

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 GRANT OF RIGHT-OF-WAY TO NAVAJO NATION OIL & GAS COMPANY TO OPERATE AND MAINTAIN THE EXISTING "6-5/8 INCH" DIAMETER PIPELINE FOR TRANSPORTING NATURAL GAS ON, OVER, AND ACROSS NAVAJO NATION TRUST LANDS WITHIN THE SANOSTEE CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. §501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to grant approval for all land withdrawals, non-mineral leases, permits, licenses, rights of way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) lands. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and termination; and
- B. Pursuant to Resolution No. RCJN-28-08, the Resources Committee of the Navajo Nation Council approved the renewal of said 6-5/8 Inch Diameter Pipeline for Chaparral Energy, L.L.C. attached hereto as Exhibit "A"; The right-of-way had been initially renewed for Texaco Exploration and Production, Inc. (RCAP-58-96). The Navajo Nation Oil and Gas Company purchased the intent of Chaparral Energy LE; and
- C. Navajo Nation Oil & Gas Company (NNOGC) Exploration and Production, LLC P.O. Box 4439, Window Rock, Arizona 86515, has submitted Application for Right-of-Way (ROW), attached hereto and incorporated herein as Exhibit "B"; to operate and maintain the "6-5/8 Inch Diameter Natural Gas Pipeline" facilities on, over and across Navajo Nation Trust lands in Sanostee, San Juan County, New Mexico; and

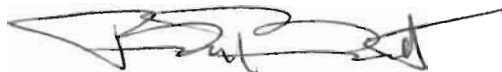
- D. The existing "6-5/8 Inch" pipeline is 37,519.52 feet long, 20 feet wide, consisting of 14.227 acres, more or less, on Navajo Nation Trust Land in Section 19-24, Township 26 North, Range 17 West; Sections 23-24, Township 26 North, Range 18 West, San Juan County, New Mexico. The location is more particularly described on the survey map attached herein as Exhibit "C"; and
- E. All environmental and archaeological studies have been completed and said reports are attached.

Section Two. Approval

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Navajo Oil and Gas Company, to operate and maintain the existing "6-5/8 Inch Natural Gas Pipeline" on, over and across Navajo Nation Trust Land within the Sanostee Chapter, San Juan County, New Mexico. The location is more particularly described on the survey maps attached hereto as Exhibit "C".
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the ROW subject to, but not limited to the following terms and conditions attached hereto as Exhibit "D."
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

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 Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 0 abstain this 28th day of July, 2015



Benjamin Bennett, Vice Chairperson
Resources and Development Committee

Motion: Leonard Pete
Second: Leonard Tsosie

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL



21ST NAVAJO NATION COUNCIL - Second Year, 2008

AN ACTION

RELATING TO RESOURCES; APPROVING THE GRANTING OF A RENEWAL
OF A RIGHT-OF-WAY TO CHAPARRAL ENERGY, L.L.C. TO OPERATE
AND MAINTAIN A 6-5/8 INCH DIAMETER PIPELINE FOR
TRANSPORTING NATURAL GAS WITHIN SANOSTEE CHAPTER, NAVAJO
NATION

BE IT ENACTED:

1. The Navajo Nation hereby approves the granting of a renewal of a right-of-way to Chaparral Energy, L.L.C. to operate and maintain a 6-5/8 inch diameter pipeline for transporting natural gas within sections 19, 20, 21, 22, 23, and 24, T26N, R17W and sections 22, 23 and 24, T26N, R18W, NMPM San Juan and McKinley Counties, New Mexico, Sanostee Chapter, Navajo Nation, attached hereto as Exhibit "A". — ~~NOT ATTACHED~~

2. The Navajo Nation hereby approves the granting of a renewal of a right-of-way to Chaparral Energy, L.L.C., subject to, but not limited to, the terms and conditions contained in Exhibit "B".

3. The Navajo Nation hereby assesses consideration upon Chaparral Energy, L.L.C. in the amount of \$136,968.50 to the Navajo Nation within ten days of approval of the right-of-way. The amount of \$91,036.36 paid by Chaparral Energy, L.L.C. shall be credited against this initial payment. Thereafter, Chaparral Energy, L.L.C. shall make five annual payments each in the amount of \$31,784.82. The first such payment is due within ten days of approval of the right-of-way by the Navajo Nation. Subsequent annual payments are due on August 22 for the year the payment is due. The five annual payments shall be adjusted based on the increase in the Consumer Price Index (CPI), U.S. City Average for All Urban Consumers. The CPI for July 2007 shall be used as the base for all adjustments. These terms and conditions are attached hereto as Exhibit "B".

4. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to effectuate the intent and purpose 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 6 in favor and 0 opposed, this 10th day of June, 2008.

A handwritten signature in black ink, appearing to be "George Arthur", written over a horizontal line.

George Arthur, Chairperson
Resources Committee

Motion: Norman John, II
Second: Curran Hannon

EXHIBIT "B"

NAVAJO NATION TERMS AND CONDITIONS

FOR RIGHTS-OF-WAY

CHAPARRAL ENERGY, L.L.C. (Grantee)

- 1) The terms of the ROW shall expire on August 22, 2012.
- 2) The Grantee shall make an initial payment of \$136,968.50 to the Navajo Nation within ten days of approval of the ROW by the Navajo Nation. The amount of \$91,036.36 paid by the Grantee shall be credited against this initial payment. Thereafter, the grantee shall make five annual payments to the Navajo Nation, each in the amount of \$31,784.82. The first annual payment is also due within ten days of approval of the ROW by the Navajo Nation. Subsequent annual payments shall be paid in advance on or before August 22 for the year the payment is due. The first annual payment and all subsequent annual payments shall be adjusted based on the increase in the Consumer Price Index (CPI), U.S. City Average for All Urban Consumers. The CPI for July 2007 shall be used as the base for all adjustments.

If the ROW is terminated or cancelled prior to expiration, then the Grantee shall make a lump sum payment. This amount shall be based on the adjusted value of the annual payment at the time of termination or cancellation multiplied by the number of annual payments remaining to be paid to the Navajo Nation.

- 3) The Grantee may use and occupy the ROW for the purpose(s) of operating and maintaining a 6-5/8 inch diameter pipeline for transporting natural gas. The Grantee may not develop, use or occupy the ROW for any other purpose without the prior written approval of the Navajo Nation and the Secretary of Interior. The approval of the Navajo Nation may be granted upon conditions or withheld at the sole discretion of the Navajo Nation. The Grantee may not use or occupy the ROW for any unlawful purpose. Further, any physical expansion of the pipeline or the transportation of a different product in the pipeline will require the written approval of the Navajo Nation and the Secretary of the Interior.
- 4) 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:

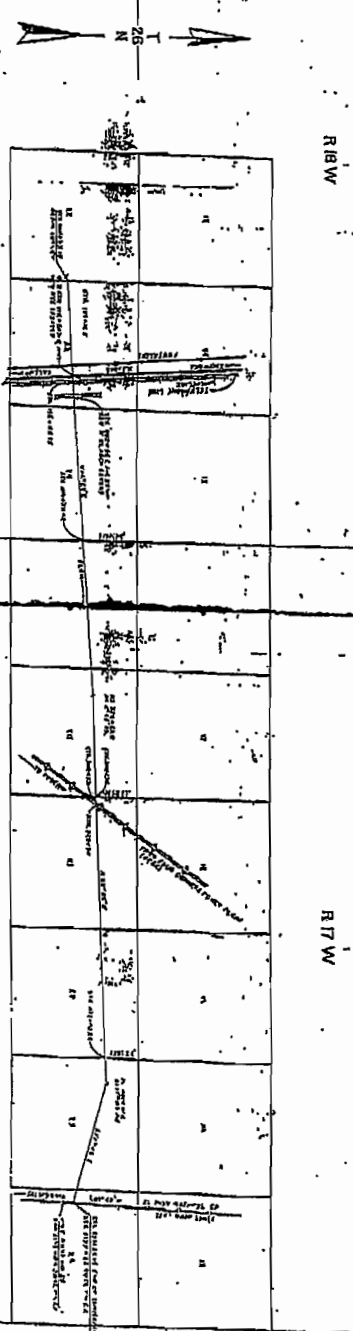
- a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic 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. All Navajo Nation applicable taxes, 24 N.N.C. § 101 et. seq., and accompanying regulations.
- 5) The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
 - 6) The Grantee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
 - 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 permit and all improvements located thereon and make all necessary and reasonable repairs.
 - 8) The Grantee shall obtain prior written permission to cross existing permit area, if any, from the appropriate parties.
 - 9) The Grantee shall be responsible for promptly paying all damages when they are sustained.

- 10) The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior 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) The Grantee shall not assign, convey or transfer, in any manner whatsoever, the ROW or any interest therein, or in or to any of the improvements on the land subject to the ROW, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted upon conditions or withheld at the sole discretion of the Navajo Nation.
- 12) The Secretary of the Interior may terminate the ROW 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 ROW or of applicable laws or regulations;
 - b. A non-use of the ROW for the purpose for which it is granted; 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 the 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.
- 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 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 permit 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 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 area under the permit 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 area under 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 to 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 abandonment of the ROW, after its termination or cancellation, shall be performed in accordance with the regulations and/or guidelines of the Navajo Nation Environmental Protection Agency.
- 25) The Grantee shall compile a Biological Evaluation Report in accordance with the policy of the Navajo Fish and Wildlife Department (F&W) and submit the report to F&W.
- 26) If there is any new disturbance, the Grantee shall conduct a survey for Mancos Milk-vetch.



1. The above information was obtained from the records of the Federal Bureau of Investigation, Department of Justice, and is being furnished to you for your information.

MR. LLOYD KURTZBERG
NEW YORK, N.Y. 21

[illegible]

ACQUAINTANCE
 FRIENDSHIP FROM ANOTHER PERSONALITY
 (Labeled as 1849)
 QUOTE BY NORWODON

RECEIVED BY AND SIGNED BY David Hunt * APPROVED
 DATE 14 DAY OF July PM
Michael J. Davis
 POLICE CHIEF OF AND FOR THE CITY OF NEW BEDFORD
 BY Michael J. Davis 44-2080

[illegible]

AND HEALTH STATEMENT THIS IS TO CERTIFY THAT PACHED, ALON, WHOM ATTACHED TO THIS STATEMENT, HAS BEEN EXAMINED BY THE PERSONS DEDICATED TO THE WORKING WITH WHICH HAS BEEN ASSIGNED, THAT PERSON DEDICATED TO THE WORKING WITH WHICH HAS BEEN ASSIGNED, AT THE APPROPRIATE LOCATION OF THE WORKS HASGON SPENDING, AND THAT THE CERTIFICATE THAT THE PERSON OF PACHED, AS DESCRIBED IS DESIGNED FOR THE PURPOSE OF CARRYING OUT THE REPRESENTATION OF NATIONAL AND ALON THAT THE WORK HAS BEEN REVIEWED AS PART OF THE COMPLETED CERTIFICATE.

EXECUTED THIS 28 DAY OF JULY, 1951

CITRUS ALBUM DISCRIPTION

[illegible]

EXHIBIT B

APPLICATION FOR PIPELINE RIGHT-OF-WAY
ON THE NAVAJO INDIAN RESERVATION
TOWNSHIP 28 NORTH-RANGE 17 AND 18 WEST 14 NORTH
SAN JUAN COUNTY
NEW MEXICO
Chaparral Energy, L.P.C.
SCALE: 1" = 200'
PREPARED BY L.W. CROSBLOCK
JULY 1981
FAIRBANKS, ALASKA
C.E.C. 11-11-81

NAVAJO NATION OIL & GAS COMPANY

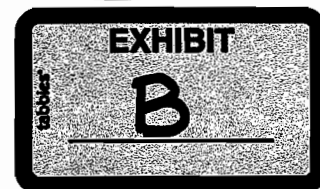
A Federal Corporation

Post Office Box 4439 • Window Rock, Arizona • 86515

Telephone (928) 871-4880 • FAX (928) 871-4882

November 24, 2014

Navajo Nation Land Department
Attention: Howard Draper
P.O. Box 2249
Window Rock, AZ 86515



Dear Mr. Draper,

Please find enclosed NAVAJO NATION OIL AND GAS COMPANY'S (NNOGC) application for a ^{twenty (20)} ~~ten (10)~~ year Grant of Right of Way covering 37,519.52 feet in length and 20' feet wide easement for a 6 5/8" natural gas pipeline to be effective from August 1, 2013 to August 1, 2023. This application covers NAVAJO TRIBAL TRUST (RESERVATION) lands in San Juan County, New Mexico. This ROW application covers the expired ROW RCJN-28-08 which expired August 22, 2012.

The existing 6 5/8" natural gas pipeline right-of-way covers all or parts of Section 19, 20, 21, 22, 23, 24-T26N-R17W and all or parts of Section 22, 23, 24-T26N-R18W all in San Juan County, New Mexico.

In association with our request please find enclosed:

1. Application for right-of-way across NAVAJO TRIBAL TRUST (RESERVATION) lands.
2. Environmental Assessment.
3. Survey plats.
4. Permission to Survey letter.

If you have any questions or need for additional information, please contact me at (928) 871-4880.
Thank you for your time and consideration of this matter.

Sincerely,

NAVAJO NATION OIL AND GAS COMPANY

Racheal Dahozy
Associate Landman

Navajo Nation Oil & Gas Company, LLC
Exploration & Production Division
PO Box 5069
Window Rock, AZ 86515
(928) 871-4880

Page: 1 of 1

PAYEE NAME	VENDOR NO.	CHECK DATE	CHECK NUMBER	AMOUNT
Navajo Nation-Navajo Land Dept	1901	Dec 04, 2014	006038	\$500.00

Reference	Inv date	Invoice No.	Invoice Amt	Prior Pmt	Discount	Amount Paid
1412-AP-2	11/19/14	11/19/14-FE ES	500.00	0.00		500.00

Filing/Processing Fees and Surface Clearance Fees- Tocito Gas Pipeline
ROW



PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

WARNING - THIS CHECK IS PROTECTED BY SPECIAL SECURITY FEATURES

Navajo Nation Oil & Gas Company, LLC
Exploration & Production Division
PO Box 5069
Window Rock, AZ 86515
(928) 871-4880

Capital One, N.A.
Houston, Texas
88-101/1119

CHECK NO.
006038

PAY EXACTLY **\$500dols00cts**
Five hundred dollars and 00 cents

DATE	AMOUNT
Dec 04, 2014	\$500.00

TO
THE
ORDER
OF

Navajo Nation-Navajo Land Dept
PRS
P.O. Box 2249
Window Rock, AZ 86515

SECURITY FEATURES INCLUDE MICROPRINTING • VOID PANTOGRAPH • ENDORSEMENT BACKER • BROWNSTAIN CHEMICAL REACTANT

⑈006038⑈ ⑆111901014⑆362 07⑈0233 0⑈

**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**



THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON CORNER OF SECTIONS 14, 13, 24 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 9°35'02" WEST, 2618.58 FEET;

THENCE NORTH 71°30'17" WEST, 4.75 FEET;

THENCE SOUTH 35°16'02" WEST, 13.11 FEET;

THENCE NORTH 88°12'44" WEST, 37.37 FEET;

THENCE NORTH 72°21'15" WEST, 119.25 FEET;

THENCE NORTH 14°44'17" EAST, 9.70 FEET;

THENCE NORTH 74°14'31" WEST, 306.31 FEET, TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°27'08" WEST, 177.67 FEET;

THENCE NORTH 74°14'31" WEST, 4477.77 FEET;

THENCE NORTH 84°12'06" WEST, 67.43 FEET;

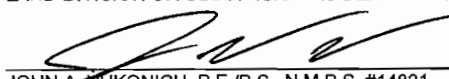
THENCE SOUTH 88°35'13" WEST, 892.82 FEET TO THE COMMON BOUNDARY OF SECTIONS 23 AND 22, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 23 AND 22 BEARS NORTH 00°27'11" EAST, 1305.34 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE, ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 5,928.51 FEET, 1.123 MILES, OR 359.304 RODS. SAID RIGHT-OF-WAY CONTAINS 2.722 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

 3-7-2014
JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831 DATE
UNITED FIELD SERVICES, INC.

DWG. NO. 10607P01



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 21 AND 22, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 22, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 22 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 00°27'11" EAST, 1305.34 FEET;

THENCE SOUTH 88°35'13" WEST, 5283.00 FEET; TO THE COMMON BOUNDARY OF SECTIONS 21 AND 22, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER OF SAID SECTIONS 21 AND 22, BEARS SOUTH 00°26'31" WEST 1157.43 FEET;

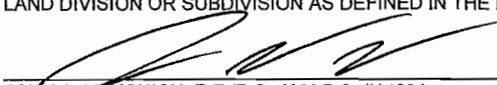
THENCE SOUTH 88°35'13" WEST, 5281.46 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 21, FOR THE END OF THIS DESCRIPTION, FROM WHICH A 1989 BLM BRASS CAP AT THE WEST QUARTER CORNER OF SAID SECTION 21 AND BEARS SOUTH 00°26'46" WEST, 979.55 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,564.46 FEET, 2.001 MILES, OR 640.270 RODS. SAID RIGHT-OF-WAY CONTAINS 4.851 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014

DATE

DWG. NO. 10607P02



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 20, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER FOR SECTIONS 20 AND 21, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS SOUTH 00°26'46" WEST, 979.55 FEET;

THENCE SOUTH 88°35'13" WEST, 96.27 FEET;

THENCE SOUTH 89°02'34" WEST, 156.21 FEET;

THENCE SOUTH 87°52'29" WEST, 215.99 FEET;

THENCE SOUTH 89°25'27" WEST, 192.49 FEET;

THENCE SOUTH 87°38'29" WEST, 103.43 FEET;

THENCE SOUTH 88°47'42" WEST, 1307.81 FEET;

THENCE SOUTH 88°09'29" WEST, 520.74 FEET;

THENCE SOUTH 89°00'08" WEST, 532.20 FEET;

THENCE SOUTH 88°36'40" WEST, 1013.79 FEET;

THENCE SOUTH 87°10'18" WEST, 174.59 FEET;

THENCE SOUTH 86°22'22" WEST, 379.45 FEET;

THENCE SOUTH 87°12'12" WEST, 588.68 FEET TO THE COMMON BOUNDARY OF SAID SECTIONS 19 AND 20, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 19 AND 20, BEARS SOUTH 00°26'06" WEST, 774.17 FEET,

THENCE SOUTH 87°12'12" WEST, 667.06 FEET;


THENCE SOUTH 86°53'18" WEST, 4501.00 FEET TO THE COMMON BOUNDARY OF SECTIONS 19 AND 24, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT QUARTER CORNER OF SECTIONS 19 AND 24 BEARS SOUTH 00°31'00" WEST, 449.07 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,449.71 FEET, 1.979 MILES, OR 633.316 RODS. SAID RIGHT-OF-WAY CONTAINS 4.798 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.


