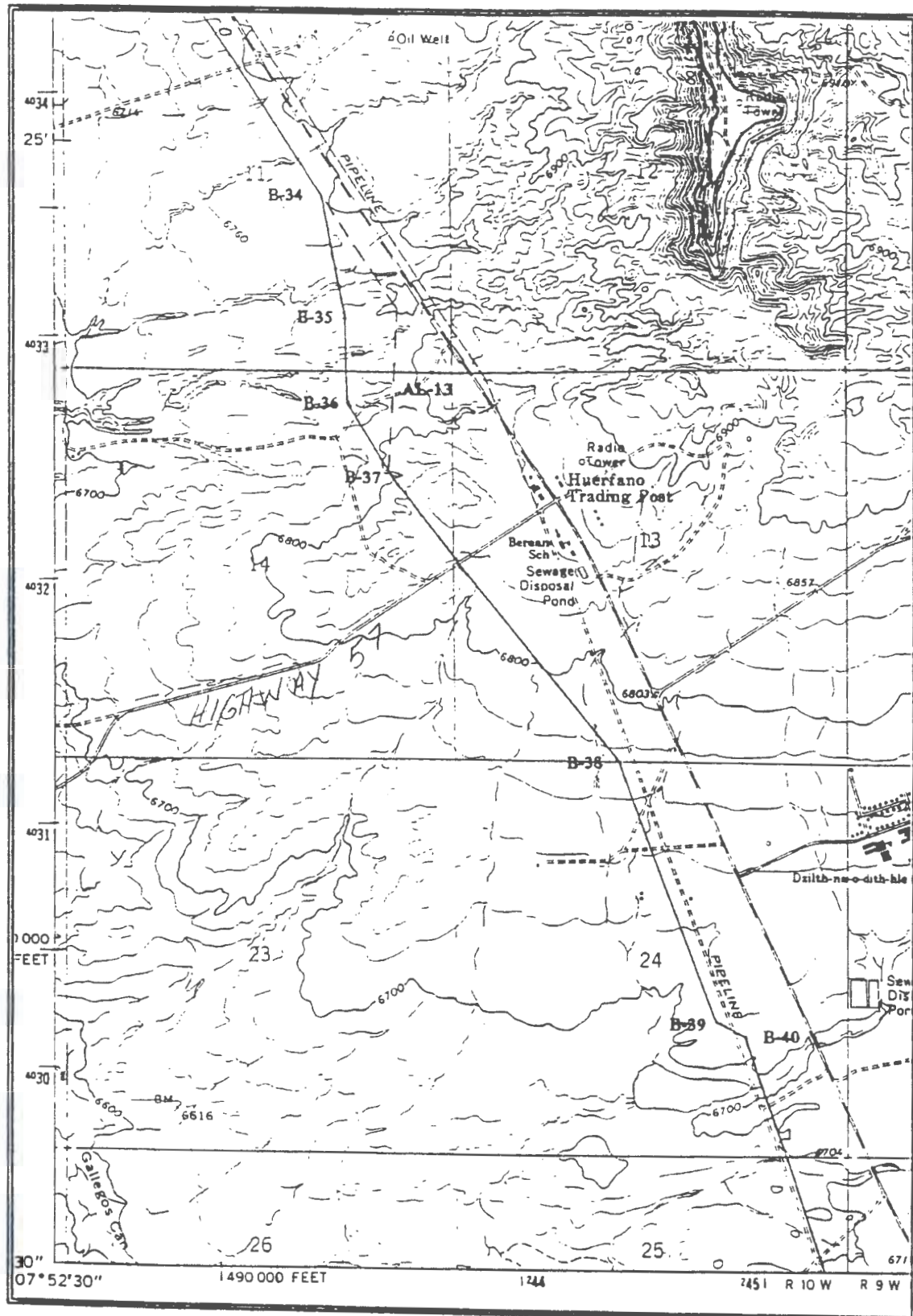


Figure 24. Vicinity map showing the final line, abandoned lines, and the location of calculated UTM coordinates. Huerfano Trading Post, N.Mex., 1967 (Photinspected 1978) 7.5' series USGS map; T.25N, R.9W and R.10W. B denotes Bend; AL denotes Abandoned Line (NNAD 94-085).

Introduction

Between April 4 and August 30, 1994, Lisa Rohrer, Antoinette Anderson, Victoria J. Yazzie, LaVerne Seeley, Stella Clyde, Nathaniel Todea, and Peter J. Kakos of the Navajo Nation Archaeology Department (NNAD) conducted an archaeological survey of approximately 42.99 miles (69.17 km) of final proposed pipeline right-of-way and approximately 12.69 miles (20.42 km) of proposed pipeline right-of-way abandoned due to the presence of cultural resources or other factors. In addition, approximately 1.08 miles (1.74 km) of access road was also inventoried. The inventory was performed at the request of Mr. Al Greer of Benson-Montin-Greer Drilling Corporation. The project area is located on Navajo owned or administered lands, lands under the jurisdiction of the Bureau of Land Management (BLM), private (non-Navajo Fee) lands, and State of New Mexico lands in San Juan and Rio Arriba counties, New Mexico. Survey on Navajo owned or administered lands was conducted under the authority of the Navajo Nation Cultural Resources Protection Act. Inventory on BLM lands was conducted under permit number 10-2920-94-P. Inventory on lands owned by the State of New Mexico was conducted under permit number 94-036.

Given the variety of land statuses involved in the project, by mutual consent of the involved land managers, the BLM agreed to act as lead agency for the project in matters relating to cultural resource management and archaeological compliance. At the request of the project sponsor, Benson-Montin-Greer Drilling Corporation, reviewing officials for the BLM and Navajo Nation also agreed to allow for separate, sequential reviews of inventory reports on the undertaking. This step was taken in an attempt to facilitate permitting of the project on Navajo owned or administered lands without adversely affecting or delaying the project as a whole. In order to expedite the rather lengthy process of project review and approval on Navajo lands, it was agreed that two reports on archaeological and ethnographic investigations relating to this project would be prepared by the NNAD.

The first report documented all archaeological and ethnographic research undertaken for the project on lands owned or administered by the Navajo Nation, including Tribal Trust lands, Navajo Tribal allotments, and Navajo Fee lands. The first report represented a preliminary report and provided sufficient information on the undertaking and on cultural resources identified on Navajo owned or administered lands to allow Section 106 compliance review to be completed by representatives of the Navajo Nation. The second and final report on archaeological and ethnographic research relating to the proposed pipeline is represented by this document. This final report details all inventory operations and results on all non-Navajo lands; and integrates these investigative results with those detailed in the preliminary report on Navajo owned or administered lands in a manner that ensures that the final report represents a complete and detailed accounting of all archaeological and ethnographic investigations undertaken to date in conjunction with the proposed undertaking.

Given the fact that this report addresses the proposed undertaking--construction of the oil transport line--as one action, independent of the issue of land ownership or archaeological compliance review authority, and given the fact that the different review authorities have different information needs and (to a certain extent) field and reporting requirements, a few notes of explanation are warranted. Concerning field methods, standardized methodologies were employed, for the most part irrespective of land status. Land status did affect one aspect of field methods, however, and subsequent final line location. The BLM encourages site avoidance by a minimum of 100 feet (30

m) whenever possible on undertakings involving pipelines such as the one proposed by Benson-Montin-Greer. The Navajo Nation, however, requires avoidance of significant resources (excepting burials) by a minimum of 50 feet (15 m) whenever possible. These differing avoidance recommendations were applied by NNAD personnel as warranted, depending on land status. Concerning resource documentation, the Navajo Nation recommends recordation of sites on NNAD site forms, while the BLM requires site recordation on Laboratory of Anthropology (LA) site forms. Thus, the use of a given site documentation form or isolated occurrence form was determined by land status.

