

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016**

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO JEMEZ MOUNTAIN ELECTRIC COOPERATIVE, INC. TO CONSTRUCT, OPERATE AND MAINTAIN THE "OWL SPRINGS III NATHANIEL JOHNSON" 14.4 kV SINGLE PHASE ELECTRICAL DISTRIBUTION POWERLINE EXTENSION PROJECT TO SERVICE THE NATHANIEL JOHNSON RESIDENCE ON NAVAJO NATION TRUST LANDS IN WHITE ROCK CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

BE IT ENACTED

SECTION ONE. FINDINGS

A. Pursuant to 2 N.N.C. § 500, the Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council; and

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

C. The Jemez Mountain Electric Cooperative, Inc., P.O. Box 128, Espanola, New Mexico 87532, has submitted a Right-of-Way (ROW) application to construct, operate and maintain the "Owl Springs III Nathaniel Johnson" 14.4 kV single phase electrical distribution power line extension project to service the Nathaniel Johnson residence on, over and across Navajo Nation Trust Lands in White Rock Chapter vicinity (San Juan County, New Mexico), described in documents attached hereto and made a part hereof as Exhibit "A": and

D. The proposed right-of-way is 2,941.38 feet long, 20 feet wide, consisting of 1.365 acres, more or less, located in Section 21, Township 21 North, Range 13 West. NMPM, San Juan County, New Mexico, and more particularly described on the survey map attached hereto and made a part hereof as Exhibit "B"; and

E. The Project Review Section with Navajo Land Department has obtained the necessary consent from the sole affected land user, the Navajo Nation, attached hereto as Exhibit "C"; and

F. The environmental and archaeological studies and clearances were completed and attached hereto by this reference.

SECTION THREE. APPROVAL

A. The Navajo Nation hereby approves the Grant of Right-of-Way and to Jemez Mountain Electric Cooperative, Inc., to construct, operate and maintain the "Owl Springs III Nathaniel Johnson" 14.4 kV single phase electrical distribution power line extension project to service the Nathaniel Johnson residence on, over and across Navajo Nation Trust Lands in White Rock Chapter vicinity (San Juan County, New Mexico). The location is more particularly described on the map attached hereto as Exhibit "B."

B. The Navajo Nation hereby approves the Right-of-Way subject to, but not limited to, the following terms and conditions attached hereto and incorporated herein as Exhibit "D."

C. The Navajo Nation 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 Navajo Department of Transportation, (Navajo Nation) Tse Bonito, New Mexico, at which quorum was present and that same was passed by a vote 4 in favor, 0 opposed, 1 abstained this 12th day of July, 2016.



**Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

**Motion: Honorable Leonard Pete
Second: Honorable Davis Filfred**

Document No. 005014Date Issued: 11/10/2015**EXECUTIVE OFFICIAL REVIEW**Title of Document: JMEC Owl Springs III Nathaniel Johnson 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 _____ Date: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. Office of the Attorney General: _____ Date: _____ ☐ ☐

7. OPVP _____ Date: _____ ☐ ☐

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

1. Minerals _____ Date: _____ ☐ ☐

2. OPVP _____ Date: _____ ☐ ☐

3. NLD _____ Date: _____ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals _____ Date: _____ ☐ ☐

2. DNR _____ Date: _____ ☐ ☐

3. DOJ _____ Date: _____ ☐ ☐

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

1. NLD *See Ltr of 11/24/15* *[Signature]* Date: 12-30-15 ☒ ☐

2. F&W *[Signature]* Date: 01/07/16 ☒ ☐

3. HPD *[Signature]* Date: 01/15/16 ☒ ☐

4. Minerals *[Signature]* Date: 1-12-16 ☒ ☐

5. NNEPA *[Signature]* Date: 1-22-2016 ☒ ☐

6. DNR *[Signature]* Date: 1/29/16 ☒ ☐

7. DOJ *(ic)* *[Signature]* Date: 2/10/16 ☒ ☐

8. OPVP *[Signature]* Date: 2-23-16 ☒ ☐

☐ OTHER:

1. _____ Date: _____ ☐ ☐

2. _____ Date: _____ ☐ ☐

3. _____ Date: _____ ☐ ☐

4. _____ Date: _____ ☐ ☐

5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ
02/03/16 349pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 005014
SAS #:
UNIT: NRU

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

CLIENT TO COMPLETE

DATE OF REQUEST: 12/8/2015 DIVISION: Natural Resources (DNR)
CONTACT NAME: Howard P. Draper, Vera Shurley, Kayla Bia, Esther Kee, Elerena Y. DEPARTMENT: Navajo Land Dept (NLD)
PHONE NUMBER: X-6447, 6401, 6490, 7197 E-MAIL: howarddraper@frontiernet.net; klbia@frontier.com; verashurley@fron...

TITLE OF DOCUMENT: Approving Right-of-Way to Jemez Mountain Electric Cooperative, Inc to construct, operate and maintain electrical distribution line Owl Springs III - Nathaniel Johnson, NNFeeLand, White Rock Chapter, SJC, NM

DOJ SECRETARY TO COMPLETE

RECEIVED
FEB - 3 2016
DEPARTMENT OF JUSTICE
NATURAL RESOURCES UNIT
DATE TIME IN UNIT: 02/03/16 4:10pm
REVIEWING ATTORNEY/ADVOCATE: Irvin 02/12/16
DATE TIME OUT OF UNIT: 02/10/16 10:33am SB

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (Print) Date / Time SURNAMED BY: (Print) Date / Time
Irvin 2/9/16 Veronica Blackhat 2/10/16 8:05AM

DOJ Secretary Called: Vera Shurley for Document Pick Up on 02/10/16 at 10:18AM By: SB

PICKED UP BY: (Print) DATE / TIME:

RIGHT-OF-WAY
CHECK LISTDoc
~~NO.~~ NO. 005014

- ☒ 1. Terms & Conditions: ☒ (a) General
(b) BIA Roads
(c) IIS/PHS

☒
☐
☐

Check to see if ROW terms and conditions form contains standard provisions.

EXAMPLES:

- (a) compliance with Navajo and federal laws
- (b) no waiver of sovereign immunity
- (c) consent to Navajo Nation jurisdiction

Note! NTUA rights-of-way do not generally require compensation to the Navajo Nation unless it serves a commercial purpose. If the terms and conditions provide for compensation make sure that the grantee provides the BIA with a copy (proof) of any payment to the Navajo Nation within at least five days of payment.

- ☒ 2. Term -- twenty (20) years or less.

EXCEPTIONS:

- (a) IHS P.L. 86-121 projects can be perpetual
- (b) BIA roads 75 years
- (c) N.M./AZ State roads can be perpetual ie. as long as it is used for state highway
- (d) If an applicant is seeking longer than a twenty (20) year term, the applicant must explain why in writing in order that the Navajo Nation can make an informed decision whether to recommend it, unless a longer term is preauthorized.

- ☒ 3. Variation on standard terms and conditions.

- (a) other roads
- ☒ (b) electric transmission
- (c) gas pipeline
- (d) other

- ☒ 4. Resources and Development Committee Resolution.

Resources and Development Committee has final approval authority -- Naa bik iyati

Resolution not necessary where right-of-way is sought by another governmental entity.

EXCEPTIONS:

- (a) IIS P.L. 86-121 rights-of way do not need a Resources and Development Committee Resolution - see Resolution RCF-41-95. NLD can give consent if terms similar to approved form
- (b) NTUA rights-of-way do not need Resources and Development Committee approval. The NLD has been delegated the authority to consent on behalf of the Navajo Nation provided that the right-of-way terms and conditions are consistent with the approved **standard form** and the application is supported by:
 - 1. Letter of application
 - 2. Legal description
 - 3. Right-of-way location maps
 - 4. Biological Resources Compliance Form
 - 5. Cultural Resources Compliance form
 - 6. Field Clearance Documents
 - 7. Chapter Resolution
 - 8. Environmental Assessment (EA) and/or Addendum
 - 9. Other pertinent documents if required

See RCD-104-10



5.

- Check exhibits for land user/permittee consent ** One land user identified and has consented.*
- (a) trust land needs grazing permittees' consents
 - (b) fee land does not
 - (c) If some permittees consent and others do not then this must be explained in the resolution/legislation
 - (d) check to see if surface damages, if sought, has been placed in an escrow account
 - (e) grazing official sign off if trust land
 - (f) NAPI consent if the proposed right-of-way is within NAPI lands.



6.

Check to see if all required Divisions, Departments, etc., have reviewed and signed the SAS package.

YES —

- (a) Project Review Office/Navajo Land Department
- (b) Fish & Wildlife Department
- (c) Historic Preservation Department
- (d) Navajo Environmental Protection Agency
- (e) *Minerals*

☒ YES — ☒ (S) Division of Natural Resources

☒ 7. If additional terms and conditions are suggested by NNEPA, Fish & Wildlife Department or others, try to determine if they are necessary. The concerns may already be covered by the general terms and conditions, BIA required stipulations or 25 C.F.R. § 169.

☒ 8. Check the content of proposed resolution or legislation to ensure it expressly incorporates in a Resolved Clause the right-of-way terms and conditions. — None

☒ 9. Check to see if there is a legal description and whether it appears to be accurate. — YES

10. Check to see if all documents are attached:

☒ (a) Environmental Assessment (EA) unless categorical exclusion applies (IHS projects)

☒ (b) Archaeological Clearance *Inventory Report*

☒ (c) Cultural Resources Compliance Form *Inventory*

☒ (d) Threatened and Endangered Species/Biological Survey

☐ (e) Letter from the Fish & Wildlife Department or an EA indicating that a biological survey is not necessary i.e. (the project will not have a significant impact).

☒ (A) *Biological Resources Compliance Form*

2-9-16
Date

A. AA
Reviewed by

**THE
NAVAJO
NATION**

THE DIVISION OF NATURAL RESOURCES

Land, Water, Power, and Quality of Life

Russell Begaye
President

Johnathan Nez
Vice-President

M E M O R A N D U M

**TO: ALL Department Managers
Division of Natural Resources**

FROM:



Bidtah Becker, Division Director
Division of Natural Resources

SUBJECT: Delegation of Authority

DATE: January 12, 2016

Please be advised that in the event that either I, Division Director of the Division of Natural Resources, or Ms. Evangeline Curley-Thomas, Deputy Director, Division of Natural Resources, are not in the office or otherwise unavailable, Mr. Robert O. Allan, Principal Attorney, Division of Natural Resources, shall be delegated authority as the Acting Division Director of the Division of Natural Resources. This is a standing delegation of authority until further notice.

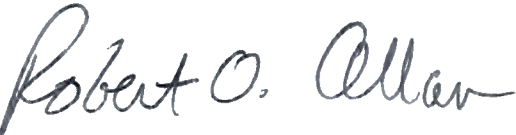
Please cooperate with Mr. Allan in this standing delegation of authority. Should you have any questions, please contact me.

ACKNOWLEDGED:



Evangeline Curley-Thomas, Deputy Director
Division of Natural Resources

ACKNOWLEDGED:



Mr. Robert O. Allan, Principal Attorney
Division of Natural Resources

SURNAM2

**PROPOSED RESOLUTION OF
THE RESOURCES and DEVELOPMENT COMMITTEE OF THE
NAVAJO NATION COUNCIL**

Approving the Grant of Right-of-Way to Jemez Mountain Electric Cooperative, Inc to Construct, Operate and Maintain electrical distribution line Owl Springs III - Nathaniel Johnson Project located on Navajo Nation Fee Lands in White Rock, San Juan County, New Mexico.

WHEREAS:

1. Pursuant to 2 N.N.C. Section 501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation land and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations; and
2. The Jemez Mountain Electric Cooperative, Inc., P.O. Box 128, Espanola, New Mexico 87532, has submitted a Right-of-Way (ROW) application to construct, operate and maintain electric distribution line Owl Springs – Nathaniel Johnson Project on, over and across Navajo Nation Fee Lands in White Rock, San Juan County, New Mexico attached hereto and incorporated herein as Exhibit “A”; and
3. The proposed ROW is 2,941.38 feet long, 20 feet wide, consisting of 1.365 acres, more or less, located in Section 21, Township 21 North, Range 13 West, NMPM, San Juan County, New Mexico attached hereto and incorporated herein as Exhibit “B”; and
4. The Project Review Section with the Navajo Land Department has obtained the consent of the affected land user (i.e. Grazing Permittee) attached hereto as Exhibit “C”; and
5. The environmental and archaeological studies have been completed and are attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Jemez Mountain Electric Cooperative, Inc to construct, operate and maintain electric distribution line Owl Springs III – Nathaniel Johnson Project in White Rock, San Juan County, New Mexico. The location is more particularly described on the survey map attached hereto as Exhibit “B.”
2. 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 and incorporated herein as Exhibit “D.”
3. 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.

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

I hereby certify that the foregoing resolution was duly considered by the Resources and Development 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 the same was passed by a vote of ____ in favor, ____ opposed, and ____ abstained, this ____ day of _____, 2016.

Presiding Chairperson
Resources & Development Committee

MOTION BY:
SECONDED BY:

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. of P.O. Box 128, ESPANOLA, NM 87532 this 5th day of October, 2015, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. L 17-25 USC 323) and Departmental Regulations 25 CFR 169, an application of a 20 (twenty) years right-of-way for the following purposes and reasons:

Construction, operation and maintenance of an electrical distribution line; Project #412103, Owl Springs III-N. Johnson

Across the following described **Navajo Tribal Fee Land** (easement description):

Section 21 T. 21 N., R. 13 W.; all NMPM, San Juan County, NM

Said right-of-way across Tribal Fee Land to be 2,941.38 feet in length, including guys and anchors, 20 feet in width, and 1.365 acres in size, as shown on attached map and plats 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.