DATE

DWG. NO. 10607P03



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:


BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 24, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP FOR THE COMMON QUARTER CORNER OF SECTIONS 24 AND 19, BEARS SOUTH 00°31'00" WEST, 449.07 FEET;
THENCE SOUTH 86°53'18" WEST, 5288.81 FEET, TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°30'51" WEST, 114.72 FEET,
THENCE SOUTH 86°53'18" WEST, 1617.20 FEET;
THENCE SOUTH 85°49'54" WEST, 147.32 FEET;
THENCE SOUTH 86°53'45" WEST, 3523.51 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 23, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON QUARTER CORNER OF SECTIONS 22 AND 23 BEARS NORTH 00°30'21" EAST, 223.22 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,576.84 FEET, 2.003 MILES, OR 641.021 RODS. SAID RIGHT-OF-WAY CONTAINS 4.856 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

DATE
3-7-2014

DWG. NO. 10607P04



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON CORNER OF SECTIONS 14, 13, 24 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 9°35'02" WEST, 2618.58 FEET;

THENCE NORTH 71°30'17" WEST, 4.75 FEET;

THENCE SOUTH 35°16'02" WEST, 13.11 FEET;

THENCE NORTH 88°12'44" WEST, 37.37 FEET;

THENCE NORTH 72°21'15" WEST, 119.25 FEET;

THENCE NORTH 14°44'17" EAST, 9.70 FEET;

THENCE NORTH 74°14'31" WEST, 306.31 FEET, TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°27'08" WEST, 177.67 FEET;

THENCE NORTH 74°14'31" WEST, 4477.77 FEET;

THENCE NORTH 84°12'06" WEST, 67.43 FEET;

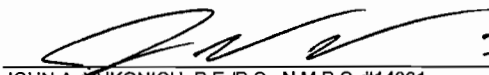
THENCE SOUTH 88°35'13" WEST, 892.82 FEET TO THE COMMON BOUNDARY OF SECTIONS 23 AND 22, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 23 AND 22 BEARS NORTH 00°27'11" EAST, 1305.34 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE, ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 5,928.51 FEET, 1.123 MILES, OR 359.304 RODS. SAID RIGHT-OF-WAY CONTAINS 2.722 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014
DATE

DWG. NO. 10607P01



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 21 AND 22, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 22, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 22 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 00°27'11" EAST, 1305.34 FEET;

THENCE SOUTH 88°35'13" WEST, 5283.00 FEET; TO THE COMMON BOUNDARY OF SECTIONS 21 AND 22, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER OF SAID SECTIONS 21 AND 22, BEARS SOUTH 00°26'31" WEST 1157.43 FEET;


THENCE SOUTH 88°35'13" WEST, 5281.46 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 21, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE WEST QUARTER CORNER OF SAID SECTION 21 AND BEARS SOUTH 00°26'46" WEST, 979.55 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,564.46 FEET, 2.001 MILES, OR 640.270 RODS. SAID RIGHT-OF-WAY CONTAINS 4.851 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014
DATE

DWG. NO. 10607P02



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 20, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER FOR SECTIONS 20 AND 21, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS SOUTH 00°26'46" WEST, 979.55 FEET;

THENCE SOUTH 88°35'13" WEST, 96.27 FEET;

THENCE SOUTH 89°02'34" WEST, 156.21 FEET;

THENCE SOUTH 87°52'29" WEST, 215.99 FEET;

THENCE SOUTH 89°25'27" WEST, 192.49 FEET;

THENCE SOUTH 87°38'29" WEST, 103.43 FEET;

THENCE SOUTH 88°47'42" WEST, 1307.81 FEET;

THENCE SOUTH 88°09'29" WEST, 520.74 FEET;

THENCE SOUTH 89°00'08" WEST, 532.20 FEET;

THENCE SOUTH 88°36'40" WEST, 1013.79 FEET;

THENCE SOUTH 87°10'18" WEST, 174.59 FEET;

THENCE SOUTH 86°22'22" WEST, 379.45 FEET;

THENCE SOUTH 87°12'12" WEST, 588.68 FEET TO THE COMMON BOUNDARY OF SAID SECTIONS 19 AND 20, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 19 AND 20, BEARS SOUTH 00°26'06" WEST, 774.17 FEET,

THENCE SOUTH 87°12'12" WEST, 667.06 FEET;

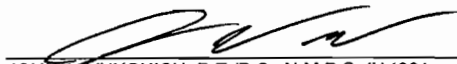
THENCE SOUTH 86°53'18" WEST, 4501.00 FEET TO THE COMMON BOUNDARY OF SECTIONS 19 AND 24, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT QUARTER CORNER OF SECTIONS 19 AND 24 BEARS SOUTH 00°31'00" WEST, 449.07 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,449.71 FEET, 1.979 MILES, OR 633.316 RODS. SAID RIGHT-OF-WAY CONTAINS 4.798 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014
DATE

DWG. NO. 10607P03



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:


BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 24, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP FOR THE COMMON QUARTER CORNER OF SECTIONS 24 AND 19, BEARS SOUTH 00°31'00" WEST, 449.07 FEET;
THENCE SOUTH 86°53'18" WEST, 5288.81 FEET, TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°30'51" WEST, 114.72 FEET,
THENCE SOUTH 86°53'18" WEST, 1617.20 FEET;
THENCE SOUTH 85°49'54" WEST, 147.32 FEET;
THENCE SOUTH 86°53'45" WEST, 3523.51 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 23, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON QUARTER CORNER OF SECTIONS 22 AND 23 BEARS NORTH 00°30'21" EAST, 223.22 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,576.84 FEET, 2.003 MILES, OR 641.021 RODS. SAID RIGHT-OF-WAY CONTAINS 4.856 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014
DATE

DWG. NO. 10607P04



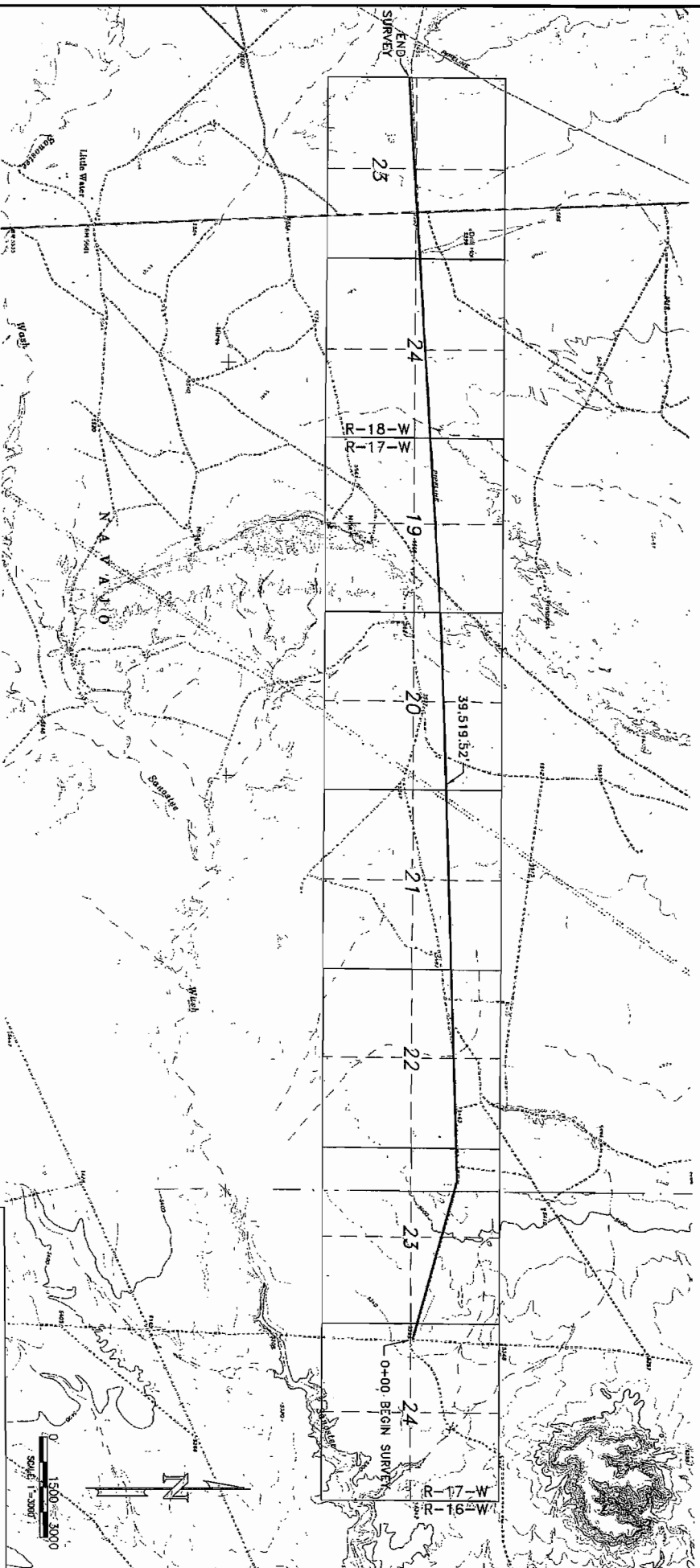
NNOGC Exploration and Production, LLC

AS-BUILT TOCITO GAS PIPELINE

SECTIONS 19, 20, 21, 22, 23 & 24, T-26-N, R-17-W, N.M.P.M.

SECTIONS 23 & 24, T-26-N, R-18-W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO

QUADRANGLE MAPS
LITTLE WATER
NEWCOMB NE



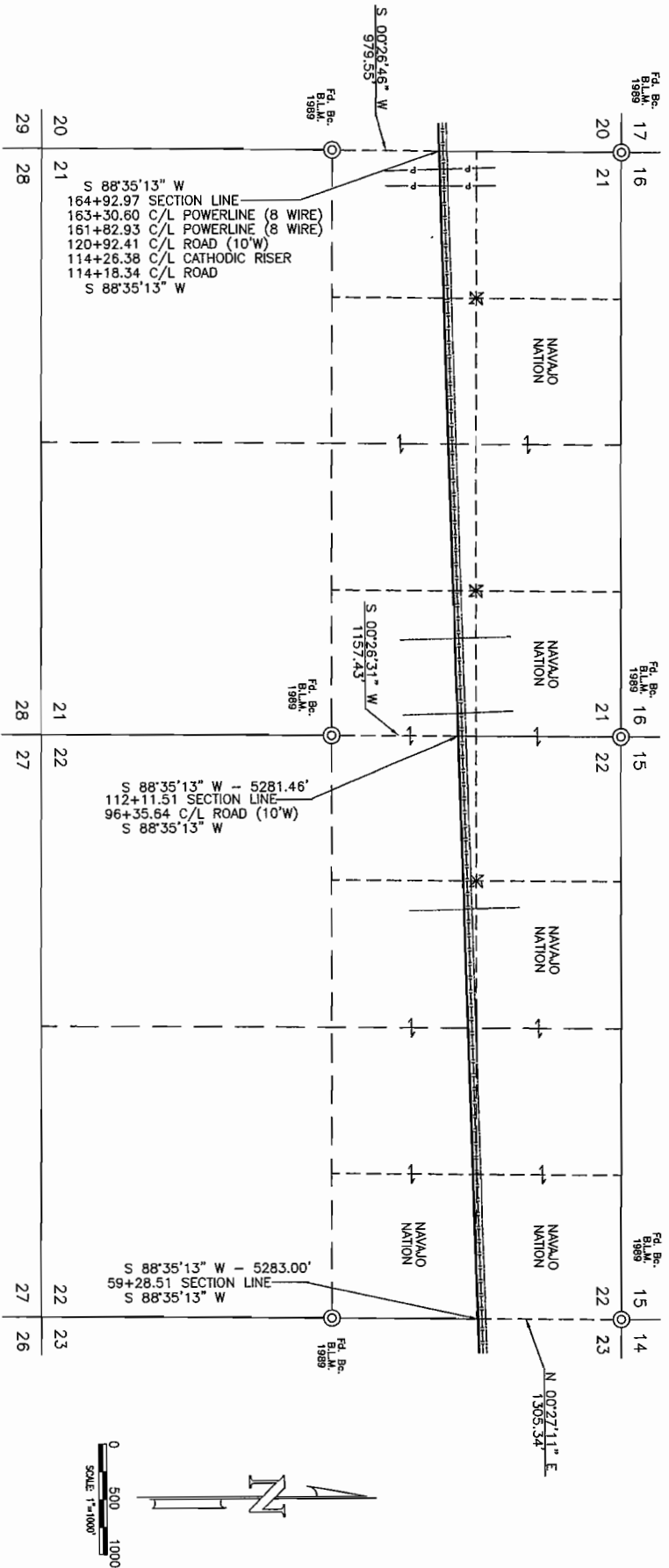
NNOGC Exploration and
Production, LLC

SURVEYED: 11/26/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: A.D.	DATE DRAWN: 03/07/14	FILE NAME: 108070DPO

UNITED
FIELD SERVICES INC.

P.O. BOX 3851
FARMINGTON, NM 87498
OFFICE: (505) 334-0408

NNOGC Exploration and Production, LLC AS-BUILT TOCITO GAS PIPELINE SECTIONS 21 & 22, T-26-N, R-17-W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO



NOTES:
 1. BASIS OF BEARING: MAGNETIC EAST LINE OF THE NE 1/4 OF SECTION 24, T-26-N, R-16-W, N.M.P.M.,
 SAN JUAN COUNTY, NEW MEXICO
 BEARS: N 00°31'00\" E - 2633.29'
 2. ALL BEARINGS & DISTANCES SHOWN ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, AND BL.

OWNER	STATION	FEET/MILES/RODS/ACRES
NAVAJO NATION TRIBAL TRUST	59+28.51 TO 164+92.97	10.56446/2.001/640.270/4.851

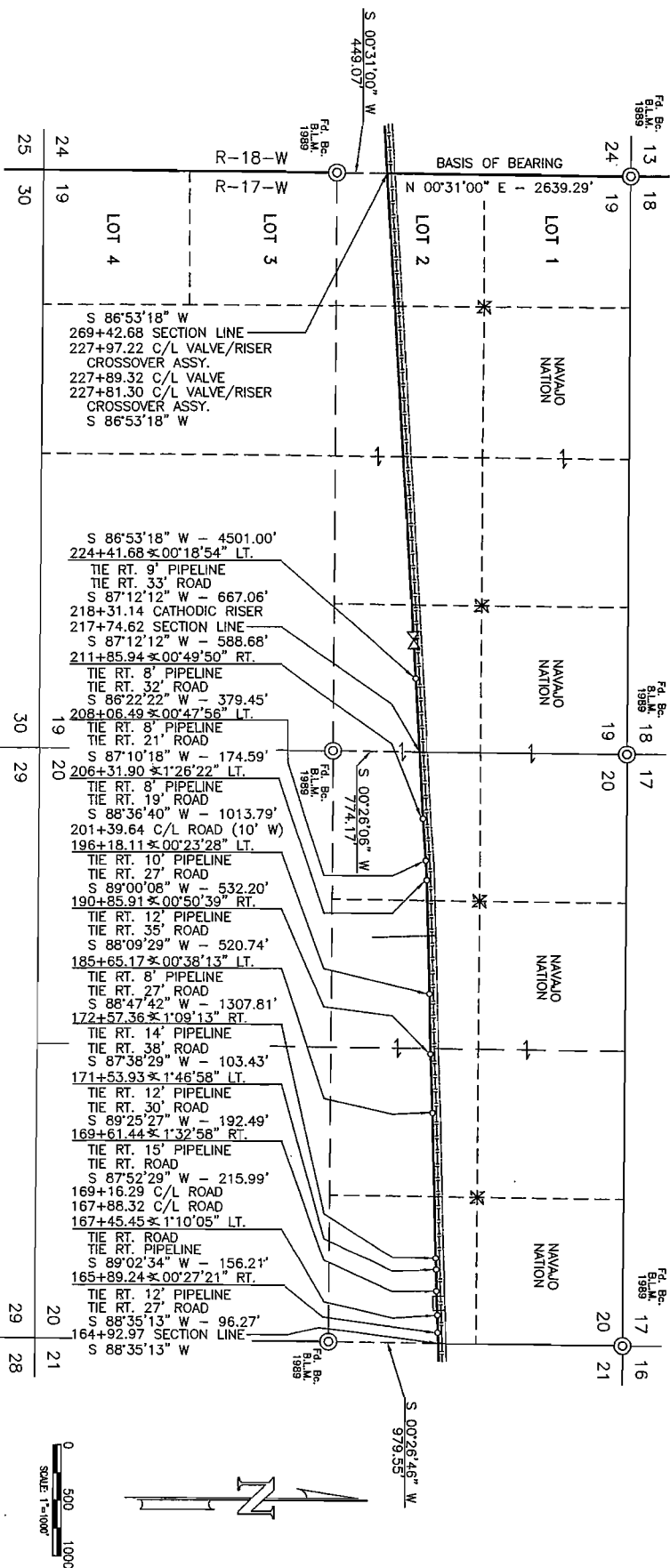
UNITED
FIELD SERVICES INC.

NNOGC Exploration and
 Production, LLC

SUBMITTED: 11/26/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: V.C.	DATE DRAWN: 12/5/13	FILE NAME: 10607002

P.O. BOX 3651
 FARMINGTON, NM 87499
 OFFICE: (505) 334-0408

NNOGC Exploration and Production, LLC AS-BUILT TOCITO GAS PIPELINE SECTIONS 19 & 20, T-26-N, R-17-W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO



NOTES:
 1. BASIS OF BEARING: ADJUSTED EAST LINE OF THE NE 1/4 OF SECTION 24, T-26-N, R-18-W, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO.
 BEARS: N 00°31'00" E - 2639.29'
 2. ALL BEARINGS & DISTANCES SHOWN ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NAD 83.

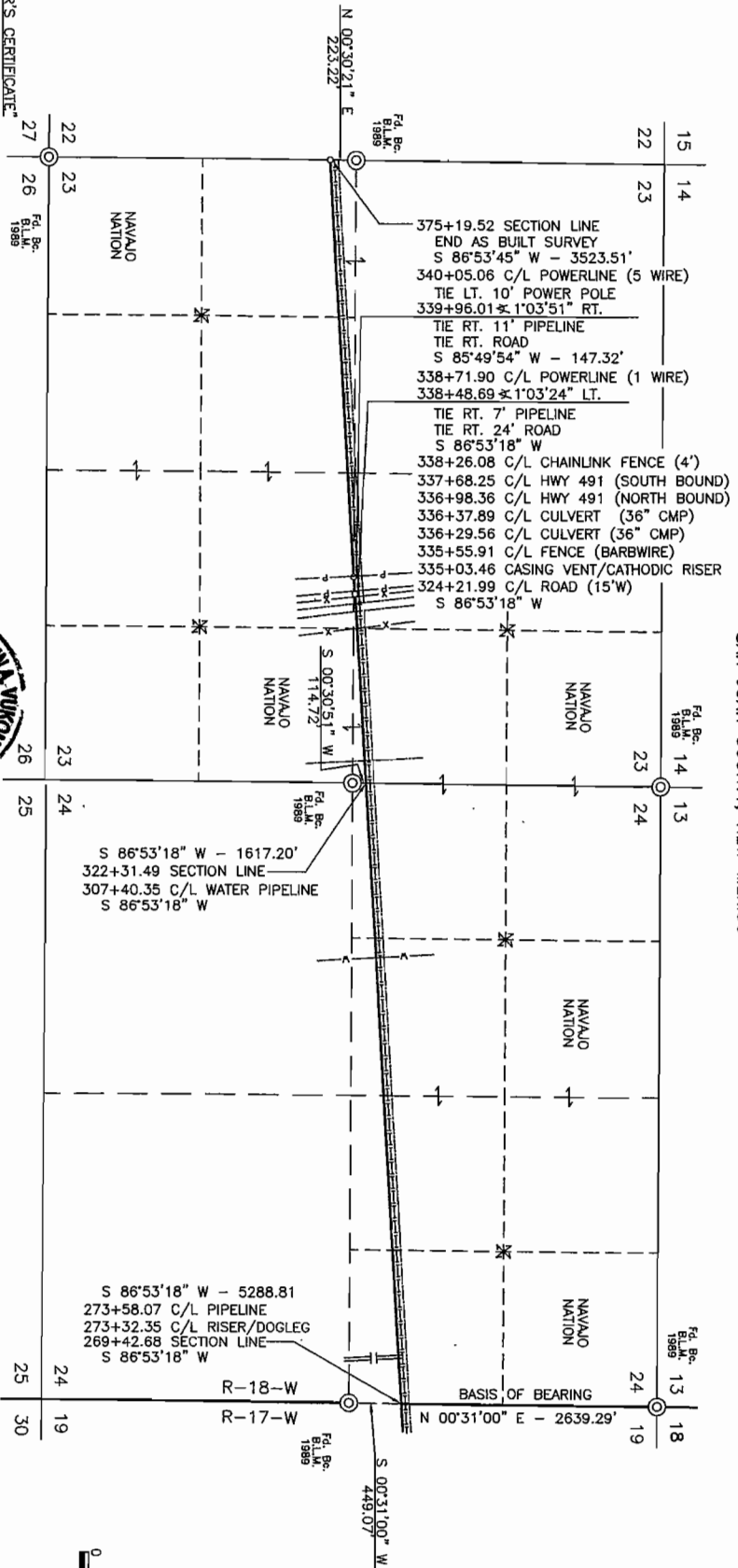
OWNER	STATION	FEET/MILES/RODS/ACRES
NAVAJO NATION TRIBAL TRUST	164+92.97 TO 269+42.98	10,449.71/1.979/633.316/4.798

PAGE 3 OF 4

NNOGC Exploration and Production, LLC			
SUBMITTED: 11/26/13 DRAWN BY: V.C. DATE: 12/5/13	REV. DATE: DATE: 12/5/13	APP. BY: J.A.V. FILE NAME: 10807P03	P.O. BOX: 3551 FARMINGTON, NM 87499 OFFICE: (505) 334-0408



NNOGC Exploration and Production, LLC AS-BUILT TOCITO GAS PIPELINE SECTIONS 23 & 24, T-26-N, R-18-W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO



"SURVEYOR'S CERTIFICATE"
 STATE OF NEW MEXICO }
 COUNTY OF SAN JUAN }
 I, John A. Vukovich, first being duly sworn, hereby state: that I am a Professional Surveyor; that this survey was made by me or under my direction; that this four page plot accurately represents the right-of-way centerline of the herein referenced pipeline; that said right-of-way is located on Navajo Nation Tribal Trust Lands, passing through the NW/4 of Section 24, the N/2 of Section 23, the N/2 of Section 22, the N/2 of Section 21, the N/2 of Section 20, the N/2 of Section 19, T-26-N, R-17-W, the N/2 of Section 24, the E/2 of the SW/4 of Section 23, T-26-N, R-18-W, San Juan County, New Mexico, beginning in the SW/4 of the NW/4 of Section 24, T-26-N, R-17-W, ending in the NW/4 of the SW/4 of Section 23, T-26-N, R-18-W, and that said right-of-way has a length of 37,519.52 feet or 7.106 miles, a width 20 feet and an area of 17,227 acres.

OWNER	STATION	FEET/MILES/RODS/ACRES
NAVAJO NATION TRIBAL TRUST	269+42.88 TO 375+19.52	10,576.84/2.003/641.021/4.856

NOTES:
 1. BASIS OF BEARING: MAGNETIC BASE LINE OF THE NE 1/4 OF SECTION 24, T-26-N, R-18-W, N.M.P.M., BEARS N 00°31'00" E - 2639.29'
 2. ALL BEARINGS & DISTANCES SHOWN ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NAD 83.

NNOGC Exploration and Production, LLC

SURVEYED: 11/26/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: V.C.	DATE DRAWN: 12/05/13	FILE NAME: 10607P04

UNITED FIELD SERVICES, INC.
 P.O. BOX 3651
 FARMINGTON, NM 87403
 OFFICE (505) 334-0408

JOHN A. VUKOVICH
 P.E./P.S., N.M.P.S. #14831

Date: 3-7-2014



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, Program & Project Specialist
Project Review Office
Navajo Land Department
Division of Natural Resources

FROM:

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

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

DATE: April 17, 2015

SUBJECT: 164 EOR 003231 ROW NNOGC Renewal Tocito Gas Pipeline

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **conditional approval** for the proposed right-of-way (ROW) pipeline renewal for the existing 6 5/8" natural gas Tocito pipeline. Navajo Nation Oil and Gas Company's (NNOGC), PO Box 4439, Window Rock, Arizona, 86515, submitted an application for a ten (10) year grant of ROW covering 37,519.52 feet in length and 20 feet wide easement for the 6 5/8" natural gas Tocito pipeline. The proposed ROW application covers the expired ROW RCJN-28-08 that expired August 22, 2012. The propose ROW renewal for the existing Tocito pipeline will not significantly impact the Navajo Nation's environmental resources however consultation with NNEPA is highly recommended for any future pipeline repairs.

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 directly delegated CWA Section 401 permitting to Navajo Water Quality Program. NNOGC is subject

¹ Permits West, Inc. Environmental Assessment Navajo Nation Oil and Gas Company Exploration and Production LLC Tocito Pipeline ROW Renewal. September 2014.