Concerning reporting standards and report content, these requirements vary substantially between the Navajo Nation and the BLM. The preliminary report represented an attempt to provide sufficient information to allow Navajo Nation review officials to make complete and accurate assessments of the significance and legal status of identified resources on Navajo owned or administered lands, but its content was modified vis-à-vis reports normally submitted for Navajo Nation review in order to ensure its acceptability to BLM reviewers representing the lead agency for the project. The same situation obtains for this, the final report on the inventory. One example of this alteration of report content to satisfy review agency requirements relates to locational information. The BLM prohibits inclusion of specific locational information on resources in the text of reports concerning actions on BLM lands. Navajo Nation review officials, however, require inclusion of specific locational information in the form of detailed legal descriptions and UTM coordinates in reports it reviews. The NNAD, with permission of Navajo Nation representatives, has resolved this issue by deleting site-specific locational information (except USGS map locations) from the body of this report, with this information being provided in separate appendices to the report.

Description of Undertaking

Benson-Montin-Greer Drilling Corporation is proposing construction of an oil transport line in the northeastern San Juan Basin. The pipeline will extend from the Chaco Plant (southwest of Bloomfield, New Mexico) on the west, to Largo Canyon on the east (Figure 1). The pipeline will be approximately 42.99 miles in total length, will measure $6\frac{5}{8}$ inches (outside diameter), and on average will be buried 36 inches deep. Construction will involve clearing vegetation within the right-of-way, surface leveling as needed, trenching, welding and placement of pipe, backfilling, and surface reclamation. Heavy equipment and personnel transport vehicles will be used during all phases of construction and surface and subsurface disturbance will be extensive and intensive during construction.

The proposed right-of-way will measure 45 feet (13.72 m) wide, encompassing 22.50 feet (6.86 m) on either side of centerline. Except where precluded due to the presence of cultural resources in the area, the right-of-way is abutted on each side by a 25-foot-wide (7.62-m) temporary use area (TUA). The TUAs, although not part of the right-of-way, will be subjected to substantial surface disturbance resulting from vehicular traffic, heavy equipment traffic, placement of backdirt, and the like. Thus, the temporary use areas in all cases represent areas of effect. In addition to the standard 25-foot-wide temporary use areas paralleling the entire line, several expanded temporary use areas (individually labelled on project maps) were required at wash or highway crossings and in some areas of difficult terrain to allow for expanded work areas. These individual TUAs

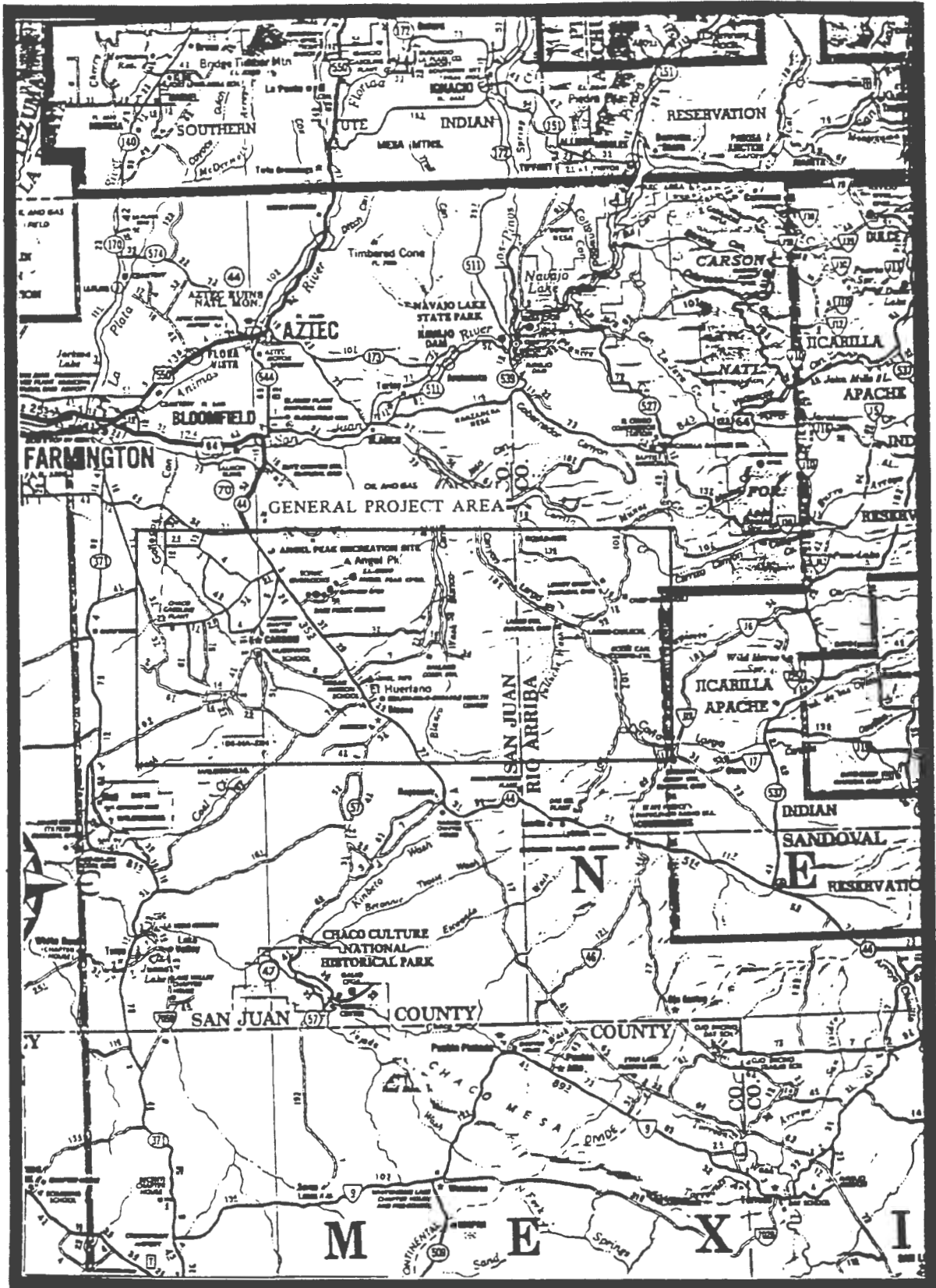


Figure 1. Vicinity map showing general project area. Guide to Indian Country Map, 1992 (NNAD 94-085).

generally extend an additional 50 feet (15 m) beyond the right-of-way and TUA parallel to the line. Thus, the individual expanded TUAs represent a total 100-foot-wide area of effect beyond the limits of the right-of-way. These extended temporary use areas generally occur on both sides of the right-of-way, but in some cases are limited to one side or the other of the right-of-way. While these expanded TUA areas are uniform in width, their length varies according to need.

The standard width of the area of effect for the project totals 95 feet (28.96 m) and encompasses a 45-foot-wide right-of-way and two adjacent temporary use areas, each being 25 feet wide. In those areas where expanded temporary use areas are required, the area of effect totals 195 feet (59.45 m) wide. In addition to the right-of-way, three existing roads slated for use as access routes are considered to be a part of the area of effect since the roads are expected to require some upgrading prior to use. The areas of effect for the three roads are considered to be 30 feet (9.15 m) wide, centered on the center of the existing road. One of the access roads (on State land) required inventory of a road junction encompassing a 200-foot by 230-foot area. This area represents an expanded area of effect at the road junction. In all, 514.87 acres (208.51 ha) are included in the overall project area of effect. A breakdown of these figures by action and land status is provided in the Field Methods portion of the report.

Location

The project is located in Huerfano and Nageezi chapters of the Navajo Reservation in the Eastern Agency of the Bureau of Indian Affairs, on tribal trust, tribal allotment, and Navajo fee lands, as well as on non-Navajo fee, state, and Bureau of Land Management-Farmington District Office (BLM-FDO) lands.

The project area is located on the Carson Trading Post, New Mexico, 1966 (Photoinspected 1978); Huerfano Trading Post NW, New Mexico, 1966 (Photoinspected 1978); Huerfano Trading Post, New Mexico, 1967 (Photoinspected 1978); Blanco Trading Post, New Mexico, 1966; Crow Mesa West, New Mexico, 1985 (Provisional Edition); Crow Mesa East, New Mexico, 1985 (Provisional Edition); and Tafoya Canyon, New Mexico, 1963, 7.5 minute series USGS quadrangle maps. Figures 2 through 17 show the location of the project area and identified cultural resources, and provide information on the land status for all line segments and survey areas. Table 1 provides the legal descriptions for the project survey area by land status. Table 2 provides project area legal descriptions and UTM coordinates for all inventory areas. Figures 18 through 33 provide illustrations of final line, abandoned lines, and access road locations and UTM points referenced in Table 2.