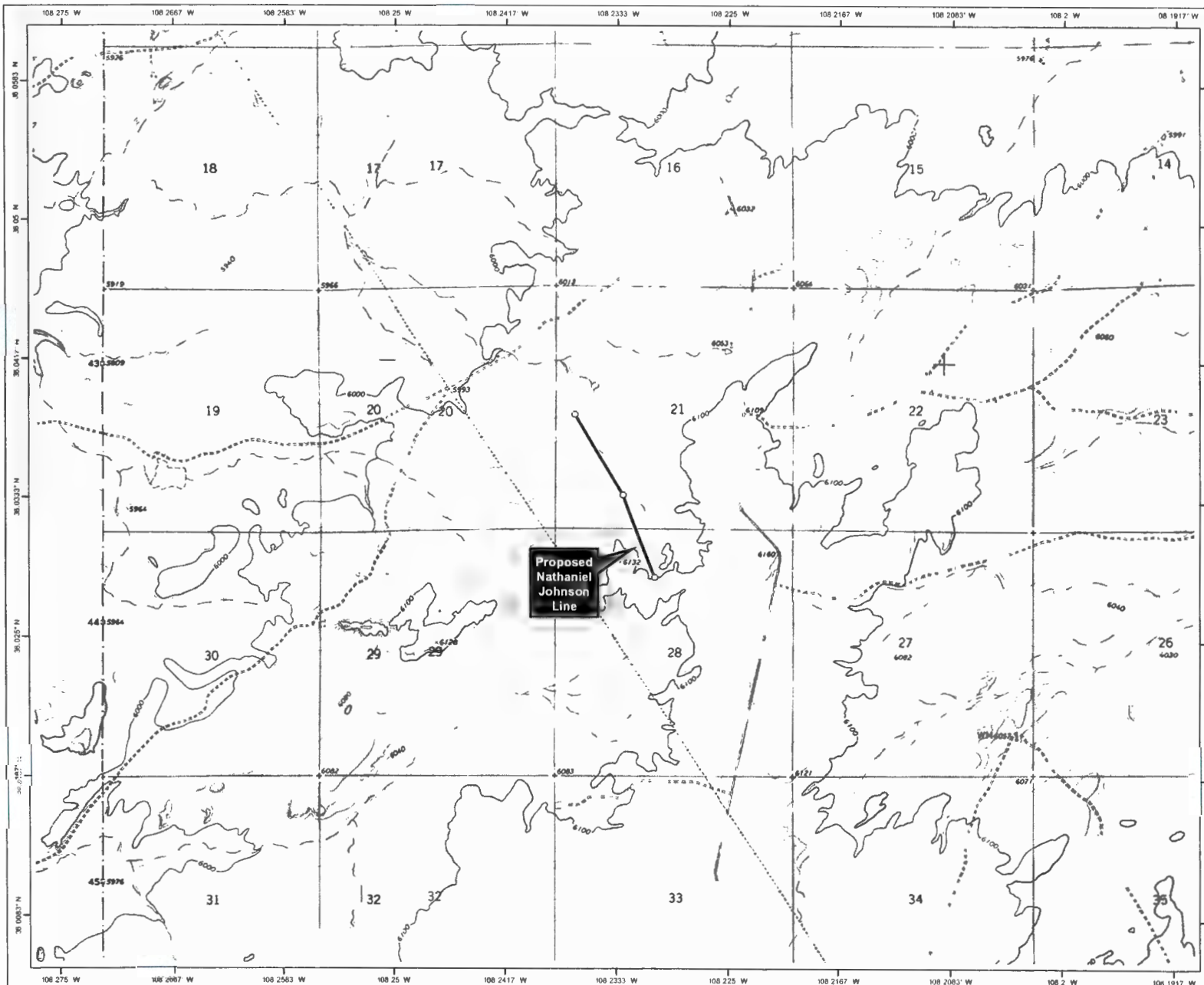
DATE: October 5, 2015

APPLICANT _____



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)-submitted with application of same date entitled "Franciscan Lake Power line project".



Jemez Mountain
Electric Cooperative, Inc.

B

Proposed Nathaniel Johnson Electrical Distribution Line

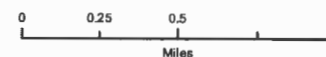
Sec. 13 & 21, Township 21N, Range 13W
San Juan County, New Mexico
USGS Quad: La Vida Mission

Work Order #: 413178

Existing and Proposed JMEC Facilities

- Existing 3 Phase Distribution Line
- Existing 1 Phase Distribution Line
- Proposed 1 Phase Distribution Line

1:24,000

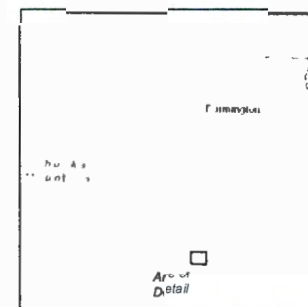


NAD 1983 New Mexico State Plane West
FIPS 3003 Feet



PERMITS WEST, INC.
PROVIDING PERMITS TO LAND OWNERS

Prepared by Permits West, Inc., August 20, 2015
for Jemez Mountains Electric Cooperative, Inc.





THE NAVAJO NATION

Navajo Land Department

P.O. Box # 2249 · Window Rock, Arizona 86515 · (928) 871-6401 · FAX: (928) 871-7039

EXHIBIT

tabbles

C

MEMORANDUM

TO : Howard P. Draper, Supervisor
Project Review Section, NLD

FROM : Esther Kee
Esther Kee, R/W Agent
Project Review Section, NLD

DATE : November 9, 2015

SUBJECT: JMEC Owl Springs III Power Line Extension Project

Jemez Mountain Electric Cooperative, Inc., Post Office Box 128, Espanola, New Mexico 87532, submitted a right of way application to construct, operate and maintain the Owl Springs III overhead 14.4 kV single phase distribution line to serve Nathaniel Johnson residence near White Rock Chapter.

The power line extension will be approximately 2,941.38 feet in length, 20 feet wide, 1.365 acres in area, in Section 21, T21N, R13W, San Juan County, New Mexico.

The proposed project is located in District 15, White Rock Range Unit 17, permitted to Monica Johnson for grazing. I informed the affected grazing permittee on the proposed request and she had no objection. I obtained the land users consent along with the concurrence of Irwin Jim, White Rock Chapter Land Board member.

Field clearance complete, land user consent, map and supporting documents are all attached for your information and reference.

cc: Project file

CONSENT 3

(Waiver of compensation for damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN:

I, Monica Johnson, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit **Jemez Mountain Electric Cooperative, Inc.**, Post Office Box 128, Espanola, New Mexico 87532, to use a portion of my land use area for the following purpose(s): **Right of way to construct, operate & maintain approximately 2,941.38 feet single phase overhead power line extension to serve Nathaniel Johnson residence on Navajo Trust lands in Section 21, T21N, R13W, NMPM, White Rock, San Juan County, New Mexico**, as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

REMARKS:

11/5/15
Date

Monica Johnson
Land User Signature (or Thumbprint)

430,790
Census No.

white Rock
R4.17
Permit No.

WITNESS: _____

11-04-15 [Signature]
Date Grazing Committee or Land Board Member

15-068
District No.

Acknowledgement of Field Agent

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

E. H. H. H.

Field Agent Signature



EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

Jemez Mountain Electric Cooperative (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$19,656.00 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within ten (10) days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project as the project will provide electricity to a Navajo home.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating and maintaining a 14.4 KW single phase electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way 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; subject to the terms of this right-of-way.
 - 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 archaeological 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 right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and 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 right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
 - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, 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 the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.

16. The Navajo Nation and the Secretary of the Interior shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, 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 right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
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 right-of-way 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 right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

← Wrong Form: Please use up-to-date & current
Form dated 7-21-15 For Trust Lands.

EXHIBIT "D"

NAVAJO NATION TERMS AND CONDITIONS
For Right-of-Way (ROW)

James Mountain Electric Corporation (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way (ROW) is granted by the Navajo Nation.
2. Consideration for the right-of-way is assessed at \$ 19,656.00. The Navajo Nation contributes this amount to the project because the project will benefit Navajo residents. as the project will provide electricity to a Navajo home
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating and maintaining a 14.4 KV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation. 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 right-of-way 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. All applicable 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 archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - b. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§ 201 et seq.; and
 - c. 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 right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall 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 right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, landusers and occupants against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation. 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 in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
14. At the termination of this right-of-way, 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 the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located therein.
17. By acceptance of the grant of right-of-way, 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 right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government

does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.

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 right-of-way 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 right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way reference herein for utilities, provided that such rights-of-way do not unreasonably interfere with the Grantee's use of the right-of-way.

PERMITS WEST, INC.
PROVIDING PERMITS for LAND USERS
37 Verano Loop, Santa Fe, New Mexico 87508 (505) 466-8120

October 7, 2015

Howard Draper
Project Review Office
Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

Dear Howard:

Enclosed is a Right of Way application for the Owl Springs III – Nathaniel Johnson 14.4 KV Single Phase power line for Jemez Mountains Electric Cooperative (JMEC), Project #413178 on Navajo Nation Fee land. The application packet includes:

Right of Way Application
Project Description
Project Map/Survey
Field Clearance Request
Environmental Assessment
Archeological Report/Clearance
Application Fee

Please let me know if you have any questions.

Sincerely,



Jeanette Reisenburg
Consultant





Project Fact Sheet

Company Name: Jemez Mountains Electric Cooperative, Inc.

Address: P.O. Box 128
Espanola, NM 87532

Project: Owl Springs III – N. Johnson 14.4 KV Single Phase Power Line

Purpose: To serve the Nathaniel Johnson residence

Tribal Location: Section 21, T. 21 N., R. 13 W., San Juan County, New Mexico

Chapter: White Rock

Surface: Navajo Nation Fee

Right of Way Width: 20 feet

Line Length: 2941.38 feet

Total Acreage: 1.365 acres

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

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: Cultural Resource Inventory, Jemez Mountains Electrical Cooperative, Inc.'s Owl Springs Scattered Phase III Nathaniel Johnson Powerline Project, Lake Valley Chapter, San Juan County, New Mexico Author(s): Mary Erickson		5. FIELDWORK DATES 05/08/15
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Mary Erickson Org. Name: Complete Archaeological Service Associates Org. Address: P.O. Box 1777, Cortez CO 81321 Phone: (970) 565-9229		6. REPORT DATE 05/11/15 8. PERMIT NO. B15165 9. CONSULTANT REPORT NO. CASA 15-19
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Brian Woods, Permitting Agent for Jemez Mountains Electrical Cooperative Org. Name: Permits West Org. Address: 37 Verano Loop, Santa Fe, NM 87508 Phone: 505-466-8120		11. SPONSOR PROJECT NO. Work Order # 413178 12. AREA OF EFFECT: 1.927 ac AREA SURVEYED: 9.546 ac
13. LOCATION (MAP ATTACHED): a. Chapter: White Rock b. Agency: Eastern c. County: San Juan d. State: New Mexico e. Land Status: Allotment 60711 (Sec. 28) and Tribal Fee (Sec. 21) f. UTM: BOP: 748965mE / 3991756mN EOP: 749547mE / 3990687mN g. Area: T 21N, R 13, SW 1/4 of Sec. 21 and NE1/4 of NW 1/4 of Sec. 28, NMPM&B h. 7.5' Map Name: La Vida Mission, NM 1966 i. Lead Agency: BIA		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT // a. Description of Undertaking: Jemez Mountains Electrical Cooperative, Inc. proposes to construct 4,150.29 feet (0.79 mile) of one phase distribution powerline to serve the Nathaniel Johnson home in the White Rock Chapter (Figures 1-3). A 100 foot-wide corridor (9.546 ac) was inventoried for a 20 foot-wide ROW along 4,000.29 feet (1.837 ac) of powerline and 150.00 feet (0.090 ac) of guy wires. Total Area of Effect for the powerline and guy wires is 1.927 ac. Expected ground disturbance includes minimal surface blading, drilling at designated pole locations and anchors, and surface disturbance from rubber-tired vehicles used in stringing power cables. Disturbance, both surface and subsurface, with heavy equipment will be intensive and extensive. b. Existing Data Review: 05/06/15 at the CRCS and TCP Offices at NNHPD in Window Rock. No previously recorded sites are located within 100 m of project areas. One TCP is located in the general vicinity of the project area (see continuation sheet). c. Area Environmental & Cultural Setting: See continuation sheet. d. Field Methods: A Class III inventory was conducted by Mary Erickson walking transects spaced no more than 15 m apart. A 100 foot-wide corridor was surveyed for a 20 foot-wide ROW along 4,150.29 feet of powerline.		
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: none b. Evaluation of Significance of Each Resource (above): n/a		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of "no historic properties affected" is recommended with no stipulations for Jemez Mountains Electrical Cooperative, Inc.'s Owl Springs Scattered Phase III Nathaniel Johnson Powerline at the location described in this report.		
17. CERTIFICATION: SIGNATURE: <u>Mary Erickson</u> DATE: 05/11/15 General Charge Name: Mary Erickson SIGNATURE: <u>Mary Erickson</u> DATE: 05/11/15 Direct Charge Name: Mary Erickson		

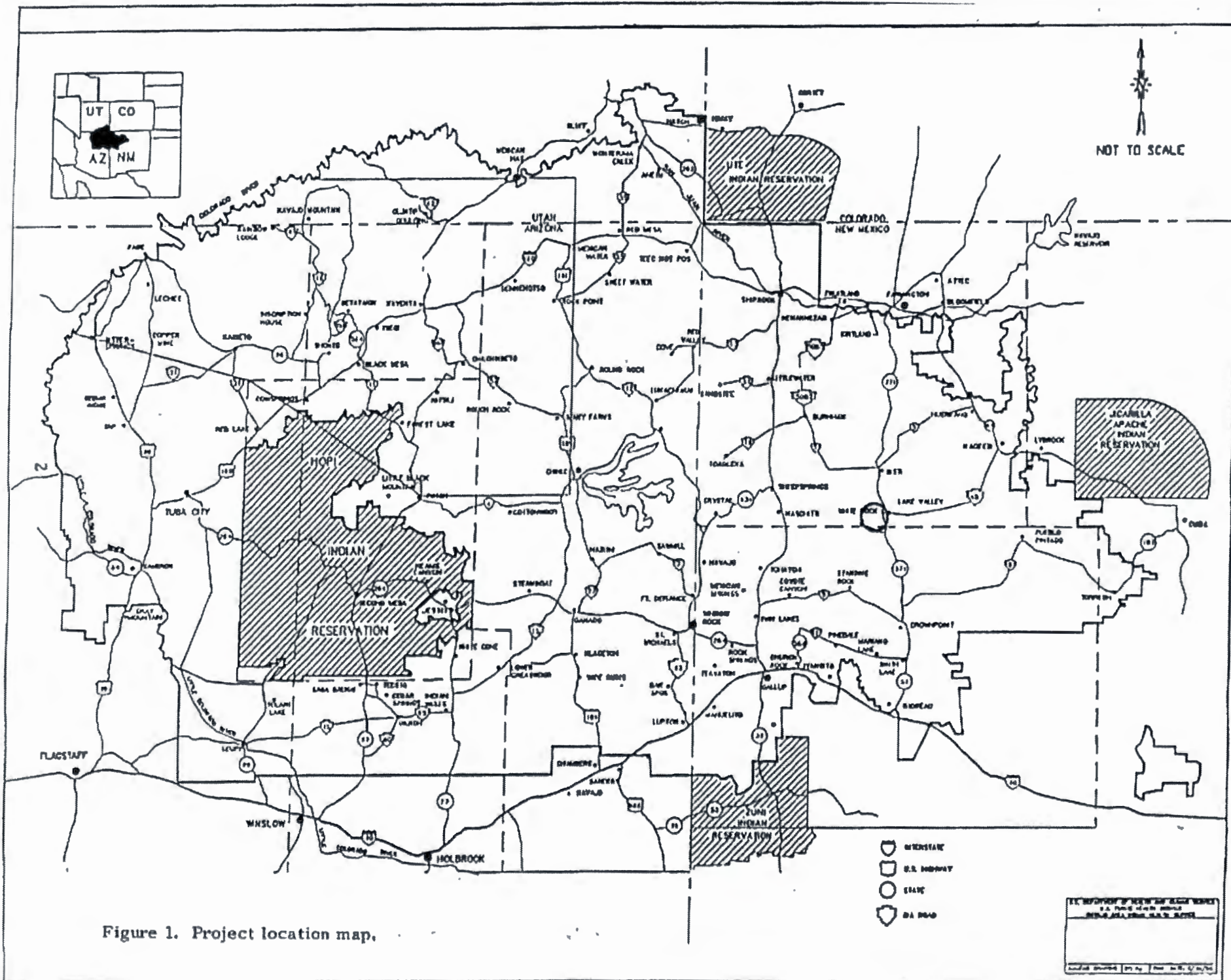


Figure 1. Project location map.