164 EOR 003231 NNOGC Tocito Gas Pipeline ROW renewal

Page 1 of 3

4/17/2015

to meet the CWA Section 401 by submitting an application in wash crossing including ephemeral washes as determined by NNEPA Water Quality Program.

- c. §Section 402 - The proposed action is greater than 1 acre therefore NNOGC 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 for the proposed pipeline expansion development.

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 \geq 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: NNOGC, PO Box 4439, Window Rock, Arizona, 86515
NNEPA Administration; Departments; Programs



Fact Sheet – 11/4/14

Company Name: NNOGC Exploration and Production LLC

Address: PO Box 4439, Window Rock, AZ 86515

Project: **Existing Tocito Pipeline Right-of-Way Renewal**

Location: San Juan County, New Mexico

Surface: Navajo Trust.

Total acreage **17.227 acres - all existing – no new disturbance**

Contact: Permits West, Inc.
37 Verano Loop
Santa Fe, NM 87508
505/466-8120 (Fax: 505/466-9682)



**United States Department of the Interior
Bureau of Indian Affairs
Navajo Region
P.O. Box 1060
Gallup, New Mexico 87305**

IN REPLY REFER TO:
Real Estate Services/2N420

NOV 7 2013

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

Dear Mr. Wood:

Your request, on behalf of The Navajo Nation Oil & Gas Company, for permission to conduct preliminary surface survey for the existing Tocito Gas Pipeline in Sanostee Chapter area, San Juan County, New Mexico is hereby granted.

Permission to survey includes surveys for mapping, archeological, ethnographic surveys and studies. Permission to survey is subject to the terms and conditions contained in the letter from Program and Project Specialist, Navajo Land Department dated October 22, 2013.

Approval of right-of-way is not implied. An application for right-of-way must be filed with Shiprock Agency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul J. Chubb", is written over a horizontal line.

Acting Regional Director, Navajo Region

Enclosure

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

October 22, 2013

Mary Lujan, Realty Specialist
Bureau of Indian Affairs
Shiprock Navajo Agency
P.O. Box 3538
Shiprock, New Mexico 87420

RE: Permission To Survey

Dear Ms. Lujan:

Permits West, Inc., 37 Verano Loop, Santa Fe, New Mexico 87508, d.b.a. Navajo Nation Oil & Gas Company (NNOGC), Exploration and Production LLC, has submitted a permission to survey request to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for the existing Tocito Gas pipeline right of way on Navajo Nation Trust Lands in the vicinity of Sanostee, San Juan County, New Mexico. The proposed survey is more particularly described on the attached survey map.

The request for Permission To Survey for Permits West, d.b.a. NNOGC is hereby granted, subject to the following terms and conditions:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of the field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.
5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied.

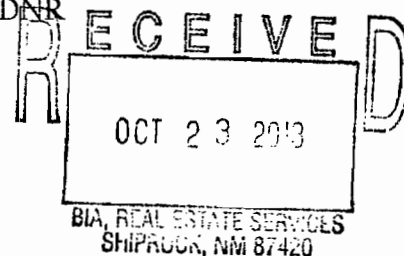
Sincerely,

A handwritten signature in black ink, appearing to read "Howard Draper".

Howard Draper
Program & Project Specialist
Navajo Land Department/DNR

Attachments

CC: Sanostee Chapter
Brian Wood, Permits West
Project File



NAVAJO LAND DEPARTMENT

Post Office Box 2249 / Window Rock, AZ / 86515 / Telephone: (928) 871-6401 / Fax: (928) 871-7039

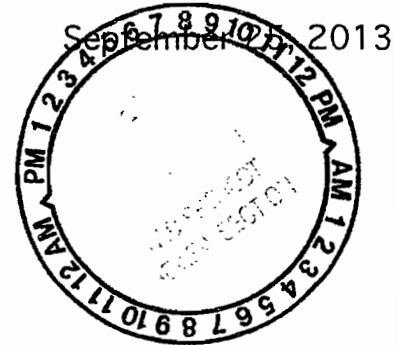
PERMITS WEST, INC.

PROVIDING PERMITS for LAND USERS

37 Verano Loop, Santa Fe, New Mexico 87508

(505) 466-8120

Howard Draper
Project Review Office
P. O. Box 2249
Window Rock, AZ 86515



Dear Howard,

On behalf of NNOGC Exploration and Production LLC, I am requesting a Walk On Permit to survey the existing Tocito gas pipeline in Sanostee Chapter in San Juan County, NM:

T. 26 N., R. 17 W. Sections 19 - 24

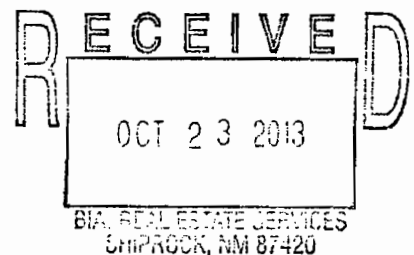
T. 26 N., R. 18 W. Sections 22 - 24

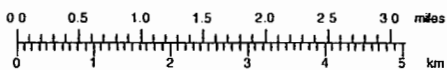
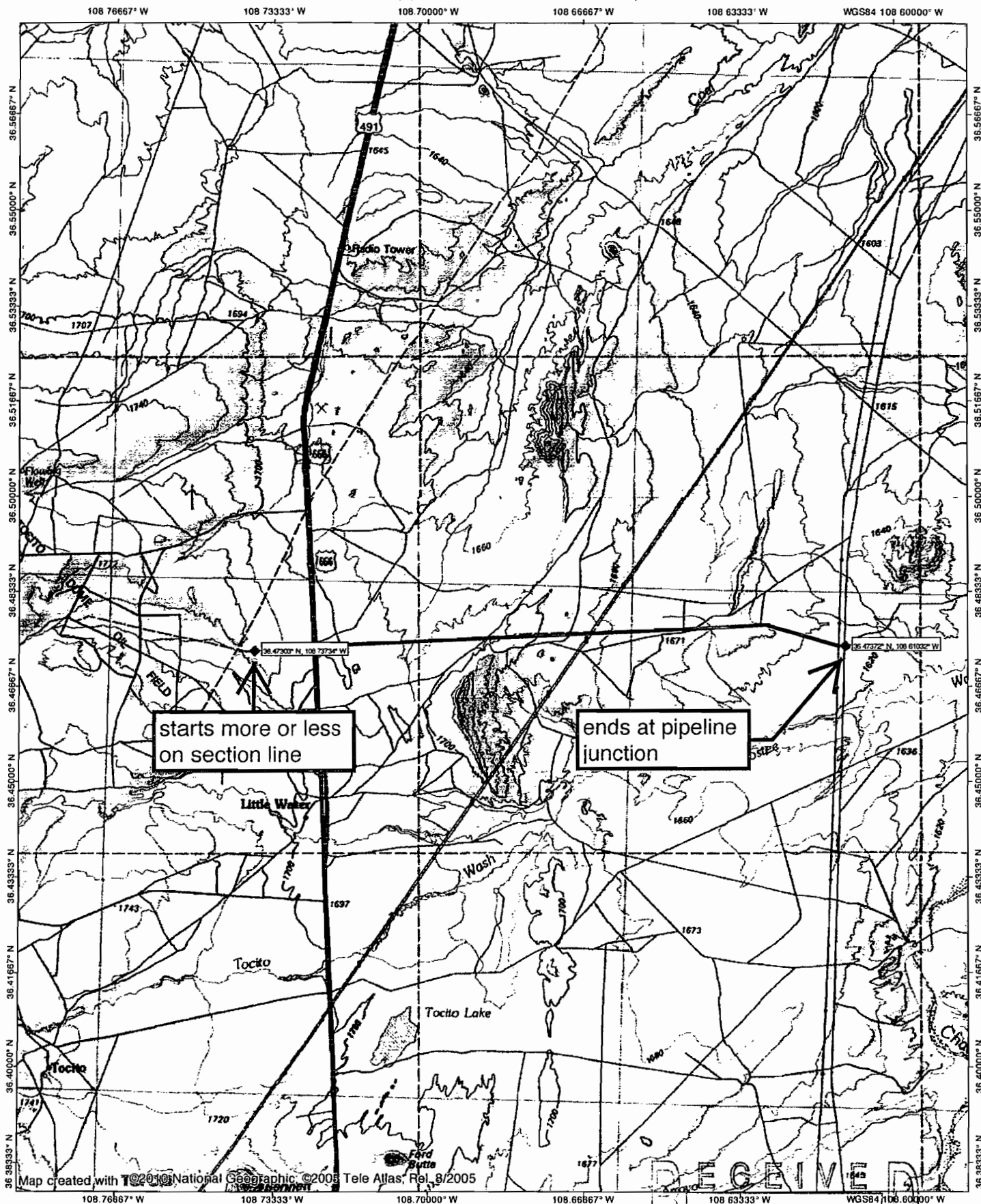
The proposed survey area is shown on the attached map.

Please call me if you have any questions.

Sincerely,

Brian Wood





RECEIVED
OCT 23 2013

BIA, REAL ESTATE SERVICES
SHEL ROCK, NM 87420

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT NNOGC Exploration and Production, LLC, PO Box 4439, Window Rock, AZ 86515, this 22 day of October, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a term of 20 years right-of-way for the following purposes and reasons: Operation and maintenance of an existing 6" welded steel gas pipeline and compressor station called "Tocito Pipeline".

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

Sections 19-24, T. 26 N., R. 17 W., NMPM;
Sections 23 & 24, T. 26 N., R. 18 W., NMPM;
San Juan County, NM

Said pipeline right-of-way across Navajo Tribal Trust Lands to be approximately 37,519.52 feet in length, 20 feet in width, and 17.227 acres in area in area for a term of twenty (20) years. The right-of-way, as shown on attached plats dated December 5, 2013 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 in 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 October 22, 2014 APPLICANT Louis Dauterive

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.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

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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 in 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.
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 - ☐ 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.

ENVIRONMENTAL ASSESSMENT

ON BEHALF OF

NAVAJO NATION OIL AND GAS CO. EXPLORATION AND PRODUCTION, LLC



TOCITO PIPELINE RIGHT-OF-WAY RENEWAL

NAVAJO INDIAN RESERVATION TRIBAL TRUST LAND

SECTIONS 19-24, TOWNSHIP 26 NORTH, RANGE 17 WEST

AND

SECTIONS 23 AND 24, OF TOWNSHIP 26 NORTH, RANGE 18 WEST

SAN JUAN COUNTY, NEW MEXICO

SEPTEMBER 14, 2014

PREPARED BY:



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6. Plant Survey Report
7. Cultural Resources Compliance Form
8. Biological Resources Compliance Form

1.0 INTRODUCTION

Navajo Nation Oil and Gas Co. Exploration and Production, LLC (NNOGC) has filed an application with the Bureau of Indian Affairs, pursuant to the terms and provisions of U.S.C Chapter 8: Rights of Way Through Indian Lands, Section 323, and to the regulations of the Department of the Interior contained in Title 25, Code of Federal Regulations Part 169, for the grant of a 20 year right-of-way (ROW) to operate and maintain an existing 6 inch O. D., natural gas, steel pipeline across Navajo Indian Reservation tribal trust land in Sections 19-24, Township 26 North, Range 17 West and Sections 23 and 24, of Township 26 North, Range 18 West in San Juan County, New Mexico. The proposed right-of-way (ROW) is 7.106 miles (37,519.52 feet long), 20 feet wide and 17.227 acres in area and will be referred to as the Proposed Action. No new construction is proposed with the ROW application. The Application for Grant of Right-Of-Way Renewal is attached as Appendix 1. Appendix 2 shows a topographic vicinity map of the project. Plats and centerline descriptions are found in Appendix 3 and 3A.

1.1 PURPOSE AND NEED

Texaco Exploration and Production, Inc. was the previous right-of-way applicant and received the right-of-way approval in 1996. NNOGC is the current applicant and is seeking a 20 year renewal for the right-of-way in order to continue using the pipeline for natural gas transport.

The need for the project is established by BLM's responsibility under the Federal Onshore Oil & Gas Leasing Reform Act of 1987 to request to extract mineral resources from Indian lease land for oil and gas development and to have legal access on Indian Trust land managed by the Bureau of Indian Affairs (BIA).

1.2 CONFORMANCE WITH APPLICABLE LAND USE PLAN AND OTHER EAS

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific Environmental Assessment (EA) addresses the resources and impacts on a site-specific basis as required by the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.). The proposed project will not be in conflict with any local, county, or state plans.

1.3 FEDERAL, STATE, OR LOCAL PERMITS, LICENSES, AND CONSULTATION REQUIREMENTS

1.3.1 FEDERAL

The Federal Water Pollution Control Act (Clean Water Act) has been amended to provide that certain stormwater discharges from field activities or operation, including construction, associated with oil and gas exploration, production, processing, or treatment operation or transmission facilities are exempt from Nation Pollutant Discharge Elimination System (NPDES) permit requirements. The action encourages voluntary application of Best Management Practices (BMPs) for oil and gas field activities and operation to minimize the discharge of pollutants in stormwater runoff and protect water quality (FR 06-12-06, V. 71, No. 112). This action applies to all States, Federal lands, and Indian Country regardless of whether the U.S. Environmental Protection Agency (EPA) or an individual state is the NPDES permitting authority. States have the authority to regulate any discharges, pursuant to state law, through a non-NPDES permit program.

1.3.2 TRIBAL

The Navajo Nation Department of Fish & Wildlife (NNDFW) was consulted for a list of species with the potential to occur in the project area. Both a qualified wildlife biologist and a botanist conducted surveys of the proposed project area to determine presence and habitat suitability for the species listed in the February 13, 2014 correspondence from the NNDFW (Appendix 4) that are known or have the potential to occur in the Littlewater and Newcomb NE, New Mexico 7.5-minute quadrangles. The wildlife and plant survey reports are provided in Appendix 5 and 6, respectively. No further consultation with the NNDFW is required. A Class III Archeological Survey of the area of the Proposed Action has been conducted and a negative inventory report has been filed with the Navajo Nation Historic Preservation Department. Documentation stating that no historic properties would be affected by the Proposed Action is attached as Appendix 7.

1.3.3 OTHER

Additionally, the Operator is required to:

- Comply with all applicable Federal, State, and Local laws and regulations.
- Certify that a Surface Use Agreement has been reached with all landowners where required.

2.0 ALTERNATIVES INCLUDING PROPOSED ACTION

This chapter provides an overview of the Proposed Action that will be considered and analyzed in this EA.

2.1 ALTERNATIVE ACTION

Neither the applicant, nor any agency, has identified alternatives to the Proposed Action. There will be no new surface use or disturbance with the renewal of the right-of-way. Therefore, only the Proposed Action will be evaluated.

2.2 PROPOSED ACTION

The right-of-way was historically approved in 1996 and was granted to Texaco Exploration and Production, Inc. NNOGC is currently seeking a 20 year renewal for the right-of-way. The start date of the renewal term is yet to be determined.

The existing pipeline right of way is 7.106 miles (37,519.52 feet long), 10 feet wide and 17.227 acres in area. It is held within one right-of-way corridor. The pipeline itself is a 6 inch, O. D. steel, natural gas pipeline. The right-of-way crosses one major road- NM Highway 491. All access along the ROW would be from existing roads. No new disturbance or construction within the ROW corridor is anticipated with the ROW renewal. The entire project is located on Navajo Tribal Trust lands in Sections 19-24, Township 26 North, Range 17 West and Sections 23 and 24, of Township 26 North, Range 18 West in San Juan County, New Mexico. Tables 2.1 and 2.2 below, show the land use summary for the Proposed Action. Appendices 2 and 3 provide a topographic view of the ROW and legal description of the project.

Table 2.1 BOP (LAT: 36.47372° N, LONG: 108.61032° W, NAD 83)
EOP (LAT: 36.47303°N, LONG: 108.73734°W, NAD 83)

<i>Pipeline Name</i>	<i>T.</i>	<i>R.</i>	<i>S.</i>	<i>County</i>	<i>Operator</i>	<i>Quad Maps</i>
Tocito	26N	17W	19, 20, 21, 22, 23, 24	San Juan	NNOGC Exploration and Production, LLC	Newcomb NE, NM and Littlewater, NM
	26N	18W	23, 24			

Table 2.2 Project Land Use Summary

<i>Surface Ownership</i>	<i>Pipeline ROW</i>			<i>Total Disturbance (Acres)</i>
	<i>Length (ft.)</i>	<i>Width (ft.)</i>	<i>Acres</i>	
Navajo Tribal Trust	37,519.52	20	17.227	17.227

3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

This section describes the environment that would be affected by implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Certain critical environmental components require analysis. These items are included below in Tables 3 and 4. Following Tables 3 and 4, only the affected environment for resources that may potentially be impacted are described and analyzed.

Table 3. Critical Elements of the Affected Environment.

Resources	Located in Project Area	Not in Project Area	Further Analysis in Text	Basis for No Further Analysis
Air Resources	X		X	
Areas of Critical Environmental Concern		X		
Cultural Resources		X	X	
Native American Religious Concerns		X		
Environmental Justice	X		X	
Farmlands, Prime or Unique		X		

Resources	Located in Project Area	Not in Project Area	Further Analysis in Text	Basis for No Further Analysis
Floodplains		X	X	
Invasive, Non-native Species	X		X	
Threatened or Endangered Species	X		X	
Wastes, Hazardous or Solid	X		X	
Water Quality – Surface/Ground	X		X	
Wetlands/Riparian Zones		X		
Wild and Scenic Rivers		X		
Wilderness		X		

Table 4. Non-Critical Elements of the Affected Environment.

Resources	Located in Project Area	Not in Project Area	Further Analysis in Text	Basis for No Further Analysis
General Topography/Surface Geology	X		X	
Mineral Resources		X		
Watershed/Soils/Hydrology	X		X	
Paleontology		X		
Vegetation & Forestry	X		X	
Livestock Grazing	X		X	
Special Status Species	X		X	
Wildlife	X		X	
Wild Horse and Burros		X		
Recreation		X		
Visual Resources	X		X	
Public Health and Safety	X		X	
Noise	X		X	

3.1 GENERAL TOPOGRAPHY/SURFACE GEOLOGY

The east end of the existing pipeline begins at an existing oil and gas facility and pipeline tie in the SW4 of Section 24, T. 26 North., R. 17 West. The pipeline is routed west, primarily along existing dirt roads for 7.1 miles before terminating at an existing north-south pipeline on the section line between sections 22 and 23 in T. 26 North, R 18 West. The pipeline crosses U.S. Highway 491 about 2 mi north of Little Water, NM. Topography along the pipeline route descends very gradually from west to east. Elevation at the western terminus of the pipeline is approximately 5640 feet, and elevation at the eastern terminus is approximately 5360 feet. The westernmost three miles of the route are located in gently rolling to flat lowlands, and the easternmost 4.11 miles are located in slightly more upland habitat with eroded badland soils. Relief features include some badland outcroppings along the north side of the pipeline and within

the corridor, consisting of exposed Point Lookout Sandstone and Cliff House Sandstone. The ROW corridor also crosses several sandy washes and surface water depressions (tanks). There are no other significant topography features along the pipeline route.

3.1.1 DIRECT AND INDIRECT EFFECTS

There will be no new construction. Direct and indirect effects would only occur during pipeline maintenance and are expected to be minimal.

Mitigations for General Topography/Surface Geology

Vehicular traffic will be limited to approved locations.

3.2 AIR RESOURCES

The proposed project is located in San Juan County, New Mexico on Navajo Nation Tribal Trust land. New information about greenhouse gases (GHGs), and their effects on national and global climate conditions has emerged. On-going scientific research has identified the potential impacts of GHG emissions such as carbon dioxide (CO₂); methane (CH₄); nitrous oxide (N₂O); water vapor; and several trace gases on global climate. Through complex interactions on a global scale, GHG emissions may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase measurably, and may contribute to overall climatic changes, typically referred to as global warming.

In addition, on October 17, 2006, the EPA issued a final ruling on the lowering of the National Ambient Air Quality Standard (NAAQS) for particulate matter ranging from 2.5 micron or smaller particle size. This ruling became effective on December 18, 2006, stating that the 24-hour standard for PM_{2.5} was lowered to 35µg/m³ from the previous standard of 65µg/m³. This revised PM_{2.5} daily NAAQS was promulgated to better protect the public from short-term particle exposure.

The project area lies within the Four Corners Interstate Air Quality Control Region. At the present time, the project area is in attainment for all state and national ambient air quality standards as defined in the Clean Air Act of 1972, as amended). The USEPA, Region IX, and the Navajo Nation EPA Air Quality Control program are responsible for administering air quality regulations on Navajo Tribal Trust Lands in Utah. Navajo Nation Air Quality Control program (NNAQCP) is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA), as described in Title 4, Chapter 11, Sec. 1101-1162 of the NAPPCA and encompassing the area defined in 7 NN Sec. 254.

Air quality is classified into one of four categories (I, IA II, or III) for each type of emission. These categories are:

-
- | | |
|-----|---|
| I | Significant violation of Federal standards from several sources exist for part of the region. Special emission controls needed. |
| IA | Significant violation of Federal standards from a single source (coal fired power plant) exist for part of the region. |
| II | Better air quality. |
| III | Best air quality. |

San Juan County is in the Class II category which addresses prevention of significant deterioration of air quality. Air quality parameters range from Class IA for sulfur oxides and particulates to Class III for nitrogen dioxide, carbon monoxide, and photo chemical oxidants. These categories indicate air quality is good to very good, with some deterioration allowed.

The closest Class I area is Mesa Verde National Park, Colorado approximately 50 air miles north. No deterioration is allowed in a Class I area. Overall air quality is good. Nitrogen dioxide, carbon monoxide, and photo chemical oxidants are rated best in Class I areas.

Violations of particulate and sulfur oxide levels likely occur in the vicinity of the project area due to coal fired power plants in Arizona and New Mexico.