Area Environmental and Cultural Setting

The project area is situated in the eastern half of the San Juan Basin. The inventory area for the project originates 1.5 miles east of the Chaco Plant and proceeds east crossing the Gallegos and Blanco washes, and eventually ending in Largo Canyon. Major topographic features include Huerfano Mountain located 1 mile northeast of the project area, and Crow Mesa, which the pipeline crosses. Topographic relief varies throughout the project area as elevations range from 6200 feet (1890 m) to 7300 feet (2226 m). Vegetation in the area consists predominantly of sagebrush, piñon,

year guideline and is not thought to represent a Register-eligible property. The burial is not of archaeological interest and does not meet the 100-year age requirement, thus it does not merit protection under the provisions of ARPA. The burial does merit protection under the provisions of AIRFA.

Recommendations

In total, 59 archaeological sites, 115 isolated occurrences, 5 in-use sites, and 1 burial location were identified during the course of survey operations relating to this undertaking. These resources were identified along the final proposed pipeline route, along segments of line eventually abandoned in favor of alternate routes, or, in one case, adjacent to an existing road proposed for use as an access. Based on the resource evaluations provided in the previous section of this report, the following recommendations are offered for the proposed undertaking and the management of cultural resources identified during inventory.

Those identified resources located outside of the area of effect as currently defined will not be affected by the undertaking. This includes all recorded resources on abandoned routes, and all resources recorded adjacent to (beyond the outside edge of) or within buffer zones. Nearly all identified sites are located 15 m (50 feet) or more from the final proposed right-of-way and temporary use areas. It must be understood by the project sponsor and his subcontractors that inventoried buffer zones are *not to be considered* as falling within the area of effect, and these areas are not to be subjected to project-related disturbances. Only the 45-foot-wide right-of-way and designated temporary use areas are to be subjected to surface and/or subsurface disturbance. Project-related disturbance activities outside the right-of-way or designated temporary use areas are prohibited.

Since none of the isolated occurrences identified within the area of effect reported on herein merit protection under any pertinent legislation (36 CFR 60.4, ARPA, or AIRFA), archaeological clearance is recommended for the undertaking in areas of effect containing the identified isolates.

Concerning the five identified in-use sites, the following recommendations are offered. IUS 1 is a scarecrow located on Abandoned Line 2 and outside the area of effect for the undertaking and will not be disturbed by project-related activities. IUSs 2 and 3 are recent trash scatters not protected by any pertinent legislation. IUS 2 is outside the area of effect for the undertaking and will not be disturbed by project-related activity. IUS 3 is within the area of effect. Archaeological clearance is recommended for proposed actions within IUS 3. IUS 4 is a recent corral in the buffer zone adjacent to the area of effect and it will not be disturbed. Even though it is not protected under any pertinent legislation, project-related activities near IUS 4 should be restricted to the right-of-way and temporary use area to avoid unnecessary impacts to this resource. IUS 5 is a recent, sporadically occupied temporary Navajo habitation. It is thought, on the basis of ethnographic data, to have been blessed. The resource is situated in the surveyed buffer zone outside the area of effect. This resource probably merits protection under AIRFA and should be avoided by all project-related activity by strict adherence to the temporary use area and right-of-way boundaries.

Concerning the one identified burial, it is protected under current legislation. Since it is located well outside the area of effect, the proposed undertaking will have no effect on this resource.

Recommendations for the treatment of the 21 archaeological sites identified on Navajo lands in conjunction with survey of the project area are as follows.

Concerning Site NM-G-33-32 (LA21709), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 128 feet (39 m) from the final proposed pipeline right-of-way and 102 feet (31 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that the originally proposed pipeline right-of-way adjacent to the site be abandoned and that the rerouted right-of-way, the centerline for which is situated 154 feet (47 m) northeast of the site, be used.

Concerning Site NM-G-33-33 (LA106093), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 56 feet (17 m) from the final proposed pipeline right-of-way. It is recommended that the originally proposed pipeline right-of-way within the site be abandoned and that the rerouted right-of-way, the centerline for which is situated 79 feet (24 m) northeast of the site, be used during construction. No TUA is recommended for the south and west sides of the right-of-way adjacent to the site since the TUA would be within 50 feet (15 m) of the site.

Concerning Site NM-G-33-34 (LA106094), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 79 feet (24 m) from the final proposed pipeline right-of-way and 54 feet (17 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-33-34 (LA106094), it is recommended that the original pipeline right-of-way be abandoned and that the rerouted pipeline right-of-way, centerline for which is located 102 feet (31 m) southwest of the site, be utilized during construction.

Concerning Site NM-G-33-35 (LA16220), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 102 feet (31 m) from the final proposed pipeline right-of-way, and 75 feet (23 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that the originally proposed right-of-way be abandoned and that the rerouted right-of-way, centerline for which is located 125 feet (38 m) north of the site, be utilized during construction.

Concerning Site NM-G-33-36 (LA106095), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 75 feet (23 m) from the final proposed pipeline right-of-way and 50 feet (15 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-33-36 (LA106095), it is recommended that the originally proposed right-of-way be abandoned and that the rerouted right-of-way, the centerline for which is located 98 feet (30 m) northeast of the site, be utilized during construction.

Concerning NM-G-33-37 (LA106096), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 877 feet (267 m) from the final proposed pipeline right-of-way and 852 feet (260 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-33-37 (LA106096), it is recommended that the original pipeline right-of-way be abandoned and that the rerouted right-of-way, centerline for which is 900 feet (274 m) south of the site, be used.

Concerning Site NM-G-34-25 (LA106097), the proposed pipeline was rerouted in order to allow for site avoidance. At the closest point, the site is located 725 feet (221 m) from the final proposed pipeline right-of-way and 700 feet (213 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-34-25 (LA106097), it is recommended that the original pipeline right-of-way be abandoned and that the rerouted pipeline, centerline for which is located 747 feet (228 m) to the west of the site, be used during construction.

Concerning Site NM-G-34-26 (LA106098), the proposed pipeline was rerouted in order to allow for site avoidance. The site is located 585 feet (178 m) from the final proposed pipeline right-of-way and 560 feet (171 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that the originally proposed pipeline right-of-way located within Site NM-G-34-26 (LA106098) be abandoned and that the rerouted right-of-way, the centerline for which is 607 feet (185 m) west of the site, be used during construction.

Concerning Site NM-G-34-27 (LA106099), it was not possible to achieve site avoidance by 50 feet (15 m) and also allow for a temporary use area on the eastern side of the right-of-way. The site is located 62 feet (19 m) from the final proposed pipeline right-of-way. No temporary use area is provided on the eastern side of the proposed pipeline. It is recommended that the final right-of-way, centerline for which is located 26 m to the west of the site, be used during construction. The right-of-way edge will thus be located 19 m from the edge of the site. Since the right-of-way could not be moved further from the site, it is recommended that no temporary use area be authorized on the east side of the right-of-way within 15 m (50 feet) of the site. The standard 7.62-m (25-foot) wide temporary use area on the western side of the right-of-way should be allowed since it will be in excess of 15 m (50 feet) from the site.

Concerning Site NM-G-34-28 (LA106100), the site is located 59 feet (18 m) from the final proposed pipeline right-of-way. Given the proximity of the site to the right-of-way, no temporary use area is provided on the eastern side of the right-of-way within 50 feet (15 m) of the site. It is recommended that the final proposed right-of-way, centerline for which is located 82 feet (25 m) west of Site NM-G-34-28 (LA106100), be used during construction. Further, in order to avoid adverse impact to the site, it is recommended that no temporary use area be placed on the east side of the proposed pipeline within 50 feet (15 m) of the site.