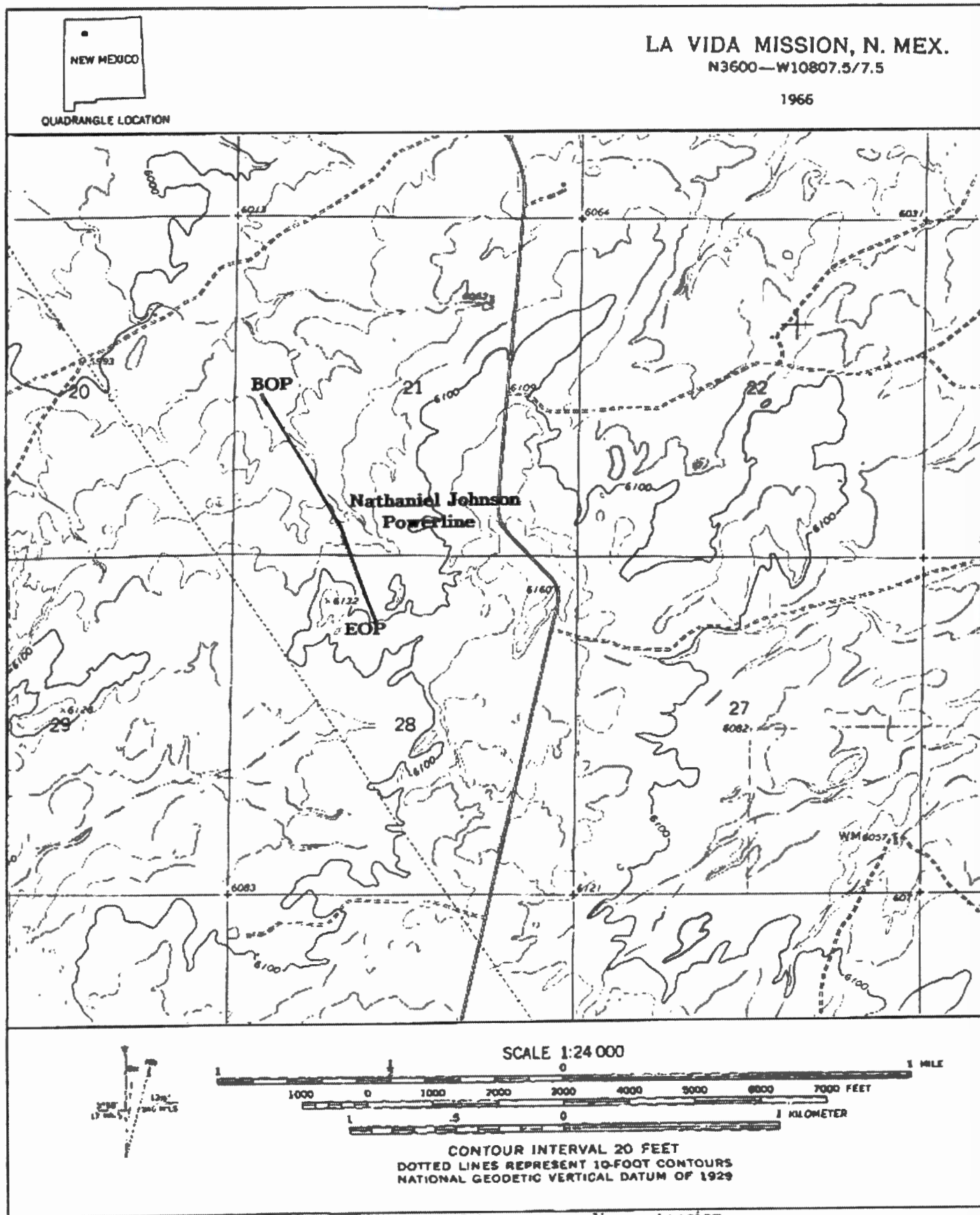


Figure 2. Location map, JMEC's Nathaniel Johnson powerline extension.

14b. Existing Data Review. The record search through the Traditional Cultural Property (TCP) department indicated that one TCP is located in the general vicinity of the project area. *Dził Ts' eeheeltis'id* / Umbilical Cord (?) Mountain / Mountain That Dropped Out / Little Hosta Butte (#149) lies approximately 3.5 miles to the south-southwest of the project area in T 20N, R 13W. The TCP Department has determined that there will be no adverse effect to the TCP as a result of this undertaking (Attachment A).

14c. Area environmental and cultural setting. The project area is situated in the high desert plateau region of northwestern New Mexico within the Navajo Section of the Colorado Plateau Province. It lies in the southeastern part of the San Juan Basin. The San Juan Basin is a roughly circular depression approximately 160 km. in diameter. The basin is bounded on the east by the Nacimiento Uplift and the Archuleta Arch and on the north by the San Juan Dome. The Hogback Monocline and the Four Corners Platform comprise its western boundary. The Chaco Slope defines the southern limit of the basin. The San Juan Basin is characterized by a semiarid, upland plateau environment. The general area is underlain by a sequence of sedimentary beds deposited during the Late Cretaceous. Pleistocene gravelly-sand deposits capped by Holocene eolian deposits overlie the late Cretaceous bedrock. Major plant communities include grassland and sagebrush-grassland habitats, with pinyon-juniper found on mesa tops. A desert wash community crosscuts the major zones along medium and large drainages. Discussions of the natural environment of the San Juan Basin can be found in Dulaney and Dosh (1981), Binford and Amsden (1992), and Wait and Nelson (1983).

The project area lies approximately 5 miles southwest of the Lake Valley School and 0.5 mile west of NM 371 in an area of low, rolling sandy, clay, and decomposing ridges five miles south of the Chaco River. The project area lies within the Upper Sonoran vegetative zone within a shrubland/grassland community. Species include russian thistle, snakeweed, prickly pear, shadscale, rabbitbrush, prickly pear, and wolfberry. Grasses and forbes include sacaton, sand dropseed, sandhill muhly, grama grasses, and sand verbena. Elevation climbs gradually from approximately 6030 feet at the BOL to 6,100 feet at the EOL.

Cultural resource overviews for the San Juan Basin include Dulaney and Dosh (1981), Wait and Nelson (1983) and Amsden (1992) for the Transwestern Pipeline Expansion Project. The first surveys and excavations in the vicinity of the project area were carried out in the early 1950s for the Wingate Products Gas Line as part of the first pipeline salvage project. The most recent large scale inventory was carried out for White Rock Road, Navajo Route 9652.

Numerous Anasazi sites are recorded along Indian Creek, a tributary to the Chaco River. Chacoan great houses, such as Indian Creek and Lake Valley, and ancillary sites are clustered within valleys near their junctions with the Chaco River.

Monica Johnson was interviewed concerning TCPs and graves areas within or near the project area. No TCPs or graves were identified.

REFERENCES

Amsden, Charles W.

1992 Across the Colorado Plateau: Anthropological Studies for the Transwestern Pipeline Expansion Project, Volume III: Archaeological Survey of the San Juan Lateral Chaco Mesa Route. Office of Contract Archaeology, University of New Mexico, Albuquerque.

Binford, Martha R., and Charles W. Amsden

1992 Environmental Setting. In Across the Colorado Plateau: Anthropological Studies for the Transwestern Pipeline Expansion Project, Volume V, The San Juan Lateral Survey by Charles W. Amsden, pp. 15 - 34. Office of Contract Archaeology, University of New Mexico, Albuquerque.

Dulaney Alan R., and Steven G. Dosh

1981 A Class II Cultural Resources Inventory of the Southern Portion of the Chaco Planning Unit, McKinley and Sandoval Counties, New Mexico. Bureau of Land Management, Albuquerque.

Wait, Walter, and Ben A. Nelson (editors)

1983 The Star Lake Archaeological Project: Anthropology of the Headwaters Area of Chaco Wash,



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996

Website: www.navajonationepa.org

M E M O R A N D U M

TO: Howard Draper, Program & Project Specialist
Project Review Office
Navajo Land Department
Division of Natural Resources

FROM:

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

DATE: January 22, 2016

SUBJECT: 164 EOR 005014 JMEC Owl Springs III Nathaniel Johnson White Rock
New Mexico

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **approval** for the proposed 14.4 kV single phase distribution power line for Navajo Indian Allottee Nathaniel Johnson within the vicinity of White Rock Chapter, McKinley County, New Mexico. Jemez Mountain Electric Cooperative, Inc., PO Box 128, Espanola, New Mexico, 87532, submitted a right-of-way (ROW) application to construct, operate and maintain the proposed powerline. The proposed powerline is 2,941.38 feet long in length and disturbing 1.365 total acres on Navajo Fee Lands.

If the following recommendations from NNEPA are adhered to, the proposed project will not have a significant effect (direct, indirect, or cumulative) on the quality of the human environment considering the context and intensity of impacts.

1. Navajo Nation Clean Water Act:

- a. §Section 401 is required if any drainage with discernable ordinary high water mark will be crossed and/or disturbed.

¹ Permits West Inc. Environmental Assessment for Jemez Mountains Electric Cooperatives Inc Orlando Gordo Power Line Project. January 2015.

- 164 EOR 005014 JMEC Nathaniel Johnson ROW Powerline White Rock NM
Page 2 of 3
01/22/2016

- a. JEMEZ MOUNTAIN ELECTRIC COOPERATIVE INC., will comply with the vegetative reclamation per Navajo Agriculture Department's recommended seed mix within the disturbed areas of the ROW corridors. Ms. Judy Willeto is the contact person for the vegetation seeding reclamation activities. She can be reached at 928/871-6592/6593.
- b. NNEPA recommends JEMEZ MOUNTAIN ELECTRIC COOPERATIVE INC., to backfill and re-contour the soil material as naturally as possible to lessen the impact to the natural drainages (i.e. redirecting the natural direction of the watershed, creating standing water, creating flooding to the existing roads, etc.) of the land.
- c. Avoid unnecessary ground disturbance and removal of vegetation within and adjacent to the ROW corridors.

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

Cc: JEMEZ MOUNTAIN ELECTRIC COOPERATIVE INC., PO Box 128, Espanola, New Mexico,
87532
NNEPA Water Quality; Operating Permit Program; STP; Administration chrono file
Contact Person: Permits West Inc., Jeanette Reisenburg, 505-466-8120

ENVIRONMENTAL ASSESSMENT
FOR



JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.
P.O. BOX 128
ESPAÑOLA, NM 87532
(505) 753-2105

NATHANIEL JOHNSON POWER LINE PROJECT

ON NAVAJO TRIBAL FEE AND ALLOTTED LANDS
SECTIONS 21 AND 28, T. 21 N., R. 13 W.
SAN JUAN COUNTY, NM

NOVEMBER 21, 2013
REVISED (October 23, 2015)

PREPARED BY:



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Appendix 2: Navajo Fish and Wildlife Correspondence Letter
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Appendix 7: Addendum to EA

1. Introduction

Jemez Mountains Electric Cooperative, Inc. (JMEC) proposes to construct a 14.4 kV single-phase distribution power line, approximately 48 miles south of the town of Farmington in San Juan County, NM (Proposed Action). The Proposed Action is located on the La Vida Mission Quadrangle in Sections 21 and 28 in T. 21 N., R. 13 W., San Juan County, NM on Navajo Tribal Fee and Allotted Lands. The proposed power line is 4,150.29 feet in length and runs from an existing power line on Navajo Tribal Fee Land. It runs to the residence of Nathaniel Johnson on Navajo Indian Allotment (NIA) #60711. The topographic map and aerial photo are attached as Appendix 1 and the power line plat is attached as Appendix 2. This Environmental Assessment (EA) will address the Proposed Action with regards to potential impacts to the surrounding environment. While the Bureau of Indian Affairs (BIA) has jurisdiction over the Navajo Allotted Lands, this EA will cover the entire Proposed Action, on both Tribal Fee and Allotted Lands.

1.1 Purpose and Need

The purpose of the Proposed Action is to construct a 14.4 kV single-phase distribution power line starting from an existing power line on Navajo Tribal Fee Land and providing electricity to the residence of Nathaniel Johnson on NIA #60711.

1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments

This EA addresses the potential impacts imposed on surrounding resources by the Proposed Action. Impacts are presented on a site-specific basis as required by the National Environmental Policy Act (NEPA), as amended (NEPA 1969). The proposed project will not be in conflict with any local, county, or state plans. JMEC will file a right-of-way (ROW) application for the NIA portion with the BIA.

1.3 Federal, State, or Local Permits, Licenses, or Other Consultation Requirements

Compliance with Section 106, Responsibilities of the National Historic Preservation Act, are adhered to by following the Bureau of Land Management (BLM) – New Mexico State Historic Preservation Officer (SHPO) protocol agreement, which is authorized by the National Programmatic Agreement between the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, and other applicable BLM handbooks (NHPA 1966).

The Navajo Nation Department of Fish & Wildlife (NNDFW) Natural Heritage Program has been consulted with respect to species of concern that are known to occur, or that have the potential to occur, within the area of the Proposed Action (Appendix 2). Species of concern

listed by the NNDFW will be evaluated in Section 3 of this document and in the Wildlife and Plant Survey Reports attached as Appendices 3 and 4, respectively.

Complete Archeological Service Associates performed a Class III Cultural Resources Inventory of the Proposed Action area. A determination was made that no historic properties will be affected by the project. A request for archeological clearance was also submitted to the Navajo Nation Historic Preservation Department (NNHPD). The Cultural Resources Compliance Form is attached as Appendix 5.

Additionally, JMEC is required to:

- Comply with all applicable federal, state, and local laws and regulations.
- Obtain the necessary permits for construction of the power line.

2. Alternatives Including the Proposed Action

2.1 Alternative A - No Action

The BLM NEPA Handbook (H-1790-1) states that in EAs for externally initiated proposed actions, the No Action Alternative generally means that the proposed activity will not take place (USDI BLM 2008). This alternative would deny approval to construct the power line and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

The No Action Alternative is presented for baseline analysis of resource impacts.

2.2 Alternative B - Proposed Action

JMEC proposes to construct a 14.4 kV single-phase, overhead, raptor-safe power line from an existing single-phase power line, located in Section 21 in T. 21 N., R. 13 W., in San Juan County, NM on Navajo Tribal Fee Land. The line will run to the residence of Nathaniel Johnson on NIA #60711, as indicated on the topographic map and aerial photo in Appendix 1 and the power line plat in Appendix 2. The proposed structures will include a number of wooden poles, 40 feet in height, buried approximately five feet below grade with guy anchors at each end, bearing change, and connection. All pole structures will include one wooden pole.

All access along the power line route will be from existing roads and cross-country within the ROW only. The total length of the proposed ROW is 4,150.29 feet and the width is 20 feet, for a total disturbed area of 1.927 acres (including guys and anchors). Soil and vegetation will be minimally disturbed at the location of poles and guys.

The estimated duration from start of construction is approximately one month.

Table 2.1: Land Use Specifications Summary

<i>Land Ownership</i>	<i>Location</i>	<i>Centerline Length (feet)</i>	<i>Guy Wire Length (feet)</i>	<i>Total Length incl. guys (feet)</i>	<i>Total Area incl. Guys (acres)</i>
Navajo Tribal Fee	Section 21, T21N, R13W	2,841.38	100	2,941.38	1.365
Navajo Indian Allotment #60711	Section 28, T21N, R13W	1,158.91	50	1,208.91	0.562
TOTAL	n/a	4,000.29	150	4,150.29	1.927

Topography in the general area of the route is predominantly flat. Construction will entail driving a truck-mounted auger cross-country to the location of each structure and digging a hole. Then a truck-mounted crane will raise the pole, and the hole will be backfilled and tamped. The electric wires will be strung on the poles with the assistance of a reel truck and a winch truck. No temporary roadways or use areas will be required and no blading or blasting will be performed as part of the project.

Construction will only be performed when the soil is dry enough to adequately support construction equipment and vehicles. When the soil is too wet (ruts more than six inches deep), construction will be postponed until conditions improve. Maintenance will be conducted as necessary.