3.2.1 AIR QUALITY

The primary sources of air pollution in the project area are dust from blowing wind on disturbed or exposed soil and exhaust emissions from motorized equipment, as well as emissions from coal fired plants located within 20 miles.

Air quality near the proposed project is generally good and the project area is not located in any of the areas designated by the EPA as “non-attainment areas” for any listed pollutants regulated under the Clean Air Act.

Greenhouse gases, including carbon dioxide (CO₂) and methane (CH₄), and the potential effects of GHG emissions on climate, are not regulated by the EPA under the Clean Air Act. However, climate has the potential to influence renewable and non-renewable resource management. The EPA’s Inventory of US Greenhouse Gas Emissions and Sinks found that in 2007, total U.S. GHG emissions were over 7 billion metric tons and that total U.S. GHG emissions have increased by 17% from 1990 to 2007. Emissions increased from 2006 to 2007 by 1.4 percent (99.0 Tg CO₂ Eq.). The following factors were primary contributors to this increase: (1) cooler winter and warmer summer conditions in 2007 than in 2006 increased the demand for heating fuels and contributed to the increase in the demand for electricity, (2) increased consumption of fossil fuels to generate electricity and (3) a significant decrease (14.2 percent) in hydropower generation used to meet this demand (EPA 2009).

The levels of these GHGs are expected to continue increasing. The rate of increase is expected to slow as greater awareness of the potential environmental and economic costs associated with increased levels of GHG's result in behavioral and industrial adaptations.

3.2.2 CLIMATE

Global mean surface temperatures have increased nearly 1.0°C (1.8°F) from 1890 to 2006 (Goddard Institute for Space Studies, 2007). However, observations and predictive models indicate that average temperature changes are likely to be greater in the Northern Hemisphere. Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHGs are likely to accelerate the rate of climate change.

In 2007, the Intergovernmental Panel on Climate Change (IPCC) predicted a warming of about 0.2°C per decade for the next two decades, and then a further warming of about 0.1°C per decade. The National Academy of Sciences (2006) supports these predictions, but has acknowledged that there are uncertainties regarding how climate change may affect different regions. Computer model predictions indicate that increases in temperature will not be equally distributed, but are likely to be accentuated at higher latitudes. Warming during the winter months is expected to be greater than during the summer, and increases in daily minimum temperatures are more likely than increases in daily maximum temperatures.

A 2007 US Government Accountability Office (GAO) Report on Climate Change found that, "federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others: 1) physical effects such as droughts, floods, glacial melting, and sea level rise; 2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and 3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses." It is not, however, possible to predict with any certainty regional or site specific effects on climate relative to the proposed action and subsequent actions.

3.2.3 DIRECT AND INDIRECT EFFECTS

Air Quality: There will be no new construction, therefore air quality would only be affected by exhaust emissions and dust related to occasional pipeline maintenance.

Other factors that currently affect air quality in the area include dust from livestock herding activities, dust from recreational use, dust from vehicular traffic on disturbed or unpaved surfaces, and emissions from oil and gas production activities.

NNOGC will comply with the EPA's Clean Air Act and all applicable State and local regulations. No long-term emissions would occur. Fugitive dust would only be created during maintenance activities.

Climate: No measurable impacts to the climate are anticipated as a result of the Proposed Action.

Mitigations for Air Resources

Water may be applied as necessary to dirt roads during maintenance activities along the ROW in order to reduce fugitive dust emissions. The significant threshold for particulate matter of 35 µg/m³ daily PM_{2.5} NAAQS is not expected to be exceeded under the Proposed Action.

In addition, the following actions will be taken to protect Air Resources:

Surface disturbance and vehicular traffic will be limited to approved locations to minimize combustive emissions and dust in the project area.

3.3 WATERSHED – SOILS – HYDROLOGY RESOURCES

Watershed: The project is located in a depression known as the San Juan Basin. The San Juan Basin recharges near the Zuni Uplift in the Chuska Mountains and flows toward the Chaco and San Juan Rivers to discharge (Robson 1995). The project area receives approximately 7.0 inches of annual precipitation (WRCC 2014).

The hydrologic setting of the immediate project area is characterized mostly by ephemeral drainages filled with alluvium, which is the principle source of ground water recharge. Surface flows are associated with ephemeral drainages and occur from snow melt and precipitation. The ephemeral drainages have beds that are categorized as sandy, silty, clayey or gravelly. The project area drains to the east toward the Chaco River.

Soils: The soils in the San Juan basin were formed primarily in two kinds of parent material, alluvial sediment and sedimentary rock. The alluvial sediment is material that was deposited in river valleys and on mesas, plateaus, and ancient river terraces. The material has been mixed and sorted in transport and has a wide range in mineralogy and particle size. There are several main soil types along the project ROW: Kimbeto Huerfano complex, 1-4% slopes, Shiprock-Farb complex 1-5% slopes, Persayo Fordbutte association, 1-10% slopes, Kimbeto loamy fine sand, 0-4% slopes, Benally fine sandy loam, 1-5% slopes, and Farb Rock Outcrop Badland complex, 2-25% slopes. All of these soils were formed in eolian deposits and alluvium over residuum weathered from sandstone or shale. All are well drained and there is no frequency of ponding or flooding. Ksats range from very low to moderately high. Runoff class is low to medium and depth to water table is more than 80 inches for all soil types. Badland outcroppings are found on mesas, benches, and questas, while other soil types are found primarily on cuestas and hills (Web Soil Survey, 2014).

Hydrology: The hydrologic setting of the project area is characterized by a gently sloping landscape crossed by ephemeral drainages filled with alluvium. Ephemeral flow is the principle source of groundwater recharge. Surface flows are associated with small ephemeral flows from snow melt and summer thunderstorms. Drainages in the project area are categorized as sandy, silty, clayey, or gravelly sediment on the floodplain or streambeds. The alluvial cover usually conceals evidence of discharge, and small field springs are often the only surface expression of groundwater discharge. Most discharge to alluvial channels is lost by evapotranspiration. However, some water also moves as subsurface flow. Drainage along the project route is generally east-northeast.

Floodplains, Wetlands and Riparian Zones: The area is not mapped in the Federal Emergency Management Agency's mapping service (FEMA, 2014). The closest mapped floodplain is along the San Juan River some 20 miles north of the project area. Soil types along the ROW indicate that ponding or flooding does not occur during normal precipitation years. However, there are several tanks and drains along the ROW that hold water (indicated by vegetation and soil crusting) during significant precipitation events. These areas are not 100 year floodplains, but instead are natural depressions that under the right hydric conditions hold water for short periods of time during the rainy summer months. These areas are not considered wetlands and do not support obligate wetland vegetation or soils. There is no evidence of wetlands or riparian zones

within the project area and the project area is not likely to flood due to its topography and soil type. There are no wild and scenic rivers in or near the project area.

3.3.1 DIRECT AND INDIRECT EFFECTS

There will be no new construction associated with the Proposed Action, therefore watershed, hydrology and soil resources would only be affected by vehicle traffic along the right-of-way related to occasional pipeline maintenance.

Mitigations for Watershed, Soils, and Hydrology Resources

Best Management Practices (BMPs) listed in the Right-of-Way application will be implemented to prevent erosion and the off-site migration of material.

3.4 WATER QUALITY: SURFACE & GROUNDWATER

The flows associated with ephemeral drainages in the project area are classified as calcium sulfate and sodium sulfate water. Predominate ions are sodium (Na) and sulfates (SO₄) with increasing concentrations as the flow moves downstream. Salinity (salt) concentrations also increase in the water as it flows downstream especially where it flows in close proximity to salty evaporite deposits. Water quality in the San Juan Basin is largely controlled by frequency and distribution of these evaporite deposits, porous sandstone, inter-bedded shale, and dissolved solids which are inorganic ions of sodium, potassium, calcium, magnesium, bicarbonate, chloride, and sulfates.

Recharge from precipitation is the primary source of groundwater in the project area. The project area receives ≈7.00 inches of annual precipitation (WRCC 2014). Permeability can be low, reducing yields depending on location within the San Juan Basin.

The principal underground sources of drinking water in the area include the Entrada Sandstone, Navajo Sandstone, and Wingate Sandstone, which collectively comprise the Navajo aquifer.

3.4.1 DIRECT AND INDIRECT EFFECTS

Under the Proposed Action, increased sediment loading may occur to the adjacent surface drainages through runoff and erosion of disturbed soils. There will be no new construction associated with the ROW renewal, only occasional pipeline/right-of-way maintenance. Although no hazardous substance as defined by CERCLA would be used, and no RCRA hazardous wastes would be generated during pipeline or right-of-way maintenance, a spill of on-board fluids and/or materials could potentially get into the surface or groundwater system.

Mitigations for Water Quality

1. Any spilled contaminants will be cleaned up as soon as possible and all appropriate agencies will be immediately notified for guidance and reporting.
2. Best Management Practices (BMPs) will be implemented to prevent erosion and off-site migration of soils and other materials.

3.5 HAZARDOUS OR SOLID WASTE MATERIALS

No hazardous substance as defined by CERCLA would be used, and no RCRA hazardous wastes would be generated during ROW renewal.

Generation of hazardous waste is not expected. If hazardous waste is generated during maintenance of the pipeline, the proper authorities will be consulted regarding the disposal and reporting of such waste. Spilled contaminants would be cleaned up immediately as directed in Section 3.4.1., above.

3.5.1 DIRECT AND INDIRECT EFFECTS

No hazardous materials will be generated or are proposed for use. Therefore, no direct or indirect negative effects from hazardous or solid waste materials would occur.

3.6 LAND USE

Disturbances in the project area include the existing oil and gas facility at the east end of the project area, existing pipelines, including the Tocito pipeline, paved, dirt, gravel, and two-track roads, overhead power lines, ditches, oil and gas wells, and grazing by horses, cattle, and sheep.

Navajo Tribal Trust lands in the project area are currently grazed by several permittees.

No prime or unique farmlands exist in or near the project area.

No developed recreation sites or opportunities exist in the project area. Only limited undeveloped recreation opportunities are present (e.g., hiking).

The project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.

3.6.1 DIRECT AND INDIRECT EFFECTS

No new construction is proposed. Land tenure and use would remain the same.

3.7 VEGETATION & FORESTRY

The plant communities in the eastern half of the project area are variable. The silty clay flats are dominated by alkali sacaton (*Sporobolus airoides*), Gardner's saltbush (*Atriplex gardneri* var. *cuneata*), shadscale (*Atriplex confertifolia*), Torrey's seepweed (*Suaeda nigra*), Russian-thistle (*Salsola tragus*), and spiny sheepbur (*Lappula occidentalis*). Occasional sandy areas are dominated by shadscale, alkali sacaton (*Sporobolus airoides*), and Russian-thistle. A large gravel playa is nearly barren with very small clumps of vegetation, including alkali sacaton, corrugated scorpion-weed (*Phacelia crenulata* var. *corrugata*), Russian-thistle, and shadscale. Sandy drainages near the eastern beginning of the line are dominated by Gardner's saltbush, halogeton (*Halogeton glomeratus*), orache (*Atriplex* sp.), and alkali sacaton. The area around and within a bermed tank is dominated by fleabane (*Erigeron* sp.), yellow beeplant (*Cleome lutea*), and Russian-thistle, with alkali sacaton, halogeton, and saltcedar (*Tamarix chinensis*). Several low sandstone ridges are dominated by Bigelow's sagebrush (*Artemisia bigelovii*), broom snakeweed (*Gutierrezia sarothrae*), and shadscale, with one area including several plants of Mancos milkvetch (*Astragalus humillimus*). Russian-thistle is present in most areas and halogeton is scattered along the line east of the highway, particularly in the areas of soil with higher clay content.

The landscape immediately east and west of NM Highway 491 is nearly barren with widely scattered plants including corrugated scorpion-weed, Gardner's saltbush, and alkali sacaton. West of the highway, there is an area of sandstone slickrock which becomes broken sandstone bedrock extending to the end of the line. This area is dominated by Bigelow's sagebrush, broom

snakeweed, Fendler's bladderpod (*Lesquerella fendleri*), and mountain mahogany (*Cercocarpus montanus*).

There are no trees other than saltcedar (*Tamarix chinensis*) within the project area.

3.7.1 DIRECT AND INDIRECT EFFECTS

There will be no new surface disturbance or habitat degradation. Plant populations that exist within the project area will not be impacted by right-of-way renewal but may be impacted by maintenance activities of the pipeline and/or ROW.

Mitigations for Vegetation and Forestry

1. The pipeline in and of itself poses some risks to plants in the project area in the cases where it could develop leaks or spills, or in the case that the ROW would require grading or soil disturbances and/or vegetation removal.
2. It is recommended that regular maintenance and inspections occur along the pipeline to ensure good operating condition and minimize the risks of spills or leaks. Should a leak occur, then spilled contaminants should immediately and thoroughly be removed from the environment.
3. If maintenance or repair of the pipeline or ROW requires soil disturbance and plant removal, then a reclamation plan specific to the repair or maintenance project should be prepared in accordance with the Navajo Tribe's specifications.

3.8 INVASIVE, NON-NATIVE SPECIES

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). One of these species, halogeton, is found in the project area. It occurs as scattered plants from the beginning of the line west to Highway 491, with higher numbers of plants on the Lewis Shale at the beginning of the line and the Mancos Shale east of Highway 491. Halogeton is a Priority B species, indicating that it is a new noxious weed 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 are the priorities (OSM, 1999).

3.8.1 DIRECT AND INDIRECT EFFECTS

Areas disturbed in conjunction with the Proposed Action will be more susceptible to invasion from listed and non-listed weeds.

Mitigations for Invasive, Non-native Species

Weeds will be controlled as directed in the Right-of-Way application.

3.9 WILDLIFE

Wildlife occurring in the area is typical of arid grasslands and shrublands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Amphispiza bilineata*), as well as jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Aspidocelis spp.*). A complete inventory of observed species is

included in Appendix 5. There is no pristine or unique wildlife habitat available within the project area.

3.9.1 DIRECT AND INDIRECT EFFECTS

There will be no new surface disturbance or habitat degradation. Wildlife habitat and individual wildlife may be impacted during maintenance activity of the pipeline and/or ROW.

Mitigations for Wildlife

The pipeline in and of itself poses some risks to wildlife and/or plants in the project area in the cases where it could develop leaks or spills.

1. It is recommended that regular maintenance and inspections occur along the pipeline to ensure good operating condition and minimize the risks of spills or leaks. Should a leak occur, then spilled contaminants should immediately and thoroughly be removed from the environment.
2. During regular maintenance of the pipeline, speed limits along roads in the project area should be followed to minimize collisions with resident wildlife. Workers should respect the natural environment and minimize impacts from human activity in the project area wherever and whenever possible.

3.10 THREATENED, ENDANGERED, AND SPECIAL STATUS SPECIES

The Navajo Natural Heritage Program (NNHP) has stated that Mancos milkvetch (*Astragalus humillimus*) is known to occur on or near the project site, Mesa Verde cactus (*Sclerocactus mesae-verdae*) is known to occur within three miles of the project site, and Parish's alkali grass (*Puccinellia parishii*) has the potential to occur on the Littlewater, NM, quadrangle. San Juan milkweed (*Asclepias sanjuanensis*) and Mesa Verde cactus have the potential to occur on the Newcomb NE, NM, quadrangle (Detsoi, 2014). The NNHP has also requested that the potential for Parish's alkali grass (*Puccinellia parishii*) be evaluated in both quadrangles if wetland conditions exist that contain white alkaline crust (Detsoi, 2014). In addition, three species are listed by the United States Fish and Wildlife Service for the project area (IPaC, 2014). These species are Mancos milkvetch, Mesa Verde cactus, and Knowlton's cactus (*Pediocactus knowltonii*) (IPaC, 2014).

During the May 10, 16, and 29, 2014 botanical surveys of the project area, Mancos Milkvetch populations were found to be present within and adjacent to the ROW of the Proposed Action (Appendix 6).

No other threatened, endangered, or special status plant or its habitat was found during these surveys.

On September 29 and 30, a wildlife biologist conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status wildlife species. No federal or Navajo listed threatened, endangered, or special status wildlife species were observed during the surveys. However suitable habitat for four Navajo Endangered Species List (NESL) species was observed. Habitat for the golden eagle (*Aquila chrysaetos*), ferruginous hawk (*Buteo regalis*), kit fox (*Vulpes macrotis*), and mountain plover (*Charadrius montanus*)

does occur within the project area. No impacts to these species from the Proposed Action are anticipated.

In addition to the above observations, 15 species of migratory birds were recorded during the threatened, endangered, and special status wildlife surveys of the project area. These species are listed in Appendix 5.

Threatened, Endangered, and Special Status species reports addressing wildlife and plants in the project area are attached as Appendices 5 and 6.

3.10.1 DIRECT AND INDIRECT EFFECTS TO THREATENED, ENDANGERED, AND SPECIAL STATUS SPECIES.

Mitigations for Threatened, Endangered, and Special Status Species

1. The NNHP Botanist has recommended that any maintenance that occurs on the ROW or pipeline within 200 feet of any Mancos Milkvetch (*Astragalus humillimus*) must have a monitor to ensure that no impacts to the plants or their habitat occur.
2. It is recommended that regular maintenance and inspections occur along the pipeline to ensure good operating condition and minimize the risks of spills or leaks. Should a leak occur, then spilled contaminants should immediately and thoroughly be removed from the environment.
3. During regular maintenance of the pipeline, speed limits along roads in the project area should be followed to minimize collisions with resident wildlife, migratory birds, or threatened, endangered, or special status wildlife species. Workers should respect the natural environment and minimize impacts from human activity in the project area wherever and whenever possible.
4. Significant removal of vegetation that could be associated with maintenance activities during March 1-August 30 would require a breeding bird survey to ensure no impacts to nesting migratory birds.

3.11 VISUAL RESOURCES

Visual resources are not currently inventoried or managed by the Navajo Nation. There are VRM Class I, II and III areas approximately 20 miles north of the project area in the vicinity of the San Juan River.

3.11.1 DIRECT AND INDIRECT EFFECTS

There will be no new surface disturbance or equipment. Visual resources that exist within the project area will not be impacted by right-of-way renewal.

3.12 CULTURAL RESOURCES

A Cultural Resources Compliance Form reflecting that no historic properties would be affected by the Proposed Action is attached as Appendix 7.

There are no Native American religious concerns identified by the Navajo Nation in the project area.

3.12.1 DIRECT AND INDIRECT EFFECTS

There will be no new surface disturbance. Undiscovered cultural or paleontological resources that may exist within the project area will not be impacted by right-of-way renewal.

3.13 ENVIRONMENTAL JUSTICE

Executive Order 12898 requires Federal agencies to assess projects to ensure there is no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations.

3.13.1 DIRECT AND INDIRECT EFFECTS

The Proposed Action is located within the Sanostee Chapter. Several Navajo residences are located within the vicinity of the project area. Minority and/or low income populations would be slightly temporarily affected during pipeline and right-of-way maintenance. Indirect effects would include positive effects due to employment opportunities related to the oil and gas and service support industries in the region as well as the economic benefits to State and County governments related to royalty payments and severance taxes related to the oil and gas industry. Tribal Trust lands are owned by the Navajo Nation and benefits from rights-of -way leases go to the Navajo Nation Tribe

Mitigations for Environmental Justice

No mitigations are necessary to ensure Environmental Justice.

3.14 PUBLIC HEALTH AND SAFETY

Due to the relatively low numbers of people in the project area, public health and safety concerns associated with the ROW should be minimal or non-existent. Travelers along dirt roads and NNOGC employees conducting maintenance activities are likely the main people to be impacted by Public Health and Safety of the pipeline.

3.14.1 DIRECT AND INDIRECT EFFECTS

Public health and safety concerns associated with the ROW renewal include leaks, spills, or explosions associated with the pipeline.

Mitigations for Public Health and Safety

1. Only approved areas will be used during maintenance of the pipeline and right-of-way to minimize hazards to workers and the general public.
2. All applicable laws, regulations, and policies will be followed while conducting maintenance of the pipeline and right-of-way or responding to any emergencies.
3. Appropriate OSHA standards and guidelines will be implemented to minimize negative effects to public health and safety.

3.15 NOISE RESOURCES

Noise is not currently regulated or managed by the Navajo Nation. The Proposed Action is in a rural location and is not near any designated Noise Sensitive Area (NSA).

3.15.1 DIRECT AND INDIRECT EFFECTS

There will be no new construction. The existing pipeline/right-of-way would only require periodic site visitation for inspection and maintenance.

Mitigations for Noise

Vehicle traffic will be restricted to approved areas and will not exceed what is necessary for the maintenance of the pipeline/right-of-way.

4.0 CUMULATIVE EFFECTS

There will no new disturbance resulting from the Proposed Action. Therefore, there will be no additions to cumulative land disturbance impacts in the general project area.

5.0 CONSULTATION/COORDINATION

This section includes all individuals and their titles whom were involved in the development of this document provided in Table 5 below.

Table 5. Coordination Team members.

ID Team Member	Title	Organization	Onsite
Charles Black	Wildlife Biologist	Permits West, Inc.	September 29, 30, 2013
Jim McGrath	Botanist	Permits West, Inc.	October 13-17, 2013
Marian Rohman	Botanist	Permits West, Inc.	May10, 16, and 29, 2014
Celia Cook	Consultant, Author	Permits West, Inc.	n/a

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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT NNOGC Exploration and Production, LLC, PO Box 4439, Window Rock, AZ 86515, this 22 day of October, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a term of 20 years right-of-way for the following purposes and reasons: Operation and maintenance of an existing 6" welded steel gas pipeline and compressor station called "Tocito Pipeline".