Concerning Site NM-G-46-13 (LA106091), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 96 feet (29 m) from the final proposed pipeline right-of-way and 71 feet (22 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-46-13 (LA106091), it is recommended that the original proposed pipeline right-of-way be abandoned and that the rerouted right-of-way, the centerline for which is located 118 feet (36 m) north of the site, be used during construction.

Concerning Site NM-G-46-14 (LA106092), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 148 feet (45 m) from the final proposed pipeline right-of-way and 125 feet (38 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-46-14 (LA106092), it is recommended that the originally proposed right-of-way be abandoned and that the rerouted right-of-way, the centerline for which is located 170 feet (52 m) north of the site, be used during

construction.

Concerning NM-G-47-9 (LA106084), the proposed pipeline was rerouted in order to allow for site avoidance. The site is located 127 feet (39 m) from the final proposed pipeline right-of-way, and 102 feet (31 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that the originally proposed pipeline right-of-way adjacent to Site NM-G-47-9 (LA106084) be abandoned and that the rerouted right-of-way, the centerline for which is 148 feet (45 m) south of the site, be used during construction.

Concerning Site NM-G-47-10 (LA106085), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 358 feet (109 m) from the final proposed pipeline right-of-way and 331 feet (101 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that the originally proposed pipeline right-of-way within Site NM-G-47-10 (LA106085) be abandoned and that the rerouted right-of-way, centerline for which is situated 394 feet (120 m) south of the site, be used.

Concerning NM-G-47-11 (LA106086), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 482 feet (147 m) from the final proposed pipeline right-of-way and 457 feet (139 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-47-11 (LA106086), it is recommended that the originally proposed pipeline right-of-way adjacent to the site be abandoned and that the rerouted right-of-way, the centerline for which is located 505 feet (154 m) to the southeast of the site, be used.

Concerning Site NM-G-47-12 (LA49296), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 114 feet (35 m) from the final proposed pipeline right-of-way and 89 feet (27 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-47-12 (LA49296), it is recommended that the original right-of-way be abandoned and that the rerouted right-of-way, centerline for which is located 138 feet (42 m) south of the site, be utilized during construction.

Concerning Site NM-G-47-13 (LA106087), the site is located within and adjacent to the proposed right-of-way and survey buffer. Archaeological clearance is recommended for the proposed undertaking within the boundaries of Site NM-G-47-13 (LA106087). The site is less than 25 years old and is not protected under any pertinent legislation.

Concerning Site NM-G-47-14 (LA106088), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 52 feet (16 m) from the final proposed pipeline right-of-way. No temporary use area is authorized adjacent to the north side of the proposed pipeline within 50 feet (15 m) of the site boundary. A temporary use area (TUA) has been surveyed on the south side of the right-of-way, opposite the site since this TUA is located more than 15 m from the site. In order to avoid adverse impact to Site NM-G-47-14 (LA106088), it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted pipeline, centerline for which is located 75 feet (23 m) to the south of the site, be used during construction.

Concerning Site NM-G-47-15 (LA106089), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 207 feet (63 m) from the final

proposed pipeline right-of-way and 182 feet (55 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impact to Site NM-G-47-15 (LA106089), it is recommended that the originally proposed right-of-way be abandoned and that the rerouted right-of-way, the centerline for which is located 230 feet (70 m) to the north of the site, be utilized during construction.

Concerning Site NM-G-47-16 (LA106090), the site extends 1 m inside the surveyed access road right-of-way, but is 2 m north of the access road itself. Since the site is adjacent to an existing road, no attempt was made to survey an alternate location for the road. In order to avoid adverse impact to Site NM-G-47-16 (LA106090), it is recommended that a temporary fence be placed between the existing road and site boundary and that monitoring be conducted if any improvements are made to the access road within 50 feet (15 m) of the site boundary.

Concerning Site NM-H-40-150 (LA106205), the site is located within and adjacent to the proposed right-of-way. Archaeological clearance is recommended for the proposed undertaking within the boundaries of NM-H-40-150 (LA106205). The site is less than 25 years old and is not protected under any pertinent legislation.

Recommendations for the treatment of 34 archaeological sites identified on BLM land in conjunction with the survey of the proposed project area are as follows.

Concerning Site NM-G-33-38 (LA106050), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 92 feet (28 m) from the proposed right-of-way and 66 feet (20 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 242+00, the fence should extend 49 feet (15 m) to the east of the station, and extend 79 feet (24 m) to the west of the station.

Concerning Site NM-G-33-39 (LA106051), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 344 feet (105 m) from the proposed right-of-way and 318 feet (97 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-33-40 (LA106052), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 80 feet (24 m) from the proposed right-of-way and 52 feet (16 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 436+94⁹⁶, the fence should extend 62 feet (19 m) to the east of the station, and extend 184 feet (56 m) to the northwest of the station.

Concerning Site NM-G-33-41 (LA106053), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 141 feet (43 m) from the proposed right-of-way and 116 feet (35 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-33-42 (LA21083), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 253 feet (77 m) from the proposed right-of-way and 226 feet (69 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-44-01 (LA106054), the site is located within and adjacent to the proposed pipeline right-of-way. It is recommended that the temporary use area on the southwest side of the proposed pipeline right-of-way within and adjacent to the site be eliminated to reduce impacts to the site. Relative to Station 1104+00, the temporary use area should not extend within 49 feet (15 m) to the northwest of the station, or within 108 feet (33 m) to the southeast of the station.

Concerning Site NM-G-44-02 (LA106055), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 436 feet (133 m) from the proposed right-of-way and 410 feet (125 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-45-02 (LA106056), the proposed pipeline was rerouted in order to allow for avoidance of Artifact Concentrations 1 and 2 associated with Component 1. At its closest point, the Artifact Concentration 2 is located 239 feet (73 m) from the proposed right-of-way and 213 feet (65 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to Component 1, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-45-03 (LA106057), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 207 feet (63 m) from the proposed right-of-way and 180 feet (55 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-46-15 (LA106061), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 95 feet (29 m) from the proposed right-of-way. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 207+00, the fence should extend 49 feet (15 m)

to the northwest of the station, and extend 102 feet (31 m) to the southeast of the station.

Concerning Site NM-G-46-16 (LA106062), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 23 feet (7 m) from the proposed right-of-way. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 218+00, the fence should extend 210 feet (64 m) to the northwest of the station along the right-of-way boundary, and extend 128 feet (39 m) to the southeast of the station along the right-of-way and temporary use area boundary.

Concerning Site NM-G-46-17 (LA106063), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located immediately adjacent to the proposed right-of-way surveyed for the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 221+96⁹⁵, the fence should extend 138 feet (42 m) to the east of the station and extend 56 feet (17 m) to the northwest of the station, and 23 feet (7 m) along the edge of the temporary use area to the west.

Concerning Site NM-G-46-18 (LA106064), the site is located within and adjacent to the proposed right-of-way. Archaeological clearance is recommended for the proposed undertaking within the boundaries of Site NM-G-46-18 (LA106064). The site is less than 50 years old and is not currently protected under any pertinent legislation.

Concerning Site NM-G-46-19 (LA106065), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 53 feet (16 m) from the proposed right-of-way and 26 feet (8 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 260+00, the fence should extend 180 feet (55 m) to the west of the station, and extend 148 feet (45 m) to the east of the station.

Concerning Site NM-G-46-20 (LA106066), the site boundary is within and adjacent to the proposed right-of-way. The portion of the site within the proposed right-of-way has been thoroughly documented and shovel tested and is not thought to contain intact subsurface remains. This portion of the site will be destroyed by the undertaking. It is recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 290+00, the fence should extend 148 feet (45 m) to the southeast of the station along the southern edge of the right-of-way and the edge of the temporary use area, and extend 121 feet (37 m) to the northwest of the station along the southern edge of the right-of-way and the edge of the temporary use area.

Concerning Site NM-G-46-21 (LA106067), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 3 feet (1 m) from the proposed right-of-way adjacent to the proposed pipeline. It is recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 296+61⁷³, the fence should extend 112 feet (34 m) to the northwest of the station along the right-of-way and temporary use area boundary, and extend 138 feet (42 m) to the east of the station along the right-of-way and temporary use area boundary.