2.3 Reclamation

Disturbed areas will be restored as closely as possible to their original condition upon completion of construction. Reclamation measures will include ripping compacted and disturbed areas at least 12 inches deep with the contour, harrowing, applying a native seed mix as prescribed by the BIA or Navajo Nation, and mulching. Noxious weeds would be controlled in accordance with Navajo Nation Environmental Protection Agency (EPA) requirements.

2.4 Alternatives Considered But Not Analyzed In Detail

One alternative that was considered is the use of an alternative energy source. The use of on-site diesel or gas engines to provide power to the current private residence is an alternative to providing electricity via a power line. However, electricity is quieter, less expensive, and requires less maintenance. In addition, any on-site engines would require regular re-fueling, which would increase operating expenses due to fuel costs and man hours for fueling and maintaining the engines.

Photovoltaic (PV) cells are costly and inconvenient for intensive or widespread use. PV cell electricity typically costs 800% more than that from a power line. A typical battery can store a maximum of 72 hours of electricity, and many would be needed to power the

electrical needs of this home. The need for multiple batteries would be costly and potentially unreliable during long stretches of inclement weather.

Wind generators are also expensive and can be impractical due to the necessity to place the windmills on high points in the direct stream of wind. This project area may not have a suitable location to support wind-generated energy.

These alternative energy sources are impractical for powering this private residence and the proposed power line best meets the energy needs required at this time.

Another alternative considered was to bury the entire length of the line rather than use an overhead span from the existing power pole to the residences. Burying the entire length by trenching would disturb far more land and increase the amount of erosion and subsequent possibility of noxious weeds becoming established than burying only power poles to support an overhead line.

No other significant issues were identified for the present location of the Proposed Action during the following activities:

- on-site inspections;
- Cultural Resources Inventory;
- Threatened, Endangered, and Special Status Species Surveys; and the
- review of NNDFW species of concern known to occur or with the potential to occur in the 7.5-Minute La Vida Mission, NM Quadrangle.

Therefore, no further alternatives other than the No Action Alternative were considered.

3. Description of Affected Environment

This section describes the environment that would be affected by implementation of the alternatives described in Section 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Only aspects of the affected environment that are potentially impacted are described.

3.1 Air Resources

The proposed project is located in San Juan County, NM on Navajo Tribal Fee and Allotted Lands. The US Environmental Protection Agency (USEPA), Region IX, and the Navajo Nation Environmental Protection Agency Air Quality Control program are responsible for administering air quality regulations on Navajo Allotted Lands in New Mexico. The Navajo Nation Air Quality Control Program (NNAQCP) is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA) (Navajo

Nation Council 2004). In addition, the project area lies within the USEPA's designated Four Corners Interstate Air Quality Control Region (USEPA 1971).

Air resources include air quality and climate. The USEPA has the primary responsibility for regulating air quality, including seven nationally regulated ambient air pollutants. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology, and terrain; and also includes applications of noise, smoke management, and visibility. Greenhouse gas (GHG) emissions, such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), water vapor, and several trace gases, can affect air quality (USEPA Apr. 2013).

Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. GHGs also affect 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 (USEPA). GHGs are not regulated by the USEPA, however, climate is important to consider because it has the potential to influence renewable and non-renewable resource management.

Air Quality

The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil, and exhaust emissions from motorized equipment.

Air quality in the area near the proposed project is generally good and is not located in an area designated by the USEPA as a "non-attainment area" for any listed pollutants regulated under the Clean Air Act (USEPA July 2013).

The USEPA's Inventory of US Greenhouse Gas Emissions and Sinks found that total U.S. GHG emissions were over 6.7 billion metric tons and that total U.S. GHG emissions have increased by 8.4% from 1990 to 2011. Emissions decreased from 2010 to 2011 by 1.6% (108.0 million metric tons CO₂ Eq.). The decrease was due to a decrease in carbon intensity of fuels consumed to generate electricity (due to a substitution of coal use by natural gas and an increase in hydropower use), and relatively mild winter conditions. (USEPA Apr. 2013)

Since 1990, U.S. emissions have increased at an average annual rate of 0.4 percent (USEPA Apr. 2013). It is likely, then, that levels of these GHGs will continue to increase. But, it is hoped that the rate of increase will continue to slow as greater awareness of the potential environmental and economic costs associated with increased levels of GHGs result in behavioral and industrial adaptations.

Other factors that currently affect air quality in the area include dust from livestock and dust from vehicular traffic on disturbed or unpaved surfaces.

Climate

The average global temperature has risen about 1.4°F (0.8°C) from 1880 to 2012. The continued increase in GHG levels in Earth's atmosphere assures a long-term rise in global temperatures. On the current course of GHG increases, scientists expect each successive decade to be warmer than the previous one. (Hansen 2013)

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 (IPCC 2007). The National Academy of Sciences (NAS) believes that the need for urgent action to address climate change is now indisputable and it has called on the G8+5 nations to seize all opportunities to coordinate their simultaneous work on the climate and economic agendas (NAS 2009).

A report on climate change by the U.S. Government Accountability Office (USGAO) 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" (USGAO 2007). 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.

3.1.1 No Action Alternative

3.1.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to air resources would occur.

3.1.2 Proposed Action

3.1.2.1 Direct and Indirect Effects

Air Quality

1. There will be a short-term (approximately one month) increase in dust during construction of the Proposed Action. This impact would subside as disturbed areas are reclaimed.

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2. There will be a minor, short-term increase (approximately one month) in local combustive emissions from operating vehicles and earth moving equipment.
 3. There will be a minor long-term impact to air quality from motorized vehicles performing periodic maintenance of the power line.
 4. There will be minor and sporadic, long-term fugitive dust creation during maintenance of the power line.

Climate

No quantifiable impacts to the climate are anticipated as a result of the Proposed Action.

3.1.2.2 Mitigation

1. JMEC will apply water for dust control, if necessary.
2. Surface disturbance and vehicular traffic will be limited to the approved locations to reduce combustive emissions and dust.
3. JMEC will comply with the NAPPCA, USEPA's Clean Air Act, and all applicable state and local regulations.

3.2 Cultural Resources

Cibola Research Consultants performed a Class III archaeological survey in the project area. A determination of "no historic properties affected" was made. The Cultural Resources Compliance Form is attached as Appendix 5.

3.2.1 No Action Alternative

3.2.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to cultural resources would occur.

3.2.2 Proposed Action

3.2.2.1 Direct and Indirect Effects

The potential exists to impact undiscovered or improperly inventoried cultural resources that may be discovered during construction of the Proposed Action.

3.2.2.2 Mitigation

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered during the Proposed Action by JMEC, or any person working on their behalf, will be immediately reported to the NNHPD at (928) 871-7148, and to any other necessary agencies. JMEC will suspend all operations in the immediate area of such discovery until approval to proceed is issued by the NNHPD. An evaluation of the discovery will be made by the NNHPD archaeologist to determine appropriate action to prevent the loss of significant cultural or scientific values.

3.3 Environmental Justice

Executive Order 12898 requires federal agencies to assess projects to ensure there are no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations (1994). Minorities comprise a high percentage of the population residing in San Juan County (USDI BLM 2003).

3.3.1 No Action Alternative

3.3.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to environmental justice would occur.

3.3.2 Proposed Action

3.3.2.1 Direct and Indirect Effects

The purpose of the Proposed Action is to provide power to a private residence on Navajo Allotted Lands. A private residence located on Navajo Allotted Lands is likely considered minority and could potentially represent a low-income population. A positive direct effect will be access to electricity for this resident. The Proposed Action is not located on public lands and the area is not used for hunting. If there are any grazing permits in the area, the permittees will be contacted. Wood gathering has historically occurred in the area. Negative direct effects to minority or low-income populations living in, grazing, or wood gathering in the area include a slight increase in activity and noise disturbance during construction activities.

3.3.2.2 Mitigation

Regarding an increase in noise disturbance, see Section 3.8 Noise, below.

3.4 Floodplains

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the Proposed Action is not in the 100-year floodplain (USDHS FEMA 2010). The landscape in the project area is a hilly area with a series of sand dunes and playas. Drainage is northwest toward the Chaco River.

3.4.1 No Action Alternative

3.4.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to floodplains would occur.

3.4.2 Proposed Action

3.4.2.1 Direct and Indirect Effects

The Proposed Action is not located in the 100-year floodplain. Therefore, no impacts to floodplains are anticipated.

3.5 General Topography/Surface Geology

The Proposed Action area is located 48 miles south of Farmington, NM. Topography in the project area gently rises through a series of semi-stabilized sand dunes and graveled playas in an area of shale hills. Elevation ranges from approximately 6,035 feet to 6,105 feet. There are no significant outcroppings or geologic formations in the area.

Table 2.1: Land Use Specifications Summary, above, outlines the project's affected area.

3.5.1 No Action Alternative

3.5.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to general topography and surface geology would occur.

3.5.2 Proposed Action

3.5.2.1 Direct and Indirect Effects

1. A direct effect to the natural topography will result from accessing and installing new power line poles and guy anchors.
2. The indirect effect of disturbance and loss to soil and seed banks will result from installing the power line poles.

3.5.2.2 Mitigation

1. Surface disturbance and vehicular traffic will be limited to approved locations to reduce the area of disturbance.
2. Disturbed areas will be reclaimed pursuant to Section 2.3. Reseeding will help prevent soil loss and seed bank disturbance/loss. Successful reclamation will take two to three years.
3. Use of BMPs listed in Section 2.2.

3.6 Invasive, Non-native Species

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI OSM 1999). None of these species were observed in the project area. The full Plant Survey Report is attached as Appendix 4.

3.6.1 No Action Alternative

3.6.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to invasive, non-native species would occur.

3.6.2 Proposed Action

3.6.2.1 Direct and Indirect Effects

Noxious weeds may become established in disturbed areas within the Proposed Action area.

3.6.2.2 Mitigation

1. Any disturbed areas will be seeded with an approved seed mix.

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2. JMEC will make every effort to ensure that noxious weeds do not spread over disturbed areas. If noxious weeds become established within the Proposed Action area, JMEC will contact the Navajo Nation EPA Pesticides Program for a list of approved herbicides and applicators.

3.7 Land Use

The Proposed Action is located on Navajo Tribal Fee and Allotted Lands. Current land use in the area is livestock grazing. There are no farmlands in the Proposed Action area.

3.7.1 No Action Alternative

3.7.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to current land uses would occur.

3.7.2 Proposed Action

3.7.2.1 Direct and Indirect Effects

1. The Proposed Action will affect 1.927 acres of Navajo Allotted and Tribal Fee Lands.
2. Short-term impacts will come from minimal land clearing for power line pole, wire, and guy placement.

3.7.2.2 Mitigation

1. Reclamation of the Proposed Action as stated in Section 2.3 will replace, and may even enhance, vegetative cover along the overhead span right-of-way. Successful reclamation is expected to take two to three years.
2. If grazing permits are identified in the project area, the permittees will be contacted to gain written permission for JMEC's proposed use of the land as part of this project.

3.8 Noise

Noise is not currently regulated or managed by the Navajo Nation. The Proposed Action is in a rural location and is not in any BLM-designated Noise Sensitive Area. Aside from the residence gaining power as part of this project, one residence is located west of the power line. Low-level noises are emitted from traffic on roadways. The most likely receptors of noise generated from the Proposed Action will be those traveling to the area for work activities.

3.8.1 No Action Alternative

3.8.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect noise impacts would occur.

3.8.2 Proposed Action

3.8.2.1 Direct and Indirect Effects

1. Noise will be generated as part of construction activities associated with the Proposed Action.
2. Occasional maintenance and/or monitoring vehicles will travel to and within the project area during normal operations.

3.8.2.2 Mitigation

1. Construction will be conducted during daylight hours and will be limited to approved locations.
2. Vehicular traffic will be restricted to approved areas and will not exceed what is necessary for the construction and maintenance of the Proposed Action.
3. Noise associated with construction activities will cease after approximately one month. Once construction is complete and operation begins, noise will return to background level.

3.9 Public Health and Safety

The only residents in the project area are those that will be gaining power from the proposed power line. Only a couple of residences are located southwest of the power line. JMEC employees are the most likely persons to be in the vicinity of the Proposed Action.

3.9.1 No Action Alternative

3.9.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to public health and safety would occur.

3.9.2 Proposed Action

3.9.2.1 Direct and Indirect Effects

Risks to the public associated with the construction of a power line include wildfire, increased traffic on public roads, fire and explosion, spills of vehicular fluids or water, and potential air emissions exposure.

3.9.2.2 Mitigation

1. Only approved areas will be used during construction to minimize hazards to workers and the general public.
2. All applicable laws, regulations, and policies will be followed during construction and maintenance activities, or while responding to any emergency.
3. Best Management Practices (BMPs) and appropriate Occupational Safety and Health Administration standards and guidelines will be implemented to minimize negative effects to public health and safety.

3.10 Soils

The Proposed Action is wholly within the Sheppard-Huerfano-Notal soil complex, the Badland Unit, the Doak-Sheppard-Shiprock association, and the Huerfano-Muff-Uffens complex.

The Sheppard-Huerfano-Notal (SC) complex consists of soil types Sheppard loamy fine sand, Huerfano sandy clay loam, and Notal clay loam. The soils in this unit are susceptible to moderate erosion due to water, and high to severe erosion due to wind, including the hazard of severe soil blowing. (SoilWeb Earth 2013)

The underlying bedrock is the Menefee Formation (NMBGMR 2003).

3.10.1 No Action Alternative

3.10.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to soils would occur.

3.10.2 Proposed Action

3.10.2.1 Direct and Indirect Effects

1. Soils will be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.
2. Due to wind and water, the soils will be subject to an undetermined amount of erosion until vegetation is established.

3.10.2.2 Mitigation

1. Successful reclamation of the Proposed Action outlined in Section 2.3 will reduce long-term negative impacts to soils. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.
2. Use of BMPs as outlined in Section 2.2 will reduce impacts to soils.

3.11 Threatened, Endangered, and Special Status Species

On August 10, 2011, a wildlife biologist conducted pedestrian wildlife surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species.

No federally- or Navajo- listed threatened, endangered, or special status species were observed during the wildlife surveys.

Although not observed during the surveys, the project area provides suitable habitat for the pronghorn (*Antilocapra americana*), although they are considered very uncommon. The project area also provides suitable foraging habitat for the golden eagle (*Aquila chrysaetos*). The kit fox (*Vulpes macrotis*) may also occasionally occur in the project area. These are all Navajo Nation Endangered Species, and the golden eagle is also protected by the Migratory Bird Treaty Act (MBTA). The full Threatened, Endangered, and Special Status Wildlife Species Reports are attached as Appendix 3.

Five special status bird species that are protected under the MBTA were observed during the wildlife surveys. These include the common nighthawk (*Chordeiles minor*), common raven (*Corvus corax*), horned lark (*Eremophila alpestris*), western kingbird (*Tyrannus verticalis*), and Lark sparrow (*Chondestes grammacus*). Because there will be minimal ground disturbance in association with the proposed power line construction, and given the sparsely vegetated nature of the project area, no take of nesting birds is anticipated from the project if Section 3.11.2.2 Mitigation, below, is followed.

There is no potential habitat for plant species of concern to the Navajo Natural Heritage Program or the United States Fish and Wildlife Service. The proposed project will not impact any of these species of concern. The full Plant Survey Report is attached as Appendix 4.

3.11.1 No Action Alternative

3.11.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to threatened, endangered, or special status species would occur.