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

Sections 19-24, T. 26 N., R. 17 W., NMPM;
Sections 23 & 24, T. 26 N., R. 18 W., NMPM;
San Juan County, NM

Said pipeline right-of-way across Navajo Tribal Trust Lands to be approximately 37,519.52 feet in length, 20 feet in width, and 17.227 acres in area in area for a term of twenty (20) years. The right-of-way, as shown on attached plats dated December 5, 2013 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 in 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 October 22, 2014 APPLICANT Louis Dentonne

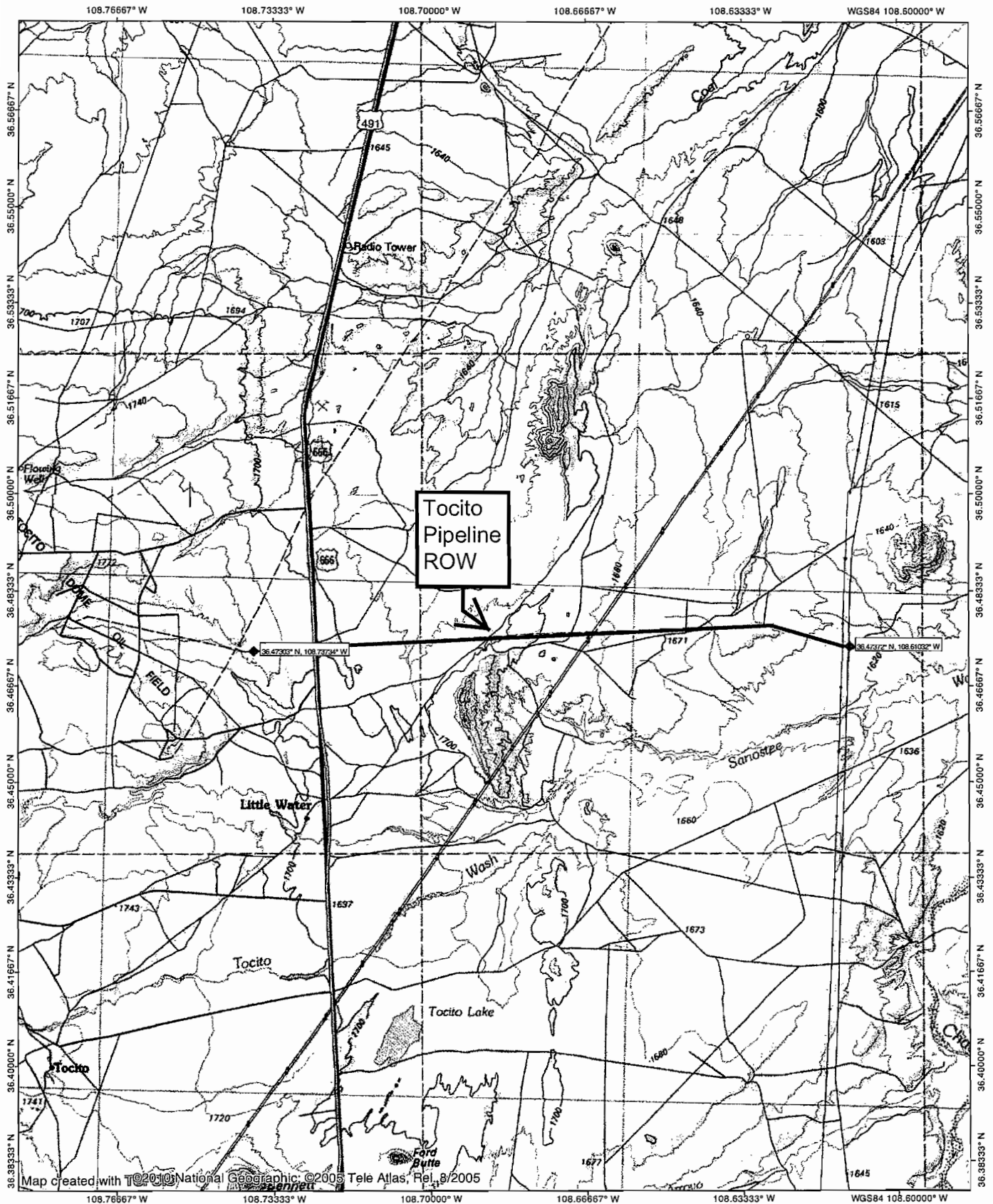
REQUIRED SUPPORTING DOCUMENTS:

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.

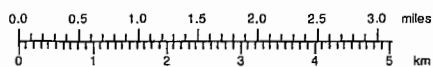
Project Vicinity Map

Appendix 2

TOPO! map printed on 09/24/13 from "Untitled.tpo"



NATIONAL
GEOGRAPHIC



TN MN
10°
09/24/13

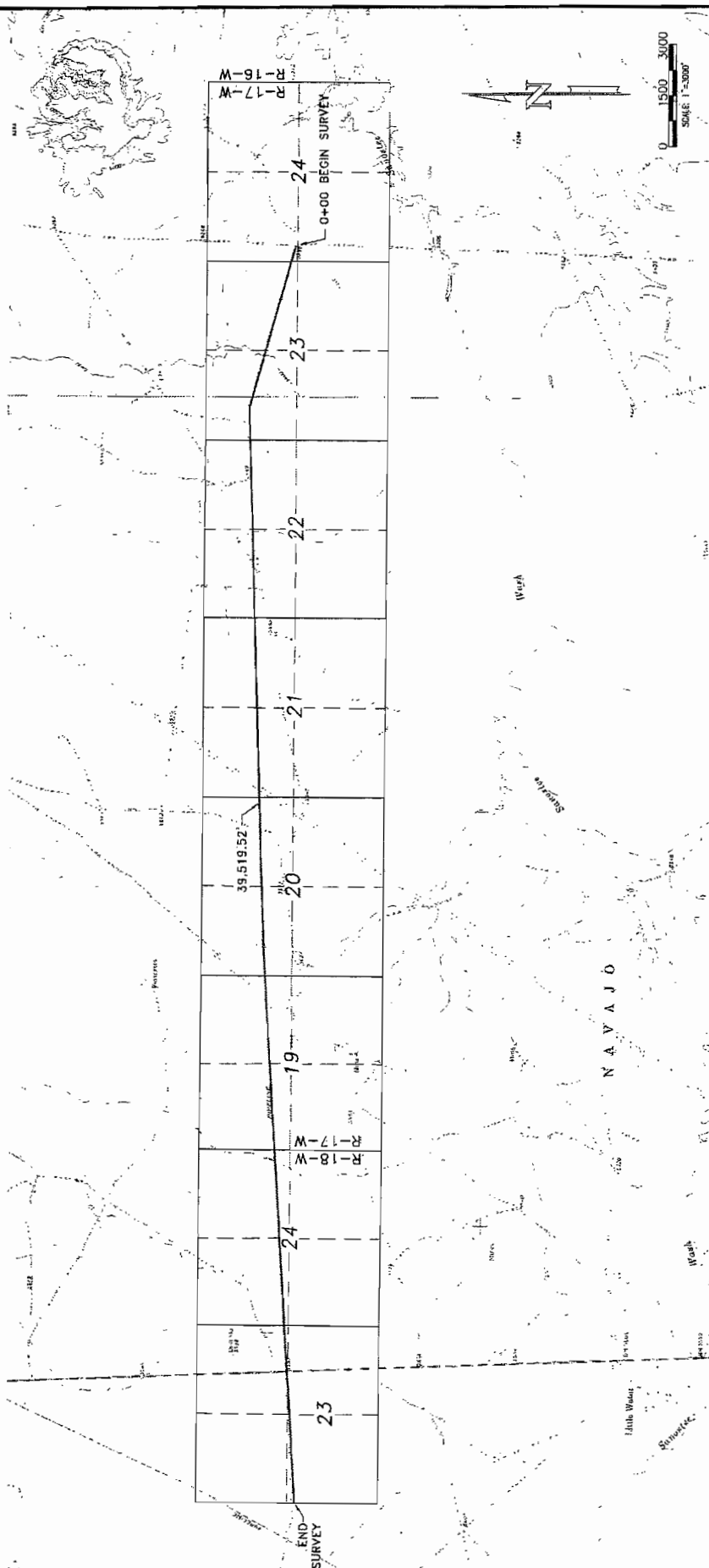
NNOGC Exploration and Production, LLC

AS-BUILT TOCITO GAS PIPELINE

SECTIONS 19, 20, 21, 22, 23 & 24, T-26-N, R-17-W, N.M.P.M.

SECTIONS 23 & 24, T-26-N, R-18-W, N.M.P.M.

SAN JUAN COUNTY, NEW MEXICO



QUADRANGLE MAPS
LITTLE WATER
NEWCOMB NE

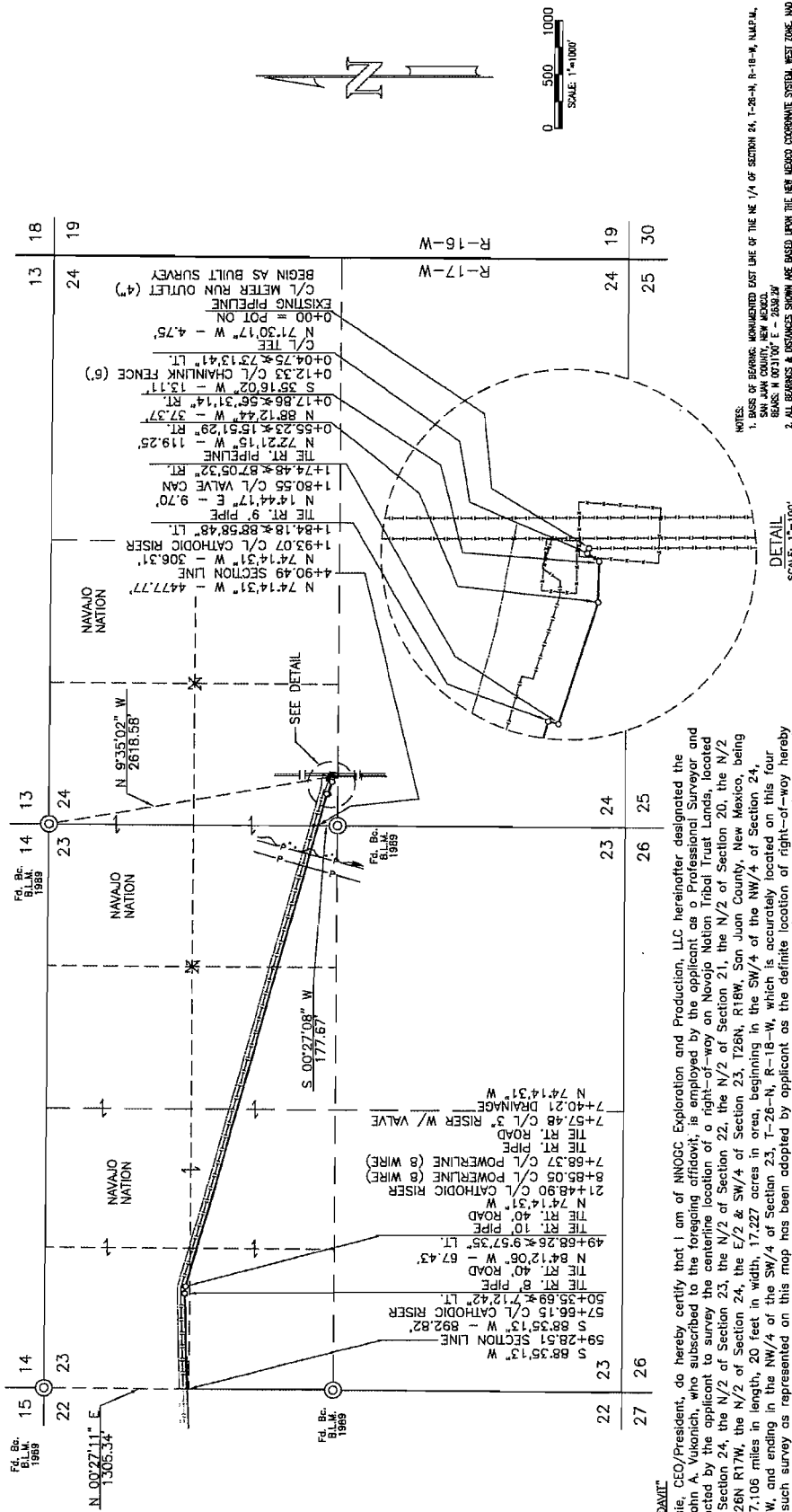
NNOGC Exploration and
Production, LLC

SURVEYED: 11/26/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: A.D.	DATE DRAWN: 03/07/14	FILE NAME: 1080710PO

UNITED
FIELD SERVICES INC.
P.O. BOX 3651
FARMINGTON, NM 87488
OFFICE: (505) 334-0406

NNOGC Exploration and Production, LLC AS-BUILT TOCITO GAS PIPELINE SECTIONS 23 & 24, T-26-N, R-17-W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO

OWNER	STATION	FEET/MILES/RODS/ACRES
NAVAJO NATION TRIBAL TRUST	0+00 TO 59+26.51	5,928.51/1.123/359.304/2.722



NNOGC Exploration and Production, LLC	
SUBMITTED: 11/26/13	REV. DATE: 09/22/14
DRAWN BY: K.S.	APP. BY: J.A.V.
DATE DRAWN: 12/05/13	FILE NAME: 10607P01
P.O. BOX 3551 FARMINGTON, NM 87499 OFFICE: (505) 334-0408	

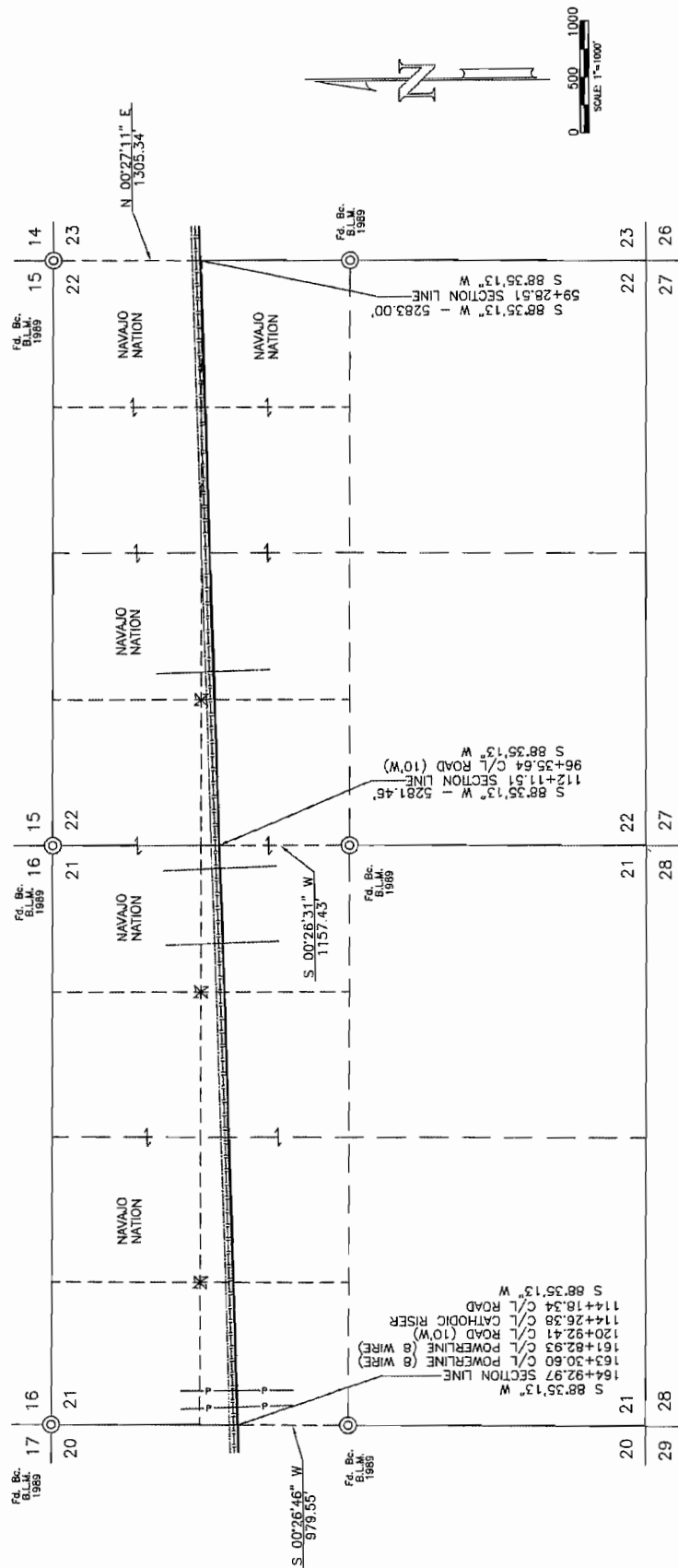


Rachel Dahozzy
 Notary Public
 My commission expires: Nov. 1, 2014

APPLICANT'S AFFIDAVIT
 I, Louis Denetsoie, CEO/President, do hereby certify that I am of NNOGC Exploration and Production, LLC hereinafter designated the applicant, that John A. Vukonich, who subscribed to the foregoing affidavit, is employed by the applicant as a Professional Surveyor and that he was directed by the applicant to survey the centerline location of a right-of-way on Navajo Nation Tribal Lands, located in the NW/4 of Section 24, the N/2 of Section 23, the N/2 of Section 21, the N/2 of Section 20, the N/2 of Section 19, T26N R17W, the N/2 of Section 24, the E/2 & SW/4 of Section 23, T26N, R18W, San Juan County, New Mexico, being 37,519.52 feet, 7.106 miles in length, 20 feet in width, 17,227 acres in area, beginning in the SW/4 of the NW/4 of Section 24, T-26-N, R-17-W, and ending in the NW/4 of the SW/4 of Section 23, T-26-N, R-18-W, which is accurately located on this four page map; that such survey as represented on this map has been adopted by applicant as the definite location of right-of-way hereby shown; and that the map has been prepared to be filed with the Secretary of the Interior or his duly authorized representative as part of the application for said right-of-way to be granted the applicant, its successors and assigns, with right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and the further right in the applicant its successors and assigns, to transfer this right-of-way by assignment, grant or otherwise.

Louis Denetsoie
 Louis Denetsoie, CEO/President, NNOGC Exploration and Production, LLC - Applicant
 Subscribed and sworn to before me this 21st day of October 2014.

NNOGC Exploration and Production, LLC AS-BUILT TOCITO GAS PIPELINE SECTIONS 21 & 22, T-26-N, R-17-W, N.M.P.M. SAN JUAN COUNTY, NEW MEXICO



NOTES:
 1. BASE OF BEARING: MONUMENTED EAST LINE OF THE NE 1/4 OF SECTION 24, T-26-N, R-18-W, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO.
 BEARINGS: N 003100" E - 2639.29
 2. ALL BEARINGS & DISTANCES SHOWN ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NAD 83.

OWNER	STATION	FEET/MILES/RODS/ACRES
NAVAJO NATION TRIBAL TRUST	59+20.51 TO 104+92.97	10,564.46/2,001/640,270/1,851

NNOGC Exploration and Production, LLC

SURVEYED: 11/28/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: V.C.	DATE DRAWN: 12/5/13	FILE NAME: 10607P02

UNITED FIELD SERVICES INC.
 P.O. BOX 3451
 FARMINGTON, NM 87499
 OFFICE: (505) 334-0408

**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

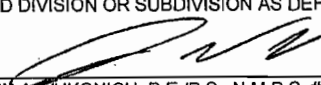
BEGINNING AT A POINT LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON CORNER OF SECTIONS 14, 13, 24 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 9°35'02" WEST, 2618.58 FEET;
THENCE NORTH 71°30'17" WEST, 4.75 FEET;
THENCE SOUTH 35°16'02" WEST, 13.11 FEET;
THENCE NORTH 88°12'44" WEST, 37.37 FEET;
THENCE NORTH 72°21'15" WEST, 119.25 FEET;
THENCE NORTH 14°44'17" EAST, 9.70 FEET;
THENCE NORTH 74°14'31" WEST, 306.31 FEET TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°27'08" WEST, 177.67 FEET;
THENCE NORTH 74°14'31" WEST, 4477.77 FEET;
THENCE NORTH 84°12'06" WEST, 67.43 FEET;
THENCE SOUTH 88°35'13" WEST, 892.82 FEET TO THE COMMON BOUNDARY OF SECTIONS 23 AND 22, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 23 AND 22 BEARS NORTH 00°27'11" EAST, 1305.34 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE, ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 5,928.51 FEET, 1.123 MILES, OR 359.304 RODS. SAID RIGHT-OF-WAY CONTAINS 2.722 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014
DATE

DWG. NO. 10607P01



Appendix 3A-1

**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 21 AND 22, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 22, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON CORNER OF SECTIONS 15, 14, 22 AND 23, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS NORTH 00°27'11" EAST, 1305.34 FEET;

THENCE SOUTH 88°35'13" WEST, 5283.00 FEET; TO THE COMMON BOUNDARY OF SECTIONS 21 AND 22, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER OF SAID SECTIONS 21 AND 22, BEARS SOUTH 00°26'31" WEST 1157.43 FEET;

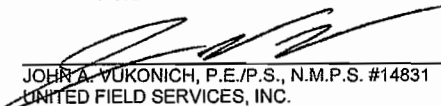
THENCE SOUTH 88°35'13" WEST, 5281.46 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 21, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE WEST QUARTER CORNER OF SAID SECTION 21 AND BEARS SOUTH 00°26'46" WEST, 979.55 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,564.46 FEET, 2.001 MILES, OR 640.270 RODS. SAID RIGHT-OF-WAY CONTAINS 4.851 ACRES OF LAND.