Concerning Site NM-G-46-22 (LA106068), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 164 feet (50 m) from the proposed right-of-way and 139 feet (42 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-46-23 (LA106069), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 87 feet (27 m) from the proposed right-of-way and 62 feet (19 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 426+37⁶⁵, the fence should begin 118 feet (26 m) to the southeast of the station, and end 279 feet (85 m) to the southeast of the station.

Concerning Site NM-G-46-24 (LA106070), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 361 feet (110 m) from the proposed right-of-way and 335 feet (102 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-46-25 (LA106071), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 1076 feet (328 m) from the proposed right-of-way and 1050 feet (320 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-46-26 (LA106072), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 472 feet (144 m) from the proposed right-of-way and 446 feet (136 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-46-27 (LA38058), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 108 feet (33 m) from the proposed right-of-way and 82 feet (25 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 290+12⁷⁰, the fence should begin 49 feet (15 m) to the southeast of the station, and end 230 feet (70 m) to the southeast of the station.

Concerning Site NM-G-47-17 (LA106073), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 112 feet (34 m) from the proposed right-of-way and 85 feet (26 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 967+24³⁴, the fence should extend 105 feet (32 m) to the east of the station, and extend 49 feet (15 m) to the west of the station.

Concerning Site NM-G-47-18 (LA106074), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 75 feet (23 m) from the proposed right-of-way and 49 feet (15 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 982+00, the fence should extend 164 feet (50 m) to the east of the station, and extend 7 feet (2 m) to the west of the station.

Concerning Site NM-G-47-19 (LA106075), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 200 feet (61 m) from the proposed right-of-way and 174 feet (53 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-47-20 (LA106076), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 249 feet (76 m) from the proposed right-of-way and 223 feet (68 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-G-47-21 (LA106077), at its closest point, the site is located 43 feet (13 m) from the proposed right-of-way and 16 feet (5 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site

boundary adjacent to the area of effect. Relative to Station 994+59⁴⁰, the fence should begin 33 feet (10 m) to the southwest of the station, and end 197 feet (60 m) to the southeast of the station.

Concerning Site NM-G-47-22 (LA106078), at its closest point, the site is located 108 feet (33 m) from the proposed right-of-way and 82 feet (25 m) from the temporary use area surveyed adjacent to the proposed pipeline. It is recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 26+00, the fence should extend 16 feet (5 m) to the northeast of the station, and extend 236 feet (72 m) to the southeast of the station.

Concerning Site NM-G-47-23 (LA106079), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 52 feet (16 m) from the proposed right-of-way and 26 feet (8 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 820+11²⁶, the fence should extend 443 feet (135 m) to the south of the station, and extend 98 feet (30 m) to the northwest of the station.

Concerning Site NM-G-47-24 (LA106080), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 92 feet (28 m) from the proposed right-of-way and 66 feet (20 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 812+00, the fence should extend 197 feet (60 m) to the northwest of the station, and extend 36 feet (11 m) to the southeast of the station.

Concerning Site NM-G-47-25 (LA106081), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 75 feet (23 m) from the proposed right-of-way and 49 feet (15 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 812+00, the fence should extend 72 feet (22 m) to the northwest of the station, and extend 82 feet (25 m) to the southwest of the station.

Concerning Site NM-G-47-26 (LA104236), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 82 feet (25 m) from the proposed right-of-way and 56 feet (17 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area adjacent to the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 816+00, the fence should extend 33 feet

(10 m) to the northwest of the station, and extend 148 feet (45 m) to the southeast of the station.

Concerning Site NM-G-47-27 (LA89719), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 256 feet (78 m) from the proposed right-of-way and 230 feet (70 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Concerning Site NM-H-40-149 (LA106083), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 390 feet (119 m) from the proposed right-of-way and 365 feet (111 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction.

Recommendations for the treatment of the four archaeological sites identified on State land in conjunction with the survey of the proposed project area are as follows.

Concerning Site NM-G-45-04 (LA106058), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 98 feet (30 m) from the proposed right-of-way and 72 feet (22 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 720+00, the fence should extend 50 feet (15 m) to the southwest of the station, and extend 138 feet (42 m) to the northeast of the station.

Concerning Site NM-G-45-05 (LA106059), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 79 feet (24 m) from the proposed right-of-way and 52 feet (16 m) from the temporary use area surveyed adjacent to the proposed pipeline. In order to avoid adverse impacts to the site, it is recommended that the originally proposed pipeline right-of-way be abandoned and that the rerouted centerline be used during construction. It is also recommended that a temporary fence be constructed along the edge of the temporary use area near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 726+57⁹⁰, the fence should extend 82 feet (25 m) to the northeast of the station, and extend 92 feet (28 m) to the southwest of the station.

Concerning Site NM-G-45-06 (LA106060), the proposed pipeline was rerouted in order to allow for site avoidance. At its closest point, the site is located 46 feet (14 m) from the proposed right-of-way. In order to avoid adverse impacts to the site, it is recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 750+00, the fence should extend 75 feet (23 m) to the southwest of the station, and extend 148 feet (45 m) to the northeast of the station along the right-of-way boundary and 26 feet (8 m) along the end of the temporary use area boundary.

Concerning Site NM-H-40-148 (LA106082), at its closest point, the site is located 20 feet (6 m) from the proposed right-of-way surveyed adjacent to the proposed pipeline. It is recommended that a temporary fence be constructed along the edge of the right-of-way near the site. This fence should extend 50 feet (15 m) beyond the site boundary adjacent to the area of effect. Relative to Station 74+00, the fence should extend 131 feet (40 m) to the southeast of the station along the southern edge of the right-of-way and along the end of the temporary use area, and extend 75 feet (23 m) to the northwest of the station along the southern edge of the right-of-way and the end of the temporary use area.

Summary

Provided the stipulations for the protection of potentially significant resources as outlined above are adhered, archaeological clearance is recommended for the undertaking as proposed by Benson-Montin-Greer Drilling Corporation.

DIA CASE FILE # N48-94-34
DATE REVIEWED: 9-23-94
REVIEWED BY: CJ
(FOR DIA USE ONLY)

Navajo Indian Irrigation Project
3539 East 30th Street, NW Energy Building, Room 103
Farmington, New Mexico 87401-87499

Date: 9-29-94

RE: NIIP ARCHEOLOGICAL AND HISTORICAL CLEARANCE UPDATE (Project Description): R.O.W. For
PROPOSED BURIED CRUDE OIL PIPELINE 4.4 MILE LONG.
ACROSS N.A.P.I. PROPERTY LAND

Dear Project Manager:

I hereby request archeological clearance for a project which I believe is located entirely within the boundaries of the Navajo Indian Irrigation Project. This project will consist of (brief description): R.O.W. For
PROPOSED BURIED CRUDE OIL PIPELINE 4.4 MILE LONG. ACROSS
N.A.P.I. LAND and is designated by the following name and/or number in our company files: BENSON - MONTIN - GREER as shown on the attached map(s); 3 copies provided and enclosed.

The project is located in Township 26 N, Range 12 W, Section 26 in the NE 1/4 of the NE 1/4 of the NE 1/4 (describing a 10 acre parcel). Access will be obtained as also shown on the attached map. No more than 6.0 acres (2.5 hectares) will be used or occupied considering all direct and indirect effects of proposed project activities.

I certify that I am the duly authorized agent of the proposed project sponsor and will take responsibility for the accuracy of the information submitted above. When clearance is received I will assure that the instructions so indicated below and in any future guidance from you for this project will be followed.

Benson - Montin - Greer
Signature

Archeological clearance for the area described is hereby granted under the terms of the Memorandum of Agreement for Protection of Archeological and Historical resources in the Navajo Indian Irrigation Project consummated by the Advisory Council for Historic Preservation on July 17, 1977.