3.11.2 Proposed Action

3.11.2.1 Direct and Indirect Effects

1. The MBTA 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. Nesting migratory birds could be adversely impacted by a potential take.
2. Overhead power lines have a direct effect on raptors. Raptors and other birds are killed every year by electrocution from perching or nesting on power lines.

3.11.2.2 Mitigation

Power line construction will be raptor-safe and will follow the Navajo Nation's Raptor Electrocution Prevention Regulations (NNDFW NNHP Sep. 2008).

3.12 Vegetation, Forestry

The landscape in the project area gently rises through a series of semi-stabilized sand dunes and graveled playas in an area of shale hills. The sand dune community is dominated by galleta (*Pleuraphis jamesii*), spectacle-pod (*Dimorphocarpa wislizeni*), four-wing saltbush (*Atriplex canescens*), and Greene's rabbitbrush (*Chrysothamnus Greenei*). The gravel areas are mostly barren, but do support alkali sacaton (*Sporobolus airoides*), galleta, and plains pricklypear (*Opuntia polyacantha*). Occasional areas consist of a desert shrub community dominated by Greene's rabbitbrush, four-wing saltbush, and galleta.

There are no forestry resources in the project area. A complete inventory of plant species can be found in Appendix 4.

3.12.1 No Action Alternative

3.12.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to vegetation or forestry would occur.

3.12.2 Proposed Action

3.12.2.1 Direct and Indirect Effects

The Proposed Action will affect 1.927 acres of Navajo Allotted and Tribal Fee Lands.

3.12.2.2 Mitigation

Reclamation, as outlined in Section 2.3, will mitigate impacts to vegetation from the construction of the Proposed Action. Reseeding will replace vegetation removed or damaged during construction. Successful reclamation is expected to take two to three years.

3.13 Visual Resources

Visual resources are not currently inventoried or managed by the Navajo Nation. However, the BLM has developed a Visual Resource Management (VRM) classification system designed to maintain or enhance visual qualities and describe different degrees of modification to the landscape. There are four VRM classes (Classes I through IV), which identify suggested degrees of allowed human modification to a landscape. Class I allows the least modification and Class IV allows the most (USDI BLM 2003).

The Proposed Action is in an area that the BLM designates as VRM Class IV. Projects constructed in Class IV areas are permitted to implement major modifications to the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of the landscape (USDI BLM 2003).

3.13.1 No Action Alternative

3.13.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to visual resources would occur.

3.13.2 Proposed Action

3.13.2.1 Direct and Indirect Effects

1. Short-term impacts to visual resources could come from dust, truck traffic, and placement of heavy equipment during construction.
2. The power line will interrupt the line of sight and introduce vertical elements to the landscape.

3.13.2.2 Mitigation

Short-term impacts to visual resources from construction will cease after approximately one month.

3.14 Wastes, Hazardous and Solid

As a result of the construction of the Proposed Action, solid waste materials will be generated. These materials may include typical field waste such as charts and plats, excess conductor wire, bent anchors, anchor line spools, broken insulators, damaged bolts and fittings, broken poles and cross arms, scrap lumber, laths, stakes, flagging, nylon rope, lunch trash, and cardboard. Generation of hazardous waste is not expected. If hazardous waste were inadvertently generated, the proper authorities would be consulted regarding the disposal of such waste.

3.14.1 No Action Alternative

3.14.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts from wastes, hazardous or solid, would occur.

3.14.2 Proposed Action

3.14.2.1 Direct and Indirect Effects

Trash and unwanted materials will be generated by construction.

3.14.2.2 Mitigation

All trash will be placed in a portable trash cage and hauled to an approved landfill. There will be no burial or burning of trash. Human waste will be disposed of in chemical toilets and hauled to an approved dump station off of the reservation.

3.15 Water Resources

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 8.78 inches of annual precipitation (WRCC 2014).

The area drains via unnamed ephemeral washes north toward Chaco River. Ephemeral flows in these drainages are limited to snow melt and rainfall.

The groundwater zones present beneath the project area include the Mesa Verde Aquifer, Dakota-Glen Canyon Aquifer System, and Coconino-De Chelly Aquifer. The Mesa Verde Aquifer is the shallowest and the Coconino-De Chelly Aquifer is the deepest of the aquifers underlying the project area. The Mesa Verde Aquifer is high in chloride concentrations. The Dakota-Glen Canyon Aquifer System is highly mineralized and has a substantial amount of dissolved halite, most likely from an unplugged or poorly plugged oil test hole (Robson 1995). The Coconino-De Chelly Aquifer contains a lot of dissolved minerals, more concentrated in some regions than in others. It also contains dissolved halite, much like that of Dakota-Glen Canyon, but less concentrated. (Allen 2011).

The addendum to the EA indicates that there are no perennial streams or wetlands, and no riparian zones in the Proposed Action area (Appendix 7).

3.15.1 No Action Alternative

3.15.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to water resources would occur.

3.15.2 Proposed Action

3.15.2.1 Direct and Indirect Effects

1. A direct effect is the increased sediment loading to the adjacent surface drainages through runoff of disturbed soils.
2. Natural drainage patterns may be slightly disrupted by construction of the Proposed Action.
3. Although no hazardous substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act will be used, and no Resources Conservation and Recovery Act-defined hazardous wastes will be generated during construction or operation, construction equipment could experience a spill of on-board fluids and/or materials that could potentially get into the surface or groundwater system.

3.15.2.2 Mitigation

1. BMPs in Section 2.2 will be implemented to prevent erosion and off-site migration of soils and other materials, and to reduce impacts to watershed and hydrology.
2. Any spilled contaminants will be cleaned up as soon as possible to prevent run-off of contaminants into surface hydrology or infiltration into groundwater.
3. The Proposed Action will be reclaimed as outlined in Section 2.3. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.

3.16 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 (*Ampisiza bilineata*), jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*). A complete inventory of observed species is included in Appendix 3.

3.16.1 No Action Alternative

3.16.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to wildlife would occur.

3.16.2 Proposed Action

3.16.2.1 Direct and Indirect Effects

1. The wildlife that uses the site may die or be displaced during construction. Removal of or damage to vegetation during construction of the Proposed Action may reduce wildlife forage and cover in the area.
2. The new power line and associated structures may be attractive as a perch sites for some avian species.

3.16.2.2 Mitigation

1. Reclamation of the Proposed Action, as outlined in Section 2.3, will reduce the long-term impacts to wildlife that use the area. Reseeding disturbed areas will replace vegetation removed during construction. In some instances, there may be a benefit from successful reclamation due to an increase in vegetative cover and wildlife forage. Successful reclamation is expected to take two to three years.
2. Vehicles will be restricted to existing roads and the proposed power line route to reduce impacts to ground dwelling wildlife at the project site.
3. The power line will be constructed according to raptor-safe power pole design standards for new power line construction within Raptor Sensitive Areas (RSA) (NNDFW NNHP 2008).

3.17 Cumulative Effects

3.17.1 No Action Alternative

Under the No Action Alternative, this project would not be approved or constructed so this project would not contribute to the cumulative disturbance in the area.

3.17.2 Proposed Action

The Proposed Action will affect 1.927 acres on Navajo Allotted and Tribal Fee Lands. Reasonably foreseeable future development may include additional power lines and communications structures installed in the vicinity of the Proposed Action due to additional residences without electricity. These installations would add to the cumulative disturbance in the area.

4. Consultation/Coordination

This section identifies the interdisciplinary team that participated in the development of this document.

Table 4.1: Interdisciplinary Project Team

Member	Title	Organization	Onsite Inspection	Date of Inspection
Liz Berdugo	Consultant/Author	Permits West, Inc.	no	n/a
Mike Deutsch	Project Coordinator	Permits West, Inc.	yes	Oct 2014
Charles Black	Wildlife Biologist	Permits West, Inc.	yes	8/10/2011
Marian J. Rohman	Botanist	Permits West, Inc.	yes	4/24/2012
Michael Marshall	Archaeologist	Cibola Research Consultants	yes	2011
Mary Erickson	Archaeological Reviewer	Complete Archeological Services Associates	no	n/a

5. Contact Information

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37 Verano Loop
Santa Fe, NM 87508
505-466-8120
Fax: 505-466-9682

Sonya Binion
Jemez Mountains Electric Cooperative, Inc.
#71 Hwy. 126
Cuba, NM 87013
575-289-3241
Fax: 575-289-0103

6. References

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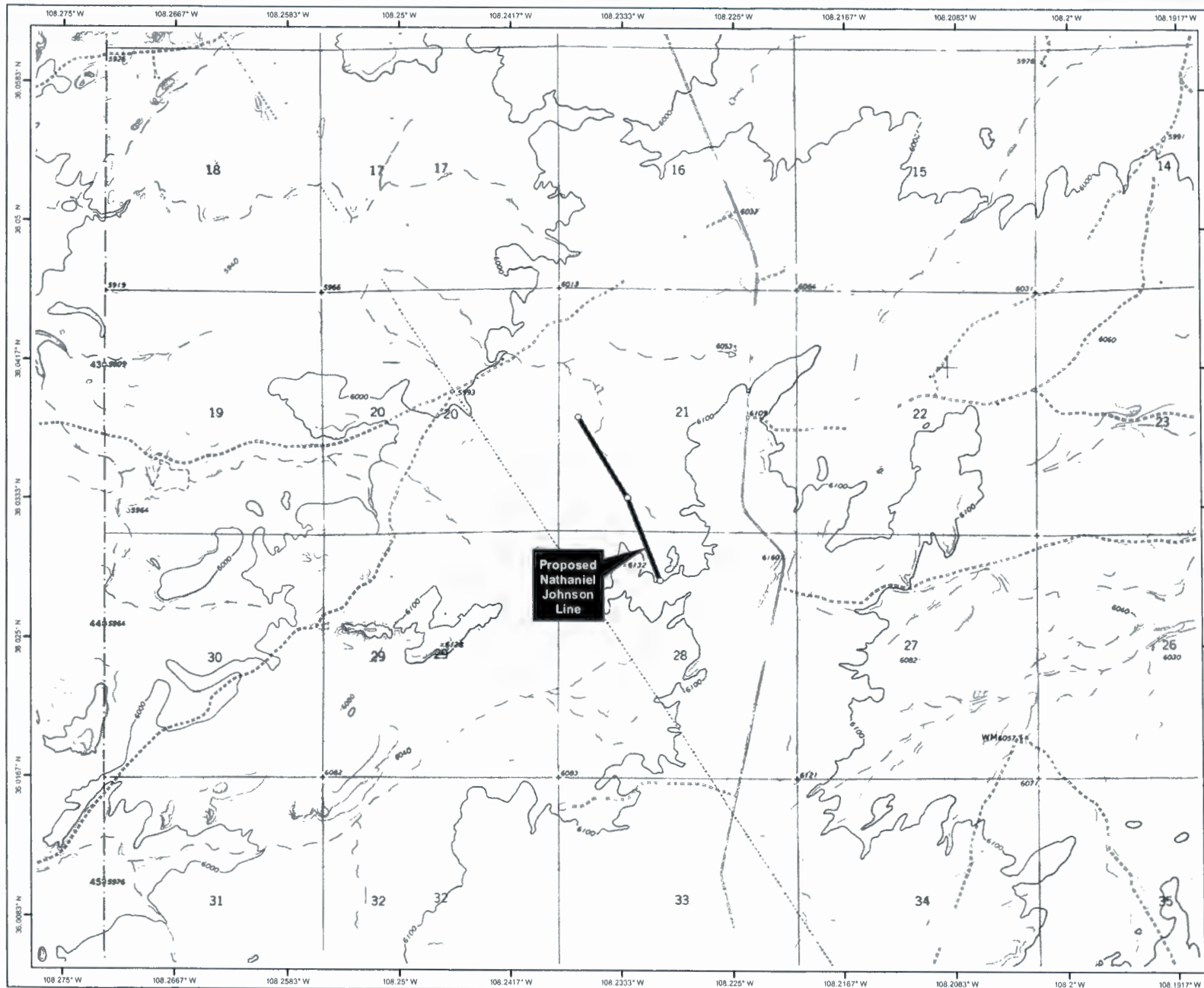
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Proposed Nathaniel Johnson Electrical Distribution Line

Sec. 13 & 21, Township 21N, Range 13W
San Juan County, New Mexico
USGS Quad: La Vida Mission

Work Order #: 413178

Existing and Proposed JMEC Facilities

- Existing 3 Phase Distribution Line
- - - Existing 1 Phase Distribution Line
- Proposed 1 Phase Distribution Line

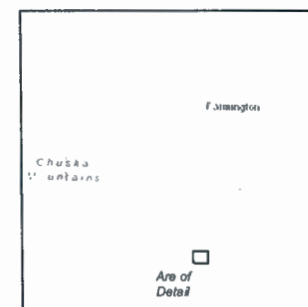


NAD 1983 New Mexico State Plane West
FIPS 3003 Feet



PERMITS WEST

Prepared by Permits West, Inc., August 20, 2015
for Jemez Mountains Electric Cooperative, Inc.



Appendix 1-1

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

21 September 2011

File#11PERM15

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

SUBJECT: JEMEZ MOUNTAINS ELECTRIC COOPERATIVE
LAKE VALLEY POWER LINES

Mr. Wood:

The following information on species of concern¹ is provided in response to your 25 July 2011 request concerning the subject project, which consists of the Jemez Mountains Electric Cooperative, Inc., Lake Valley power lines located in south San Juan County, NM.

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 nine (09) species both known and/or potential are included in this response. They are:

1. Antilocapra americana (Pronghorn); NESL group 3.
2. Aquila chrysaetos (Golden Eagle); NESL group 3; MBTA; EPA.
3. Buteo regalis (Ferruginous Hawk); NESL group 3; MBTA.
4. Charadrius montanus (Mountain Plover); NESL group 4; ESA proposed threatened; MBTA.
5. Empidonax traillii extimus (Southwestern Willow Flycatcher); NESL group 2; ESA endangered; MBTA.
6. Falco peregrinus (Peregrine Falcon); NESL group 4; MBTA.
7. Mustela nigripes (Black-footed Ferret); NESL group 2; ESA endangered.
8. Vulpes macrotis (Kit Fox); NESL group 4.
9. Asclepias sanjuanensis (San Juan Milkweed); NESL group 4.

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.

LA VIDA MISSION, NM 7.5-MINUTE QUADRANGLE

Project Location: Nathaniel Johnson P/L

Known to occur within one mile of the project site:

1. Buteo regalis

All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with the NNDFW zoologist or EA Reviewer for more information and recommendations. Be sure to examine Navajo Nation's "Raptor Electrocution Prevention Regulations" available at: http://nnhp.navajofishandwildlife.org/docs_reps.htm

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. Antilocapra americana
3. Charadrius montanus
4. Empidonax traillii extimus
5. Falco peregrinus
6. Mustela nigripes
7. Vulpes macrotis

AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

PUEBLO BONITO, NM 7.5-MINUTE QUADRANGLE

Project Location: Ramona Begay P/L

Known to occur within one mile of the project site:

1. Mustela nigripes

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. Antilocapra americana
3. Buteo regalis
4. Charadrius montanus
5. Empidonax traillii extimus
6. Falco peregrinus
7. Mustela nigripes
8. Vulpes macrotis

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

TANNER LAKE, NM 7.5-MINUTE QUADRANGLE

Project Location: Tommie Pierce P/L Project

Jesse Valdez P/L Project

Known to occur within three miles of the Jesse Valdez project site:

1. Mustela nigripes

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. Antilocapra americana
3. Buteo regalis
4. Charadrius montanus
5. Empidonax traillii extimus
6. Mustela nigripes
7. Vulpes macrotis
8. Asclepias sanjuanensis

T. Pierce Site located in AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES
 J. Valdez Site located in AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

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) 871-7068 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.