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

3-7-2014

DATE

DWG. NO. 10607P02



**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 20, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP AT THE COMMON QUARTER CORNER FOR SECTIONS 20 AND 21, TOWNSHIP 26 NORTH, RANGE 17 WEST, BEARS SOUTH 00°26'46" WEST, 979.55 FEET;

THENCE SOUTH 88°35'13" WEST, 96.27 FEET;

THENCE SOUTH 89°02'34" WEST, 156.21 FEET;

THENCE SOUTH 87°52'29" WEST, 215.99 FEET;

THENCE SOUTH 89°25'27" WEST, 192.49 FEET;

THENCE SOUTH 87°38'29" WEST, 103.43 FEET;

THENCE SOUTH 88°47'42" WEST, 1307.81 FEET;

THENCE SOUTH 88°09'29" WEST, 520.74 FEET;

THENCE SOUTH 89°00'08" WEST, 532.20 FEET;

THENCE SOUTH 88°36'40" WEST, 1013.79 FEET;

THENCE SOUTH 87°10'18" WEST, 174.59 FEET;

THENCE SOUTH 86°22'22" WEST, 379.45 FEET;

THENCE SOUTH 87°12'12" WEST, 588.68 FEET TO THE COMMON BOUNDARY OF SAID SECTIONS 19 AND 20, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE COMMON QUARTER CORNER OF SAID SECTIONS 19 AND 20, BEARS SOUTH 00°26'06" WEST, 774.17 FEET,

THENCE SOUTH 87°12'12" WEST, 667.06 FEET;

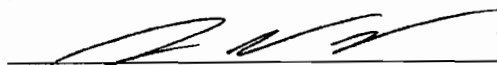
THENCE SOUTH 86°53'18" WEST, 4501.00 FEET TO THE COMMON BOUNDARY OF SECTIONS 19 AND 24, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT QUARTER CORNER OF SECTIONS 19 AND 24 BEARS SOUTH 00°31'00" WEST, 449.07 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,449.71 FEET, 1.979 MILES, OR 633.316 RODS. SAID RIGHT-OF-WAY CONTAINS 4.798 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

DATE

3-7-2014

DWG. NO. 10607P03



Appendix 3A-3

**LEGAL DESCRIPTION
OF
AS-BUILT SURVEY - TOCITO GAS PIPELINE
ACROSS
NAVAJO NATION TRIBAL TRUST LANDS
FOR
NNOGC EXPLORATION AND PRODUCTION, LLC**

THE DESCRIPTION OF A 20 FOOT WIDE RIGHT-OF-WAY, FOR AN EXISTING GAS PIPELINE, LOCATED IN SECTIONS 23 AND 24, TOWNSHIP 26 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

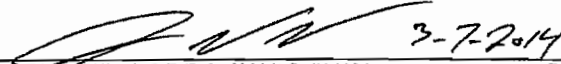
BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 24, FOR THE BEGINNING POINT OF THIS DESCRIPTION, FROM WHICH A 1989 B.L.M. BRASS CAP FOR THE COMMON QUARTER CORNER OF SECTIONS 24 AND 19, BEARS SOUTH 00°31'00" WEST, 449.07 FEET;
THENCE SOUTH 86°53'18" WEST, 5288.81 FEET, TO THE COMMON BOUNDARY OF SAID SECTIONS 24 AND 23, FROM WHICH A 1989 B.L.M. BRASS CAP, AT THE QUARTER CORNER OF SAID SECTIONS 24 AND 23, BEARS SOUTH 00°30'51" WEST, 114.72 FEET,
THENCE SOUTH 86°53'18" WEST, 1617.20 FEET;
THENCE SOUTH 85°49'54" WEST, 147.32 FEET;
THENCE SOUTH 86°53'45" WEST, 3523.51 FEET TO THE COMMON BOUNDARY OF SECTIONS 22 AND 23, FOR THE **END OF THIS DESCRIPTION**, FROM WHICH A 1989 BLM BRASS CAP AT THE COMMON QUARTER CORNER OF SECTIONS 22 AND 23 BEARS NORTH 00°30'21" EAST, 223.22 FEET.

THE TOTAL LENGTH OF SAID PIPELINE CENTERLINE ACROSS NAVAJO NATION TRIBAL TRUST LANDS, IS 10,576.84 FEET, 2.003 MILES, OR 641.021 RODS. SAID RIGHT-OF-WAY CONTAINS 4.856 ACRES OF LAND.

THE BEARINGS AND DISTANCE IN THIS DESCRIPTION ARE BASED UPON THE NEW MEXICO COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983.

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, NEW MEXICO PROFESSIONAL SURVEYOR NO. 14831, DO HEREBY CERTIFY THAT THIS SURVEY DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.


JOHN A. VUKONICH, P.E./P.S., N.M.P.S. #14831
UNITED FIELD SERVICES, INC.

DATE

DWG. NO. 10607P04



Appendix 3A-4



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

13 February 2014

File#13PERM-14

Brian Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, NM 87508

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: NNOGC TOCITO PIPELINE
LEGAL DESCRIPTION
T26N, R17W, SEC. 19-24
T26N, R18W, SEC- 22-24
UTM COORDINATES
EAST END: 714162E, 4038947N
WEST END: 702781E, 4038595N
SAN JUAN COUNTY, NM

Mr. Wood:

The following information on species of concern¹ is provided in response to your 25 September 2014 request concerning the subject project, which consists of the NNOGC Tocito pipeline renewal of existing right-of-way (7 miles long x 30' wide) natural gas pipeline corridor (26 acres). No construction planned.

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 twelve (12) species both known and/or potential are included in this response. They are:

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.

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FEDERAL STATUS AND/OR *MBTA
1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus humillimus</i>	Mancos Milk-vetch	G2	ESA Endangered
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>Puccinellia parishii</i>	Parish's Alkali Grass	G4	
11.	<i>Sclerocactus mesae-verdae</i>	Mesa Verde Cactus	G2	ESA Threatened
12.	<i>Vulpes macrotis</i>	Kit Fox	G4	

*MBTA = Migratory Bird Treaty Act

LITTLEWATER, NM 7.5-MINUTE QUADRANGLE

Project Location: NNOGC Tocito P/L

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

1. *Aquila chrysaetos*
2. *Astragalus humillimus*

Known to occur within three miles of the project site:

1. *Sclerocactus mesae-verdae*

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. *Astragalus humillimus*
3. *Buteo regalis*
4. *Charadrius montanus*
5. *Falco peregrinus*
6. *Mustela nigripes*
7. *Sclerocactus mesae-verdae*
8. *Puccinellia parishii*
9. *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).

NEWCOMB NE, NM 7.5-MINUTE QUADRANGLE

Project Location: NNOGC Tocito

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. *Asclepias sanjuansensis*
3. *Athene cucularia*
4. *Buteo regalis*
5. *Charadrius montanus*
6. *Empidonax traillii extimus*
7. *Mustela nigripes*
8. *Sclerocactus mesae-verdae*
9. *Vulpes macrotis*

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 exist 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 (Acting Environmental Reviewer) at 871-7065.

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

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.

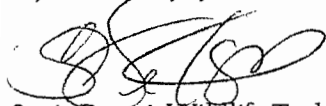
Potential impacts to **wetlands** should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (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 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.

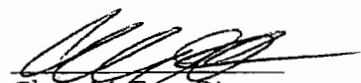
An invoice for this information is attached.

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

C O N C U R R E N C E



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

xc: file/chrono

**THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR NNOGC EXPLORATION AND PRODUCTION LLC'S PROPOSED TOCITO
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 NNOGC Tocito pipeline right-of-way pipeline renewal (Sections 19-24, T 26 N, R 17 W, and Sections 22-24, T 26 N, R 18 W), San Juan County, New Mexico. The project area is located approximately 2 miles north of the small village of Littlewater, San Juan County, New Mexico. The project site is located on Navajo Nation Tribal 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 Littlewater and Newcombe Quadrangles. The request reply was received on February 13, 2014,

On September 29 and 30, 2013, 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 surveys was clear and breezy, with daytime highs around 80F. The survey area consisted of the proposed 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 Tocito pipeline right-of-way renewal. No new construction is proposed in association with this project. The pipeline route is bisected by US Highway 491 at the western most part of the pipeline route. The existing pipeline corridor is 37, 541 feet in length, or roughly 7.11 miles. The route runs essentially due east to west, and crosses through Sections 19-24, T 26 N, R 17 W, and Sections 22-24, T 26 N, R 18 W.

Topography along the route descends very gradually from west to east. Elevation at the western terminus is approximately 5640 feet, and elevation at the eastern terminus is approximately 5360 feet. The westernmost three miles of the route are located in flat lowlands, and the easternmost 4.11 miles are located in slightly more upland habitat with eroded badland soils. Despite the badland soils in this section, there are very few prominent relief features, and almost none within a one-mile radius.

Vegetation in the westernmost 3 miles of the Tocito pipeline corridor is dominated by arid shrubland with a high percentage of bare ground. Areas of disturbance are characterized by weedy overgrowth. Despite the arid nature of the project area, there was a significant amount of

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standing water present along the route. This was due to unprecedented heavy rains which took place across northwestern New Mexico during the late summer of 2013.

Vegetation along the easternmost 4.11 miles of the Tocito pipeline corridor is more alkali grassland/ arid shrubland with a high percentage of bare ground. There is far less disturbance and overgrazing sign in this section.

Throughout the site, grass cover is minimal. Dominant shrubs include shadscale and saltbush (*Atriplex spp.*), and rabbitbrush (*Chrysothamnus spp.*). There are no perennial streams or wetlands in the project area.

Wildlife occurring in the area is typical of arid grasslands and shrublands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*), 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 February 13, 2014 correspondence from the Navajo Natural Heritage Program, the following species have the potential to occur on the land covered by the Littlewater and Newcombe, 7.5-minute 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), Eagle Protection Act (EPA) and the Migratory Bird Treaty Act (MBT). No legal protection is afforded species with only ESA candidate or NESL group 4 status.

Species	Status	Habitat	Habitat Suitability Within Project Area
Golden eagle (<i>Aquila chrysaetos</i>)	Navajo Endangered Species List (NESL) Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs typically > 30 meters in height	See discussion below
Ferruginous hawk (<i>Buteo regalis</i>)	NESL Group 3, MBTA	Open grasslands and deserts, typically nests atop rocky pinnacles, small buttes and cliffs	See discussion below
Burrowing owl (<i>Athene cunicularia</i>)	NESL Group 4, MBTA	Open deserts, grasslands and prairies where prairie dogs are present	NP
Mountain plover (<i>Charadrius montanus</i>)	NESL Group 4	Open grasslands and prairies with barren flats	See discussion below
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	NESL Group 2, MBTA, Federal-	Cottonwood-willow habitats within perennial riparian areas	NP

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	Endangered		
Peregrine falcon (<i>Falco peregrinus</i>)	NESL Group 4, MBTA	Nests in sheer cliff faces typically > 30 meters in height usually near water or mesic canyons. In migration, occurs in a variety of lowland, wetland habitats	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
Kit fox (<i>Vulpes macrotis</i>)	NESL Group 4	Lowland deserts and open habitats	See discussion below

Status*

E Endangered T Threatened NESL Navajo Endangered Species List EPA Eagle Protection Act C Candidate 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.

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

5.0 Results

No federally or Navajo listed threatened, endangered, or special status species were observed during 9/29-30/13 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

The project contains areas of foraging habitat for this species. Large sandstone and shale mesas and outcropping located in the eastern portion of the pipeline, which could be potential nest sites are further than one-mile from the project site. The project area is extremely arid, and it's unlikely that sufficient prey base exists for breeding raptors. Ferruginous hawks may to occur in migration and winter in the project area. Given that no new disturbance is proposed, this species should not be adversely impacted by the proposed project.

Mountain Plover

Flat, denuded areas of the proposed project site along the pipeline route are seemingly suitable habitat for plover nesting, although they are not historically known from this area. Given that plovers are extremely rare and possibly even extirpated from northwestern New Mexico, it seems highly unlikely that they could nest in the project vicinity. The survey area is likely too barren and arid for plover nesting. In addition, the flattest portions of the pipeline route tend to be the most disturbed by human activities. 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.

Fifteen 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.

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 (*Zenaidura macroura*)
Say's phoebe (*Sayornis saya*)
Barn swallow (*Hirundo rustica*)
Cliff swallow (*Petrochelidon phryonata*)
Horned lark (*Eremophila alpestris*)
Loggerhead shrike (*Lanius ludovicianus*)
Ruby-crowned kinglet (*Regulus calendula*)

Common raven (*Corvus corax*)
Yellow-rumped warbler (*Setophagus coronata*)
Sage sparrow (*Amphispiza belli*)
Brewer's sparrow (*Spizella brewerii*)

Mammalian species observed:

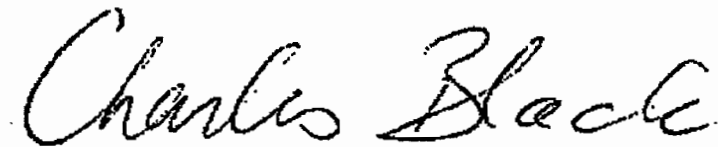
Black-tailed jackrabbit (*Lepus californicus*)
Antelope ground squirrel (*Ammospermophilus leucurus*)
Desert cottontail (*Sylvilagus audubonii*)
Coyote (*Canis latrans*)

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

7.0 Recommendations

1. Spilled contaminants can be a hazard for wildlife. It is recommended that regular maintenance and inspections occur along the pipeline to ensure good operating condition and minimize the risks of spills or leaks. Should a leak occur, then spilled contaminants should immediately and thoroughly be removed from the environment.
2. During regular maintenance of the pipeline, speed limits along roads in the project area should be followed to minimize collisions with resident wildlife. Workers should respect the natural environment and minimize impacts from human activity in the project area wherever and whenever possible.
3. Significant removal of vegetation that could be associated with maintenance activities during March 1-August 30 would require a breeding bird survey to ensure no impacts to nesting migratory birds

Signature of Biologist

A handwritten signature in black ink that reads "Charles Black". The script is cursive and fluid, with the first name "Charles" and last name "Black" clearly legible.

8.0 References

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

NNOGC EXPLORATION AND PRODUCTION LLC

TOCITO PIPELINE RIGHT-OF-WAY ASSIGNATION

**SW/4 NW/4 Section 24, S/2 NE/4 and NW/4 Section 23, NE/4 and S/2 NW/4
Section 22, S/2 N/2 Section 21, S/2 N/2 Section 20, and S/2 N/2
Section 19, T. 26 N, R. 17 W.**

**and S/2 N/2 Section 24 and S/2 NE/4, NW/4 SE/4, and N/2 SW/4 Section 23, T.
26 N., R. 18W.**

San Juan County, New Mexico

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman August 26, 2014

This report discusses the potential for disturbance to plant species listed by the Navajo Natural Heritage Program (NNHP) that could occur in the project area. The project area is located on both the Littlewater, NM, and Newcomb NE, NM, 7.5-minute quadrangles. Mancos milkvetch (*Astragalus humillimus*) is known to occur on or near the project site, Mesa Verde cactus (*Sclerocactus mesae-verdae*) is known to occur within three miles of the project site, and Parish's alkali grass (*Puccinellia parishii*) has the potential to occur on the Littlewater, NM, quadrangle. San Juan milkweed (*Asclepias sanjuanensis*) and Mesa Verde cactus have the potential to occur on the Newcomb NE, NM, quadrangle (Detsoi, 2014). The NNHP has also requested that the potential for Parish's alkali grass (*Puccinellia parishii*) be evaluated in both quadrangles if wetland conditions exist that contain white alkaline crust (Detsoi, 2014).

Mancos milkvetch and Mesa Verde cactus are listed in Group 2 and Parish's alkali grass and San Juan milkweed are listed in Group 4 on the Navajo Endangered Species List (NESL) (NNHP, 2008). Group 2 includes species and subspecies whose prospects of survival or recruitment are in jeopardy. Group 4 includes species and subspecies for which the Navajo Nation Department of Fish and Wildlife does not currently have sufficient information to support their being listed in Group 2 or Group 3, but has reason to consider them (NNHP, 2008).

In addition, the potential for disturbance to species listed by the United States Fish and Wildlife Service for the project area (IPaC, 2014) will be discussed. These species include Mancos milkvetch, Mesa Verde cactus, and Knowlton's cactus (*Pediocactus knowltonii*) (IPaC, 2014). Mancos milkvetch and Knowlton's cactus are listed as Endangered, indicating that they are in

danger of extinction throughout all or a significant portion of their ranges. Mesa Verde cactus is listed as Threatened, indicating that it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (IPaC, 2014).

PROJECT DESCRIPTION

The proposed project consists of assigning the right-of way for the existing Tocito pipeline to NNOGC Exploration and Production LLC. The existing pipeline measures 37,519.52 feet long within a 20-foot wide corridor. The total land use for the project is 17.23 acres. The project area is located on Navajo Nation Tribal land approximately 21.03 to 21.50 miles south to south-southeast of the town of Shiprock in San Juan County, New Mexico. It is in the SW/4 NW/4 of Section 24, the S/2 NE/4 and NW/4 of Section 23, the NE/4 and S/2 NW/4 of Section 22, the S/2 N/2 of Section 21, the S/2 N/2 of Section 20, and the S/2 N/2 of Section 19 in T. 26 N., R. 17 W. and the S/2 N/2 of Section 24 and the S/2 NE/4, NW/4 SE/4, and N/2 SW/4 of Section 23 in T. 26 N., R. 18 W.

The pipeline begins at an existing line in the SW/4 NW/4 of Section 24, T. 26 N., R. 17 W. It heads west-northwest, then west crossing US. Highway 491. The pipeline ends at the west section line in the NW/4 SW/4 of Section 23, T. 26 N., R. 18 W. It follows a dirt road for its entire length.

The landscape in the area is a gently rolling plain. The plant communities in the project area east of the highway are variable. The silty clay flats are dominated by alkali sacaton (*Sporobolus airoides*), Gardner's saltbush (*Atriplex gardneri* var. *cuneata*), shadscale (*Atriplex confertifolia*), Torrey's seepweed (*Suaeda nigra*), Russian-thistle (*Salsola tragus*), and/or spiny sheepbur (*Lappula occidentalis*). Occasional sandy areas are dominated by shadscale, alkali sacaton, and Russian-thistle. A large gravel playa is nearly barren with very small clumps of vegetation, including alkali sacaton, corrugated scorpion-weed (*Phacelia crenulata* var. *corrugata*), Russian-thistle, and shadscale. Sandy drainages near the beginning of the line are dominated by Gardner's saltbush, halogeton (*Halogeton glomeratus*), orache (*Atriplex* sp.), and alkali sacaton. The area around and within a bermed tank is dominated by fleabane (*Erigeron* sp.), yellow beeplant (*Cleome lutea*), and Russian-thistle, with alkali sacaton, halogeton, and saltcedar (*Tamarix chinensis*). Several low sandstone ridges are dominated by Bigelow's sagebrush (*Artemisia bigelovii*), broom snakeweed (*Gutierrezia sarothrae*), and shadscale, with one area including several plants of Mancos milkvetch (*Astragalus humillimus*). Russian-thistle is present in most areas and halogeton is scattered along the line east of the highway, particularly in the areas of soil with higher clay content.

The landscape immediately east and west of the highway is nearly barren with widely scattered plants including corrugated scorpion-weed, Gardner's saltbush, and alkali sacaton. West of the highway, there is an area of sandstone slickrock which soon becomes broken sandstone bedrock extending to the end of the line. This area is dominated by Bigelow's sagebrush, broom snakeweed, Fendler's bladderpod (*Lesquerella fendleri*), and mountain mahogany (*Cercocarpus montanus*).

The project area crosses eight alternating soil types. The most prevalent type is the Persayo-Fordbutte association, 1 to 10 percent slopes. This association consists of alluvium over residuum weathered from siltstone with soil textures of very fine sandy loam to loam. The next most common type is the Kimbeto-Huerfano complex, 1 to 4 percent slopes. This complex consists of aeolian deposits and alluvium over residuum weathered from sandstone and shale. The soil textures range from loamy fine sand and fine sandy loam to clay loam. The third most common soil type is Kimbeto loamy fine sand, 0 to 4 percent slopes. It consists of aeolian deposits and alluvium over residuum weathered from sandstone with soil textures of loamy fine sand and fine sandy loam to sandy clay loam. These three types cover approximately 60-70 % of the project area (NRCS, 2014). The project area is at the southwest end of The Hogback, a dominant geologic formation in the area. The underlying bedrock along the pipeline, from east to west, consists of Lewis Shale, Cliff House Sandstone, the Menefee Formation, Point Lookout Sandstone, Mancos Shale upper, and the Mesa Verde group, which includes Cliff House Sandstone, the Menefee Formation, and Point Lookout Sandstone (NMBMGR, 2003). The elevation of the project area is approximately 5350 at the east end and rises to 5680 feet at the west end. Disturbances in the project area include the paved highway, dirt roads, pipelines including a fenced valve, and grazing by horses and cattle.

METHODOLOGY

The project area was initially surveyed on October 13-17, 2013, by botanist James R. McGrath. The existing pipeline was surveyed by walking a zigzag transect along each side of the centerline, covering the 20-foot-wide corridor and a buffer zone of 200 feet on each side. At that time, one population of Mancos milkvetch and several areas of potential habitat for this listed species were identified within the project area. These areas were intensively resurveyed on May 10, 16 and 29, 2014, by botanist Marian Rohman. This survey consisted of walking parallel lines at 10-15-foot intervals through the potential habitat. The emphasis of the surveys was to inspect for the identified NNHP and USFWS 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 United States Fish and Wildlife Service: The project area occurs on both the Littlewater, NM, and Newcomb NE, NM, 7.5-minute quadrangles. The NNHP has stated that Mancos milkvetch (*Astragalus humillimus*) is known to occur on or near the project site, Mesa Verde cactus (*Sclerocactus mesae-verdae*) is known to occur within three miles of the project site, and Parish's alkali grass (*Puccinellia parishii*) has the potential to occur on the Littlewater, NM, quadrangle. San Juan milkweed (*Asclepias sanjuanensis*) and Mesa Verde cactus have the potential to occur on the Newcomb NE, NM, quadrangle (Detsoi, 2014). The NNHP has also requested that the potential for Parish's alkali grass (*Puccinellia parishii*) be evaluated in both quadrangles if wetland conditions exist that contain white alkaline crust (Detsoi, 2014).

APPENDIX 6-4

In addition, three species are listed by the United States Fish and Wildlife Service for the project area (IPaC, 2014). These species are Mancos milkvetch, Mesa Verde cactus, and Knowlton's cactus (*Pediocactus knowltonii*) (IPaC, 2014). Details of status, habitat, and the potential to occur in the project area for all of these species are listed in the following table.