The area of the currently proposed project was intensively inventoried for archeological and historical resources as documented in (Report 79-NM-175). These sites (listed by number) were located in the area of this newly proposed project: H-39-6 NONE

These sites (listed by number) were located within 100 feet (33 meters) of the newly proposed project and special efforts should be taken to avoid inadvertent impacts in these areas: NONE

This clearance does not constitute approval of right-of-way, concurrence in the proposed action by the Bureau of Indian Affairs, or approval to proceed with the project. This clearance constitutes one of several mandated requirements which must be completed prior to the granting of rights-of-way, easements, or approval by the BIA for land modifying projects proposed within the Navajo Indian Irrigation Project boundaries.

IT IS THE RESPONSIBILITY OF THE PROJECT SPONSOR TO ACQUAINT CONTRACTORS AND SUB-CONTRACTORS WITH THE BOUNDARIES FOR WHICH THIS CLEARANCE IS GRANTED.

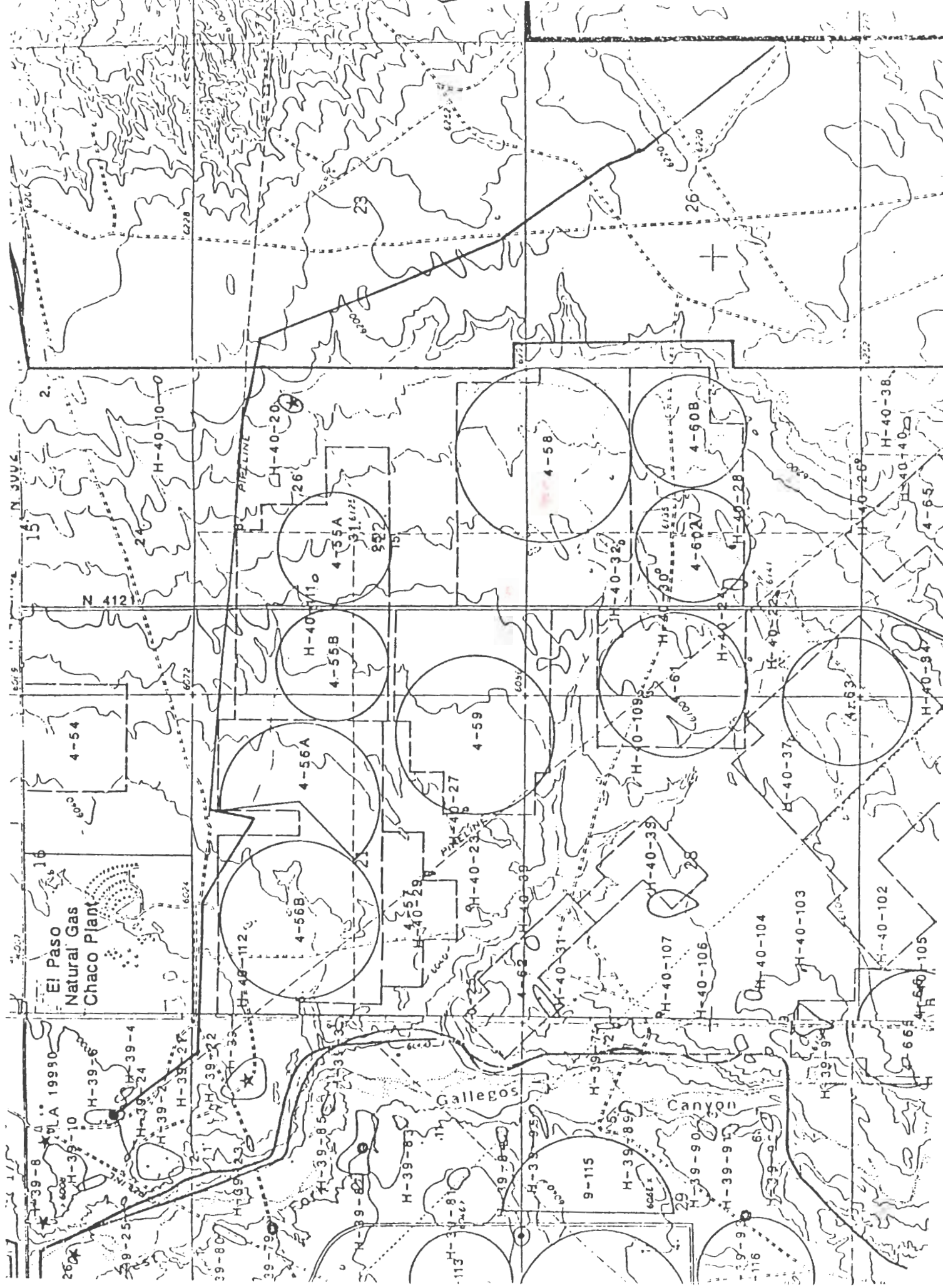
Discovery Clause (36 CFR Part 800.7) Should any archeological or historical resources be discovered during project operations, all work must cease in the immediate area of the exposed resource. The Navajo Tribal Archeologist and the DIA Navajo Area Archeologist shall be notified to arrange an on-site inspection for the purpose of determining the significance and disposition of the remains. Such discoveries may be subject to the provisions and prohibitions of the Archeological Resources Protection Act (P.L. 96-95, Title 4) Code of Federal Regulations, Part 7).

THE PROJECT SPONSOR IS RESPONSIBLE FOR ADVISING CONTRACTORS AND SUB-CONTRACTORS OF THIS REQUIREMENT AND ASSURING ITS COMPLIANCE.

Leo R. Sawing
NIIP Project Manager

9-29-94
Date

1 400N, 1610W, 11100, 11100, 11100, 11100



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

ROUTING:	COPIES TO	NNHPD NO. <u>94-371</u>
<u>NM</u>	SHPO	OTHER PROJECT NO.
	ACHP	<u>94-085</u>
<u>X</u>	REAL PROPERTY MGT/330	
<u>X</u>	NNAD	

PROJECT TITLE: An Archaeological Inventory of a Proposed Oil Pipeline for Benson-Montin-Greer Drilling Corporation in San Juan and Rio Arriba counties, New Mexico

LEAD AGENCY: BLM (Note: This compliance form addresses the portion of this undertaking on Navajo Nation lands only.)

SPONSOR: Benson-Montin-Greer Drilling Corporation

PROJECT DESCRIPTION: Approximately 40 miles of 6 5/8 inch pipe will be installed in a trench. Access road will also be constructed. Intensive and extensive ground disturbance will occur.

LAND STATUS: BLM, State of New Mexico, non-tribal fee lands, tribal trust, tribal allotment, and tribal fee lands

CHAPTER: Huerfano, Nageezi

LOCATION: San Juan County, NM:
T26N R12W, Sections 23, 26
T26N R11W, Sections 30, 31, 33, 34, 35
T25N R11W, Sections 1, 2, 3, 4
T25N R10W, Sections 2, 6, 11, 13, 24
T24N R9W, Sections 1, 2, 3, 4

PROJECT ARCHAEOLOGIST: Lisa Rohrer, Lawrence Vogler
NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: April 4 to June 15, 1994
DATE OF REPORT: June 24, 1994
TOTAL ACREAGE INSPECTED: 402.98

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

LIST OF CULTURAL RESOURCES FOUND:
Five (5) in-use areas
Twenty five (25) isolated occurrences
One (1) Traditional Cultural Property
Twenty (20) archaeological sites:
NM-G-33-32

NM-G-33-33
NM-G-33-34
NM-G-33-35
NM-G-33-36
NM-G-33-37
NM-G-34-25
NM-G-34-26
NM-G-34-27
NM-G-34-28
NM-G-46-13
NM-G-46-14
NM-G-47-9
NM-G-47-10
NM-G-47-11
NM-G-47-12
NM-G-47-13
NM-G-47-14
NM-G-47-15
NM-G-47-16

LIST OF ELIGIBLE PROPERTIES:

NM-G-33-32
NM-G-33-33
NM-G-33-34
NM-G-33-35
NM-G-33-36
NM-G-33-37
NM-G-34-25
NM-G-34-26
NM-G-34-27
NM-G-34-28
NM-G-46-13
NM-G-46-14
NM-G-47-9
NM-G-47-10
NM-G-47-11
NM-G-47-12
NM-G-47-14
NM-G-47-15
NM-G-47-16

LIST OF NON-ELIGIBLE PROPERTIES:

NM-G-47-13
Twenty five (25) isolated occurrences
Five (5) in use areas
One (1) Traditional Cultural Property

LIST OF ARCHAEOLOGICAL RESOURCES:

NM-G-33-32
NM-G-33-33
NM-G-33-34
NM-G-33-36
NM-G-33-37
NM-G-34-25

NM-G-34-26
NM-G-34-27
NM-G-34-28
NM-G-46-13
NM-G-47-9
NM-G-47-10
NM-G-47-11
NM-G-47-14
NM-G-47-15
NM-G-47-16

EFFECT/CONDITIONS OF COMPLIANCE: The proposed undertaking will have no effect upon significant cultural resources (on the Navajo Nation portion of the project) provided the following avoidance measures are implemented:

Surveyed buffer zones are not to be considered within the area of potential effect, and no ground disturbing activity may occur in the buffer zones. Ground disturbing activities may occur only within the 45 foot wide right-of-way and designated temporary use areas.