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.

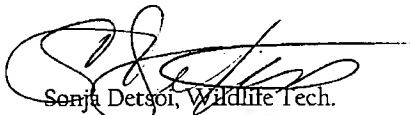
The information in this report was identified by the NFWD's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is strongly 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.

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

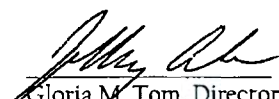
An invoice for this information is attached.

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



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

CONCURRENCE



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

xc: file/chrono

4.0 Threatened, Endangered, and Special Status Wildlife Species

According to the September 21, 2011 correspondence from the NNHP, the following species have the potential to occur on the land covered by the La Vida Mission, 7.5-Minute Quadrangle.

Species	Status	Habitat	Habitat Suitability in the 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 > 30 meters in height	See discussion below
Pronghorn (<i>Antilocapra Americana</i>)	NESL Group 3	Grasslands, brushlands, bunch-grass and sagebrush areas of open plains and deserts	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	NP
Mountain plover (<i>Charadrius montanus</i>)	NESL Group 4	Seeks dry, disturbed, or intensively grazed, open, flat tablelands. Bare ground, short vegetation, and flat topography are indicators of ideal habitat	NP
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	NESL Group 2, MBTA, Federal-Endangered	Cottonwood-willow habitats within perennial riparian areas	NP
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

C Candidate

NESL Navajo Endangered Species List

SC Species of Concern

Habitat Suitability in the Project Area

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.

5.0 Results

No federally or Navajo listed threatened, endangered, or special status species were observed during the 8/10/2011 wildlife survey.

Pronghorn

The project area is suitable habitat for pronghorn antelope, although they are generally considered to be very uncommon in the area (Mikesic, D. G., Personal Communication, March 2008). Pronghorns may occasionally pass through the project area. Given the relatively small scale of the proposed disturbance, this species should not be adversely impacted by the proposed project.

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 the relatively small scale of the proposed disturbance, this species should not be adversely impacted by the proposed project.

Ferruginous hawk

Ferruginous hawks are known to nest in "hoodoo" formations in northwest New Mexico. No suitable nest structures for this raptor are located within a one-mile radius of the project area. Hawks may occasionally pass through the project area. Given the relatively small scale of the proposed disturbance, this species should not be adversely impacted by the proposed project.

Kit fox

Kit foxes may occasionally occur in the project area, although no tracks, scat, or burrows were observed in the project area. Given the relatively small scale of the proposed disturbance, this species should not be adversely impacted by the proposed project.

Migratory Birds

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA). 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 these is not a direct taking of birds, nests, eggs, or parts thereof.

Five bird species observed during the wildlife surveys are protected under the MBTA (see the species list in Section 6.0 below). Because there will be minimal ground disturbance in association with the proposed power line construction, and given the sparsely vegetated nature of the project area, no take of nesting birds is anticipated from the project.

6.0 Species Observed During the Survey**Avian Species Observed:**

Common nighthawk (*Chordeiles minor*)

Horned lark (*Eremophila alpestris*)

Common raven (*Corvus corax*)

Western kingbird (*Tyrannus verticalis*)

Lark sparrow (*Chondestes grammacus*)

Mammalian species observed:

Desert cottontail (*Sylvilagus audubonii*)

Coyote (*Canis latrans*)

7.0 Recommendations

The line should be built raptor safe, as is planned.

8.0 References

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

Mikesic, D. G. Personal Communication Regarding the Status of *Antilocapra Americana* on the Navajo Nation. December 2008.

Charles Black

JEMEZ MTS. ELECTRIC COOPERATIVE, INC.

NATHANIEL JOHNSON POWER LINE PROJECT

SW/4 Section 21 and NW/4 Section 28, T. 21 N., R. 13 W.

San Juan County, New Mexico

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico

By Marian J. Rohman May 21, 2012

This report discusses the potential for disturbance to the plant species of concern identified by the Navajo Natural Heritage Program (NNHP) as having the potential to occur on the La Vida Mission, NM, 7.5-minute quadrangle, which contains the boundaries of the project area (Detsoi, 2011). There are no NNHP listed plant species in this quadrangle. Wetland conditions also need to be evaluated for the potential for Parish's alkali grass (*Puccinellia parishii*) (Detsoi, 2011). Parish's alkali grass is a Group 4 species on the Navajo Endangered Species List, indicating that the NNHP does not currently have sufficient information to support the species being listed as endangered, but has reason to consider it (NNHP, 2008). In addition, the potential for disturbance to species listed by the United States Fish and Wildlife Service (USFWS) as Endangered, Threatened, Candidate, Proposed, or as a Species of Concern for San Juan County, New Mexico, (NMESFO, 2012) will be discussed.

Parish's alkali grass is a short-lived winter or spring annual whose growth habit is easily distinguished from its perennial relatives. It grows in alkaline springs, seeps, and seasonally wet areas, from elevations of 5000 to 7200 feet. The species requires continuously damp soils during its late winter to spring growing period (McDonald, 1999c). On Navajo lands, it flowers from late April to early June (Roth, 2001b). Sufficient alkalinity for the species is indicated by a white alkaline crust along the edges of its habitat when wet, and covering the area when dry (personal observation).

PROJECT DESCRIPTION

The proposed project consists of the construction of a power line from an existing power pole to the residence of Nathaniel Johnson. The proposed power line measures 4000.29 feet in length within a 20-foot wide corridor. The total land use for the proposed project is 1.927 acres. The project area is located on Navajo Nation Tribal land approximately 48.4 miles south of Farmington in San Juan County, New Mexico, in the SW/4 of Section 21 and the NW/4 of Section 28 in T. 21 N., R. 13 W. The proposed power line begins at an existing pole in the SW/4 of Section 21 and heads south-southeast across a gravel road and then through an area of semi-stabilized sand dunes and graveled playas to end at a residence in the NW/4 of Section 28.

The landscape in the project area gently rises through a series of semi-stabilized sand dunes and graveled playas in an area of shale hills. The sand dune community is dominated by galleta (*Pleuraphis jamesii*), spectacle-pod (*Dimorphocarpa wislizeni*), four-wing saltbush (*Atriplex canescens*), and Greene's rabbitbrush (*Chrysothamnus Greenei*). The gravel areas are mostly barren, but do support alkali sacaton (*Sporobolus airoides*), galleta, and plains pricklypear (*Opuntia polyacantha*). Occasional areas consist of a desert shrub community dominated by Greene's rabbitbrush, four-wing saltbush, and galleta.

The project area is entirely within the Shepard-Huerfano-Notal complex, gently sloping soil type. This complex consists of aeolian deposits derived from sandstone, alluvium derived from siltstone over residuum weathered from shale, and fan alluvium derived from shale. The soil texture ranges from loamy fine sand to sandy clay loam, clay loam, and clay (NRCS, 2012). The underlying bedrock is the Menefee Formation (NMBMGR, 2003). Disturbances in the project area include the existing power line; a gravel road; the existing residence; and grazing by sheep, cattle, and horses.

METHODOLOGY

The project area was surveyed on April 24, 2012, by botanist Marian Rohman. The survey of the proposed power line was accomplished by walking a zigzag transect along each side of the centerline, covering the 20-foot width of the corridor and a buffer zone of 25 feet on each side. The emphasis of the survey was to inspect for the identified species of concern; however, all plants were identified in order to provide a more complete description of the environment. A complete list of the plants observed 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: There are no plants identified by the NNHP as species of concern with the potential to occur on the La Vida Mission, NM, 7.5-minute quadrangle, which contains the boundaries of the project area (Detsoi, 2011). Wetland conditions need to be evaluated for the potential for Parish's alkali grass (Detsoi, 2011). There are seven species of plants listed as Endangered, Threatened, or Species of Concern by the USFWS for San Juan County, New Mexico, where the project occurs (NMESFO, 2012). An eighth species, Zuni fleabane (*Erigeron rhizomatus*), is listed by the USFWS as a Species of Concern, but is not listed as being found in San Juan County. However, the New Mexico Rare Plant Technical Council (NMRPTC), does list this species as occurring in San Juan County (NMRPTC, 1999). Details of status, habitat, and the potential to occur in the project area for all of these species are listed in the following table. There are no USFWS Candidate or Proposed species in San Juan County.

SPECIES STATUS*	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA**
<i>Aliciella formosa</i> Beautiful gilia USFWS Species of Concern NESL Group 4	Salt desert scrub communities in soils of the Nacimiento Formation. Elev. 5000-6400 ft. Blooms April and May (Heil and Herring, 1999).	No appropriate habitat: there is no Nacimiento Formation in the project area. (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 sandstone. Elev. 5000-6000 ft. Blooms late April to early May (McDonald, 1999a).	No appropriate habitat: there are no sandstone rimrock ledges or mesa tops and no Point Lookout sandstone in the project area. (NP)
<i>Erigeron bistiensis</i> Bisti fleabane USFWS Species of Concern	Ridge tops and slopes of white- to tan-colored sand derived from the Ojo Alamo Sandstone Formation and Nacimiento Formation in desert shrub-grassland. Blooms May to June (NatureServe, 2009). The type location is at 6340 feet in elevation (NMRPTC, 1999).	No appropriate habitat: there is no Ojo Alamo Sandstone or Nacimiento Formation in the project area. The project area is well below the known elevation of the species. (NP)
<i>Erigeron rhizomatus</i> Zuni fleabane USFWS Threatened NESL Group 2	Nearly barren detrital clay hillsides with soils derived from shales of the Chinle or Baca Formations; most often on north- or east-facing slopes in open piñon-juniper woodlands. Elev. 7300-8000 ft. Blooms May and June (McDonald, 1999b).	No appropriate habitat: there are no barren clay hillsides and no Chinle or Baca Formations in the project area. The project area is well below the elevation range of the species. (NP)
<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 below the known elevation range of the species. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass USFWS Species of Concern NESL Group 4	Alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes. 5000-7200 feet on Navajo lands. Blooms May to June (McDonald, 1999c; Roth, 2001b).	No appropriate habitat: there are no alkaline, seasonally wet areas in the project area. (NP)

<i>Sclerocactus cloverae</i> ssp. <i>brackii</i> Brack hardwall cactus USFWS Species of Concern NESL Group 4	In desert scrub and scattered juniper communities on sandy clay hills of the Nacimiento Formation at 5000 to 6000ft. The community is typically dominated by shadscale. Blooms in May (Roth, 2005; Ferguson, 1998).	No appropriate habitat: there are no juniper communities, no sandy clay hills, and no Nacimiento Formation in the project area. (NP)
<i>Sclerocactus mesae-verdae</i> Mesa Verde cactus USFWS Threatened NESL Group 2	Sparsely vegetated low rolling clay hills formed from the Mancos or Fruitland shale formations at 4900-5500 ft. The soils are highly alkaline and gypsiferous. Salt desert scrub communities, usually with <i>Atriplex corrugata</i> (mat saltbush), and/or <i>A. confertifolia</i> (shadscale). Blooms late April to May (McDonald, 1999d, Roth, 2001c).	No appropriate habitat: there are no low rolling clay hills or salt desert scrub communities in the project area. The project area is well above the elevation range of the species. (NP)

Status* USFWS – United States Fish and Wildlife Service (NMESFO, 2012)

Endangered - Any species which is in danger of extinction throughout all or a significant portion of its range.

Threatened - Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Species of Concern - Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies.

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.

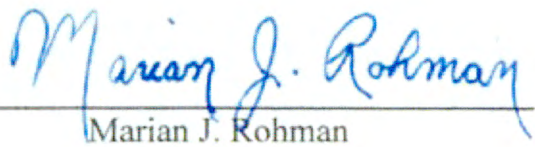
NP – Habitat not present and species unlikely to occur within the project area.

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). None of these species are present in the project area.

DISCUSSION

There is no potential habitat for plant species of concern to the Navajo Natural Heritage Program or the United States Fish and Wildlife Service. The proposed project will not impact any of these species of concern.

Signature of Author:


Marian J. Rohman

May 21, 2012

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THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR JEMEZ MOUNTAINS ELECTRICAL COOPERATIVE INC.'S
NATHANIEL JOHNSON POWER LINE PROJECT
SAN JUAN COUNTY, NEW MEXICO

1.0 Introduction

Threatened, endangered, and special status wildlife species surveys were conducted at the proposed Nathaniel Johnson Power Line project. The project area is located in southern San Juan County, New Mexico. The project area is located in Sections 21 and 28, T 21 N, R 13 W. The project is located on Navajo Nation Tribal Fee and Allotment Lands.

2.0 Methods

Prior to the survey, a data request to the Navajo Natural Heritage Program (NNHP) was made for Navajo Nation endangered species known to occur or with the potential to occur on the 7.5-Minute La Vida Mission Quadrangle. The reply was issued on September 21, 2011.

On August 10, 2011, Wildlife Biologist Charles Black conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during surveys was clear, calm, and hot, with daytime highs approaching 100° F. The survey area consisted of the proposed Nathaniel Johnson Power Line route and a 25-foot buffer on either side of the power line route. Habitat and existing conditions were evaluated. A half-mile radius around the project area was surveyed for raptor nests. An additional one-mile line-of-site survey was conducted from the project area for raptor nests. The surveyor used 10 X 40 binoculars.

3.0 Description of Existing Habitat

The proposed power line is approximately 4000.29 feet in length and runs from an existing power pole southeastward to the Nathaniel Johnson residence.

Topography in the project is fairly flat. Elevation along the route ranges from 6040 feet to 6100 feet.

Vegetation throughout the project area is dominated by arid grassland with scattered small shrubs. In general, the project area is moderately disturbed from historic overgrazing. 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*), jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*).

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**PLANTS OF THE PROPOSED JEMEZ MTS. ELECTRIC COOPERATIVE INC.
NATHANIEL JOHNSON POWER LINE PROJECT**

Scientific and common names according to Allred 2007
Identifications based on Ivey 2003 and Weber and Wittman 2001.

Shrubs

<i>Artemisia bigelovii</i>	Bigelow's sagebrush
<i>Atriplex canescens</i>	Four-wing saltbush
<i>Atriplex gardneri</i> var. <i>cuneata</i>	Valley saltbush
<i>Chrysothamnus Greenei</i>	Greene's rabbitbrush
<i>Ephedra torreyana</i> var. <i>torreyana</i>	Torrey's ephedra
<i>Ericameria nauseosa</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Lycium pallidum</i>	Pale wolfberry

Cacti

<i>Opuntia polyacantha</i>	Plains pricklypear
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Grasses

<i>Achnatherum hymenoides</i>	Indian ricegrass
<i>Muhlenbergia pungens</i>	Sandhill muhly
<i>Pleuraphis jamesii</i>	Galleta
<i>Sporobolus airoides</i>	Alkali sacaton
<i>Sporobolus cryptandrus</i>	Sand dropseed

Forbs

<i>Abronia fragrans</i>	Fragrant sand-verbena
<i>Allium</i> sp.	Onion
<i>Astragalus amphioxys</i>	Aladdin's slippers
<i>Chaetopappa ericoides</i>	Sand aster
<i>Cryptantha crassiseppala</i> var. <i>crassiseppala</i>	Thick-sepal cat's-eye
<i>Cymopterus</i> sp.	Spring-parsley
<i>Descurainia pinnata</i>	Western tansy-mustard
<i>Dimorphocarpa wislizeni</i>	Spectacle-pod
<i>Lappula occidentalis</i>	Spiny sheepbur
<i>Lupinus pusillus</i>	Rusty lupine
<i>Lygodesmia grandiflora</i>	Rush pink
<i>Malacothrix sonchoides</i>	Yellow-saucers
<i>Mentzelia multiflora</i>	Adonis blazingstar
<i>Oenothera</i> sp.	Evening-primrose
<i>Phacelia crenulata</i>	Notched scorpion-weed
<i>Salsola tragus</i>	Russian-thistle
<i>Sphaeralcea coccinea</i>	Scarlet globemallow

Streptanthella longirostris
Townsendia annua

Long-beak fiddle-mustard
Annual Townsend-daisy

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.: Nathaniel Johnson Power Line

DESCRIPTION: JMEC proposes to construct, operate, and maintain a 14.4 kV single-phase overhead distribution power line to serve the Nathaniel Johnson residence. The power line would be a total of 4,150.29 ft. in length with a 20-ft. wide corridor (including guys and anchors), consisting of 1.927± acre. The proposed action is located on Navajo Tribal Fee Land and Navajo Indian Allotment #60711.