SPECIES STATUS	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA
<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 or near sand dunes, often in association with sandhill muhly and sand wild-buckwheat. Elev. 5000-6420 ft. Blooms from late April thru early May (Heil and Herring, 1999; Roth, 2001a; personal observation).	No appropriate habitat: there are no open sandy areas in the project area. The limited sandy areas that are present are vegetated with shadscale and alkali sacaton, plants that preclude the presence of this species (personal observation). (NP)
<i>Astragalus humillimus</i> Mancos milkvetch USFWS Endangered NESL Group 2	Cracks or eroded depressions on sandstone rimrock ledges and mesa tops in Point Lookout and Cliff House Sandstone. Elev. 5,000-6,000 ft. Blooms mid April to early May (McDonald, 1999a, Roth, 2001b).	Appropriate habitat: there is one population of this species on a sandstone ledge in Cliff House Sandstone. Other areas of potential habitat did not have plants. (K)
<i>Pediocactus knowltonii</i> Knowlton cactus USFWS Endangered	On rolling, gravelly hills in a piñon-juniper-sagebrush community. The species is known only from the type locality near the Los Piños River. Elev. 6200-6300 ft. Blooms April and May (McDonald and Ferguson, 1999).	No appropriate habitat: there are no rolling gravelly hills or piñon-juniper-sagebrush community in the project area. The project area is well below the elevation range of the species. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass NESL Group 4	Alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes. 4510-7200 feet on Navajo lands. Blooms May to June (McDonald, 1999b; Roth, 2001c; personal observation).	No appropriate habitat: there are no alkaline seasonally wet areas in the project area. (NP)

APPENDIX 6-5

<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. Gravel or cobble cover can range from 0% to 100%. Commonly associated with mat saltbush and Gardner's saltbush. Elev. 4,900 to 5,500ft. Blooms late April to May (McDonald, 1999c, Hazelton, 2012).	No appropriate habitat: there are no low rolling clay hills in the project area. The limited areas of clay soil are nearly barren and silty. (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

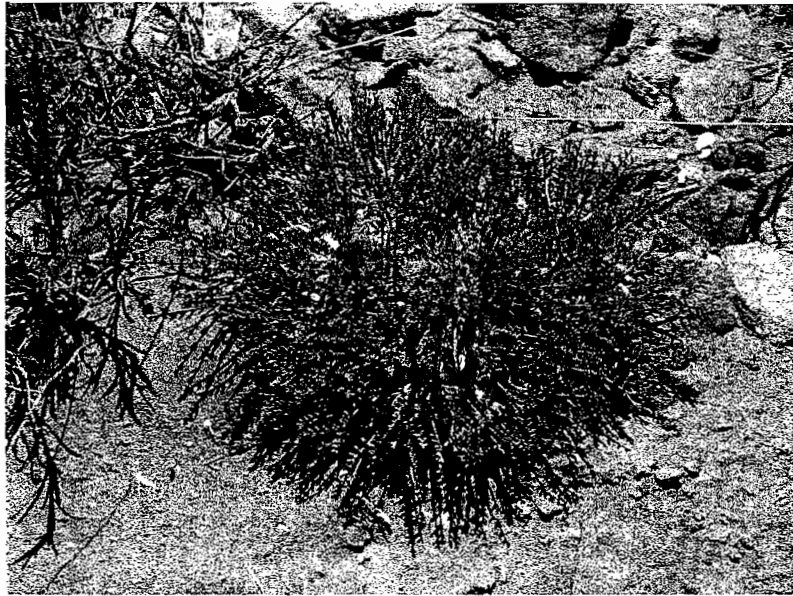
K – Known, documented observation within project area.

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.

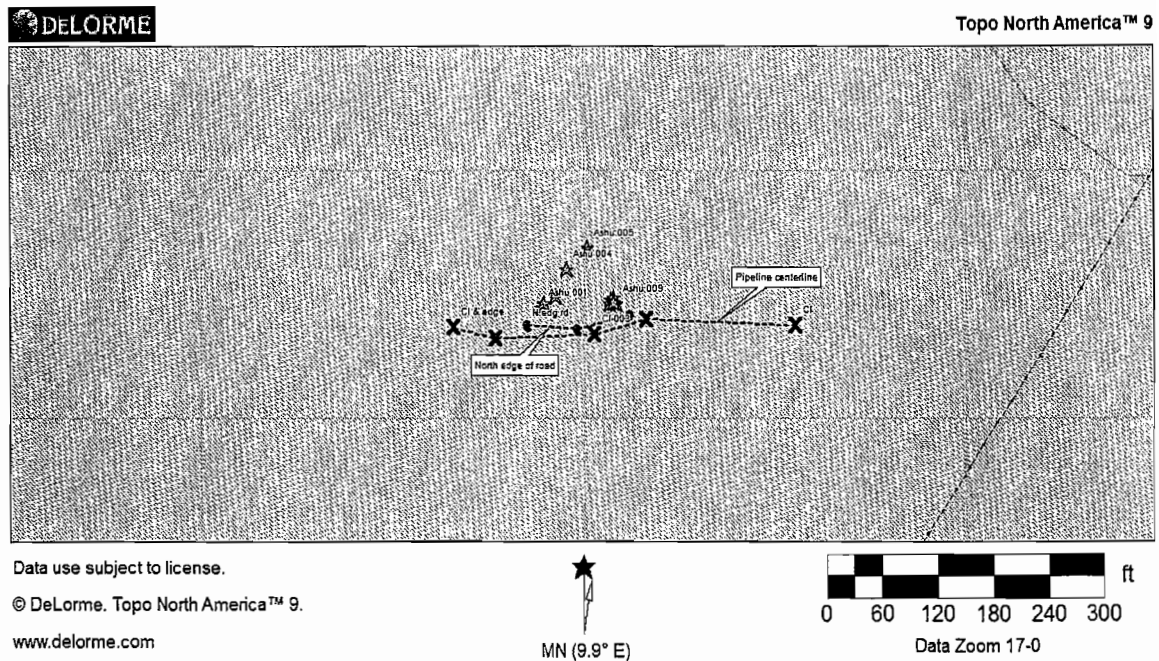
NP – Habitat not present and species unlikely to occur within the project area

There are several areas of exposed Point Lookout Sandstone and Cliff House Sandstone that provide potential habitat for Mancos milkvetch in the project area. One of these areas contains 24 plants of this endangered species. The plants are located immediately north of the dirt road on the north side of the pipeline, 23-83 feet north of the pipeline centerline. The center of the population is at approximately N36.476444 W108.667020, 3.17 miles west of the beginning of the line. The plants occur in a sandstone slickrock area north of the pipeline centerline and corridor.



Mancos Milkvetch

Map showing Mancos milkvetch population in relation to pipeline and existing road:



NOTE: green stars - Mancos milkvetch plants (Ashu), blue dots - north edge of the dirt road, red X's - pipeline

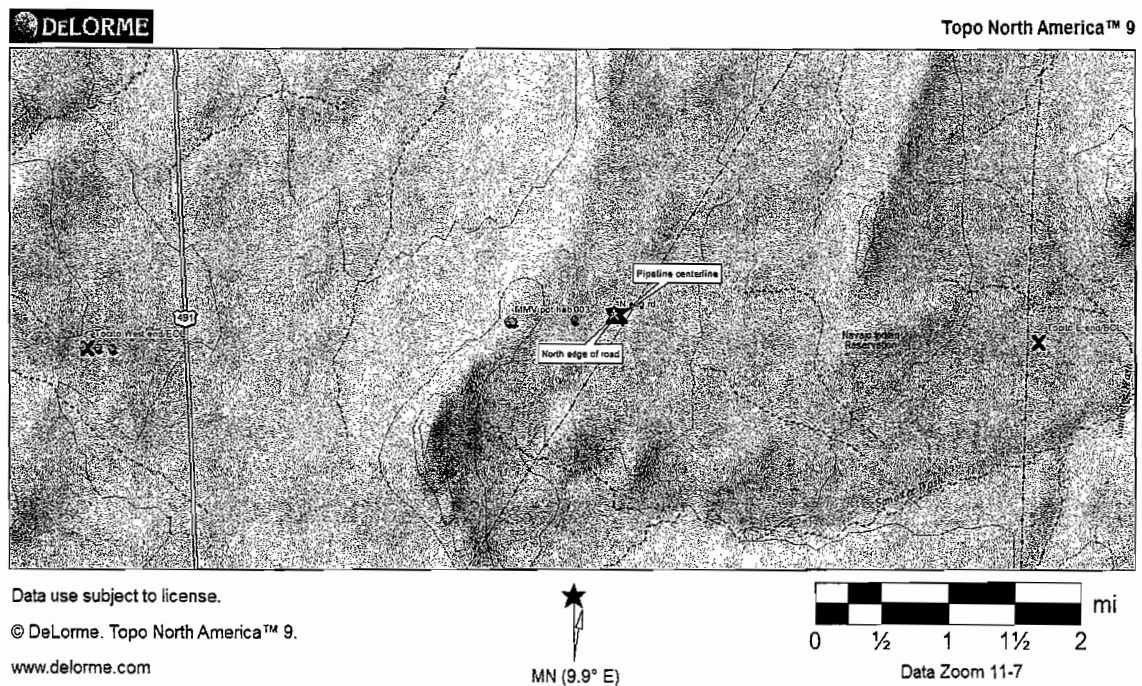
centerline

In addition, there are 5 areas of potential habitat for Mancos milkvetch (MMV) along the pipeline:

- MMV potential habitat 001: minimal potential habitat approx. 70 feet E-W x 45 feet N-S on south side of center line in south buffer, at N36.476004 W108.672633
- MMV potential habitat 002: minimal potential habitat approx. 30 feet E-W x 40 feet N-S on south side of centerline in the buffer, at N36.475828 W108.680969
- MMV potential habitat 003: good potential habitat approx. 40 feet E-W x 40 feet N-S in corridor and into both buffers, mostly on south side of the centerline, at N36.475845 W108.681464
- MMV potential habitat 004: good potential habitat approx. 15-65 feet N-S x 55 feet E-W, mostly on south side of center line in the buffer, at N36.473130 W108.734114
- MMV potential habitat 005: good potential habitat in corridor and both buffers extending for 675 feet west to point 006, east end at N36.473190 W108.735654, west end at N36.4733196 W108.747956

These areas were intensively surveyed during the active growing season for the species, but no plants were found.

Map 2. Distribution of Mancos milkvetch population and potential habitat in project area



Note: red X's – pipeline centerline, green star – Mancos milkvetch (MMV) population, green dots – potential MMV habitat, numbered 001 thru 006 consecutively, east to west.

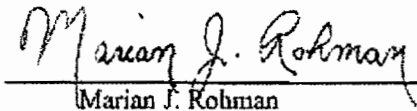
Noxious weeds: The Bureau of Indian Affairs lists three species of noxious weeds as potential invaders and fourteen species as new invaders on the Navajo Reservation (OSM, 1999). One of these species, halogeton, is found in the project area. It occurs as scattered plants from the beginning of the line west to Highway 491, with higher numbers of plants on the Lewis Shale at the beginning of the line and the Mancos Shale east of Highway 491. Halogeton is a Priority B species, indicating that it is a new noxious weed 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 are the priorities (OSM, 1999).

DISCUSSION AND RECOMMENDATIONS

There are six areas of potential habitat for Mancos milkvetch in the project area. One of these areas contains 24 plants within the buffer north of the center line corridor, 3.17 miles west of the beginning of the line. The plants are immediately north of the road that the pipeline follows, 23-83 feet north of the center line. Mancos milkvetch is listed as Endangered by both the USFWS and the NNHP. Andrea Hazelton, Botanist with the NNHP, has recommended that if any future work on the pipeline occurs within 200 feet of the population, that a biological monitor should be present and the north edge of the road should be fenced in order to protect the plants (Hazelton, 2014).

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

Signature of Author:


Marian J. Rohman

August 26, 2014

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APPENDIX 6-9

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PLANTS OBSERVED IN THE AREA OF THE TOCITO PIPELINE

Scientific names according to Heil, et al, 2013

Identifications based on Ivey 2008, Heil, et al, 2013, and Weber and Wittman 2012

Trees

Tamarix chinensis

Saltcedar

Shrubs and Subshrubs

<i>Artemisia bigelovii</i>	Bigelow sagebrush
<i>Atriplex canescens</i>	Four-wing saltbush
<i>Atriplex confertifolia</i>	Shadscale
<i>Atriplex gardneri</i> var. <i>cuneata</i>	Gardner's saltbush
<i>Atriplex obovata</i>	New Mexico saltbush
<i>Brickellia microphylla</i> var. <i>scabra</i>	Littleleaf brickellbush
<i>Cercocarpus montanus</i>	Alder-leaf mountain-mahogany
<i>Chrysothamnus greenii</i>	Greene's rabbitbrush
<i>Ephedra torreyana</i>	Torrey's ephedra
<i>Ericameria nauseosa</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Eriogonum corymbosum</i> var. <i>velutinum</i>	Velvety wild buckwheat
<i>Gutierrezia microcephala</i>	Small-head snakeweed
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Stanleya pinnata</i>	Prince's plume
<i>Suaeda nigra</i>	Torrey's seepweed
<i>Yucca baileyi</i>	Bailey's yucca

Cacti

<i>Opuntia polyacantha</i>	Starvation pricklypear
<i>Sclerocactus parviflorus</i>	Fishhook cactus

Grasses

<i>Achnatherum hymenoides</i>	Indian ricegrass
<i>Aristida purpurea</i>	Purple threeawn
<i>Bouteloua barbata</i>	Six-weeks grama
<i>Bouteloua gracilis</i>	Blue grama
<i>Bouteloua simplex</i>	Mat grama
<i>Chloris virgata</i>	Showy windmillgrass
<i>Elymus longifolius</i>	Longleaf squirreltail
<i>Enneapogon desvauxii</i>	Spike pappusgrass
<i>Muhlenbergia pungens</i>	Sandhill muhly
<i>Munroa squarrosa</i>	False buffalograss
<i>Pleuraphis jamesii</i>	Galleta
<i>Sporobolus airoides</i>	Alkali sacaton
<i>Sporobolus contractus</i>	Spike dropseed
<i>Sporobolus cryptandrus</i>	Sand dropseed
<i>Vulpia octoflora</i>	Six-weeks fescue

Forbs

<i>Abronia fragrans</i>	Fragrant sand-verbena
<i>Amaranthus blitoides</i>	Mat amaranth
<i>Ambrosia acanthicarpa</i>	Bur ragweed

APPENDIX 6-12

<i>Asclepias macrosperma</i>	Large-seed milkweed
<i>Astragalus ceramicus</i>	Painted milkvetch
<i>Astragalus humillimus</i>	Mancos milkvetch
<i>Astragalus mollissimus</i>	Wooly locoweed
<i>Astragalus sabulonum</i>	Gravel milkvetch
<i>Atriplex</i> sp.	Orach
<i>Chaenactis stevioides</i>	Desert pincushion
<i>Chaetopappa ericoides</i>	Sand aster
<i>Chamaesaracha coronopus</i>	Green-leaf five-eyes
<i>Chamaesyce fendleri</i>	Fendler's spurge
<i>Chamaesyce glyptosperma</i>	Ribseed spurge
<i>Chamaesyce serpyllifolia</i>	Thymeleaf spurge
<i>Cleome lutea</i>	Yellow beeplant
<i>Cryptantha crassiseppala</i> var. <i>elanchantha</i>	Thick-sepal cat's-eye
<i>Cryptantha flava</i>	Yellow cat's-eye
<i>Cymopterus</i> sp.	Spring parsley
<i>Descurainia pinnata</i>	Western tansymustard
<i>Dieteria canescens</i>	Tansyaster
<i>Dimorphocarpa wislizenii</i>	Spectacle-pod
<i>Eremogone eastwoodiae</i>	Eastwood's sandwort
<i>Erigeron</i> sp.	Fleabane
<i>Eriogonum</i> sp.	Annual wild buckwheat
<i>Frasera albomarginata</i>	White-margined frasera
<i>Gaillardia pulchella</i>	Hopi blanketflower
<i>Halogeton glomeratus</i>	Halogeton
<i>Heterotheca villosa</i>	Hairy goldenaster
<i>Hymenopappus filifolius</i>	Fineleaf woollywhite
<i>Ipomopsis pumila</i>	Dwarf gilia
<i>Lappula occidentalis</i>	Spiny sheepbur
<i>Lepidium montanum</i>	Mountain pepperwort
<i>Linum aristatum</i>	Broom flax
<i>Mentzelia</i> prob. <i>sivinskii</i>	Sivinski blazing-star
<i>Oenothera albicaulis</i>	Whitestem evening primrose
<i>Petradoria pumila</i>	Rock goldenrod
<i>Phacelia crenulata</i> var. <i>corrugata</i>	Corrugated scorpion-weed
<i>Physaria fendleri</i>	Fendler's bladderpod
<i>Plantago patagonica</i>	Wooly plantain
<i>Platyschkuhrnia integrifolia</i> var. <i>oblongifolia</i>	Oblong-leaf basin daisy
<i>Rumex hymenosepalus</i>	Sand dock
<i>Salsola tragus</i>	Russian-thistle
<i>Sanvitalia abertii</i>	Abert's creeping zinnia
<i>Schkuhria multiflora</i>	Many-flower false threadleaf
<i>Senecio flaccidus</i> var. <i>flaccidus</i>	Thread-leaf ragwort
<i>Solanum elaeagnifolium</i>	Silverleaf nightshade

APPENDIX 6-13

<i>Sphaeralcea coccinea</i>	Scarlet globemallow
<i>Sphaeralcea parvifolia</i>	Small-leaf globemallow
<i>Townsendia annua</i>	Annual Townsend daisy
<i>Tripterocalyx</i> sp.	Sand-puffs
<i>Verbesina encelioides</i> var. <i>exauriculata</i>	Golden crownbeard
<i>Xanthisma gracile</i>	Slender goldenweed
<i>Xanthisma spinulosum</i>	Spiny goldenweed
<i>Xanthium strumarium</i>	Common cocklebur

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

APPENDIX 7

File
8/31/99

ROUTING: COPIES TO

NM SHPO
X REAL PROPERTY MGT/330
X SJC

NNHPD NO. HPD-99-610

OTHER PROJECT NO.

99-SJC-068

PROJECT TITLE: A Cultural Resources Inventory of the Tocito Dome Pipeline Corridor in Sanostee Chapter, San Juan County, New Mexico.

LEAD AGENCY: BIA Navajo Area Office

SPONSOR: Jim Knipe, Bristol Resources Corporation, 6655 South Lewis, Suite 200, Tulsa, Oklahoma 74136

PROJECT DESCRIPTION: Cultural resource inventory for an existing pipe line - Sanostee Chapter, San Juan County, New Mexico.

LAND STATUS: Tribal Trust

CHAPTER: Sanostee

LOCATION:

T26N, R17W, Sections 19, 20, 21, 22, 23, San Juan County, New Mexico

T26N, R18W, Sections 23, 24, San Juan County, New Mexico

PROJECT ARCHAEOLOGIST: Cindy J. Bunker

NAVAJO ANTIQUITIES PERMIT NO.: B99158

DATE INSPECTED: 6/29/99, 7/2,2,5,9/99

DATE OF REPORT: 7/16/99

TOTAL ACREAGE INSPECTED: 127.27 Acres

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

LIST OF CULTURAL RESOURCES FOUND:

None

LIST OF ELIGIBLE PROPERTIES:

None

LIST OF NON-ELIGIBLE PROPERTIES:

None

LIST OF ARCHAEOLOGICAL RESOURCES:

None

EFFECT/CONDITIONS OF COMPLIANCE:

No properties were located. Pursuant to 36 CFR 800.4 (d), a copy of this form and the report have been provided to the SHPO notifying them that no properties were found.

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 520-871-7132.

FORM PREPARED BY: Iris Begaye

FINALIZED: August 26, 1999

Notification to

Proceed Recommended:

Conditions:

Yes xx No

Yes No

Alan Downer

Navajo Nation Historic
Preservation Officer

8-26-99

Date

Agency Approval:

Yes ✓ No

ACTING Area Director

8/30/99

Date

NNDFW Review No. 13PERM-14

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.: Tocito Pipeline Right-of-Way Renewal

DESCRIPTION: NNOGC seeks approval of the assignment and renewal of a ROW for an existing natural gas pipeline. No new construction is proposed. The pipeline is 7.106 miles (37,519.52 ft.) in length with a 10-ft. wide corridor. Total acreage is 17.227 acres.

LOCATION: Sections 19-24, T26N, R17W and Sections 23 & 24, T26N, R18W, San Juan County, New Mexico

REPRESENTATIVE: Permits West, Inc. for Navajo Nation Oil & Gas (NNOGC) Exploration & Production, LLC.

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

B.R. REPORT TITLE / DATE / PREPARER: EA - Tocito Pipeline ROW Renewal/14 SEP 2014/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 1 & 3. There will be no new surface disturbance.

Twenty-four (24) ASHU plants were located north of the pipeline.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Aquila chrysaetos* (Golden Eagle), G3, GBENPR, BGEP, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: [1] *Astragalus humillimus* (Mancos milkvetch), G2, Endangered.

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW concurs with the mitigation recommendations outlined in Section 7.0 in Appendix 5-5.

CONDITIONS OF COMPLIANCE*: [1] If pipeline maintenance requires heavy activity, pipeline maintenance shall avoid the area between UTM coordinates 705985E 4039082N and 707860E 4039230N (NAD83) during the Golden Eagle (*Aquila chrysaetos*) breeding season of 15 JAN-15 JUL; [2] A biological monitor shall be onsite during pipeline maintenance activity that occurs within 200 feet of the Mancos milkvetch (*Astragalus humillimus*) population located in the project area.