At site NM-G-33-32, the surveyed reroute must be implemented.

At site NM-G-33-33, the surveyed reroute must be implemented.

At site NM-G-33-34, the surveyed reroute must be implemented.

At site NM-G-33-35, the surveyed reroute must be implemented.

At site NM-G-33-36, the surveyed reroute must be implemented.

At site NM-G-33-37, the surveyed reroute must be implemented.

At site NM-G-34-25, the surveyed reroute must be implemented.

At site NM-G-34-26, the surveyed reroute must be implemented.

At site NM-G-34-27, the surveyed reroute must be implemented and no ground disturbing activity may occur in the proposed temporary use area on the east side of the r-o-w.

At site NM-G-34-28, the surveyed reroute must be implemented and no ground disturbing activity may occur in the proposed temporary use area on the east side of the r-o-w.

At site NM-G-46-13, the surveyed reroute must be implemented.

At site NM-G-46-14, the surveyed reroute must be implemented.

At site NM-G-47-9, the surveyed reroute must be implemented.

At site NM-G-47-10, the surveyed reroute must be implemented.

At site NM-G-47-11, the surveyed reroute must be implemented.
At site NM-G-47-12, the surveyed reroute must be implemented.

At site NM-G-47-14, the surveyed reroute must be implemented and no ground disturbing activity may occur in the proposed temporary use area on the north side of the r-o-w.

At site NM-G-47-15, the surveyed reroute must be implemented.

At site NM-G-47-16, a temporary fence must be placed between the site and the existing road (under the direction of a qualified archaeologist) and a qualified archaeologist must monitor ground disturbing activities closer than 50 feet (15 meters) to the site boundary, should they be necessary.

A copy of this form is being provided to the SHPO, notifying him of compliance with CMY-19-88 (Navajo Nation Cultural Resources Protection Act, NNCRPA). It is the responsibility of the lead agency to comply with Section 106.


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 (602)-871-7132.

FORM PREPARED BY: Chad Smith
FINALIZED: 9/12/94

Notification to

Proceed Recommended:
Conditions:

Yes X No
Yes X No


Alan Downer
Navajo Nation Historic
Preservation Officer
7/16/98
Date



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996
Website: www.navajonationepa.org

M E M O R A N D U M

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

FROM:

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

DATE: June 2, 2015

SUBJECT: 164 EOR 003382 ROW BMG 6 5/8" Gas Pipeline - Bisti

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **conditional approval** for the proposed right-of-way (ROW) pipeline renewal for the existing 37,709.34 (7.14192 miles), in length, buried 36" deep 6 5/8" OD steel pipeline and ancillary facilities. The ROW was approved by Resources Committee, February 23, 1995, for Benson-Montin-Greer Corporation. Benson-Montin-Greer Drilling Corporation, 4900 College Boulevard, Farmington, New Mexico, 87402, submitted a ROW application for continued operation and maintenance of the existing Bisti Pipeline to transport natural gas. The ROW grant for the pipeline is for 20 years. No new surface use or surface disturbance is expected.

1. Navajo Nation Clean Water Act (CWA):

- a. **NNEPA Water Quality determines the waters of the US and Navajo Nation.**
- b. §Section 401- USEPA issued a "treatment as state" and delegated CWA Section 401 permitting to Navajo Water Quality Program. Benson-Montin-Greer is subject to meet the CWA Section 401 by submitting an application in wash crossing including ephemeral washes as determined by NNEPA Water Quality Program.

¹ Permits West, Inc. Categorical Exclusion for the Benson-Montin-Greer Existing Pipeline Right-of-Way Renewal Navajo Nation Trust Land and Allotted Land San Juan County New Mexico. December 2014.

- c. §Section 402 - The proposed action is greater than 1 acre therefore Benson-Montin-Greer and its contractor(s) including subcontractor(s) is subject to complete the requirements under the Clean Water Act Section 402. Stormwater Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and Notice of Intent (NOI) must be completed and submitted to Gary Sheth, our Navajo Nation permitting lead, can be reached at 415-972-3516 or sheth.gary@epa.gov. Here is a link to USEPA Regional permits webpage with links to information about different types of EPA permit requirements and existing permits: <http://www.epa.gov/region9/water/npdes/permits.html>. Courtesy copies must be provided to Patrick Antonio, Principal Hydrologist with NNEPA Water Quality Program. His office phone is 928/871-7185.
 - d. §Section 404 – This permit is issued by the US Army Corp of Engineers.
- 2. **Navajo Nation Safe Drinking Water Act:**
 - a. The USEPA Region 9 delegated the authority to NNEPA Surface & Groundwater Protection Department Public Water System Supervision Program (PWSSP).
 - b. The existing drinking water lines must be marked before commencing any construction for maintenance/repair(s) to lessen and minimize impacts to the public drinking water system.
- 3. **Navajo Nation Air Pollution Prevention and Control Act:**
 - a. The USEPA Region 9 delegated its responsibilities to NNEPA Air Quality Control Program – Operating Permit Program (OPP) to regulate Title V Sources including coal fired power plant, coal mine, natural gas compression station, crude oil & gas production facility and gas fractionating facility. Some concerns may include Title V permits, greenhouse gas regulations, regional haze rule, tribal minor sources and tribal new source review (NSR) [Excerpt from NNEPA AQCP OPP brochure].
 - b. The NNEPA Air Quality collects meteorological weather data, monitor air quality levels of particulate matter, sulfur dioxide, nitrous oxides and ozone, determines and recommends for air quality control and enforcement using air quality index, develops air quality legislation for regulatory rulemaking and updates and maintains an emissions inventory for the Navajo Nation.
 - c. Before any construction for maintenance/repair(s) commences, a Navajo Nation Air Quality Control Program Activity Application must be submitted to NNEPA Air Quality Operating Permit Program.
- 4. **Navajo Nation Pesticide Act:**
 - a. Before applying any chemicals, contact the NNEPA Pesticide Program at 928/871-7815/7810/7892 to attain a pesticide use permit (PUP) to ensure the product is in compliance and appropriately applied by a certified and licensed applicator. The PUP must be approved by the Water Quality Navajo Pollution Discharge Elimination Program – Pesticide, PWSSP, Air Quality and Navajo Fish and Wildlife.
 - b. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.
- 5. **Navajo Nation Solid Waste Act:**
 - a. Solid waste generated from the construction and operation activities will be collected and transported by contractor to a designated trash bins to minimize significant impacts to human and wildlife resources.