LOCATION: Sections 21 & 28, T21N, R13W, San Juan County, New Mexico

REPRESENTATIVE: Permits West, Inc. for Jemez Mountains Electric Cooperative, Inc.

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EA-Nathaniel Johnson Power Line, Appendices 3 & 4/21 NOV 2013(Revised 20 AUG 2015)/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 2. Raptor Sensitive Area (RSA) onsite.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Buteo regalis* (Ferruginous Hawk), G3, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] Power line construction shall avoid the Ferruginous Hawk (*Buteo regalis*) breeding season of 01 MAR-31 JUL; [2] The proposed power line is located within a Raptor Sensitive Area (RSA); therefore, must be constructed utilizing a raptor-safe, power pole design standard (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

FORM PREPARED BY / DATE: Pamela A. Kyselka/21 SEP 2015; amended on 24 NOV 2015

COPIES TO: (add categories as necessary)

☒ BIA

☐

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

11/30/15

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

Representative's signature

Date



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

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

24 November 2015

11PERM15A

Mike Deutsch, Project Director
Permits West, Inc.
37 Verano Loop
Santa Fe, New Mexico 87508

Dear Mike,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Jemez Mountains Electric Cooperative, Inc.'s proposed **Nathaniel Johnson Power Line** project. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the following conditions:

[1] Power line construction shall avoid the Ferruginous Hawk (*Buteo regalis*) breeding season of 01 MAR-31 JUL.

[2] The proposed power line is located within a Raptor Sensitive Area (RSA); therefore, must be constructed utilizing a raptor-safe, power pole design standard (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

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
Department of Fish and Wildlife

CONCURRENCE


Gloria Tom, Director
Department of Fish and Wildlife

11/30/15
Date

xc: CONS-100-15
 BIA

Appendix 6-3

**ADDENDUM TO:
ENVIRONMENTAL ASSESSMENT (EA) FOR**

**JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.
P.O. Box 128
Espanola, NM 87532
(505) 753-2105**

NATHANIEL JOHNSON POWER LINE PROJECT

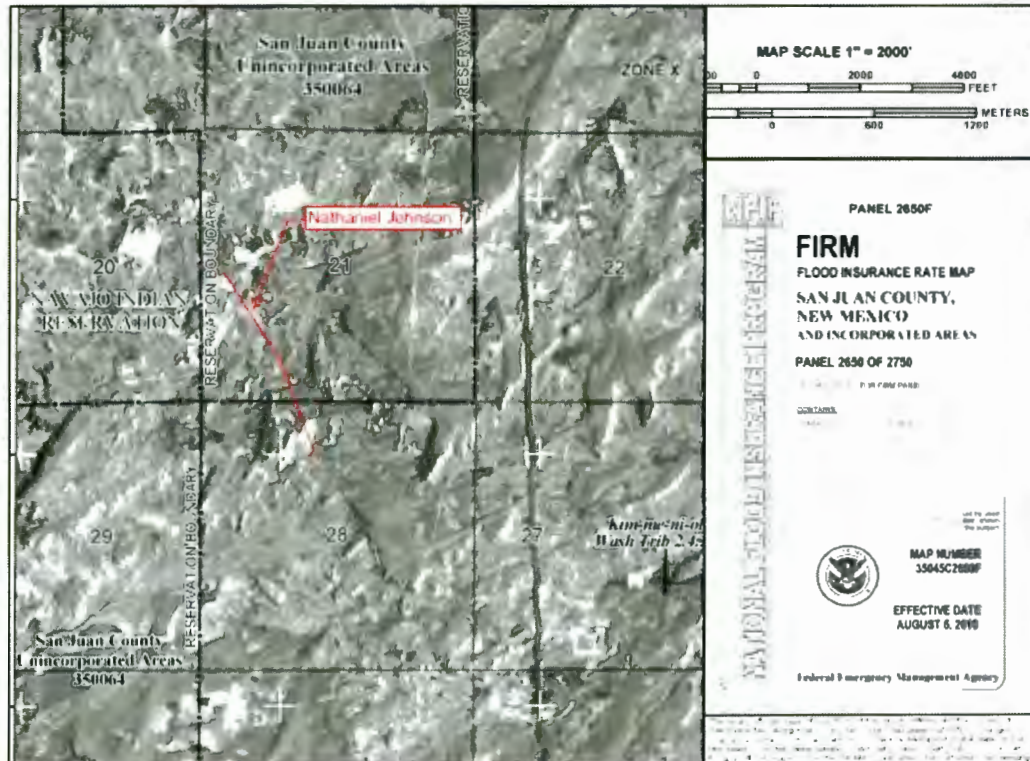
**ON NAVAJO TRIBAL FEE and ALLOTMENT #060711
TOWNSHIP 21N, R13W, SECTIONS 21 AND 28
WHITE ROCK CHAPTER
SAN JUAN COUNTY, NEW MEXICO**

August 10, 2012



This Addendum addresses the effects of the Proposed Action on wetland, riparian, and floodplain areas not previously addressed in the Environmental Assessment (EA). The following table gives a discussion of the resources. If the resource will be affected by the Proposed Action, mitigation is also discussed.

Resource	Discussion	Mitigation
Wetland	The area is not mapped in the National Wetlands Inventory. The Flood Insurance Rate Map (FIRM) below indicates that the Proposed Action is not located in a floodplain. Ponding and flooding is not probable in the soil mapping unit (see map below) in the area of the Proposed Action (Web Soil Survey). The Wildlife Species Report states that there are no perennial streams or wetlands in the project area.	Not found in project area. No mitigation needed.
Riparian	The Wildlife Species Report attached to the EA states that there are no Cottonwood-willow habitats within perennial riparian areas (Southwestern willow flycatcher habitat). In addition, there do not appear to be riparian areas in the aerial photo/soil map below.	Not found in project area. No mitigation needed.
Floodplain	The FIRM map below indicates that the power line will not be located in a flood plain.	Not found in project area. No mitigation needed.



Soil Map—San Juan County, New Mexico Eastern Part



Map Unit Legend

San Juan County, New Mexico, Eastern Part (NM618)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
SC	Sheppard-Huerfano-Notal complex, gently sloping	1,137.7	100.0%
Totals for Area of Interest		1,137.7	100.0%



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-442
<input checked="" type="checkbox"/> CASA	OTHER PROJECT NO.: CASA 15-19

PROJECT TITLE: Cultural Resource Inventory, Jemez Mountains Electrical Cooperative, Inc's Owl Springs Scattered Phase III Nathaniel Johnson Powerline Project, Lake Valley Chapter, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Brian Woods, Permits West, 37 Verano Loop, Santa Fe, New Mexico 87508

PROJECT DESCRIPTION: The undertaking will consist of constructing 4,150.29-ft of one phase distribution powerline to serve the Nathaniel Johnson home. A 100-ft wide corridor was inventoried for a 20-ft wide right-of-way along 4,000.29-ft of powerline and 150-ft of guy wires. The area of effect is 1.927-acre. Ground disturbance both surface and subsurface, is expected to be intensive and extensive from the use of heavy equipment.

LAND STATUS:	Indian Allotment 60711 & Navajo Tribal Trust
CHAPTER:	White Rock
LOCATIONS:	T. 21 N, R. 13 W - Sec. 21 & 28; LaVida Mission Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST:	Mary Errickson
NAVAJO ANTIQUITIES PERMIT NO.:	815165
DATE INSPECTED:	05/08/2015
DATE OF REPORT:	05/11/2015
TOTAL ACREAGE INSPECTED:	9.546- 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 historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Billie
FINALIZED: July 15, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No

The Navajo Nation
Historic Preservation Office

7/20/15
Date

Navajo Region Approval

☒ Yes ☐ No

Acting BIA - Navajo Regional Office

8/14/15
Date

Tun 8-18-15

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: Cultural Resource Inventory, Jemez Mountains Electrical Cooperative, Inc.'s Owl Springs Scattered Phase III Nathaniel Johnson Powerline Project, Lake Valley Chapter, San Juan County, New Mexico Author(s): Mary Erickson		5. FIELDWORK DATES 05/08/15
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Mary Erickson Org. Name: Complete Archaeological Service Associates Org. Address: P.O. Box 1777, Cortez CO 81321 Phone: (970) 565-9229		6. REPORT DATE 05/11/15 8. PERMIT NO. B15165 9. CONSULTANT REPORT NO. CASA 15-19
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Brian Woods, Permitting Agent for Jemez Mountains Electrical Cooperative Org. Name: Permits West Org. Address: 37 Verano Loop, Santa Fe, NM 87508 Phone: 505-466-8120		11. SPONSOR PROJECT NO. Work Order # 413178 12. AREA OF EFFECT: 1.927 ac AREA SURVEYED: 9.546 ac
13. LOCATION (MAP ATTACHED): a. Chapter: White Rock b. Agency: Eastern c. County: San Juan d. State: New Mexico e. Land Status: Allotment 60711 (Sec. 28) and Tribal Trust (Sec. 21) f. UTM: BOP: 748965mE / 3991756mN EOP: 749547mE / 3990687mN g. Area: T 21N, R 13, SW 1/4 of Sec. 21 and NE1/4 of NW 1/4 of Sec. 28, NMPM&B h. 7.5' Map Name: La Vida Mission, NM 1966 i. Lead Agency: BIA		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT // a. Description of Undertaking: Jemez Mountains Electrical Cooperative, Inc. proposes to construct 4,150.29 feet (0.79 mile) of one phase distribution powerline to serve the Nathaniel Johnson home in the White Rock Chapter (Figures 1-3). A 100 foot-wide corridor (9.546 ac) was inventoried for a 20 foot-wide ROW along 4,000.29 feet (1.837 ac) of powerline and 150.00 feet (0.090 ac) of guy wires. Total Area of Effect for the powerline and guy wires is 1.927 ac. Expected ground disturbance includes minimal surface blading, drilling at designated pole locations and anchors, and surface disturbance from rubber-tired vehicles used in stringing power cables. Disturbance, both surface and subsurface, with heavy equipment will be intensive and extensive. b. Existing Data Review: 05/06/15 at the CRCS and TCP Offices at NNHPD in Window Rock. No previously recorded sites are located within 100 m of project areas. One TCP is located in the general vicinity of the project area (see continuation sheet). c. Area Environmental & Cultural Setting: See continuation sheet. d. Field Methods: A Class III inventory was conducted by Mary Erickson walking transects spaced no more than 15 m apart. A 100 foot-wide corridor was surveyed for a 20 foot-wide ROW along 4,150.29 feet of powerline.		
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: none b. Evaluation of Significance of Each Resource (above): n/a		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of "no historic properties affected" is recommended with no stipulations for Jemez Mountains Electrical Cooperative, Inc.'s Owl Springs Scattered Phase III Nathaniel Johnson Powerline at the location described in this report.		
17. CERTIFICATION: SIGNATURE: <u>Mary Erickson</u> DATE: 05/11/15 General Charge Name: Mary Erickson SIGNATURE: <u>Mary Erickson</u> DATE: 05/11/15 Direct Charge Name: Mary Erickson		

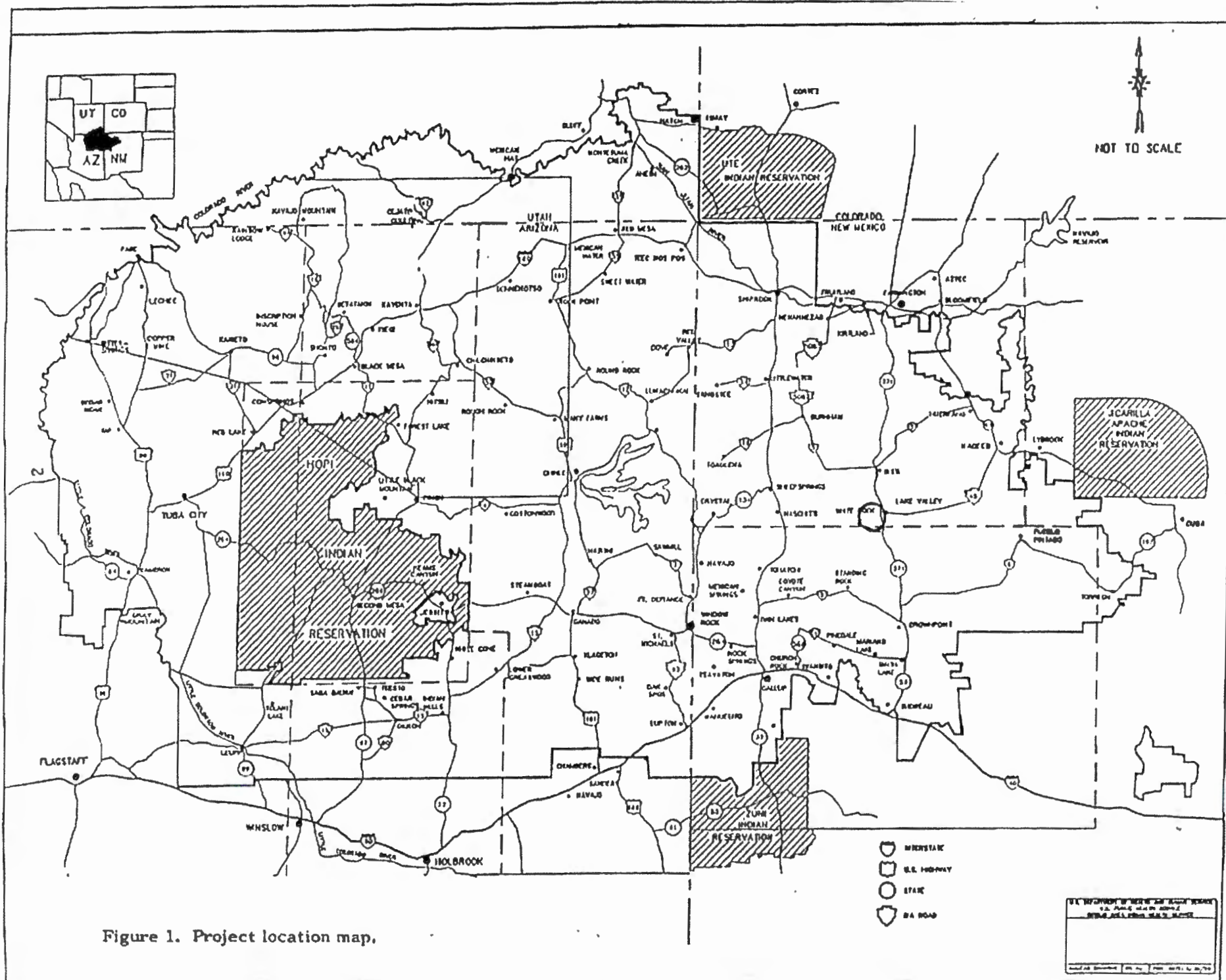


Figure 1. Project location map.