FORM PREPARED BY / DATE: Pamela A. Kyselka/27 OCT 2014

COPIES TO: (add categories as necessary)

☒ B/A



2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

David Mihalic

10/28/14

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

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

Representative's signature

B. Wood

Date

10-29-14



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

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

27 October 2014

13PERM-14

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 Environmental Assessment for Navajo Nation Oil & Gas Company's **Tocito 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 conditions:

[1] If pipeline maintenance requires heavy activity, pipeline maintenance shall avoid the area between UTM coordinates 705985E 4039082N and 707860E 4039230N (NAD83) during the Golden Eagle (*Aquila chrysaetos*) breeding season of 15 JAN-15 JUL.

[2] A biological monitor shall be onsite during pipeline maintenance activity that occurs within 200 feet of the Mancos milk-vetch (*Astragalus humillimus*) population located in the project area.

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

10/22/14

Date



EXHIBIT "D"

NAVAJO NATION TERMS AND CONDITIONS FOR RIGHTS-OF-WAY (ROW)

Navajo Nation Oil and Gas Company (Grantee)

1. The terms of the ROW shall expire on August 11, 2032.
2. PAYMENTS
 - a. The Grantee shall make a lump sum payment in the amount of \$156,560.00 to the Navajo Nation within ten (10) days of approval of the right-of-way by the Nation.
 - b. Grantee shall make sixteen (16) annual payments of \$39,130.00 to the Navajo Nation. The first annual payment is due on or before August 12, 2016 (anniversary date). Subsequent annual payment shall be due on or before each anniversary date. All annual payments beginning with the first annual payment shall be annually adjusted based upon the increase in the Consumer Price Index (CPI), U.S. City Average for All Urban Consumers.

The CPI for February 2015 shall be used as the base for all adjustments. The numerator for the adjustment shall be the CPI available for the month when the payment is made.

- c. If for any reason the ROW is terminated or cancelled then another lump sum payment is due at the time of termination or cancellation. The value of this lump sum payment shall be the value of the adjusted annual payment at that time multiplied by the number of remaining years left for which annual payments have to be made.
3. The Grantee may develop, use and occupy the ROW for the purpose(s) of operating and maintaining a 6-5/8 inch diameter natural gas pipeline. The Grantee may not develop, use or occupy the ROW for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior (Secretary). The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the ROW for any unlawful purpose.

4. 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.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the ROW.
6. 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.
7. The Grantee shall reclaim all surface lands disturbed related to the ROW, as outlined in a restoration and revegetation plan, which shall be prepared with the assistance of the Navajo Nation Environmental Protection Agency (NNEPA), and shall be submitted to and must be approved by NNEPA prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the 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.

9. The Grantee shall obtain prior written permission to cross existing ROW, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. 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 ROW by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet in any manner whatsoever, the ROW or any interest therein, or in or to any of the improvements on the land subject to the ROW, without the prior 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.
13. The Navajo Nation may terminate the ROW 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; and
 - 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.
14. 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.
15. 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 or to the land subject to the ROW or to any improvements located thereon.

16. 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 therein.
17. 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 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.
18. 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.
19. 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.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. 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.
22. 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.

23. 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 limitation 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.

RD:kjs

June 8, 2015

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT, dated as of March 29, 2012, is between **Navajo Nation Oil & Gas Company**, herein referred to as **Buyer**, and **Chaparral Energy, L.L.C.** herein referred to as **Seller**.

Seller desires to sell, and **Buyer** desires to purchase, upon and subject to the terms and conditions hereinafter set forth, (i) all right, title and interest owned by **Seller** in and to the properties and leasehold estate as described in Exhibit "A" and the Assignment and Bill of Sale attached hereto, and (ii) all interest of **Seller** in wells, equipment, materials production of hydrocarbons and other personal property located thereon (the "Equipment"). **Seller's** interests in the properties, leasehold estate and the equipment, which are to be conveyed to **Buyer**, shall hereinafter be referred to as the "Interests".

THEREFORE, in consideration of the above recitals and of the covenants and agreements herein contained, **Seller** and **Buyer** agree as follows:

1. **Sale and Purchase.** Subject to and upon all of the terms and conditions hereinafter set forth, **Seller** shall sell, transfer, assign, convey and deliver the Interests to **Buyer**, and **Buyer** shall purchase, receive, pay for and accept the Interests from **Seller**, effective as of 7:00 a.m. local time, March 1, 2012, (the "Effective Date").
2. **Purchase and Sale Price.** The total purchase and sale price shall be **Two Million Five Hundred Thirty Eight Thousand Eight Hundred Dollars (\$2,538,800.00)**, and shall be due on the day of closing, in addition to and/or less any mutually agreed to settlement cost adjustments. The Purchase and Sale Price shall be paid to **Seller** at closing of this transaction via wire transfer, certified check or company check, at the discretion of **Seller**. A post-closing settlement, if necessary, shall occur 90 days after the closing, unless mutually agreed to otherwise.
3. **Closing.** Closing of this transaction shall occur **March 31st, 2012**, unless the parties agree to an extension. Closing shall occur at a time and place agreed to by the parties hereto.
4. **Information and Access.** **Seller** shall make a good faith effort to provide to **Buyer** all requested materials and physical access to the wells, at **Buyer's** sole risk and expense, at any reasonable times. **Buyer** shall have the opportunity to review all records of **Seller**, which shall include land and lease records, accounting and engineering records and data located at the offices of **Chaparral Energy, L.L.C.**, located in **Oklahoma City, Oklahoma**. **Buyer** shall also be allowed to make an onsite field inspection of the well(s), and to satisfy itself of the current production from the well(s) and to inspect the condition of the equipment located on the leases and/or request from **Seller** a

report as to any adverse change in the productive status of the wells prior to Closing.

5. **Due Diligence.** Buyer shall be allowed to perform its due diligence prior to closing of this transaction. Due diligence may include the field inspection(s) as mentioned above as well as a title examination of the Interests. Seller shall provide to Buyer any such items relating to title it may have in its possession, including abstracts, copies of oil and gas leases, prior title examinations and such other materials as Seller may possess in order to assist Buyer in its due diligence. It is understood that any costs associated with Buyer's request of Seller's records shall be at the expense of Buyer. Buyer shall commence its due diligence of the Interests as soon as reasonably possible and intends to do so on or before **March 15, 2012**.
6. **Title Defects.** Any objections to title of Seller or any title requirements shall be submitted to Seller by **March 26, 2012 at 5:00 PM CST** who shall use its best efforts to satisfy such objections or requirements within a reasonable time prior to Closing at Seller's expense to make title merchantable and acceptable to Buyer. Buyer shall use its best efforts to notify Seller of any such title objections or requirements immediately upon their discovery. Upon notice from Buyer of a title defect, Seller has a reasonable time to cure such defect. In the event Seller is unable to cure such defect, Buyer and Seller shall agree to the validity of the claim and a possible solution or waiver by Buyer or the amount of any required price adjustment. Notwithstanding anything to the contrary in this Agreement, (i) if the value of a given individual title defect does not exceed \$50,000.00, then no adjustment to the Purchase and Sales Price shall be made for such title defect, (ii) if the aggregate adjustment to the Purchase and Sales Price determined in accordance with this Agreement for title defects (exceeding \$50,000.00) does not exceed three per cent (3%) of the Purchase and Sales Price prior to any adjustments thereto, then no adjustment of the Purchase and Sales Price shall be made therefore, and (iii) if the aggregate adjustment to the Purchase and Sales Price determined in accordance with this Agreement for title defects (exceeding \$50,000.00) does exceed three per cent (3%) of the Purchase and Sales Price prior to any adjustments thereto, then the Purchase and Sales Price shall only be adjusted by the amount of such excess above three percent (3%) of the Purchase and Sales Price, it being understood that the \$50,000 amount is a threshold and the three percent (3%) is an aggregate deductible of the title defects that exceed \$50,000.
7. **Sale Price Adjustment.** Any Sale Price Adjustments shall be reflected on the Closing Statement and settled at the time of Closing, except for accounting adjustments which are not known about before the time of the closing or otherwise cannot be made until after the closing.

- A. **Buyer** shall pay to **Seller** the value of its net revenue interest share of oil-in-stock above pipeline connection(s) as of the Effective Date based upon the price received at the wellhead as of the Effective Date.
 - B. **Buyer** shall repay to **Seller** any lease operating expenses incurred attributable to the period of time after the Effective Date and actually already paid by **Seller**. It is agreed to and understood that **Seller** shall not authorize any single operational expenditure on the subject well(s) after the Effective Date in excess of **\$25,000.00** without first obtaining written approval from **Buyer**.
 - C. **Seller** shall remit to **Buyer** all revenue **Seller** receives for production of hydrocarbons for the period subsequent to the Effective Date.
8. **Closing Materials, Records.** At closing the following shall occur as well as the exchange of materials and records by **Seller** and tender of Purchase and Sale Price with adjustments by **Buyer**:
- A. **Seller** shall execute, acknowledge and deliver a mutually agreeable form of assignment and conveyance document to **Buyer**.
 - B. **Buyer** shall deliver to **Seller** by either wire transfer or company check, at **Seller's** discretion, the total Purchase and Sale Price, less any deposit, plus (or minus, as the case may be) any adjustments agreed upon prior to the closing.
 - C. **Buyer** will initiate and carry out the assignment process for the transfer of the Interests. If applicable, **Buyer** shall provide **Seller** with all necessary forms required by governmental agencies for the transfer of the Interests to **Buyer** and **Buyer** shall file same immediately following the closing.
 - D. **Seller** shall furnish to **Buyer** any executed letter-in-lieu of transfer/division orders or such other transfer documents that may be required for the purpose of notifying and amending purchaser records.
 - E. **Seller** shall deliver all original files, records, data, etc., at closing, or within five business days thereafter if closing is done "by mail." **Seller** may keep copies at **Seller's** sole expense.
 - F. **Seller** shall deliver to **Buyer** exclusive possession of the Interests, effective as of **April 1, 2012**.

9. **Assumption of Liabilities.** Buyer shall, from the effective date, be responsible for and comply with all the duties and obligations of Seller, with respect to the Interests, arising from or by virtue of any permit, applicable statute or rule, regulation or order of any governmental authority. **Buyer shall not** assume the liabilities of Seller, if any, for any environmental or pollution related claims arising from events that occurred before the effective date of this transaction.
10. **Taxes.** All taxes which are imposed on or with respect to the production of oil, natural gas or other hydrocarbons or minerals or the receipt of proceeds therefrom (including but not limited to severance, production, ad valorem and excise taxes) shall be apportioned between the parties based upon their respective ownership during the tax year.
11. **Warranties.** Seller makes no representation or warranty express or implied with respect to the quality, quantity, or volume of the reserves of oil, gas or other hydrocarbons in or applicable to the Interests. Seller has not been notified of any possible violations of environmental regulations. Seller has contracted operations of the properties and facilities to **Robert L. Bayless, Producer L.L.C.**, for several years. Buyer shall work out their own terms with Bayless or others to operate the properties and facilities and hold Seller harmless. Seller makes no representations of environmental conditions of the properties. The equipment sold hereunder is being sold **"as is, where is"** and no warranties of any kind or character, express or implied, including any warranty of title, quality, or fitness for a particular purpose is being given by or on behalf of the Seller. It is understood however, that Seller warrants the Interests are free and clear of any and all former grants, charges, taxes, judgments and other liens or encumbrances of whatsoever nature, by, through and under itself and not otherwise.
12. **Obligations and Indemnification.**
- A. **Retained Obligations.** Provided that the Closing occurs, Seller shall retain (a) all obligations and liabilities of Seller for the payment or improper payment of royalties, rentals, working interest revenue, hydrocarbon sales proceeds and other similar payments under the leases or relating to the Interests or production therefrom accruing prior to the Effective Date; (b) all obligations of Seller for (i) overhead charges, property expenses and joint interest audits related to periods prior to the Effective Date, (ii) costs and expenses incurred prior to the Effective Date for goods and services provided prior to the Effective Date, and (iii) other payment obligations that accrue and become due prior to the Effective Date; (c) all liability of Seller to third parties (including Seller's employees and contractors) for (i) personal injury, (ii) death, (iii) off-site disposal of waste from the Assets, or (iv) to the

extent not related to an environmental defect, property damage, in each case to the extent occurring prior to the Effective Date as a result of the operation of the Assets; (d) all amounts owed to employees and contractors of **Seller**; (e) ad valorem, property, severance and similar taxes attributable to the period of time prior to the Effective Date; and (collectively, the "Retained Obligations").

- B. **Assumed Obligations.** Provided that the Closing occurs, **Buyer** hereby assumes all duties, obligations and liabilities of every kind and character with respect to the Interests or the ownership or operation thereof (other than the Retained Obligations), whether attributable to periods before or after the Effective Date, including, without limitation, those arising out of (a) the terms of the easements, contracts, leases, personal property comprising part of the Interests, (b) gas imbalances, (c) suspense accounts, (d) ad valorem, property, severance and other similar taxes or assessments based upon or measured by the ownership of the Interests or the production therefrom, (e) the condition of the Interests, regardless of whether such condition arose before or after the Effective Date, (f) obligations to properly plug and abandon or re-plug or re-abandon or remove wells, flowlines, gathering lines or other facilities, equipment or other personal property or fixtures comprising part of the Interests, (g) obligations to restore the surface of the Interests and obligations to remediate or bring the Interests into compliance with applicable environmental laws (including conducting any remediation activities that may be required on or otherwise in connection with activities on the Subject Interests), regardless of whether such obligations or conditions or events giving rise to such obligations, arose, occurred or accrued before or after the Effective Date, and (h) any other duty, obligation, event, condition or liability assumed by **Buyer** under the terms of this Agreement (collectively, the "Assumed Obligations").
- C. **Buyer's Indemnification.** Provided that the Closing occurs, **Buyer** shall release, defend, indemnify and hold harmless **Seller**, its partners, and their respective officers, directors, employees, agents, partners, representatives, members, shareholders, affiliates, subsidiaries, successors and assigns (collectively, the "**Seller Indemnitees**") from and against any and all claims, damages, liabilities, losses, causes of action, costs and expenses (including, without limitation, those involving theories of negligence or strict liability and including court costs and attorneys' fees) (collectively, the "Losses") as a result of, arising out of, or related to the Assumed Obligations, REGARDLESS OF WHETHER CAUSED OR CONTRIBUTED TO BY THE SOLE, JOINT,

COMPARATIVE OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF ANY OF THE SELLER INDEMNITEES.

D. **Seller's Indemnification.** Provided that the Closing occurs, Seller shall release, defend, indemnify and hold harmless Buyer, its members, managers, and each of the foregoing's respective officers, directors, employees, agents, representatives, members, managers, partners, shareholders, affiliates and subsidiaries (collectively, the "Buyer Indemnitees") from and against any and all claims relating to or arising from the Retained Obligations, REGARDLESS OF WHETHER CAUSED OR CONTRIBUTED TO BY THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF ANY OF THE BUYER INDEMNITEES.

13. **Notices.** All communications required or permitted under this Agreement shall be in writing and any communication hereunder shall be deemed to have been fully made if actually delivered or mailed via registered or certified mail to the address as set forth below:

Buyer:

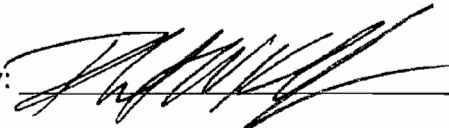
Navajo Nation Oil & Gas Company
Post Office Box 4439
Window Rock, Arizona 86515

Seller:

Chaparral Energy, L.L.C.
701 Cedar Lake Blvd.
Oklahoma City, Oklahoma 73114

14. **Further Assurances.** After closing each of the parties shall execute, acknowledge and deliver to the other such further instruments and take such other actions as may be required or necessary to carry out and complete the provisions of this Agreement.
15. **Choice of Law.** THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF OKLAHOMA.
16. **Entire Agreement.** This instrument states the entire agreement between the parties hereto and may be supplemented, altered, amended, modified or revoked by writing only, signed by both parties. This agreement may be executed in multiple counterparts, each of which will be binding on the executing party.

SELLER: CHAPARRAL ENERGY, L.L.C. 

By:  _____

Print Name: Robert W. Kelly II

Title: Attorney-in-Fact

BUYER: NAVAJO NATION OIL & GAS COMPANY

By: _____

Print Name: Wilson Groen

Title: President & CEO

SELLER: CHAPARRAL ENERGY, L.L.C.

By: _____

Print Name: Robert W. Kelly II

Title: Attorney-in-Fact

BUYER: NAVAJO NATION OIL & GAS COMPANY

By: 

Print Name: Wilson Groen

Title: President & CEO

EXHIBIT "A"

Attached to Purchase and Sale Agreement dated March 29, 2012, between Chaparral Energy, L.L.C., and Navajo Nation Oil & Gas Company, -- *Sale of Interest(s) Effective March 1, 2012*

Navajo Tribe "AR" #4-27

All of Section 27-T26N-R18W, San Juan Co., New Mexico

BIA/Navajo Nation Oil and Gas Mining Lease No. 14-20-0603-8103 Dated January 27, 1964

Value \$150,400.00 USD

Navajo Tribe "AR" #6-27

All of Section 27-T26N-R18W, San Juan Co., New Mexico

BIA/Navajo Nation Oil & Gas Mining Lease No. 14-20-0603-8103 Dated January 27, 1964

Value: \$1,486,800 USD

Navajo Tribe "AR" #8-27 SWD

All of Section 27-T26N-R18W, San Juan Co., New Mexico

BIA/Navajo Nation Oil & Gas Mining Lease No. 14-20-0603-8103 Dated January 27, 1964

Value: \$450,000 USD

Navajo Tribe "BU" #2-34

NE/4 Section 33 & N/2 Section 34-T26N-R18W, San Juan Co., New Mexico

BIA/Navajo Nation Oil & Gas Mining Lease NOO-C-14-20-5432 Dated October 4, 1974

Value: \$1,600 USD

Tocito Dome Gathering System

All or parts of Section 19, 20, 21, 22, 23, 24-T26N-R17W and

All or parts of Section 22, 23, 24 -T26N-R18W,

San Juan County, New Mexico

BIA Navajo Nation Pipeline Right-of-Way RCJN-28-08

Value \$450,000.00 USD

Document No. 003231Date Issued: 12/18/2014**EXECUTIVE OFFICIAL REVIEW**Title of Document: RoW 4 NNOGC Renewal-TocitoGasPipeline Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928 871-6447☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	□	□

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

1. Division: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

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

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

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

1. NNEPA: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	□	□
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

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

1. Division: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	□	□
2. Elections: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ 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 *See Ltr of 10/27/14* _____ Date: *02 March 15* ☒ ☐
2. F&W *See Ltr of 10/27/14* _____ Date: *3/5/15* ☒ ☐
3. HPD *See Ltr of 10/27/14* _____ Date: *3/23/15* ☐ ☐
4. Minerals *See Ltr of 10/27/14* _____ Date: *5/7/15* ☒ ☐
5. NNEPA *See Ltr of 10/27/14* _____ Date: *4-17-2015* ☒ ☐
6. Office of the Attorney General: *(ic)* _____ 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) *insert one*

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ *(ic)* _____ Date: *5/15/15* ☒ ☐
8. OPVP _____ Date: *5-19-2015* ☒ ☐

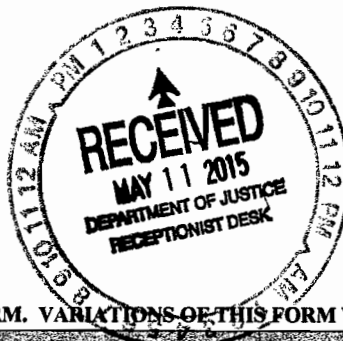
☐ OTHER:

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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
5/11/15	2:35pm
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	003231
SAS #:	
UNIT:	NAL

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	2/23/2015	DIVISION:	Natural Resources (DNR)
CONTACT NAME:	Howard draper or Verashurley	DEPARTMENT:	Navajo Land Dept (NLD)
PHONE NUMBER:	X-6447, 6490, 6401	E-MAIL:	howarddraper@frontiernet.net or verashurley@frontiernet.net

TITLE OF DOCUMENT: *Approving the Right-of-Way to Navajo Nation Oil & Gas Company to operate and maintain the existing "6-5/8 inch diameter pipeline for transporting natural gas on, over and across NN Trust Land w/in Sanostee Chapter, NM*

DOJ SECRETARY TO COMPLETE

DATE/TIME: **RECEIVED**
MAY 11 2015
DEPARTMENT OF JUSTICE

5/11/15
3:45pm

REVIEWING ATTORNEY/ADVOCATE:

Irvin Chee
5/20/15

DATE TIME OF REVIEW:

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)

Date / Time

SURNAMED BY: (Print)

Date / Time

Irvin Chee

5-14-15

TONI FLORA

5/15/15 8am

DOJ Secretary Called:

for Document Pick Up on

at

By:

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013




NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL BRANCH
ACTING ATTORNEY GENERAL

MEMORANDUM

TO: Antoinette Flora, Attorney
Natural Resources Unit
Department of Justice

FROM: 
Bidtah N. Becker, Assistant Attorney General
Natural Resources Unit
Department of Justice

DATE: May 13, 2015

SUBJECT: **Delegation of NRU Administrative and Surname Authority**

In an effort to provide uninterrupted legal services to the Navajo Nation, it would be helpful to have someone administer the Natural Resources Unit (NRU) during my absence. I will be on annual leave starting at 1:00 p.m. on May 13, 2015 through May 15, 2015.

I have confidence in your ability and judgment to administer the Unit. Therefore, I am hereby delegating you the authority to administer the NRU and surname NRU documents during the time of my absent from the office.

If you have any questions on how to handle any particular matter, please feel free to consult with me by email at bbecker@nndoj.org or cell 928-401-5100.

xc: Becker N. Becker, Assistant Attorney General, Natural Resources Unit
Kandis Martine, Assistant Attorney General, Human Services & Government Unit
Paul W. Spruhan, Assistant Attorney General, Labor & Employment Unit
Stanley M. Pollack, Assistant Attorney General, Water Rights Litigation Unit
Rodgerick Begay, Assistant Attorney General, Economic/Community Development Unit
Cynthia Avery, Office Specialist, Office of the Attorney General
Donna Willatto, Administrative Legal Secretary, Office of the Attorney General