- b.* If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
 - c.* The contractor must submit a copy of the landfill receipt/ticket to guarantee the construction waste has been properly disposed.
 - d.* Do not allow public to take construction and operation waste. Cumulatively NNEPA receives complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
 - e.* All illegal waste currently on the proposed site is the responsibility of the land user.
- 6. *Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NNCERCLA)***
 - a.* Approved by the Navajo Nation Council, CF-07-08, February 26, 2008, the NN CERCLA classified and included petroleum (including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and synthetic gas)) as hazardous material unlike the US CERCLA or the Superfund Law.
 - b.* The NNCERCLA mandates operators to report petroleum release ≥ 25 gallons at the site and/or during transport immediately to the Navajo Nation Department of Emergency Management within the Navajo Nation Division of Public Safety.
 - c.* In the event of a hazardous material spill, releases would be contained and disposed of in accordance with federal and tribal regulations, the project representative shall contact NNEPA Waste Regulatory and Compliance Department, Superfund Office, at 928/871-6859 or NNEPA OER at 928/871-7188 to report hazardous waste spills as defined according to the NN CERCLA.
 - d.* If production fluids (gasoline, diesel and propane) will be stored on the project site, preventative and precautionary measures will need to be taken to avoid risks and impacts to the Navajo Nation environmental resources.
- 7. *Navajo Nation Storage Tank Act:***
 - a.* No underground (UST) and/or aboveground storage tank (AST) greater than 100 gallons is installed on the existing pipeline ROW renewal.

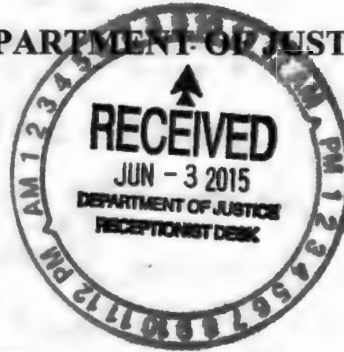
If there are any questions, contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Benson-Montin-Greer Drilling Corporation, 4900 College Boulevard, Farmington, New Mexico,
87402
NNEPA Administration; Departments; Programs



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
06/03/15 9:17am
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 003382
SAS #:
UNIT: NRu

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

CLIENT TO COMPLETE			
DATE OF REQUEST: <u>June 3, 2015</u>		ENTITY/DIVISION: <u>DNR</u>	
CONTACT NAME: <u>H. Draper / K. Bin</u>		DEPARTMENT: <u>Navajo Land Dept.</u>	
PHONE NUMBER: <u>XU447</u>		E-MAIL: <u>hwarddraper@frontier.net.net</u>	
TITLE OF DOCUMENT: <u>Approving a Grant of Right of way Renewal to Benson - Montin - Greer Drilling Co. for continued operation and maintenance of BSH Pipeline a 6 5/8" welded Steel natural Gas Pipeline + Ancillary Facilities for the Transportation of Natural Gas.</u>			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN: <u>6/3/15</u>		REVIEWING ATTORNEY/ADVOCATE: <u>Trin Chee</u>	
DATE/TIME OUT OF UNIT: <u>6/16/15 4:20</u>		<u>6/12/15</u>	
DOJ ATTORNEY / ADVOCATE COMMENTS			
<u>Rtd. doc. to P.P.O.C. to have Sponsors identify these documents to the Exhibits & label these documents as Exhibits. 6/10/15: Doc.</u>			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
<u>Trin Chee</u>	<u>6/9/15</u>	<u>KEEL SPS/ANW</u>	<u>6/16/15 1:00 PM</u>
DOJ Secretary Called: <u>Kayla Bin</u>		for Document Pick Up on <u>6/16/15</u> at <u>4:30</u> By: <u>AG</u>	
PICKED UP BY: (PRINT)		DATE / TIME:	

NNDJ/DRRF-July 2013

COMPLETED

#003382 is resubmitted w/corrections. Document has been identified to the Exhibits and these documents are label & identified by Exhibits and they are in order! Corrections were made & completed. Document is, therefore, legally sufficient. ic/6/10/15
* I had also added paragraph No. 24 to the Terms and Conditions which is Exhibit "E". ic/6/10/15.



NAVAJO NATION DEPARTMENT OF JUSTICE

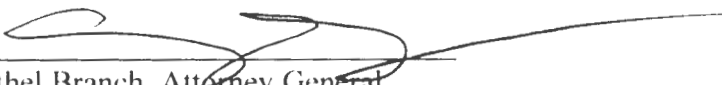
ETHEL B. BRANCH
(ACTING) ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Paul W. Spruhan, Assistant Attorney General
Labor & Employment Unit
Department of Justice

FROM:


Ethel Branch, Attorney General
Office of the Attorney General

DATE: June 16, 2015

SUBJECT: **Temporary Delegation of NRU Assistant Attorney General**

Antoinette Flora, Acting Assistant Attorney General of the Natural Resources Unit is on emergency leave effective June 16, 2015. In an effort to provide uninterrupted legal services to the Navajo Nation, I am hereby delegating you to serve as Acting Assistant Attorney General of the Natural Resources Unit until Ms. Flora returns on Monday, June 22, 2015. You shall have the authority to administrator the NRU, handle administrative matters and surname NRU documents.

If you have any questions on how to handle any particular matter, please free to consult with me or any of the Assistant Attorney Generals. Thank you.

xc: Rodgerick Begay, Acting Deputy Attorney General, Office of the Attorney General
Stanley M. Pollack, Assistant Attorney General, Water Rights Litigation Unit
Kandis Martine, Assistant Attorney General, Human Services & Government Unit
Cynthia Avery, Office Specialist, Office of the Attorney General

Document No. 003382

Date Issued: 01/28/2015

EXECUTIVE OFFICIAL REVIEW

Title of Document: RoW BMG 6 5/8" GasPipeline - Bisti Contact Name: DRAPER, HOWARD

Program/Division: DIVISION OF NATURAL RESOURCES

Email: howarddraper@frontiernet.net Phone Number: 928-871-6447

☐ **Business Site Lease** Sufficient Insufficient

- | | | | |
|---|-------------|---|---|
| 1. Division: _____ | Date: _____ | □ | □ |
| 2. Office of the Controller: _____ | Date: _____ | □ | □ |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) | | | |
| 3. Office of the Attorney General: _____ | Date: _____ | □ | □ |

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

- | | | | |
|--|-------------|---|---|
| 1. Division: _____ | Date: _____ | □ | □ |
| 2. Office of the Attorney General: _____ | Date: _____ | □ | □ |

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

- | | | | |
|---|-------------|---|---|
| 1. Office of Management and Budget: _____ | Date: _____ | □ | □ |
| 2. Office of the Controller: _____ | Date: _____ | □ | □ |
| 3. Office of the Attorney General: _____ | Date: _____ | □ | □ |

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

- | | | | |
|--|-------------|---|---|
| 1. NNEPA: _____ | Date: _____ | □ | □ |
| 2. Office of the Attorney General: _____ | Date: _____ | □ | □ |

☐ **Lease Purchase Agreements**

- | | | | |
|--|-------------|---|---|
| 1. Office of the Controller: _____ | Date: _____ | □ | □ |
| (recommendation only) | | | |
| 2. Office of the Attorney General: _____ | Date: _____ | □ | □ |

☐ **Grant Applications**

- | | | | |
|---|-------------|---|---|
| 1. Office of Management and Budget: _____ | Date: _____ | □ | □ |
| 2. Office of the Controller: _____ | Date: _____ | □ | □ |
| 3. Office of the Attorney General: _____ | Date: _____ | □ | □ |

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

- | | | | |
|--|-------------|---|---|
| 1. Division: _____ | Date: _____ | □ | □ |
| 2. Office of the Attorney General: _____ | Date: _____ | □ | □ |

☐ **Relinquishment of Navajo Membership**

- | | | | |
|--|-------------|---|---|
| 1. Land Department: _____ | Date: _____ | □ | □ |
| 2. Elections: _____ | Date: _____ | □ | □ |
| 3. Office of the Attorney General: _____ | Date: _____ | □ | □ |

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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

☒ **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: *02 March 15* ☒ ☐
2. F&W *Scatter of 4/8/15* _____ Date: *3/5/15* ☒ ☐
3. HPD *Jamarali* _____ Date: *3/23/15* ☒ ☐
4. Minerals *Albino Sam* _____ Date: *5/20/15* ☒ ☐
5. NNEPA _____ Date: *6-2-2015* ☒ ☐
6. DNR _____ Date: *4/2/15* ☒ ☐
7. DOJ *(ic)* _____ Date: *6/16/15* ☒ ☐
8. OPVP _____ Date: *6-17-2015* ☒ ☐

☐ **OTHER:**

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