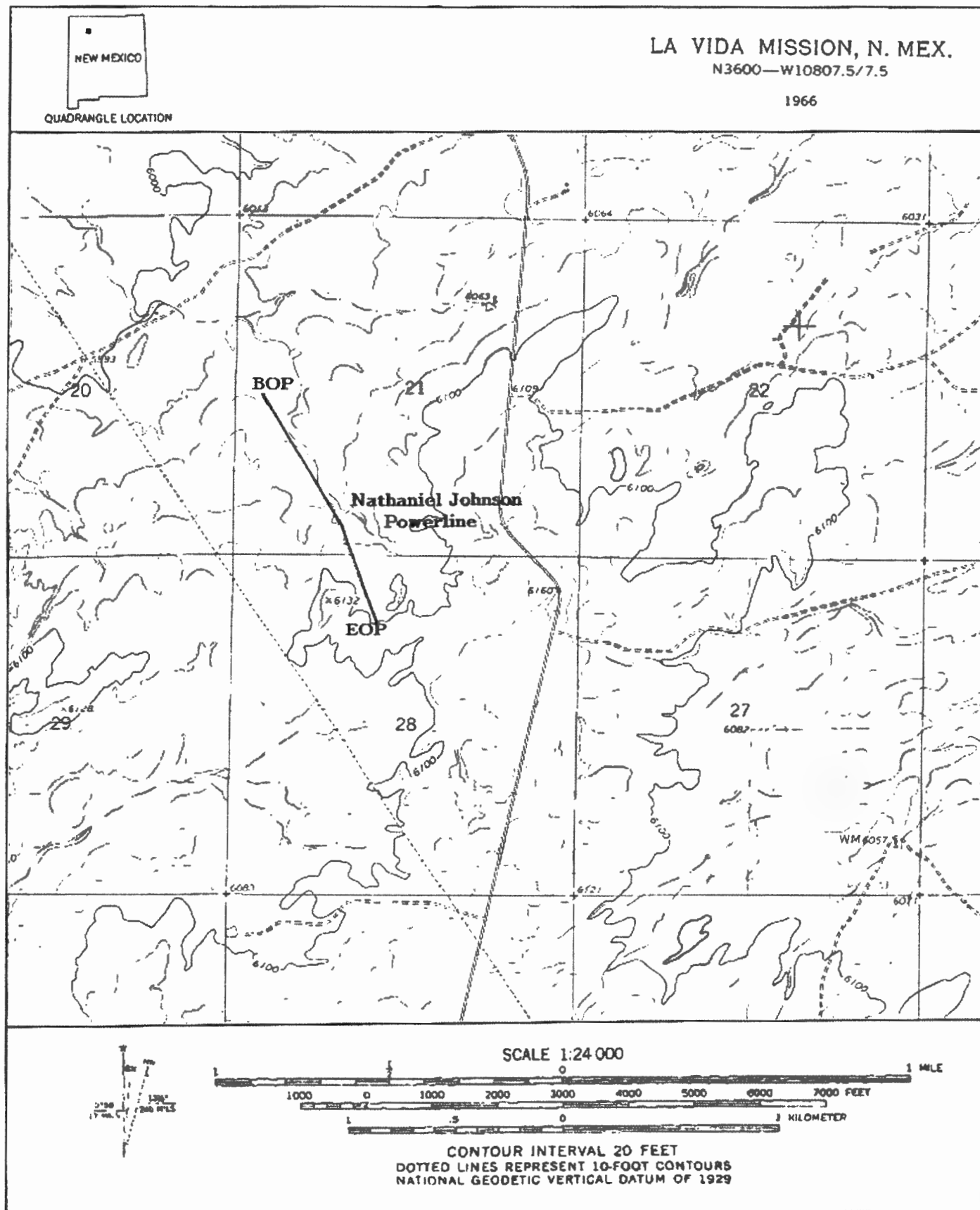


Figure 2. Location map, JMEC's Nathaniel Johnson powerline extension.

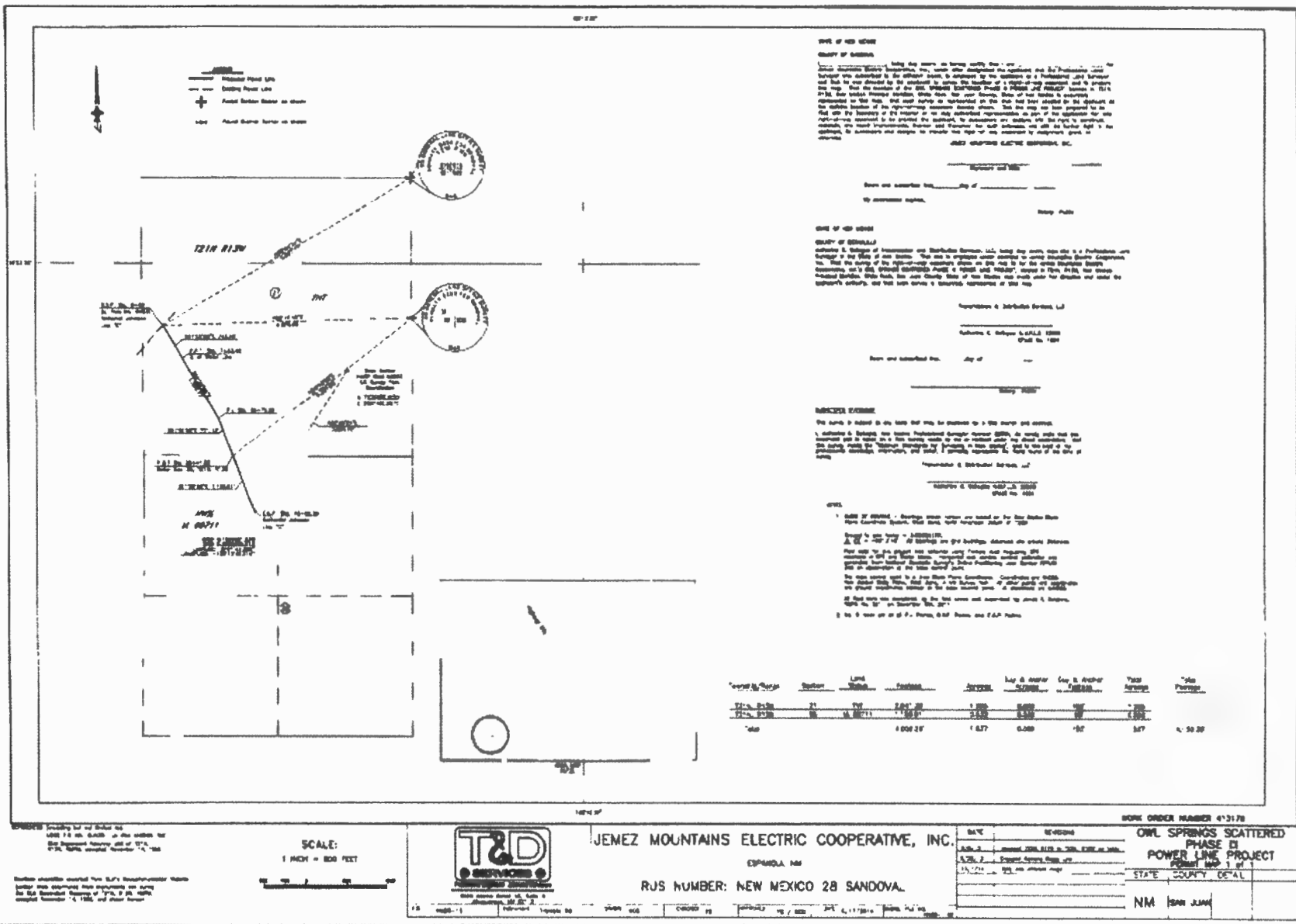


Figure 3. Plat map.

14b. Existing Data Review. The record search through the Traditional Cultural Property (TCP) department indicated that one TCP is located in the general vicinity of the project area. *Dził Ts' eehelits'id / Umbilical Cord* (?) Mountain / Mountain That Dropped Out / Little Hosta Butte (#149) lies approximately 3.5 miles to the south-southwest of the project area in T 20N, R 13W. The TCP Department has determined that there will be no adverse effect to the TCP as a result of this undertaking (Attachment A).

14c. Area environmental and cultural setting. The project area is situated in the high desert plateau region of northwestern New Mexico within the Navajo Section of the Colorado Plateau Province. It lies in the southeastern part of the San Juan Basin. The San Juan Basin is a roughly circular depression approximately 160 km. in diameter. The basin is bounded on the east by the Nacimiento Uplift and the Archuleta Arch and on the north by the San Juan Dome. The Hogback Monocline and the Four Corners Platform comprise its western boundary. The Chaco Slope defines the southern limit of the basin. The San Juan Basin is characterized by a semiarid, upland plateau environment. The general area is underlain by a sequence of sedimentary beds deposited during the Late Cretaceous. Pleistocene gravelly-sand deposits capped by Holocene colluvial deposits overlie the late Cretaceous bedrock. Major plant communities include grassland and sagebrush-grassland habitats, with pinyon-juniper found on mesa tops. A desert wash community crosscuts the major zones along medium and large drainages. Discussions of the natural environment of the San Juan Basin can be found in Dulaney and Dosh (1981), Binford and Amsden (1992), and Wait and Nelson (1983).

The project area lies approximately 5 miles southwest of the Lake Valley School and 0.5 mile west of NM 371 in an area of low, rolling sandy, clay, and decomposing ridges five miles south of the Chaco River. The project area lies within the Upper Sonoran vegetative zone within a shrubland/grassland community. Species include russian thistle, snakeweed, prickly pear, shadscale, rabbitbrush, prickly pear, and wolfberry. Grasses and forbes include sacaton, sand dropseed, sandhill muhly, grama grasses, and sand verbena. Elevation climbs gradually from approximately 6030 feet at the BOL to 6,100 feet at the EOL.

Cultural resource overviews for the San Juan Basin include Dulaney and Dosh (1981), Wait and Nelson (1983) and Amsden (1992) for the Transwestern Pipeline Expansion Project. The first surveys and excavations in the vicinity of the project area were carried out in the early 1950s for the Wingate Products Gas Line as part of the first pipeline salvage project. The most recent large scale inventory was carried out for White Rock Road, Navajo Route 9652.

Numerous Anasazi sites are recorded along Indian Creek, a tributary to the Chaco River. Chacoan great houses, such as Indian Creek and Lake Valley, and ancillary sites are clustered within valleys near their junctions with the Chaco River.

Monica Johnson was interviewed concerning TCPs and graves areas within or near the project area. No TCPs or graves were identified.

REFERENCES

Amsden, Charles W.

1992 Across the Colorado Plateau: Anthropological Studies for the Transwestern Pipeline Expansion Project, Volume III: Archaeological Survey of the San Juan Lateral Chaco Mesa Route. Office of Contract Archaeology, University of New Mexico, Albuquerque.

Binford, Martha R., and Charles W. Amsden

1992 Environmental Setting. In Across the Colorado Plateau: Anthropological Studies for the Transwestern Pipeline Expansion Project, Volume V, The San Juan Lateral Survey by Charles W. Amsden, pp. 15 - 34. Office of Contract Archaeology, University of New Mexico, Albuquerque.

Dulaney Alan R., and Steven G. Dosh

1981 A Class II Cultural Resources Inventory of the Southern Portion of the Chaco Planning Unit, McKinley and Sandoval Counties, New Mexico. Bureau of Land Management, Albuquerque.

Wait, Walter, and Ben A. Nelson (editors)

1983 The Star Lake Archaeological Project: Anthropology of the Headwaters Area of Chaco Wash,

Cultural Resource Inventory
Jemez Mountains Electrical Cooperative's
Owl Springs Scattered Phase III Nathaniel Johnson Powerline Project
Lake Valley Chapter
San Juan County, New Mexico

Prepared by
Mary Errickson
Complete Archaeological Service Associates
P.O. Box 1777
Cortez, Colorado 81321

CASA 15-19

ATTACHMENT A
TCP RECORD SEARCH

Permit
NNCRIP B15165

May 11, 2015



THE NAVAJO NATION
Historic Preservation Department
PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

****TCP WILL NOT SIGN/APPROVE IF THIS PORTION IS LEFT BLANK****

Project Information:	
DATE	
RESEARCHER & COMPANY	Mary Errickson - CASA
PROJECT NAME	JMEC's Nathaniel Johnson Powerline
PROJECT/PERMIT NUMBER	CASA 15-19
PROJECT LOCATION	Lake Valley, New Mexico

*****TO BE FILLED OUT & SIGNED BY AUTHORIZED NNHPD STAFF ONLY*****

A literature search of TCP Records at NNHPD on the above date indicates the following:	
<input type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input checked="" type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s). Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCs. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input checked="" type="checkbox"/>	Project may proceed with the following stipulations:
	<i>Please include TCP# 149 in report findings.</i>
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

NNHPD/TCP Program Reviewer:		Date: 5/6/15
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****Return this form along with report to the NNHPD/Compliance Section****

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.

PERMITS WEST, INC.

PROVIDING PERMITS for LAND USERS

37 Verano Loop, Santa Fe, New Mexico 87508

(505) 466-8120

October 7, 2015

Howard Draper
Project Review Office
Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

Dear Howard:

Enclosed is a Right of Way application for the Owl Springs III - Nathaniel Johnson 14.4 KV Single Phase power line for Jemez Mountains Electric Cooperative (JMEC), Project #413178 on Navajo Nation Fee land. The application packet includes:

Right of Way Application
Project Description
Project Map/Survey
Field Clearance Request
Environmental Assessment
Archeological Report/Clearance
Application Fee

Please let me know if you have any questions.

Sincerely,



Jeanette Reisenburg
Consultant

PERMITS WEST, INC.
37 VERANO LOOP 505-466-8120
SANTA FE, NM 87508

11249
95-44/1070

PAY TO THE ORDER OF NAVJO NATION \$ 500.00
Five Hundred Twenty DOLLARS

FIRST NATIONAL BANK
OF SANTA FE
POST OFFICE BOX 609
SANTA FE, NM 87504

FOR JMEC - Owl Springs III -
N Johnson

FOR 1070004401 1249 177003277



Cultural Resource Inventory
Jemez Mountains Electrical Cooperative's
Owl Springs Scattered Phase III Nathaniel Johnson Powerline Project
Lake Valley Chapter
San Juan County, New Mexico

Prepared by
Mary Errickson
Complete Archaeological Service Associates
P.O. Box 1777
Cortez, Colorado 81321

CASA 15-19

ATTACHMENT A
TCP RECORD SEARCH

Permit
NNCRIP B15165

May 11, 2015



THE NAVAJO NATION
Historic Preservation Department
PO Box 4950, Window Rock, AZ 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

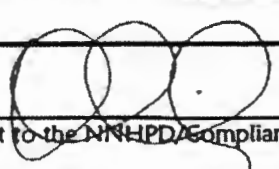
TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

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Project Information	
DATE	
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PROJECT NAME	JMEC's Nathaniel Johnson Powerline
PROJECT/PERMIT NUMBER	CASA 15-19
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NNHPD/TCP Program Reviewer:		Date: 5/6/15
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****Return this form along with report to the NNHPD/Compliance Section****

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.